

CITY OF NEBRASKA CITY, NEBRASKA
MINUTES OF CITY COUNCIL REGULAR MEETING
January 5, 2015

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 January 5, 2015. 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, Vic Johns, Mindy Briley and Mayor Hobbie. Absent: Jim Stark. 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 Giittinger.

Crunk moved to approve the minutes of the December 15, 2014 City Council Regular Meeting, seconded by Commissioner Briley. Upon roll call the following voted YES: Johns, Briley, Crunk, and Mayor Hobbie. Voting NO: None. Motion adopted.

Commissioner Briley moved to pay all claims as presented, seconded by Johns. Upon roll call the following voted YES: Crunk, Johns, Briley and Mayor Hobbie. Voting NO: None. Motion carried.

Action Tech	Contr	441.99	Larson Motors	Rep	90.46
American Recycling	Garbage	181.52	Legacy Homes	Rfnd	200.00
Amerine Builders	Rfnd	300.00	Matheson Tri-Gas	Sup	174.17
Arbor Mart	Fuel	1857.60	Mead Lumber	Sup	29.99
AVAC	Misc	125.00	Mercer's	Sup	241.53
Arrow International	Rep	799.68	Midwest Farmers	Sup	20.10
Berry	Adv	22.60	Miller Monroe Farrell	Ins	2540.00
Bill Walters	Rep	39.95	Miracle Mudjacking	Maint	2015.00
Bob's Welding	ROW	1980.00	Mullenax	Sup	66.84
Bohl Plumbing	Rep	81.75	Nationwide	Inv	96487.91
Bound Tree	Sup	874.18	NC Clerk - Treasurer	Misc	71.82
Capital Business Sys	Contr	386.90	NC Museum Assoc	Contr	2406.25
Data Tech	Office	290.55	NC Rotary Club	Dues	375.00
Diesel Power Equip	Rep	666.00	NCTC	Contr	6250.00
Don Johnson Homes	Rfnd	200.00	NE Salt and Grain	Chem	4756.35
Douglas Tire	Rep	18.00	O'Reilly	Sup	92.69
Eakes	Sup	384.19	Orscheln	Sup	33.51
Eggers Brothers	Sup	294.70	Otoe County Clerk	Contr	4081.77
EMC National Life	Ins	588.00	Payroll	Payroll	72568.89
F & B	Rfnd	200.00	Rose Equipment	Rep	3247.92
Fareway	Donation	666.54	Schneider Electric	Rep	590.60
Fire Protection	Maint	234.75	Shaffer Comm	Equip	1185.00
Gatehouse Media	Adv	51.34	Sleuth Software	Equip	1882.91
Giittinger, D	Mileage	14.13	Spiral Comm	Tele	7212.09
Henry Motors	Rep	120.51	St. Mary's	Med	158.88
Higgins, C	Dance	60.00	Thurman's Bike	Sup	75.00
J. Park, LLC	Rent	900.00	UHC	Ins	2509.56
JEO	Contr	8300.00	Verizon	Tele	369.68
KR Creative	Maint	40.00	Watkins	Sup	56.29
Landis	Sup	89.70	Wurtele, G	Misc	42.76

Mayor Hobbie opened the Public Hearing on a LB840 loan/grant request from Ottemann Photography. Stephanie Shrader, Executive Director of NCAEDC informed the council that the funds qualified for Downtown Revitalization funding through LB840 and the Advisory Committee has approved the application. Tonya Ottemann added that significant work has already been completed on the foundation and that the family is living on the upper floor of the historic building. The funds would be used to replace the front windows and façade to improve energy efficiency of the building. Moved by Mayor Hobbie and seconded by Crunk to close the Public Hearing. Upon roll call the following voted YES: Briley, Johns, Crunk, and Mayor Hobbie. Voting NO: None. Motion carried.

