

CITY OF NEBRASKA CITY, NEBRASKA
 MINUTES OF CITY COUNCIL REGULAR MEETING
 October 6, 2014

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 October 6, 2014. 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, Utilities General Manager Leroy Frana, and Public Properties Director/Zoning Director Dan Giittinger.

Commissioner Handy moved to approve the minutes of the September 15, 2014, City Council Regular Meeting, seconded by Mercer. Upon roll call the following voted YES: Mercer, Handy, and Mayor Hobbie. Voting NO: None. Abstain: Stark. 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.

Action Tech Svcs	Contr	400.00	Matheson	Sup	329.08
AG&G Concessions	Rfnd	85.00	Maybee, D	Rfnd	25.00
Alamar Uniforms	Unif	91.22	Mead Lumber	Sup	22.49
Allied Recycling	Garbage	268.73	Michael Todd	Sup	1139.72
Allixa Consulting	Legal	2768.68	Microfilm Imaging	Contr	80.00
Arbor Mart, Inc	Fuel	5466.30	Mid States Buses	Misc	100.00
AVAC	Misc	486.84	Midwest Fire Svc	LB840	567.00
Auburn Plbg	Rep	900.00	Molly McNeely	Tif	2773.88
Berry	Adv	22.60	Mullenax	Sup	46.25
BKD	Audit	9500.00	Nationwide	Inv	112330.41
Boatright, K	Dance	857.25	NC Clerk - Treas	Misc	137.63
Bob's Welding	Rep	97.25	NCAEDC	LB840	200000.00
Bound Tree	Sup	928.51	NC Museum Assoc	Contr	2406.25
Brown Glass	Rep	293.83	NCTC	Contr	6250.00
Callaway Golf	Mdse	175.60	NE Public Health	Med	105.00
Capital Business	Equip	20356.00	NE Arboretum	Dues	130.00
D & D Comm	Rep	643.00	NE-IA Door Svcs	LB840	10031.25
Danko	Unif	2091.00	NSVFA	Dues	900.00
Don's Johns	Contr	200.00	O'Reilly	Sup	327.24
Double Eagle	Bev	48.30	Omaha Tractor	Sup	266.10
Douglas Tire	Rep	1244.89	Orscheln	Sup	49.82
Eggers Brothers	Sup	38.05	Otoe County Clerk	Contr	685.25
EMC National Life	Ins	640.50	Paper Tiger	Garbage	35.00
EMS Tech Solutions	Sftwre	0.00	Payroll	Payroll	175392.49
Fareway Foods	Tif	8050.14	Physician Network	Legal	60.32
Fareway	Conc	152.10	Physio-Control	Contr	3250.62
Fastenal	Sup	20.70	Quality Inn	Training	271.96
Fireguard	Sup	42.36	Ray, M	Rfnd	200.00
Flair Custom Cab.	LB840	4734.24	River View Pest	Pst Cntrl	362.00
Fox Center	Rfnd	100.00	ROY2HOLLY, LLC	Rfnd	562.16
Galeton Gloves	Sup	237.25	SAT/TECH, LLC	Postage	101.13
Gatehouse	Adv	76.32	Scharp Electric	LB840	4927.75

Giittinger, D	Mileage	318.06	Schneider, R	Rfnd	240.00
Hall, K	Rfnd	25.00	Shelter Home Serv	Rfnd	200.00
Hopkins	Sup	204.01	Smith, T	Dance	435.00
Inland Truck Parts	Rep	5387.37	Spiral Comm	Rfnd	200.00
J. Park, LLC	Dance	900.00	St. Mary's Hospital	Sup	384.69
Jensen, E	Dance	292.50	Stratus Building	Contr	4175.98
JEO	Contr	697.50	Tielke's	Conc	43.01
Jerry's Landscaping	Maint	245.00	Titan Machinery	Sup	65.14
K & Z Dist	Bev	14.40	Tree Worx	Contr	4700.00
Konica Minolta	Contr	198.78	Tri-State Office	Sup	820.13
Kreifels Electric	Rep	176.28	Tri-State Pumping	Rep	12411.00
Landis	Equip	169.99	Tri-State Rentals	Misc	77.76
Lawton Printing	Sup	100.98	Univ Of NE-Lincoln	Dues	120.00
Lithuanian Bakery	Rfnd	40.00	Verizon	Tele	378.59
LogIn / IACP Net	Contr	500.00	Watkins	Sup	164.47
Loveland Grass	Sup	827.65	Wick's Sterling	Rep	585.98
Lyman-Richey	Sup	6534.08	Wurtele, G	Sup	65.00

Moved by Mayor Hobbie and seconded by Commissioner Handy to appoint Chuck Stoner, Jolene Block, Scooter Edmisten, Dan Giittinger, Tim Pendrell, Stephanie Shrader, Dan Swanson, Street Commissioner, and Leroy Frana to the Comprehensive Plan Steering Committee. Upon roll call the following voted YES: Stark, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion adopted.

