

CITY OF NEBRASKA CITY, NEBRASKA
MINUTES OF CITY COUNCIL REGULAR MEETING
November 21, 2011

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 21, 2011. 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: Brett Gay, 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 William Davis, Police Chief David Lacy, and Public Properties Director/Zoning Director Dan Giittinger.

Commissioner Handy moved to approve the minutes of the November 7, 2011, City Council Regular Meeting, seconded by Commissioner Gay. Upon roll call the following voted AYE: Crunk, Handy, Gay and Mayor Hobbie. Voting NO: None. Abstain: Mercer. Motion adopted.

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

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

Mayor Hobbie asked Officer Ben Murry to come forward. P4OC Executive Director Jacki Schmitz presented Officer Ben Murry with the Catalyst for Change Award for his program recognizing designated drivers.

Joe Johnson unveiled a new City Administrator's report that will be presented to the Council and public at the second Council meeting each month. The report outlines each department's activities for the month as well as updating of projects occurring in the area. The Treasurer's Report showed a balance on hand October 1, 2011 of \$1,508,251.08 and a balance on hand as of October 31, 2011 of \$1,614,305.62. Mayor Hobbie asked that the written reports be placed on file.

Mayor Hobbie introduced Ordinance No. 2859-11 entitled: AN ORDINANCE VACATING THE ALLEY IN BLOCK TWENTY-EIGHT (28), KEARNEY ADDITION TO THE CITY OF NEBRASKA CITY, OTOE COUNTY, NEBRASKA; AND DECLARING 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, 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. 2859-11 be passed and adopted?" Upon roll call the following voted YES: Gay, 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. 2859-11

AN ORDINANCE VACATING THE ALLEY IN BLOCK
TWENTY-EIGHT (28), KEARNEY ADDITION TO THE
CITY OF NEBRASKA CITY, OTOE COUNTY, NEBRASKA;
AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the owner of the property adjacent to the alley in Block Twenty-eight (28), Kearney Addition to the City of Nebraska City, Nebraska, has requested that said alley be vacated, and

WHEREAS, the Mayor and City Commissioners of the City of Nebraska City, Nebraska, find the City no longer has a need for the alley in Block Twenty-eight (28), Kearney Addition, to the City of Nebraska City, Nebraska, and the request of the applicants should be approved.

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

SECTION 1. That the alley in Block Twenty-eight (28), Kearney Addition to the City of Nebraska City, Nebraska, be and the same is hereby vacated, and title to such property shall vest in the owner of the abutting property and become a part of such property, one-half on each side thereof.

SECTION 2. This ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

Passed and Approved this 21st day of November, 2011.

Jack Hobbie, Mayor

Attest:

Arnold M. Ehlers, City Clerk-Treasurer

Mayor Hobbie introduced Resolution 2543-11 concurring with the Nebraska Department of Roads on awarding the contract for the 4th Corso Mill & Overlay to Pavers Companies. Moved by Commissioner Handy and seconded by Commissioner Gay to approve Resolution 2543-11. Upon roll call the following voted YES: Mercer, Gay, Handy and Mayor Hobbie. Voting NO: None. Motion passed and adopted. A true, correct and complete copy of said resolution is as follows:

RESOLUTION 2543-11

WHEREAS, there has been signed by the City of Nebraska City on the 3rd day of January, 2011, and the State on the 11th day of January, 2011, an agreement providing for the construction of a Federal Aid Project at the following location:

4th Corso West City Limits to East City Limits except for that portion from 1st Street to 5th Street(4th Corso Viaduct) in Nebraska City, Nebraska

WHEREAS, in the above agreement, the City has pledged sufficient funds to finance its share of the cost of construction of this project identified as URB-6217(3), and

WHEREAS, the above mentioned agreement provided that the City would pay costs set forth in the agreement, and

WHEREAS, the State and the City received bids for the construction of the proposed work, and

WHEREAS, the following contractor for the items of work listed has been selected as the low bidder to whom the contract should be awarded:

Pavers Companies, Waverly, NE

Grading, Electrical, Bituminous, General Items: \$2,164,012.57

NOW THEREFORE, in consideration of the above facts, the City Council of the City of Nebraska City, by this resolution, takes the following official action:

1. If for any reason the Federal Highway Administration rescinds, limits its obligations, or defers payment of the Federal share of the cost of this project, the City hereby agrees to provide the necessary funds to pay for all costs incurred until and in the event such Federal funds are allowed and paid.
2. The Council hereby concurs in the selection of the above mentioned contractor for the items of work listed, to whom the contract should be awarded.
3. The Council hereby authorizes the Mayor to sign the contract with the above mentioned Contractor for the above mentioned work on behalf of the City.

