

CITY OF NEBRASKA CITY, NEBRASKA  
MINUTES OF CITY COUNCIL REGULAR MEETING  
November 19, 2012

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 19, 2012. 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: Jeff Crunk, Dean Handy, Mark Mercer and Mayor Hobbie. Absent: Brett Gay. The following City Officials were present: City Administrator Joe Johnson, City Clerk-Treasurer Arnold M. Ehlers, City Attorney William Davis, Police Chief David Lacy, Fire Chief Alan Viox and Public Properties Director/Zoning Director Dan Giittinger.

Commissioner Mercer moved to pay all claims except 7250W, seconded by Commissioner Handy. Upon roll call the following voted YES: Crunk, Handy, Mercer and Mayor Hobbie. Voting NO: None. Motion passed.

Moved by Commissioner Handy and seconded by Crunk to pay Claim # 7250W. Upon roll call the following voted YES: Crunk, Handy and Mayor Hobbie. Voting NO: None. Abstain: Mercer. Motion passed.

Moved by Mayor Hobbie and seconded by Commissioner Handy to approve Brian Lowe as an Alternate on the Board of Appeals. Upon roll call the following voted YES: Mercer, Crunk, Handy and Mayor Hobbie. Voting NO: None. Motion passed and adopted.

Mayor Hobbie opened the Public Hearing on the Liquor License Application from Christine Reimers. City Attorney asked Ms. Reimers if she had alcohol server training. She responded yes. Davis asked if there would be any underage employees, she answered no. No one else spoke in support or opposition to the liquor license application. Moved by Commissioner Handy and seconded by Mercer to close the Public Hearing. Upon roll call the following voted YES: Crunk, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

Council received the City Administrator's and Treasurer's Report. The Treasurer reported a beginning balance on hand as of October 1, 2012 of \$1,367,376.25; revenues of \$963,563.64; expenditures of \$816,600.98 leaving a balance of \$1,514,338.91 on October 31, 2012. The Mayor accepted the reports and asked that they be placed on file.

Moved by Commissioner Handy and seconded by Mercer to approve the Class "T" Liquor License application from Christine Reimers. Upon roll call the following voted YES: Crunk, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion passed. And adopted.

The request by Gary Graham to lease a portion of 11<sup>th</sup> Street Right-of-Way underneath the viaduct was brought to the table by Richard Hoch. Mr. Hoch provided his version of the facts revolving around why and how Mr. Graham located at his present location and the issues that Mr. Graham has been subjected to over the course of the last year. Mr. Hoch described the City's handling of Mr. Graham's business, zoning and nuisance issues as harassment. Mr. Hoch stated that the City should try to keep Mr. Graham in business due to the fact that he is providing a much needed service to the community. Crunk stated that as far as he was concerned, Mr. Graham has complied with every request made to him by the City. Mayor Hobbie stated that Mr. Graham was informed from the beginning that he had to keep his operation within the building on the property he purchased. Mr. Hoch added that Mr. Graham was only given 5 days to remove his salvage items from City Right-of-Way. Crunk and Mercer indicated that they could see no problem with allowing Mr. Graham to use City Right-of-Way for his business. Mr. Hoch stated that the City initially encouraged the location. Crunk added that the City should leave Mr. Graham alone until a possible solution could be agreed upon. Moved by Commissioner Mercer and seconded by Crunk to lease a portion of 11<sup>th</sup> Street R-O-W to Graham for \$1.00 a year for ten years, with an option to renew the lease on the same terms for a second ten year period. Mr. Johnson informed the Mayor and Commissioners that 11<sup>th</sup> Street is a federal aid controlled-access road and as such has to comply with certain guidelines in order to qualify for federal aid funds and that allowing this operation to continue in the same manner might jeopardize millions of

federal and state aid dollars when the time comes to repair the viaduct. Mr. Johnson also informed the Mayor and Commissioners that leasing this property was in violation of Nebraska City Municipal Code, specifically Sections 18-46 and 18-46.1 after which Mr. Johnson read Section 18-46.1 aloud to all those present. Upon roll call the following voted YES: Crunk and Mercer. Voting NO: Handy and Mayor Hobbie. Motion failed.

Mayor Hobbie moved to the report by the City Engineer on the bridge underneath the 11<sup>th</sup> Street Viaduct. Mr. Johnson reported the City has received a bridge inspection report for a bridge located under the 11<sup>th</sup> Street viaduct. The finding contained within the report indicated safety concerns and that the City either upgrade the deficient safety concerns of the structure or close the road to all traffic. After a lengthy discussion which included references to the previous agenda item Commissioner Handy moved to postpone any decision on the future of the structure until an engineer's estimate of repair or remove costs have been received, seconded by Mercer. Upon roll call the following voted YES: Crunk, Mercer, Handy and Mayor Hobbie. Motion passed.

Rebecca Turner from NCTC requested permission to hold a Jingle Bell 5K Run on December 1, 2012 from 2:00 to 3:30 pm. In Steinhart Park and City streets. Moved by Commissioner Crunk and seconded by Mercer to approve the request to use City parks and streets for the Jingle Bell %k Run on December 1, 2012. Upon roll call the following voted YES: Handy, Mercer, Crunk and Mayor Hobbie. Voting NO: None. Motion passed.

