

CITY OF NEBRASKA CITY, NEBRASKA  
MINUTES OF CITY COUNCIL REGULAR MEETING  
April 1, 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 Council Chambers at City Hall, 1409 Central Avenue, on April 1, 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. Absent: Jim Stark. 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 Mercer moved to approve the minutes of the March 18, 2013, City Council Regular Meeting, seconded by Commissioner Handy. Upon roll call the following voted YES: Crunk, Handy, Mercer 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 proclaimed April 26 – 28, 2013 as the official dates for the observance of Arbor Day.

Mayor Hobbie proclaimed the week of April 7 – 13, 2013 as “Barbershop Harmony Week” In Nebraska City. The Apple Core singing group sang the National Anthem and God Bless America for those in attendance.

Mayor Hobbie opened the Public Hearing on the request for a grant of \$16,000.00 from the LB840 funds to be used by the Nebraska City Museum Association to create a “Museum Pass” for City residents. Stephanie Shrader provided additional information on the use of funds which this year will include the newest museum Kregel Windmill Factory Museum. No one else spoke in support or opposition to the 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.

Mayor Hobbie introduced Ordinance No. 2904-13 entitled AN ORDINANCE AUTHORIZING THE ISSUANCE OF DISTRICT IMPROVEMENT BONDS OF PAVING DISTRICT NO. 217 OF THE CITY OF NEBRASKA CITY, NEBRASKA, IN THE PRINCIPAL AMOUNT OF SIX HUNDRED TEN THOUSAND DOLLARS (\$610,000) TO PAY THE COST OF IMPROVING CERTAIN STREETS (EXCLUSIVE OF INTERSECTIONS AND AREAS FORMED BY THE CROSSING OF STREETS, AVENUES AND ALLEYS) IN PAVING DISTRICT NO. 217 OF SAID CITY; PRESCRIBING THE FORM OF SAID BONDS; PROVIDING FOR A SINKING FUND AND FOR THE LEVY AND COLLECTION OF TAXES TO PAY SAID BONDS; PROVIDING FOR THE SALE OF THE BONDS; AUTHORIZING THE DELIVERY OF THE BONDS TO THE PURCHASER; PROVIDING FOR THE DISPOSITION OF THE BOND PROCEEDS AND ORDERING THE ORDINANCE PUBLISHED IN PAMPHLET FORM; 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. 2904-13 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. 2904-13

AN ORDINANCE AUTHORIZING THE ISSUANCE OF DISTRICT IMPROVEMENT BONDS OF PAVING DISTRICT NO. 217 OF THE CITY OF NEBRASKA CITY, NEBRASKA, IN THE PRINCIPAL AMOUNT OF SIX HUNDRED TEN THOUSAND DOLLARS (\$610,000) TO PAY THE COST OF IMPROVING CERTAIN STREETS (EXCLUSIVE OF INTERSECTIONS AND AREAS FORMED BY THE CROSSING OF STREETS, AVENUES AND ALLEYS) IN PAVING DISTRICT NO. 217 OF SAID CITY; PRESCRIBING THE FORM OF SAID BONDS; PROVIDING FOR A SINKING FUND AND FOR THE LEVY AND COLLECTION OF TAXES TO PAY SAID BONDS; PROVIDING FOR THE SALE OF THE BONDS; AUTHORIZING THE DELIVERY OF THE BONDS TO THE PURCHASER; PROVIDING FOR THE DISPOSITION OF THE BOND PROCEEDS AND ORDERING THE ORDINANCE PUBLISHED IN PAMPHLET FORM

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

Section 1. The Mayor and Board of Commissioners find and determine: (a) that pursuant to an ordinance duly enacted and proceedings duly had, Paving District No. 217 was created in the City and paving and other improvements were constructed therein, which improvements have been completed and have been, and hereby are accepted by the City; that the costs of said paving and other improvements in the District, including all costs as certified by the engineer and the costs of the issuance of the bonds hereby, are found to be not less than \$610,000, none of which involves the improvement of intersection of any street, avenue or alley in the City; and that all conditions, acts and things required by law to exist or to be done precedent for the issuance of District Improvement Bonds of Paving District No. 217 of the City of Nebraska City, Nebraska, in the principal amount of \$610,000 pursuant to Section 17-516, R.R.S. Neb. 2012, as amended, to pay the cost of such paving and other improvements do exist and have been done as required by law.

Section 2. For purposes as set out in Section 1 hereof, there shall be and there are hereby ordered issued District Improvement Bonds of Paving District No. 217 of the City of Nebraska City, Nebraska, in the principal amount of \$610,000, to bear date of original issue of May 1, 2013, and to be in fully registered form. Said bonds shall bear interest at the rates per annum and mature on June 1 of each year in the principal amounts as follows:

<u>Principal Amount</u>	<u>Maturing on June 1 of Year</u>	<u>Interest Rate Per Annum</u>
\$60,000	2014	0.40%
60,000	2015	0.50
60,000	2016	0.65
60,000	2017	0.85
60,000	2018	1.10
60,000	2019	1.40
60,000	2020	1.65
60,000	2021	1.90
65,000	2022	2.10
65,000	2023	2.25

