

CITY OF NEBRASKA CITY, NEBRASKA
MINUTES OF CITY COUNCIL REGULAR MEETING
November 2, 2009

Pursuant to due call and notice thereof, a Regular Meeting of the City Council of the City of Nebraska City was conducted in the Council Chambers of City Hall, 1409 Central Avenue, on November 2 2009. Notice of the meeting was given in advance thereof by posting in at least three public places, the designated method for giving notice, as shown by the Certificate of Posting Notice attached to these minutes.

Mayor Hobbie called the meeting to order at 6:00 p.m. The Mayor publicly stated to all in attendance that a current copy of the Nebraska Open Meetings Act was available for review and indicated the location of such copy posted in the room where the meeting was being held. Mayor Jack Hobbie led in the Pledge of Allegiance. Upon roll call the following answered present: Brett Gay, Jeff Crunk, Dean Handy, and Mark Mercer. The following City Officials were present: City Administrator Pat Haverty, City Clerk Arnold M. Ehlers, City Attorney William Davis, Police Chief David Lacy, Building Inspector Alan Viox and Public Properties Director/Zoning Director Dan Giittinger.

Commissioner Handy moved to approve the minutes of the October 19, 2009, City Council Regular Meeting, seconded by Commissioner Gay. Upon roll call the following voted YES: Crunk, Gay, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion adopted.

Commissioner Mercer moved to pay all claims as presented, seconded by Commissioner Handy. Upon roll call the following voted YES: Gay, Crunk, Handy, Mercer and Mayor Hobbie. Voting NO: None. Motion passed.

Mayor Hobbie moved to appoint Franz Booe as a probationary member of the Nebraska City Fire and Rescue Department. Upon roll call the following voted YES: Mercer, Gay, Crunk, Handy and Mayor Hobbie. Voting NO: None. Motion carried.

Mayor Hobbie opened the Public Hearing for the request for LB840 Funds to extend a water line. Stephanie Shrader Executive Director of Nebraska City Area Economic Development Corporation provided information on the request for LB840 Funds in the amount of \$26,500 to extend a water line to the industrial park on the west side of Nebraska City. No one else spoke in support or opposition to the request. Commissioner Handy moved to close the public hearing. Upon roll call the following voted YES: Gay, Crunk, Mercer, Handy and Mayor Hobbie.. Voting NO: None. Motion carried.

Mayor Hobbie then opened the Public Hearing for the request of LB 840 Funds for marketing and operational expenses of Mayhew Cabin Foundation. Stephanie Shrader and Bill Hayes provided additional information on the need for the funds. Commissioner Handy moved to close the public hearing. Upon roll call the following voted YES: Gay, Crunk, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion carried.

City Administrator Pat Haverty reported that the phone survey concerning the Memorial Building is nearing completion, we hope to have results by the first meeting in December. The committee will interview Schemmer Associates concerning design and environmental segments of Steinhart Park Trail Phase II. Also, Mr. Haverty refreshed the Mayor and Commissioners on the City's ordinance which bans raking or putting leaves and grass on city streets. We will be enforcing that ban. Mayor Hobbie accepted the report and stated that it would be placed on file.

Mayor Hobbie moved to table Resolution 2434-09 concerning the waterline extension until the November 16, 2009 Council Meeting. Upon roll call the following voted YES: Mercer, Gay, Crunk, Handy and Mayor Hobbie. Voting NO: None. Motion carried.

Mayor Hobbie introduced Resolution 2435-09 granting \$6,850.00 to the Mayhew Cabin Foundation. Commissioner Mercer moved to approve Resolution 2435-09. Upon roll call the following voted YES: Gay, Crunk, Handy, Mercer and Mayor Hobbie. Voting NO: None. Motion passed. . A true, correct and complete copy of said resolution is as follows:

RESOLUTION NO. 2435-09

TO USE PROGRAM FUNDS FROM THE CITY OF NEBRASKA CITY ECONOMIC DEVELOPMENT PROGRAM (LB840)

WHEREAS, the **City of Nebraska City** has received Program Funds through the City of Nebraska City Economic Development Plan and,
WHEREAS, Program funds for Economic Development are allowed to be used for making grants for spurring downtown revitalization, the attraction of new capital investment through business development

and to promote tourism in accordance with the City of Nebraska City Economic Development Plan, program and governing regulations, and,

WHEREAS, the City of Nebraska City Economic Development Plan has previously been adopted, and,

WHEREAS, the Citizens Advisory Review Committee has recommended a project presented through application by an eligible entity for a grant of \$6,850 under specified conditions, and,

WHEREAS, the City Council of Nebraska City conducted a public hearing upon the proposed use of Economic Development Program funds,

NOW, THEREFORE, BE IT RESOLVED by the City Council of Nebraska City, that the obligation of funds is approved according to the recommendations of the Citizens Advisory Review Committee and the Mayor is hereby authorized to execute all necessary and appropriate documents on behalf of the City and the City of Nebraska City Economic Development Program to complete the grant project for "**Mayhew Cabin, a Nebraska Non-Profit Corporation**", contingent upon approval of the City Attorney as to form. Passed and adopted on the 2nd day of November 2009 by the City Council of Nebraska City.