Jim Kuhn addressed the Council on NCTC's request to paint and furnish the Downtown Public Restrooms. Phase I would include painting, caulking and adding changing stations to the Men's and Women's areas. The estimated costs would be approximately \$1,500.00. Phase II would include furnishings in each waiting area and would probably be a little more costly. Moved by Commissioner Handy and seconded by Mercer to approve spending \$1,500.00 for Phase I for the Downtown Restroom Improvement Project. Upon roll call the following voted YES: Crunk, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

Tracy Wieckhorst explained her request to hold the Payment in Lieu of Taxes (PILOT) at the \$8,000.00 level as it has been for the last three years. She explained that other communities have dropped the PILOT as the program assists disadvantaged individuals and the extra funds benefit many individuals. Moved by Commissioner Mercer and seconded by Commissioner handy to reduce PILOT to zero (0) dollars for the next two years. Upon roll call the following voted YES: Crunk, Handy, Mercer and Mayor Hobbie. Voting NO: None. Motion passed.

Arnold Ehlers summarized the recommendation by SENDD to award the contract to Quality Remodeling in the amount of \$14,788.00 for rehabilitation of project #11-NEB-011 under CDBG Grant # 10-HP-6038. Moved by Commissioner Handy and seconded by Mercer to approve the construction contract to Quality Remodeling in the amount of \$14,788.00 for project #11-NEB-011. Upon roll call the following voted YES: Crunk, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

Joe Johnson explained the request to move \$15,000.00 from the down payment portion of grant #10-TFHP-6033 to the rehab part of the grant. This action is necessary due to the fact that needed repairs to homes purchased through the grant by first-time home buyers were higher than anticipated. This action will allow that all funds will be able to be used for families in need. Moved by Commissioner Handy and seconded by Crunk to approve the request to Nebraska Department of Economic Development to amend grant # 10-TFHP-6033 by moving \$15,000.00 from down payment assistance to home rehabilitation. Upon roll call the following voted YES: Mercer, Crunk, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

Mayor Hobbie introduced Resolution 2583-12 assessing costs to properties for clean-up. Moved by Commissioner handy and seconded by Mercer to approve Resolution 2583-12. Upon roll call the following voted YES: Crunk, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion passed and adopted. A true, correct and complete copy of said resolution is as follows:

RESOLUTION 2583-12

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:

- 928 4<sup>th</sup> Corso - Lot 4; Blk 20; Hail & Co. Addition, Nebraska City, Otoe County, Nebraska; - \$46.75 003368500
- 411 1<sup>st</sup> Corso - Lot 3 & E. 16' Lot 4; Blk 88; Nebraska City Proper, Nebraska City, Otoe County, Nebraska; - 152.95 005612000
- 1104 2<sup>nd</sup> Corso – W 36.85' S. ½ Lot 11; Blk 95; Nebraska City Proper, Nebraska City, Otoe County, Nebraska; - 56.75 005665500/005666500
- 402 9<sup>th</sup> Avenue – Lots 11 & 12; Blk 95; Greggspport Addition; Nebraska City, Otoe County, Nebraska; - 66.45 005661500
- 1314 4<sup>th</sup> Avenue – E 1/3 Lot 9 & All Lot 10; Blk 14; Prairie City Addition; Nebraska City, Otoe County, Nebraska; - 116.75 002590500
- 417 3<sup>rd</sup> Corso – Lot 4; Blk 3; South Nebraska City, Nebraska City, Otoe County, Nebraska – 228.92 000966500
- 714 N 16<sup>th</sup> Street – N ½ Lots 5 & 6; Blk 32; Elmwood Addition; Nebraska City, Otoe County, Nebraska; - 76.75 004566500
- 524 7<sup>th</sup> Avenue – Lot 7; Blk 84; Greggspport Addition, Nebraska City, Otoe County, Nebraska; - 227.80 - 005580500
- 522 N 16<sup>th</sup> Street – Lots 5 & 6; Blk 12; Prairie City Addition; Nebraska City, Otoe County, Nebraska; - 61.75 - 002366000

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 of \$935.87 plus filing fees and,  
*WHEREAS*, the City sent the property owner a bill for said cleanup which has not been paid, and  
*WHEREAS*, the City may file a Special Assessment for Improvements against property for which a City bill for services has not been paid.  
*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 19<sup>th</sup> day of November, 2012

\_\_\_\_\_  
 Jack Hobbie, Mayor  
 Attest:  
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 Arnold M. Ehlers, Clerk - Treasurer

Alan Viox, Fire Chief addressed the Council recommending the Council declare the 1997 Ford E350 Ambulance as surplus and authorize staff to advertise the unit For Sale. Moved by Commissioner Handy and seconded by Mercer that the 1997 Ford E350 Ambulance be declared surplus and authorize staff to advertise said vehicle for sale. Upon roll call the following voted YES: Crunk, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

