

CITY OF NEBRASKA CITY, NEBRASKA  
MINUTES OF CITY COUNCIL REGULAR MEETING  
December 2, 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 William F. Davis Room at City Hall, 1409 Central Avenue, on December 2, 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: Jeff Crunk, Dean Handy, Mark Mercer and Mayor Hobbie. 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 Gittinger.

Commissioner Handy moved to approve the minutes of the November 18, 2013, City Council Regular Meeting, seconded by Mercer. Upon roll call the following voted YES: Crunk, 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: Crunk, Handy, Mercer and Mayor Hobbie. Voting NO: None. Motion passed.

Mayor Hobbie moved to appoint Patrick Wehling to the Board of Appeals, seconded by Commissioner Handy. Upon roll call the following voted YES: Crunk, Mercer, Handy and Mayor Hobbie.

Mayor Hobbie informed everyone that there will be a Public Information meeting on the proposed Highway 2 Overpass Project at Morton-James Library on December 5<sup>th</sup> from 4:00 p.m. to 6:00 p.m.

Mayor Hobbie opened the Public Hearing on the request from NCTC for a grant from LB840 funds to do a Market/Feasibility Study for the creation of a Culinary Incubator Project. Stephanie Shrader, Executive Director of NCAEDC explained the purpose of the request and the use of the funds. No one else spoke in support of opposition to the grant request. 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.

Library Director Barbara Hegr presented the Morton-James Public Library Annual Report along with a power point presentation. Mayor Hobbie accepted the report and asked that it be placed on file.

Mayor Hobbie introduced Resolution 2616-13 approving a grant to NCTC for a Culinary Incubator Study. Moved by Mercer and seconded by Commissioner Handy to approve Resolution 2616-13. Upon roll call the following voted YES: Crunk, Handy, Mercer and Mayor Hobbie.. Voting NO: None. Motion passed and adopted. A true, correct and complete copy of said resolution is as follows:

**RESOLUTION NO. 2616-13**

**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 \$11,250 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 “**Nebraska City Tourism and Commerce**”, contingent upon approval of the City Attorney as to form. Passed and adopted on the 2nd day of December, 2013 by the Mayor and Council of the City of Nebraska City, Nebraska.

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Jack Hobbie, Mayor

Darren Boyce submitted a written request to amend the fence zoning ordinance to allow electric fences inside the City limits. His dogs are able to dig under the fence and get out of the yard. If he were allowed to reinstall the electric fence his dogs would not get out. Dan Giittinger informed the Council that electric fences have been illegal inside City boundaries since 2002 when the code was adopted. City staff feels that there are many other options other than electric fence to control the dogs. Moved by Commissioner Handy and seconded by Crunk to deny the request to allow electric fences within City limits. Upon roll call the following voted YES: Mercer, Crunk, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

Frances Nopp submitted a written request to designate a handicap parking spot at 1516 7<sup>th</sup> Avenue. Mercer asked if she had contacted neighbors so that the neighbors might have consideration for her issues. Giittinger stated that enforcement of designated handicap parking spaces in the downtown district is very difficult and trying to enforce in residential areas would be extremely time consuming. Moved by Commissioner Handy and seconded by Mercer to deny the request. Upon roll call the following voted YES: Crunk, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

Amy Allgood from NCTC asked permission from the Council to use the Stone Cabin for Santa’s visit and to waive the fee. Moved by Commissioner Handy and seconded by Mercer to approve the request by Amy Allgood to use the Stone Cabin for Santa’s visit on December 8<sup>th</sup> and waive the fee. Upon roll call the following voted YES: Crunk, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

Jon Casey presented the proposed Wildwood Golf Course Fees for the 2014 Season. Mr. Casey stated that the proposed fees represented approximately a 7% average increase over the 2013 rates paid by season pass holders and keep daily greens fees the same. Mercer asked if teachers get a special rate. Casey reasoned that teachers can only use the pass two and a half months of the 10 month season. Crunk stated that some rates increased by 10% and other rates increased by 5%. Arnold Ehlers added that season pass holders account for 41-42% of the revenues but 60% of the usage. Casey stated that the daily greens fees need to remain competitive with surrounding courses and season passes are low compared to those same courses. We have a good product we need to generate more revenue and rounds of golf. Mercer wondered if there would be another way to generate more people to come and then as they come to gradually raise fees. Commissioner Handys motion to approve the Wildwood Golf Course 2014 Fee schedule died for lack of a second. Crunk stated that he can’t support the increases and there are some cart problems that need to be worked out. Moved by Mercer and seconded by Handy to table the 2014 Wildwood Fee Schedule and have Crunk, Joe Johnson and Jon Casey meet to resolve the differences. Upon roll call the following voted YES:

Arnold Ehlers explained that the fees assessed on the property located at 910 4<sup>th</sup> Corso had been paid and the lien filed against the property needed to be released. Moved by Commissioner Handy and seconded by Mercer to approve releasing the lien on 910 4<sup>th</sup> Corso. Upon roll call the following voted YES: Crunk, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