Mayor Hobbie introduced Resolution 2654-15 approving the loan/grant to Ottemann Photography. Moved by Crunk and seconded by Johns to approve Resolution 2654-15 for the loan/grant to Ottemann Photography in the amount of \$12,300. Upon roll call the following voted YES: Briley, Johns, Crunk and Mayor Hobbie. Voting NO: None. Motion adopted. A true and correct copy of said resolution is as follows:

RESOLUTION NO. 2654-15

**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 total funding of \$12,300 under specified conditions, funding will consist of \$5,910 in a grant through the Downtown District Assistance Program and \$6,390 in a loan 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 loan and grant project for **"Ottemann Photography"**, contingent upon approval of the City Attorney as to form.

Passed and adopted on the 5th day of January 2015 by the Mayor and Council of the City of Nebraska City, Nebraska.

Jack Hobbie, Mayor

Joe Johnson explained that the grant management agreement with SENDD for the ADA Improvement Project at Lied Lodge Conference Center is the same as all past agreements for CDBG projects. Moved by Crunk and seconded by Commissioner Briley to approve the agreement with SENDD to administer the tourism grant for ADA Improvement project at Lied Lodge and authorize the Mayor to sign. Upon roll call the following voted YES: Johns, Briley, Crunk and Mayor Hobbie. Voting NO: None. Motion adopted.

Mayor Hobbie introduced Resolution 2653-15 authorizing the Mayor to execute two agreements with SENDD. Joe Johnson explained that the Housing Rehab Management Agreement and the Lead Paint Hazard Clearance Contract were also the same as past agreements with SENDD to administer CDBG grants. Moved by Crunk and seconded by Johns to approve Resolution 2653-15. Upon roll call the following voted YES: Briley, Johns, Crunk and Mayor Hobbie. Voting NO: None. Motion adopted. A true and correct copy of said resolution is as follows:

Resolution 2653-15
Authorizing Chief Elected Official to Execute Housing Rehab Management Contract and
Lead Paint Hazard Clearance Examination Contract
Between SENDD & City of Nebraska City

For CDBG #14-HO-3S058

WHEREAS, the City of Nebraska City, Nebraska, as an eligible unit of general purpose government has been awarded by the Nebraska Department of Economic Development, a CDBG Grant Contract #14-HO-3S058 in the amount of \$267,748.00; and, said grant budget identified funds for the potential of contracting project implementation/special services support;

WHEREAS, the City of Nebraska City, Nebraska will find it in its best interest to enter into a contract not to exceed \$20,000 for Housing Rehabilitation Management Services and also a contract for \$12,000 for Lead Paint Hazard Screening and Clearance Exams with SENDD for such project coordination/implementation/special services, and SENDD has the capacity to provide such services; and

NOW, THEREFORE, BE IT RESOLVED, the City Council of the City of Nebraska City, Nebraska, hereby directs and authorizes the Mayor of the City of Nebraska City, Nebraska to proceed with the execution of said contracts with SENDD for an amount based on costs incurred not to exceed \$20,000 and \$12,000 for Owner Occupied Homeowners Rehabilitation Project Implementation/Special Services for this project.

Passed and approved this 5th day of January, 2015.

Jack Hobbie, Mayor of Nebraska City

Jim Teten, Sexton at Wyuka Cemetery presented information and photos of informational kiosks for cemeteries. The kiosk would have a computer screen and an individual could look up grave site location on the computer and family information could be included. Mr. Teten asked the council for approval to contact foundations and citizens to solicit donations for the \$30,000 kiosk and equipment. Moved by Mayor Hobbie and seconded by Crunk to allow the Cemetery Advisory Board to solicit donations for a kiosk. Upon roll call the following voted YES: Briley, Johns, Crunk and Mayor Hobbie. Voting NO: None. Motion carried.

Mike Fahleson addressed the council concerning requested changes to the purchase offer for the four lots in Deer Trail Subdivision. The main revisions are a reduction of the earnest money deposit from \$10,000.00 to \$5,000.00 and an increase in the purchase price to \$95,000.00 from \$90,000.00. Mr. Fahleson also deleted the \$1,000.00 per month extension fee. Moved by Mayor Hobbie and seconded by Johns to approve the changes in the purchase offer for four lots in Deer Trail Subdivision. Upon roll call the following voted YES: Briley, Crunk, Johns and Mayor Hobbie. Voting NO: None. Motion adopted.

