

CITY OF NEBRASKA CITY, NEBRASKA  
MINUTES OF CITY COUNCIL REGULAR MEETING  
November 4, 2013

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 at City Hall, 1409 Central Avenue, on November 4, 2013. 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. Availability of the agenda was communicated in advance to the media, Mayor and Commissioners of this proceeding and said meeting was open to the public.

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 then led in the Pledge of Allegiance. Upon roll call the following answered present: Jim Stark, Dean Handy, Mark Mercer and Mayor Hobbie. Absent: Jeff Crunk. The following City Officials were present: City Administrator Joe Johnson, City Clerk-Treasurer Arnold M. Ehlers, City Attorney David Partsch, Police Chief David Lacy, and Public Properties Director/Zoning Director Dan Giittinger.

Commissioner Handy moved to approve the minutes of the October 21, 2013, City Council Regular Meeting, seconded by Mercer. Upon roll call the following voted YES: Stark, 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: Stark, Handy, Mercer and Mayor Hobbie. Voting NO: None. Motion passed.

Moved by Mayor Hobbie and seconded by Commissioner Handy to re-appoint Julie Oakes to the Nebraska City Housing Authority Board. Upon roll call the following voted YES: Mercer, Stark, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

Moved by Mayor Hobbie and seconded by Commissioner Handy to appoint Brooke Chaney to the Library Board. Upon roll call the following voted YES: Mercer, Stark, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

Mayor Hobbie moved and Commissioner Handy seconded the appointment of Emily Anthony as Deputy Clerk – Treasurer for Nebraska City. Upon roll call the following voted YES: Mercer, Stark, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

City Clerk – Treasurer Arnold M. Ehlers administered the oath of office to Ms. Anthony.

Beau Reid of Holmes-Murphy presented the Employee Benefits Package negotiated by the Employee Benefits Committee. Moved by Commissioner Mercer and seconded by Commissioner Handy to approve the Employee Health Benefits Package as presented by Holes-Murphy. Upon roll call the following voted YES: Mercer, Stark, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

Mayor Hobbie introduced Ordinance No. 2925-13 on its second reading entitled: AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF NEBRASKA CITY, AS REFERRED TO IN SECTION 403 OF ORDINANCE NO. 2576-03, BY CHANGING THE ZONING CLASSIFICATION OF THE PROPERTY DESCRIBED IN SECTION 1 HEREOF, FROM R-2 RESIDENTIAL TO C-3 GENERAL COMMERCIAL DISTRICT; TO PROVIDE FOR INCORPORATION INTO THE OFFICIAL ZONING MAP OF THE CITY; TO PROVIDE FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; AND TO PROVIDE FOR 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: Stark, Mercer, 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. 2925-13 be passed and adopted?" Upon roll call the following voted YES: Stark, 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. 2925-13

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF NEBRASKA CITY, AS REFERRED TO IN SECTION 403 OF ORDINANCE NO. 2576-03, BY CHANGING THE ZONING CLASSIFICATION OF THE PROPERTY DESCRIBED IN SECTION 1 HEREOF, FROM R-2 RESIDENTIAL TO C-3 GENERAL COMMERCIAL DISTRICT; TO PROVIDE FOR INCORPORATION INTO THE OFFICIAL ZONING MAP OF THE CITY; TO PROVIDE FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; AND TO PROVIDE FOR AN EFFECTIVE DATE.

Whereas, the Planning Commission held a public hearing on said application and has recommended to the City Council approval of the requested change in zoning classification, and

Whereas, the City Council has held a public hearing on the matter, after giving due notice thereof as required by law,

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSIONERS OF THE CITY OF NEBRASKA CITY, NEBRASKA:

SECTION 1. That the Official Zoning Map of the City of Nebraska City, Nebraska, as adopted by Ordinance No. 2576-03 of the City of Nebraska City, Nebraska, is hereby amended from R-2 Residential to, C-3 Central Commercial District insofar as the same relates to the property legally described as:

Lots 4 - 9; Block 43; Greggspport Addition to Nebraska City, Otoe County, Nebraska.

