

CITY OF NEBRASKA CITY, NEBRASKA
MINUTES OF CITY COUNCIL REGULAR MEETING
December 21, 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 December 21, 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: Jeff Crunk, Dean Handy, Brett Gay, and Mark Mercer. The following City Officials were present: City Clerk Arnold M. Ehlers, City Attorney William Davis, Police Chief David Lacy and Public Properties Director/Zoning Director Dan Giittinger.

Commissioner Gay moved to approve the minutes of the December 7, 2009, City Council Regular Meeting, seconded by Commissioner Gay. Upon roll call the following voted YES: Crunk, Gay, Mercer and Mayor Hobbie. Voting NO: None. Abstain: Handy. Motion adopted.

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

Commissioner Handy moved to approve all plumbers licenses submitted. Upon roll call the following voted YES: Mercer, Gay, Crunk, Handy and Mayor Hobbie. Voting NO: None. Motion carried.

Commissioner Handy moved to approve all electricians' permits submitted. Upon roll call the following voted YES: Mercer, Gay, Crunk, Handy and Mayor Hobbie. Voting NO: None. Motion carried.

Mayor Hobbie introduced Ordinance 2793-09 entitled AN ORDINANCE DIRECTING THE SALE AND CONVEYANCE OF A PART OF LOTS 5, 6 & 7, BLOCK 17, ANDERSON'S ADDITION TO NEBRASKA CITY, OTOE COUNTY, NEBRASKA, TO LUCILLE SCHIBER AND OLIVER SCHIBER, AS DESCRIBED HEREIN; DIRECTING NOTICE OF SALE BY PUBLICATION; AND TO PROVIDE FOR AN EFFECTIVE DATE; and moved that the statutory rule requiring reading on three different days be suspended. Commissioner Mercer seconded the motion to suspend the rules and upon roll call the following voted YES: Gay, 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 Crunk. The Mayor then stated the question: "Shall Ordinance No. 2793-09 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. 2793-09

AN ORDINANCE DIRECTING THE SALE AND CONVEYANCE OF A PART OF LOTS 5, 6 & 7, BLOCK 17, ANDERSON'S ADDITION TO NEBRASKA CITY, OTOE COUNTY, NEBRASKA, TO LUCILLE SCHIBER AND OLIVER SCHIBER, AS DESCRIBED HEREIN; DIRECTING NOTICE OF SALE BY PUBLICATION; AND TO PROVIDE FOR AN EFFECTIVE DATE.

WHEREAS, Lucille Schiber and Oliver Schiber, have requested the sale and conveyance of the real estate hereinafter described and the Mayor and City Commissioners of Nebraska City, Nebraska, have approved said sale for the consideration hereinafter stated:

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

Section 1. That the City of Nebraska City does hereby sell to Lucille Schiber and Oliver Schiber, for the consideration of Fifty Dollars (\$50.00), plus all expenses involved in this sale, including legal expenses, advertising charges and filing fees, and subject to existing taxes and special assessments, if any, and also subject to any existing easements, the following described property:

A part of Lots 5, 6, and 7, Block 17, Anderson's Addition to Nebraska City, Otoe County, Nebraska, being more particularly described as follows:

Commencing at the S.E. Corner of Lot 5, Block 17, Anderson's Addition to Nebraska City, said point being the True Point of Beginning; thence Westerly along the North right-of-way line of 14th Corso S89°57'25"W 30.42 feet to a point, thence leaving the said North line of 14th Corso and continuing Northwesterly along the Easterly right-of-way line of South 5th Street N29°45'32"W 78.09 feet to a point; thence continuing Northwesterly along said Easterly right-of-way line N21°49'16"W 55.0 feet to a point on the South right-of-way line of 13th Corso, thence Easterly along the said South right-of-way line of 13th Corso S89°56'06"E 87.72 feet to a point, said point being the N.E. Corner of said Lot 5, Block 17; thence continuing Southerly along the East line of said Lot 5, S00°56'50"E 118.75 feet to the True Point of Beginning.

and the Mayor is hereby directed to execute and acknowledge for and in the name of the City of Nebraska City, a deed of conveyance to be attested by the City Clerk-Treasurer, with the seal of the City affixed, conveying said real estate to Lucille Schiber and Oliver Schiber.

Section 2. That the City Clerk-Treasurer is hereby directed to publish in the Nebraska City News Press, a newspaper published and of general circulation in the City of Nebraska City, immediately after the passage and publication of this ordinance, a notice of said sale for three consecutive weeks.

Section 3. The Mayor and City Clerk-Treasurer are hereby directed to deliver said deed to said purchaser of said real estate, after the publication of said notice as hereinbefore provided and after thirty days from the passage and publication of this ordinance, and upon payment by the purchaser of said consideration in cash.

This ordinance shall take effect and be in force from and after its passage, approval and publication.

PASSED and APPROVED this 21st day of December 2009.