Jack Hobbie, Mayor

ATTEST: _____
Arnold M. Ehlers, City Clerk

Dan Giittinger provided additional information on the concerns about the South 15th Street foot-bridge. Commissioner Handy moved to direct the Public Properties Director to place signage informing individuals that the bridge is closed and to remove approaches to the structure. Upon roll call the following voted YES: Crunk, Gay, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

Carl Abbott representing the Fraternal Order of Eagles requested that the Council approve expanding the "square footage" of the Eagles liquor license to include a Smokers Patio. Commissioner Gay moved to approve the expanded square footage of the Eagles Club. Upon roll call the following voted YES: Crunk, Handy, Mercer, Gay and Mayor Hobbie. Voting NO: None. Motion carried.

Carl Abbott representing the Fraternal Order of Eagles requested the removal of signage prohibiting right turns between the hours of 8:00 pm and midnight from the intersection of 6th Street and 1st Corso. Commissioner Handy moved to remove the sign(s) prohibiting right turns between the hours of 8:00 pm and midnight from the 6th Street and 1st Corso intersection. Upon roll call the following voted YES: Mercer, Gay, Crunk, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

Mayor Hobbie introduced Ordinance 2789-09; AN ORDINANCE TO AMEND THE FOLLOWING SECTIONS OF THE CODE OF THE CITY OF NEBRASKA CITY, NEBRASKA, RELATING TO ANIMALS AND FOWL; SECTION 7-51 RELATING TO WHEN THE IMPOUNDMENT PERIOD FOR ANIMALS BEGIN; TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; AND TO DECLARE AN EFFECTIVE DATE; and moved that the statutory rule requiring reading on three different days be suspended. Commissioner Handy seconded the motion to suspend the rules and upon roll call the following voted YES: Gay, Mercer, Crunk, Handy and Mayor Hobbie. Voting NO: None. The motion to suspend was adopted by three-fifths of the Council and the statutory rule was declared suspended for consideration of said ordinance.

Said ordinance was then read by title and thereafter Mayor Hobbie moved for final passage of the ordinance, which motion was seconded by Commissioner Handy. The Mayor then stated the question: "Shall Ordinance No. 2789-09 be passed and adopted?" Upon roll call the following voted YES: Gay, Crunk, Mercer, Handy and Mayor Hobbie. Voting NO: None. The passage and adoption of said ordinance having been concurred in by a majority of all members of the Council, the Mayor declared the ordinance adopted and the Mayor, in the presence of the Council, signed and approved the ordinance and the Clerk attested the passage and approval of the same and affixed his signature thereto. A true and correct copy of said ordinance is as follows:

ORDINANCE NO. 2789-09

AN ORDINANCE TO AMEND THE FOLLOWING SECTIONS OF THE CODE OF THE CITY OF NEBRASKA CITY, NEBRASKA, RELATING TO ANIMALS AND FOWL; SECTION 7-51 RELATING TO WHEN THE IMPOUNDMENT PERIOD FOR ANIMALS BEGIN; TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; AND TO DECLARE AN EFFECTIVE DATE.

Be It Ordained by the Mayor and the City Commissioners of the City of Nebraska City, Nebraska as follows:

Section 1. That Section 7-51 of the Code of Nebraska City, Nebraska, be amended to read as follows:

"Sec. 7-51. Impoundment fees.

The owner of each animal impounded under the provisions of this article shall be liable for the payment of the following fees:

- (1) First impoundment within a twelve month period beginning February 1st of each year \$50.00
 - a. Except that if such impounded animal is licensed and has tags affixed, such fee shall be 25.00
- (2) Second impoundment within a twelve month period beginning February 1st of each year 75.00
- (3) Third and each ensuing impoundment within a twelve-month period beginning February 1st of each year 100.00

In addition to the above impoundment fees, the owner shall be liable for the payment of any and all charges assessed for the care and feeding of such animal during the period of impoundment.”

PASSED and APPROVED, this 2nd day of November 2009.

 Jack Hobbie, Mayor
 Attest:

 Arnold M. Ehlers, City Clerk-Treasurer

Pat Haverty provided the recommendation by SENND for approval of contracts for Project #004 and Project #008. Commissioner Mercer moved to approve awarding contracts for the housing rehab of Project #004 and Project #008 as recommended by SENDD. Upon roll call the following voted YES: Gay, Crunk, Handy, Mercer and Mayor Hobbie Voting NO: None. Motion carried.

Pat Haverty presented the recommendation by the Maintenance and Style Committee for the design concept of the “Livingston” Building Project by Schemmer and Associates architectural firm. Mayor Hobbie moved to approve the design concept and direct the architect to continue the design process. Upon roll call the following voted YES: Mercer, Gay, Handy and Mayor Hobbie. Voting NO: Crunk. Motion passed.

Meeting adjourned at 7:02 p.m.

 Arnold M. Ehlers, City Clerk