Mayor Hobbie introduced Ordinance No. 2928-13 entitled: AN ORDINANCE TO AMEND SECTION 2-37, TO PROVIDE FOR A TIME FOR THE CLOSING OF THE AGENDA FOR REGULAR MEETINGS OF THE CITY COUNCIL, AND THE METHOD FOR GIVING SUCH NOTICE OF SUCH MEETINGS, TO REPEAL ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH, 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: Crunk, 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. 2928-13 be passed and adopted?” Upon roll call the following

voted YES: 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. 2928-13**

AN ORDINANCE TO AMEND SECTION 2-37, TO PROVIDE FOR A TIME FOR THE CLOSING OF THE AGENDA FOR REGULAR MEETINGS OF THE CITY COUNCIL, AND THE METHOD FOR GIVING SUCH NOTICE OF SUCH MEETINGS, TO REPEAL ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH, AND TO DECLARE AN EFFECTIVE DATE.

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

Section 1. That Section 2-37 of the Code of the City of Nebraska City be amended to read as follows:

“Section 2-37. Agenda for and notice of city council meetings.

The City Council shall give reasonable advance publicized notice of the time and place of each meeting by posting such notice in three public places, which shall be recorded in the minutes of the meeting. Such notice shall be transmitted to all members of the city council and to the public. Such notice shall contain an agenda of subjects known at the time of the publicized notice or a statement that the agenda, which shall be kept continually current, shall be readily available for public inspection at the office of the City Clerk during normal business hours. Except for items of an emergency nature or items submitted by a city department or city committee, the agenda for meetings of the city council shall not be altered later than: (a) 5:00 p.m. on the Tuesday preceding the dates of the regular meetings of the city council which are the first and third Mondays of each month, or, (b) forty-eight (48) hours before the scheduled commencement of a meeting of the city council scheduled outside the corporate limits of the municipality. Items submitted by city departments and city committees shall be submitted for agenda inclusion no later than noon on the Thursday prior to a regular meeting. The city council shall have the right to modify the agenda to include items of an emergency nature only at such public meetings.”

Section 2. That the original Section 2-37 of the Code of the City of Nebraska City, and all other Ordinances or parts of Ordinances in conflict with this Ordinance, including, but not limited to Ordinance No. 2037-87 and No. 2920-13, are hereby repealed.

Section 3. That this ordinance shall be effective from and after its adoption, approval, and publication, as provided by law.

PASSED and APPROVED this 2<sup>nd</sup> day of December, 2013.

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Jack Hobbie, Mayor

Adkins Signs	Sup	10.00	Miller Monroe	Ins	166.00
Alamar	Unif	11.31	Mullenax	Sup	356.06
Arbor Mart	Fuel	3035.47	Nationwide	Inv	19036.28
AVAC	Misc	213.66	NC Clerk - Treas	Misc	22.20
Benefiel Truck	Rep	3029.14	NC Museum Assoc	Contr	2406.25
BKD	Contr	12500.00	NCTC	Contr	6250.00
Bob's Welding	Rep	240.00	NE Arborists Assoc	Dues	180.00
Bound Tree	Sup	26.34	Nebraska Golf & Turf	Sup	35.23
Bremer Agency	Dues	100.00	NE Public Health	Sup	105.00
CEDE Co	Bond	34105.00	Nebraska Golf	Sup	108.00
Cullinane Const	Rfnd	100.00	NPPD	Unif	525.00
D & D Comm	Rep	409.00	O'Reilly	Sup	152.76
Don Johnson	Rfnd	200.00	Orscheln	Sup	1.63
Douglas Tire	Rep	218.00	Osippee Mountain	Equip	1252.00
Fastenal Co	Sup	11.52	Otoe County Clerk	Contr	1903.95
Fire Protection	Maint	40.00	Otoe County Court	Contr	112.75
Food Pride	Sup	6.68	Payroll	Payroll	159293.72
Gatehouse Media	Adv	70.01	Pursel, S	Rfnd	20.00
Giittinger, D	Mileage	137.86	RepCo Mktg	Sup	39.75
Grow Nebraska	Dues	60.00	RR Donnelley	Sup	156.40
HireRight	Med	25.75	Stubbendick, D	Rfnd	200.00

Hobbie, J	Mileage	48.59	Sutphen Corp	Rep	636.52
Hopkins Auto	Sup	6.49	Tim Engel Const	Rfnd	100.00
JEO	Contr	2206.25	Titan Machinery	Rep	680.33
Konica Minolta	Sup	15.00	Tri-State Office	Sup	97.70
Landis	Sup	81.52	Unum Life Ins	Ins	23.52
Laser Link Golf	Contr	564.00	Verizon	Tele	340.27
Matheson Tri-Gas	Sup	74.51	Watkins	Sup	202.65
McMaster, R	Rfnd	25.00			

Meeting adjourned at 7:08 p.m.

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Arnold M. Ehlers, City Clerk - Treasurer