Jack Hobbie, Mayor

Attest:

Arnold M. Ehlers, City Clerk-Treasurer

Mayor Hobbie opened the Public Hearing on the Class "D" Liquor License application for Walgreen's 12854. John Wood, Store Manager appeared before the Board to answer questions concerning the application. Ben Wright and Tim Regler spoke to the Board concerning the number of licenses in the community. No one else spoke in support or opposition to the application. Commissioner Gay moved to close the Public Hearing. Upon roll call the following voted YES: Crunk, Mercer, Handy, Gay and Mayor Hobbie. Voting NO: None. Motion passed.

Dan Giittinger gave a report on snow route priorities and snowfall cleanup that resulted from the estimated 15" snow fall last week. The Treasurer reported the beginning balance for November was \$2,482,460.35. There was \$491,707.26 in revenues and \$646,706.53 in expenditures leaving a balance on hand of \$2,327,461.08. Stephanie Shrader provided the NCA EDC Quarterly Report to the Board. Mayor Hobbie accepted all the reports and had them placed on file.

Commissioner Mercer moved to postpone indefinitely action on the borderline tree issue brought before the board on the December 7th Council Meeting. Upon roll call the following voted YES: Gay, Crunk, Handy, Mercer and Mayor Hobbie. Voting NO: None. Motion carried.

Mayor Hobbie introduced Resolution 2442-09 taking action on the Liquor License request by Walgreen Company DbA Walgreens #12854. Commissioner Mercer moved to approve Resolution 2442-09. Upon roll call the following voted YES: Crunk, Gay, Handy, Mercer and Mayor Hobbie. Voting NO: None. Motion passed. A true, correct and complete copy of said resolution is as follows:

RESOLUTION 2442-09

WHEREAS, an application was filed by Walgreen Company, doing business as Walgreen's 12854, at 502 So 11th Street, Nebraska City, Nebraska, for a Class "D" Liquor License; and

WHEREAS, a public hearing notice was published in the *Nebraska City News-Press* as required by state law on December 15, 2009; such publication cost being \$ 13.21; and

WHEREAS, James P. Karins has applied for a liquor license manager designation for the business; and

WHEREAS, a public hearing was held on December 21, 2009, for the purpose of discussing such liquor license application.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COMMISSIONERS OF THE CITY OF NEBRASKA CITY, NEBRASKA, that;

 X The City of Nebraska City hereby recommends approval of the above identified liquor license application.

 X The City of Nebraska City hereby recommends the approval of James A. Karins, as liquor manager of such business.

Passed and adopted by the Mayor and Commissioners of the City of Nebraska City, Nebraska, on December 21, 2009.

Jack Hobbie, Mayor

Attest:

Arnold M. Ehlers, Clerk

Nebraska City Utilities General Manager, Leroy Frana explained the contracts with Natural Gas Pipeline Company of America LLC, needing Council authorization for the storage and transportation of natural gas. Commissioner Gay moved to approve the agreements with Natural Gas Pipeline Company of America LLC, and authorize the Mayor to sign. Upon roll call the following voted YES: Crunk, Handy, Mercer, Gay and Mayor Hobbie. Voting NO: None. Motion passed.

Jim Frerichs of The Avenue Grill explained the purpose of the Special Designated Liquor License request. Commissioner Mercer moved to approve the request for a SDL by The Avenue Grill. Upon roll call the following voted YES: Gay, Crunk, Handy, Mercer and Mayor Hobbie. Voting NO: None. Motion carried.

City Clerk Arnold Ehlers explained the content and need of the agreement with McCook Community College allowing students of the paramedic curriculum for field training with the Nebraska City Fire and Rescue Department. Commissioner Handy moved to approve the agreement with McCook Community College and authorize the Mayor to sign. Upon roll call the following voted YES: Mercer, Gay, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

City Clerk Arnold Ehlers explained the content and need for the agreement with Creighton University EMS Education for field training of paramedic students. Commissioner Handy moved to approve the agreement with Creighton University EMS Education and authorize the Mayor to sign. Upon roll call the following voted YES: Mercer, Gay, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

Dan Giittinger informed the Council of the recommendation by SENDD for housing rehab projects #013 & 014. Commissioner Handy moved to approve the recommendation by SENDD to approve projects # 013 and 014. Upon roll call the following voted YES: Gay, Crunk, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

Commissioner moved to approve the final payment to Rife Construction for the Rowe Memorial Safety Complex Project in the amount of \$8,000.00. Upon roll call the following voted YES: Gay, Crunk, Handy, Mercer and mayor Hobbie. Voting NO: None. Motion carried.

Commissioner Handy moved to approve Pay Application One and Final Payment to T. J. Osborn Construction in the amount of \$74,275.00 for the 2009 Storm Sewer Repair Project. Upon roll call the following voted YES: Mercer, Crunk, Gay, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

Meeting adjourned 7:04 p.m.