SECTION 2. That the City Clerk be and is hereby authorized to amend the Official Zoning Map of the City of Nebraska City by designating the zoning classification therein as provided by this ordinance.

SECTION 3. All Ordinances or parts of Ordinances in conflict with this ordinance are hereby repealed.

SECTION 4. That this Ordinance shall take effect and be in force from and after its passage, approval, and publication, as provided by law.

Passed and Approved this 4<sup>th</sup> day of November, 2013.

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Jack Hobbie, Mayor

Linda Winkelhake submitted a request to the City Council to designate four parking stalls on the east side of the courthouse for courthouse only patrons. Commissioner Handy asked if this same request has come before the City Council previously. The answer is yes, this issue has come before the City Council several times. Mercer moved and seconded by Commissioner Handy to reject the request to reserve parking spaces on the west side of 10<sup>th</sup> Street south of Central Avenue. Upon roll call the following voted YES: Stark, Handy, Mercer and Mayor Hobbie. Voting NO: None. Motion passed.

Mayor Hobbie presented information on the League of Nebraska Municipalities. Mayor Hobbie raised the issue of whether or not the City was receiving any significant value from the \$12,000.00 per year we pay the LoNM. Mayor Hobbie pointed out several other communities that are in the process or have already formed their own groups to basically lobby the legislature on issues which concern their communities. No action was taken on this item.

Mayor Hobbie introduced Resolution 2615-13 assessing clean-up costs to properties for which the city either clean-up or hired individuals to clean-up. Moved by Commissioner Handy and seconded by Stark to approve Resolution 2615-13. Upon roll call the following voted YES: Mercer, Stark, Handy and Mayor Hobbie. Voting NO: None. Motion passed and adopted. A true, correct and complete copy of said resolution is as follows:

RESOLUTION 2615-13

BE IT RESOLVED BY THE MAYOR AND BOARD OF COMMISSIONERS OF THE CITY OF NEBRASKA CITY, NEBRASKA;

*WHEREAS*, Section 18-58, of the Code of Ordinances, Nebraska City, Nebraska provides that the City may have a lien upon real property for the mowing of weeds, grasses and worthless vegetation or clean up of litter, which under said Ordinance constitutes a nuisance; and,

*WHEREAS*, Notice to abate and remove such nuisance was given to each of the owner(s) and occupant(s) of the following described property(s) at least five (5) days prior to removal by the City of Nebraska City, Nebraska; and,

*WHEREAS*, The City of Nebraska City, Otoe County, Nebraska has mowed weeds, grasses, worthless vegetation or cleaned up the following described real estate, to-wit:

- 608 4<sup>th</sup> Corso - Lot 8; Blk 5; South Nebraska City, Nebraska City, Otoe County, Nebraska; - \$60.46 001315000**
- 1502 5<sup>th</sup> Corso – E ½ Lot 11 and All Lot 12; Blk 27; Hail & Co., Nebraska City, Otoe County, Nebraska; - \$188.14 004083500**
- 411 1<sup>st</sup> Corso –Lot 3 & 16’ Lot 4; Blk 88; Nebraska City Proper, Nebraska City, Otoe County, Nebraska; - \$70.46 005612000**

**524 7<sup>th</sup> Avenue – Lot 7; Blk 84; Greggspport Addition; Nebraska City, Otoe County, Nebraska; - \$196.84 005580500**  
**319 6<sup>th</sup> Avenue – Lots 4-6; Blk 100; Greggspport Addition; Nebraska City, Otoe County, Nebraska; - \$100.46 002077000**  
**1314 4<sup>th</sup> Avenue – E 1/3 Lot 9, All Lot 10; Blk 14; Prairie City Addition, Nebraska City, Otoe County, Nebraska – \$60.46 002590500**  
**812 2<sup>nd</sup> Avenue – E 20'4 Exc 4'x20' NW Corner of Lot 9 & W. ½ Lot 10; Blk 37; Nebraska City Proper, Nebraska City, Otoe County, Nebraska - \$96.11 005017500**