Pam Frana representing Arbor Bank sent a request to the City asking for the use of the City parking lot located at 10th and 1st Corso and possible closure of 10th Street from Central to 1st Corso from 10:00 am to 6:00 pm. to celebrate the 150th anniversary of Arbor Bank. Moved by Johns and seconded by Commissioner Briley to approve the request to close the parking lot and street on May 9, 2015 for Arbor Bank's 150th Anniversary.

Jennifer Phillips on behalf of Lied Lodge requested parking on both sides of Sylvan Road on January 31, 2015 for NPPD party. Moved by Mayor Hobbie and seconded by Commissioner Briley to approve parking on the south side of Sylvan Road on January 31, 2015. Upon roll call the following voted YES: Crunk, Johns, Briley and Mayor Hobbie. Voting NO: None. Motion carried.

Moved by Crunk and seconded by Johns to approve the BPW recommendation of WO#136 in the amount of \$16,991.19 to install 3 phase primary line to First Nebraska Bank in Bennet. Upon roll call the following voted YES: Briley, Johns, Crunk and Mayor Hobbie. Voting NO: None. Motion carried.

Moved by Johns and seconded by Mayor Hobbie to approve the BPW recommendation of WO# 138 to install 3 phase primary conductor in existing conduit in Bennet for \$10,845. Upon roll call the following voted YES: Briley, Crunk, Johns and Mayor Hobbie. Voting NO: None. Motion carried.

Moved by Crunk and seconded by Commissioner Briley to approve the recommendation from the BPW to purchase an Electric Meter Testing Bench in the amount of \$45,558.00. Upon roll call the following voted YES: Johns, Briley, Crunk and Mayor Hobbie. Voting NO: None. Motion carried.

Moved by Mayor Hobbie and seconded by Johns to approve the recommendation from the BPW to purchase a 2016 Altec equipped Freightliner Aerial Bucket Truck in the amount of

\$237,806.00 plus sales tax. Upon roll call the following voted YES: Briley, Crunk, Johns and Mayor Hobbie. Voting NO: None. Motion carried.

Moved by Crunk and seconded by Commissioner Briley to approve the recommendation from the BPW to purchase a 2013 Ditch Witch RT95M Trencher and trailer in the amount of \$94,530.00 plus sales tax. Upon roll call the following voted YES: Johns, Briley, Crunk and Mayor Hobbie. Voting NO: None. Motion carried.

Mayor Hobbie introduced Resolution 2652-15 allowing for the reimbursement of expenses on the Highway 2 Overpass. Moved by Mayor Hobbie and seconded by Johns to approve Resolution 2652-15. Upon roll call the following voted YES: Briley, Crunk, Johns and Mayor Hobbie. Voting NO: None. Motion adopted. A true and correct copy of said resolution is as follows:

Resolution 2652-15

BE IT RESOLVED BY THE MAYOR AND BOARD OF COMMISSIONERS OF THE CITY OF NEBRASKA CITY, NEBRASKA, as follows:

Section 1. That the Mayor and Board of Commissioners of the City of Nebraska City, Nebraska, do hereby declare this resolution to be the City's official declaration of intent under Internal Revenue Service Regulation Section 1.150-2 to provide for the incurring of indebtedness which may include reimbursements of expenditures made by the City in conjunction with costs incurred in connection with the construction of Project No. S-75-2(1040), State Control No. 10800B also known as Highway 2 Overpass. The preliminary estimate of debt contemplated to be issued for such project exceeds \$1,700,000.00.

Section 2. That up to the expenditure of the full amounts of such project described within this resolution, the City may advance funds as may be necessary for meeting the immediate costs of such project. It is the intent of the Mayor and Board and the City's reasonable expectation that the City shall reimburse such expenditures as may be made from general funds on hand from the proceeds of the issuance of its debt obligations.

PASSED AND APPROVED this 5th day of January, 2015.

Jack Hobbie, Mayor

Meeting adjourned at 6:42 p.m.

Arnold M. Ehlers, City Clerk - Treasurer