DATED THIS TWENTY-FIRST DAY OF NOVEMBER, A.D. 2011.

City of Nebraska City

by, Jack Hobbie, Mayor

Attest:

Arnold M. Ehlers, City Clerk - Treasurer

Dan Gittinger addressed the Council showing the need to change the parking pattern on 7th Street from 5th Corso to 6th Corso. Moved by Commissioner Handy and seconded by Commissioner Mercer to direct the City Attorney to draft a resolution eliminating the current 'No Parking' signs located on 7th Street between 5th and 6th Corso and the 'No Parking' sign located on 6th Corso and then place 'No Parking' signs on the east side of 7th Street between 5th and 6th Corso. Upon roll call the following voted YES: Gay, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion passed and adopted.

Anderson Ford	288.90	Equipment	NC Newspress	74.25	Advert
Arbor Day Found	200.00	Refund	NC Utilities	10,016.94	Util
Arbor Mart	7,345.08	Fuel	NE Arborists Assoc	125.00	Dues
Arbor Outdoor	64.72	Maint	NE Dept Labor	36.00	Contr
Barrett Const	6,400.00	Contr	NE Dept Rev	553.59	Sales Tax

Bob's Welding	196.70	Rep	NE Enviro Prod	284.63	Rep
Bound Tree	4,514.91	Med	NE Green Expo	520.00	Regist
Brad Yost Const	3,627.70	CDBG	NE Rec & Park Asso	50.00	Dues
Brown's Shoe	171.99	Unif	NE Salt & Grain	4,332.17	Maint
Callaway	286.20	Msde	NE Sec State	30.00	Supp
Cintas	60.32	Contr	NE Turf Products	403.76	Maint
Concrete Ind	148.50	Maint	Olsson Assoc	16,865.00	ROW
Data Tech	5,398.45	Contr	O'Reilly Auto	15.49	Rep
Ed Roehr Safety	352.44	Supp	Orscheln	157.24	Supp
Fire Protec Srvc	18.00	Maint	Otoe Co Clerk	5,752.59	Contr
Food Pride	25.33	Conc	Patton, D	100.00	Refund
Footjoy	79.53	Msde	Payroll	150,388.12	Payroll
Giittinger, D	163.73	Mileage	Physician Network	183.00	Med
Harding & Shultz	1,537.50	Contr	Pine Valley Eco	1,385.04	Maint
Hastings, V	25.00	Misc	Purchase Power	400.00	Postage
HireRight	75.00	Med	Schendel Pest	154.00	Pest Cntrl
Hopkins Auto	87.69	Rep	Schneider Elec	1,657.00	CDBG
IMLA	480.00	Dues	SENDDD	9,967.26	CDBG
Keim Farm Equip	2.29	Rep	Shell	2,232.71	Fuel
Larson, L	139.40	Refund	St. Mary's Hosp	124.00	Med
LaRue Coffee	134.46	Supp	Stutheit Imp Co	4.76	Rep
Linweld	119.80	Med	Taylor, C	25.00	Misc
Martin Marietta	1,276.15	Maint	Titan Machinery	2,055.25	Rep
Mead Lumber	66.37	Supp	Tree City Tees	165.51	Supp
Menards	112.25	Rep	Tri-State Office	1,281.98	Supp
Mercer's	381.62	Supp	Watkins True Value	190.17	Rep
Midwest Air System	587.85	Contr	Wildwood Artists	2,194.55	Contr
Miller Monroe	77,315.00	Ins	Windstream	2,315.14	Tele
Mullenax Auto	416.60	Rep	Winn, Inc.	259.80	Msde
Mutual of Omaha	97.32	Med	Wood Family Fuel	89.50	Fuel
Nationwide	9,982.83	Inv	WPS Medicare	389.30	Med
NC Bond	35,237.50	Bond	Wurtele, G	54.39	Mileage

Meeting adjourned at 6:17 p.m.

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.

Arnold M. Ehlers, City Clerk-Treasurer