Moved by Mayor Hobbie and seconded by Commissioner Handy to re-appoint John Callen and Chuck Stoner to the Board of Adjustment. Upon roll call the following voted YES: Mercer, Stark, Handy and Mayor Hobbie. Voting NO: None. Motion carried.

Mayor Hobbie proclaimed October 2014 as “National Bullying Month” and handed copies of the proclamation to representatives from: Nebraska City High School; Lourdes High School and Nebraska City Middle School.

Mayor Hobbie proclaimed the week of October 5-11, 2014 as “Fire Prevention Week”.

Mayor Hobbie opened the Public Hearing to consider approving a plat for three acres in North Industrial Site. Dan Giittinger reminded the council that this has been discussed and agreed at prior meetings. No one else spoke in support or opposition to the plat. Moved by Commissioner Handy and seconded by Mayor Hobbie to close the Public Hearing. Upon roll call the following voted YES: Stark, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion carried.

Moved by Commissioner Handy and seconded by Stark to approve the final plat of three acres in North Industrial Site. Upon roll call the following voted YES: Mercer, Stark, Handy and Mayor Hobbie. Voting NO: None. Motion carried.

Dan Kelly with St. Mary’s Hospital explained the need for the location of the sign for the new hospital location. Joe Johnson provided background information on the change in the sign ordinance to allow location of the hospital sign. Dan Kelly added information relating to the actual sign including size. Moved by Stark and seconded by Commissioner Handy to approve the size and location of St. Mary’s Hospital sign. Upon roll call the following voted YES: Mercer, Handy, Stark and Mayor Hobbie. Voting NO: None. Motion carried.

Moved by Commissioner Handy and seconded by Stark to approve the request from Nebraska Game and Parks Commission to hold a “Family Trout Fishing Night” at Steinhart Park Pond on October 28, 2014. Upon roll call the following voted YES: Mercer, Stark, Handy and Mayor Hobbie. Voting NO: None. Motion adopted.

Kristy Francis addressed the council on the offer to purchase two lots in Deer Trail Subdivision that was postponed from the September 15, 2014 city council meeting. Ms. Francis read a letter from the purchasers expressing their regret at not being in attendance due to being on their honeymoon. Mercer stated that he was relying on an appraisal which placed the value of the lots between \$1.00 and \$3.50 per square foot. The City Attorney informed the council that there had not been an appraisal but only an estimate of value with comparable lots selling or being listed at between .20 cents and \$3.50 per square foot. Mercer stated that he wanted to hold the sale price at the “appraised” price and if they were not sold after a year to put the lots up for auction.

Moved by Mercer and seconded by Stark to offer the two lots for sale at \$1.50 per square foot which calculates to approximately \$52,414. Upon roll call the following voted YES: Handy, Stark, Mercer and Mayor Hobbie. Voting NO: None. Motion adopted.

Building Inspector Alan Viox provided photos of the structure located at 411 1st Corso showing serious deficiencies in the condition of the structure and asking the council to declare the structure a nuisance and authorize the Building Inspector to notify the owner to repair or demolish the structure. Moved by Commissioner Handy and seconded by Stark to declare the structure located at 411 1st Corso a nuisance and authorize the Building inspector to notify the owner to repair or demolish the structure. Upon roll call the following voted YES: Mercer, Stark, Handy and Mayor Hobbie. Voting NO: None. Motion carried.

Roger Kopf representing the VFW requested that traffic be re-directed during an unveiling at the Otoe County War Memorial to accommodate attendees at said unveiling. Moved by Stark and seconded by Handy to approve the request to direct traffic during the unveiling ceremony at Otoe County War Memorial on October 11, 2014 at 10:00 a.m. Upon roll call the following voted YES: Mercer, Handy, Stark and Mayor Hobbie. Voting NO: None. Motion carried.

Tim Christian addressed the council on plans to hold the Tree City Half Marathon in Nebraska City on November 7, 2015 so that promotional material could be distributed at this years Tree City Half Marathon. The Clerk was directed to place the request on the next City Council meeting.