Dan Giittinger presented the bids for a Crack Sealing Machine to the Council and recommended the Council award the contract to the low bid of \$32,624.00 from Cimline Inc. Moved by Commissioner Handy and seconded by Mercer to award a contract to Cimline Inc. in the amount of \$32,624.00 for an 110DH Magma Crack Sealing Machine as per specs. Upon roll call the following voted YES: Crunk, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

Arnold Ehlers explained the map presented as Exhibit “A” for the Right-of-Way Agreement with Unite Private Networks, LLC for the fiber optic cable system used by the school system. Moved by Commissioner Handy and seconded by Mayor Hobbie to approve the Right-of-Way Agreement with Unite Private Networks, LLC to complete and maintain a fiber optic cable system for schools. Upon roll call the following voted YES: Crunk, Handy and Mayor Hobbie. Voting NO: None. Abstain: Mercer. Motion passed and adopted.

Action Tech Services	Rep	25.00	Mead Lumber	Supp	110.99
Alamar Uniforms	Unif	327.91	Mercer's Do-It-Best	Supp	346.90
Allied Recycling	Contr	314.63	Miracle Mudjacking	ROW	2692.50
American Continental	Rfnd	82.12	Mullenax Auto	Supp	4.12
Amerine Builders, Inc	Rfnd	100.00	Nationwide	Inv	14905.66
Arbor Mart, Inc	Fuel	2318.24	NC Public School Dist	Contr	10024.03
Arrow Manuf	Rep	991.00	NC Utilities	Util	7750.00
Richard D. Bennett, Jr.	Supp	232.25	NCTC	Advert	5750.00
Bill Walters	Rep	43.95	NE Dept of Revenue	Sls Tax	469.97
BK Restoration	Rfnd	100.00	NE Rec & Park Assoc	Dues	60.00
Bohl Plumbing	Rep	289.00	NebWorks, Inc.	Sftwre	1104.99

Bound Tree Medical	Supp	464.35	North Star Const	Contr	7600.00
Brad Yost Const	Contr	1790.00	O'Reilly Auto Parts	Supp	5.69
Card Services	Supp	515.44	Odey's Inc.	Supp	623.75
Casey's General Store	Fuel	213.11	Orscheln	Supp	107.31
Cede and Company	Bond	304986.79	Otoe County Clerk	Contr	5752.59
City of NC Wildwood	Contr	1138.72	Otoe Co Drug Fund	Misc	333.00
Don's Johns & Septic	Contr	125.00	Palfleet Truck Equip	Rep	67.50
Douglas Tire Co.	Rep	209.00	Payroll	Payroll	82908.21
Enterprise Publishing	Advert	299.00	Pitney Bowes	Postage	129.18
Fareway Stores, Inc.	Conc	15.93	Presto-X Company	Pst Cntl	76.14
Fireguard	Rep	122.29	Quality Remodeling	Contr	62717.00
Food Pride	Misc	8.53	River View Pest	Pst Cntl	198.00
Foremost Equipment	Supp	187.00	Rollnrack, LLC	Supp	58.00
Gatehouse Media	Advert	524.57	Selective Site Consult	Rfnd	200.00
Harland Tech Services	Sftwre	223.30	SEND D	Contr	2154.18
Ideal Pure Water	Contr	28.92	Shell	Fuel	2236.15
Jackson, K	Rfnd	25.00	Stryker Medical	Contr	9546.00
Johnny's Cycle	Rep	365.66	Thornton, P	Rfnd	25.00
Johnson, J	Mileage	167.73	Tree City Tees	Unif	430.84
KNCY AM-FM	Advert	109.62	Tri-State Office	Supp	288.69
Knook & Kranny	Contr	2300.00	Two Sisters Cleaning	Contr	225.00
Konica Minolta	Contr	160.16	Van Wall	Contr	300.00
Landis Engine Co	Supp	291.60	Verizon	Tele	16.78
Larson Motors	Rep	36.52	Wage Works	Contr	72.00
LaRue Coffee	Supp	196.39	Watkins True Value	Supp	256.16
Matheson Tri-Gas, Inc.	Supp	125.10	West Central Bar	Rfnd	25.00
			Windstream, Inc.	Tele	2370.02

Meeting adjourned at 7:52 p.m.

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Arnold M. Ehlers, City Clerk - Treasurer

#### AFFIDAVIT

I, the undersigned City Clerk for the City of Nebraska City, Nebraska, hereby certify that the foregoing is a true and correct copy of proceedings had and done by the Mayor and Board of Commissioners, that all of the subjects included in the foregoing proceedings were contained in the agenda for the meeting, kept continually current and available for public inspection at the office of the City Clerk; that such subjects were contained in said agenda for at least twenty-four hours prior to said meeting; that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by members of the public; that the said minutes from which the foregoing proceedings have been extracted were in written form and available for public inspection within ten working days and prior to the next convened meeting of said body; that all news media requesting notification concerning meetings of said body were provided advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.

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Arnold M. Ehlers, City Clerk-Treasurer