After failure of the owner(s) to abate and remove the same from said real estate; and

*WHEREAS*, the City of Nebraska City, Otoe County, Nebraska has incurred the cost relative to the mowing of weeds, grasses and worthless vegetation or cleaned up said real estate in the amount s reflected above and,

*WHEREAS*, the City sent the property owners a bills for said cleanup which have not been paid, and

*WHEREAS*, the City may file Special Assessments for Improvements against properties for which City bills for services have not been paid, and

*WHEREAS*, Said Special Assessments shall draw interest at the rate provided by Section 45-104.1 of the Revised Statutes of Nebraska, from the effective date hereof.

***NOW THEREFORE BE IT RESOLVED***, that the City Clerk-Treasurer of Nebraska City is hereby authorized to file with the Otoe County Treasurer Special Assessments for Improvements in the amount(s) and against the property(s) specified above, all located within Nebraska City, Otoe County, Nebraska City, Nebraska.

Passed and approved this 4<sup>th</sup> day of November, 2013.

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 Jack Hobbie, Mayor

Action Technology	Contr	400.00	Messing, D	Rep	150.00
Alamar Uniforms	Unif	462.32	Mullenax Auto	Sup	252.31
Arbor Mart, Inc	Fuel	3810.93	Natnl Entert	Sup	360.00
AVAC	Misc	359.87	National Arbor Day	Contr	43172.00
Barrett Const	Contr	1650.00	Nationwide	Inv	21927.46
Blue Cross	Rfdn	438.40	NC Clerk - Treas	Misc	33.44
Bob's Welding	Rep	513.80	NC Museum	Contr	2406.25
Bohl Plumbing	Rep	248.07	NCTC	Contr	6250.00
Brown Glass Co	Rep	453.08	NE Dept of Roads	ROW	13758.95
Century Lumber	Sup	108.46	DHHS Public Health	Dues	115.00
Clean Air Concept	Equip	69112.00	NE Environmental	Sup	750.00
Coventry	Rfnd	720.80	O'Reilly Auto	Sup	29.99
Crown Awards	Sup	144.64	OMB Guns	Sup	20.05
Crumley, J	Rfnd	25.00	Orscheln	Sup	35.61
Douglas Tire	Rep	207.92	Page Wolfberg	Legal	427.50
Fareway	Conc	126.65	Payroll	Payroll	167584.83
Freshman, R	Mileage	51.98	Police Chiefs Assoc	Dues	50.00
Gatehouse Media	Adv	56.01	Vollman, R	Ammo	903.00
Giittinger, D	Mileage	336.74	Santa Cruz Gunlocks	Sup	161.47
Hopkins Auto	Sup	3.59	SEND D	Contr	2707.00
Hourly CIO	Dues	501.00	Smith, C	Rfnd	25.00
J.P. Cooke Co	Sup	104.89	SE NE Appliance	Equip	599.00
JEO	Contr	4866.25	Stryker Medical	Dues	748.00
Johnson, J	Mileage	212.44	Tielke's	Conc	17.93
Konica Minolta	Contr	245.00	Tri-State Office	Sup	198.99
Landis Engine	Sup	995.80	Turf Supp Co	Sup	128.00
Larson Motors	Rep	37.42	Ultramax Ammo	Ammo	778.49
LaRue Coffee	Sup	214.34	Verizon	Tele	468.01
Leech, T	Rfnd	25.00	Watkins	Sup	122.67
Loveland Grass	Sup	409.15	Weakland, B	Rfnd	56.50
Lyman-Richey	Sup	1980.10	Wick's	Rep	2974.42
Matheson Tri-Gas	Sup	74.51			

Meeting adjourned at 6:32 p.m.

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 Arnold M. Ehlers, City Clerk - Treasurer