Mayor Hobbie introduced Ordinance No. 2949-14 entitled: AN ORDINANCE VACATING A PORTION OF 12TH AVENUE BETWEEN 12TH AND 13TH STREETS IN NEBRASKA CITY, OTOE COUNTY, NEBRASKA, AS DESCRIBED IN SECTION 1 HEREOF, SUBJECT TO AND RESERVING EASEMENTS AS DESCRIBED HEREIN; 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: 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. 2949-14 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 2949-14

AN ORDINANCE VACATING A PORTION OF 12TH AVENUE BETWEEN 12TH AND 13TH STREETS IN NEBRASKA CITY, OTOE COUNTY, NEBRASKA, AS DESCRIBED IN SECTION 1 HEREOF, SUBJECT TO AND RESERVING EASEMENTS AS DESCRIBED HEREIN; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, a request has been made that a portion of 12th Avenue between the west Right-of-Way line of 12th Street and the east Right-of-Way line of 13th Street in Nebraska City, Otoe County, Nebraska be vacated, and

WHEREAS, because of the location of said property, the Mayor and City Commissioners of Nebraska City have determined the City no longer has a need for the property described in Section 1 hereof other than for reservation of easements, and hereby approve the vacation of this particular portion of street.

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

SECTION 1. That the portion of 12th Avenue between the west Right-of-Way line of 12th Street and the east Right-of-Way line of 13th Street in Nebraska City, Otoe County, Nebraska, be and the same is hereby vacated, subject to all easements of record.

SECTION 2. That the City of Nebraska City reserves the right to maintain, operate, repair, and renew public utilities existing; and there is reserved to the City, any public utilities, and any cable television systems the right to maintain, repair, renew, and operate water mains, gas mains, pole lines, conduits, electrical transmission lines, sound and signal transmission lines, and other similar services and equipment and appurtenances, including lateral connections or branch lines, above, on, or below the surface of the ground that are existing as valid easements at the time title to the property is vacated for the purposes of serving the general public or the abutting properties and to enter upon the premises to accomplish such purposes at any and all reasonable times.

SECTION 3. 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 6th day of October, 2014.

Jack Hobbie, Mayor

Leroy Frana presented the recommendation from the BPW to award a contract to Sys-Kool of Omaha to replace cooling tower #7 at Power Plant #2 at Syracuse in the amount of \$25,320. Moved by Stark and seconded by Handy to award the contract to Sys-Kool of Omaha to replace cooling tower #7 at Power Plant #2 in the amount of \$25,320. Upon roll call the following voted YES: Mercer, Handy, Stark and Mayor Hobbie. Voting NO: None. Motion carried.

Leroy Frana presented the recommendation from BPW to approve W. O. #276 extending a 2” natural gas line in Syracuse at a cost of \$8,321.26. Moved by Stark and seconded by Mercer to approve W.O. #276 in the amount of \$8,321.26. Upon roll call the following voted YES: Handy, Mercer, Stark and Mayor Hobbie. Voting NO: None. Motion carried.

Leroy presented the recommendation from the BPW to approve the purchase of a 2015 Ford F-150 4X4 pickup from Larson Motors in the amount of \$41,486.00. Moved by Stark and seconded by Mercer to approve the purchase of a 2015 Ford F-150 4X4 pickup from Larson Motors in the amount of \$41,486.00. Upon roll call the following voted YES: Handy, Mercer, Stark and Mayor Hobbie. Voting NO: None. Motion carried.

Joe Johnson provided information on construction plans for the Highway 2 – 75 overpass to be constructed in 2016-2017. Sending a written request to install panels depicting scenes emphasizing trees and the historical importance of Nebraska City included in the design of the overpass was discussed. Moved by Stark and seconded Commissioner Handy to approve sending a letter to NDOR suggesting designing the overpass to include scenes, coloring and texturing to emphasize the historical significance of Nebraska City. Upon roll call the following voted YES: Mercer, Handy, Stark and Mayor Hobbie. Voting NO: None. Motion carried.

Joe Johnson explained the conditions and changes to the grant from Nebraska Energy Alliance and Nebraska Environmental Trust to place charging stations in Nebraska communities and subsidize electric vehicles for local communities. Moved by Stark and seconded by Commissioner Handy to approve the purchasing and installation of a charging station and the leasing and possible purchasing of a 2015 Nissan Leaf Electric Vehicle. Upon roll call the following voted YES: Mercer, Handy, Stark, and Mayor Hobbie. Voting NO: None. Motion adopted.

Moved by Commissioner Handy and seconded by Stark to approve the General Administrative Service contract between Nebraska City and SENDD in the amount of \$16,000.00 for the Housing Rehab Grant. Upon roll call the following voted YES: Mercer, Stark, Handy and Mayor Hobbie. Voting NO: None. Motion carried.

Joe Johnson explained this is for the CIS grant and explained the reduction in engineering costs for the Nuckolls Square Park Improvement Project. Moved by Stark and seconded by Commissioner Handy to approve the engineering agreement with JEO for the Nuckolls Square Park Improvement Project. Upon roll call the following voted YES: Mercer, Handy, Stark and Mayor Hobbie. Voting NO: None. Motion carried.

Meeting adjourned at 7:02 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