The bonds shall be issued in the denomination of \$5,000 or any integral multiple thereof and shall be numbered from 1 upwards in the order of their issuance. No bond shall be issued originally or upon transfer or partial redemption having more than one principal maturity. The initial bond numbering and principal amounts for each of the bonds issued shall be as directed by the initial purchasers thereof. Interest on the bonds shall be payable semiannually on December 1 and June 1 of each year, starting December 1, 2013. The interest due on each interest payment date shall be payable to the registered owners of record as of the close of business on the fifteenth day of the calendar month immediately preceding the calendar month in which the interest payment date occurs (the "Record Date"), subject to the provisions of Section 3 hereof. Payment of interest due on the bonds prior to maturity or redemption shall be made by the Paying Agent and Registrar, as designated pursuant to Section 3 hereof, by mailing a check in the amount due for such interest on each interest payment date to the registered owner of each bond, as of the applicable Record Date, to such owner's registered address as shown on the books of registration, as required to be maintained in Section 3 hereof. Payment of principal due at maturity or at any date fixed for redemption, together with any accrued interest then due, shall be made by said Paying Agent and Registrar to the registered owners upon presentation and surrender of the bonds to said Paying Agent and Registrar. In the event that bonds of this issue are held in the nominee name of a

national clearinghouse or depository, payment of principal or interest shall be made by wire transfer of funds in accordance with any applicable regulations governing “Depository Eligible Securities”. The City and said Paying Agent and Registrar may treat the registered owner of any bond as the absolute owner of such bond for the purpose of making payments thereon and for all other purposes and neither the City nor said Paying Agent and Registrar shall be affected by any notice or knowledge to the contrary whether such bond or any installment of interest due thereon shall be overdue or not. All payments on account of interest or principal made to the registered owner of any bond shall be valid and effectual and shall be a discharge of the City and said Paying Agent and Registrar, in respect of the liability upon the bonds or claims for interest to the extent of the sum or sums so paid. If any bond is not paid upon presentation of the bond at maturity or any interest installment is not paid when due, the delinquent bond or delinquent interest installment shall bear interest thereafter until paid at a rate equal to the rate assessed against delinquent taxes under Section 45-104.01 R.R.S. Nebraska, 2010, as now existing or as the same may be amended from time to time by the Nebraska Legislature.

Section 3. The City Treasurer is hereby designated as Paying Agent and Registrar for the bonds. Said Paying Agent and Registrar shall keep and maintain for the City books for the registration and transfer of the bonds at the office of the Paying Agent and Registrar in Nebraska City, Nebraska. The names and registered addresses of the registered owner or owners of the bonds shall at all times be recorded in such books. Any bond may be transferred pursuant to its provisions at the office of the Paying Agent and Registrar upon surrender of such bond for cancellation, accompanied by a written instrument of transfer, in form satisfactory to such Paying Agent and Registrar, duly executed by the registered owner in person or by such owner's duly authorized agent, and thereupon the Paying Agent and Registrar will register such transfer upon said registration books and deliver to the transferee registered owner or owners (or send by registered mail to the transferee owner or owners at such owner's or owners' risk and expense), registered in the name of such transferee owner or owners, a new bond or bonds of the same interest rate, aggregate principal amount and maturity. To the extent of the denominations authorized for the bonds by this ordinance, one bond may be transferred for several such bonds of the same interest rate and maturity and for a like aggregate principal amount, and several such bonds may be transferred for one or several such bonds, respectively, of the same interest rate and maturity and for a like aggregate principal amount. In every case of transfer of a bond, the surrendered bond or bonds shall be cancelled and destroyed. All bonds issued upon transfer of the bonds so surrendered shall be valid obligations of the City evidencing the same obligations as the bonds surrendered and shall be entitled to all benefits and protection of this ordinance to the same extent as the bonds upon transfer of which they were delivered. The City and the Paying Agent and Registrar shall not be required to transfer bonds during any period from any Record Date until its immediately following interest payment date or to transfer any bonds called for redemption for a period of thirty (30) days next preceding the date fixed for redemption prior to maturity. In the event that payments of interest due on the bonds on an interest payment date are not timely made, such interest shall cease to be payable to the registered owners as of the Record Date for such interest payment date and shall be payable to the registered owners of the bonds as of a special date of record for payment of such defaulted interest as shall be designated by the Paying Agent and Registrar whenever monies for the purpose of paying such defaulted interest become available.

Section 4. Bonds maturing on or after June 1, 2018 shall be subject to redemption, in whole or in part, prior to maturity at any time on or after May 1, 2018, at par plus accrued interest on the principal amount redeemed to the date fixed for redemption. The City may select the bonds to be redeemed from such optional redemption in its sole discretion but bonds shall be redeemed only in the amount of \$5,000 or integral multiples thereof. Any bond redeemed in part only shall be surrendered to the Paying Agent and Registrar in exchange for a new bond evidencing the unredeemed principal thereof. Notice of redemption of any bond called for redemption shall be given at the direction of the Mayor and Board by the Paying Agent and Registrar by mail not less than thirty (30) days prior to the date fixed for redemption, first class postage prepaid, sent to the registered owner of such bond at said owner's registered address. Such notice shall designate the bond or bonds to be redeemed by number and maturity, the date of original issue, the date fixed for redemption and state that such bond or bonds are to be presented for payment at the office of the Paying Agent and Registrar. In case of any bond partially redeemed, such notice shall specify the portion of the principal amount of such bond to be redeemed. No defect in the mailing of notice for any bond shall affect the sufficiency of the proceedings of the Mayor and Board designating the bonds called for redemption or the effectiveness of such call for bonds for which notice by mail has been properly given and the Mayor and Board shall have the right to further direct notice of redemption for any such bond for which defective notice has been given.

Section 5. If the date for payment of the principal of or interest on the Bonds shall be a Saturday, Sunday, legal holiday or a day on which banking institutions in the

City are authorized by law or executive order to close, then the date for such payment shall be the next succeeding day which is not a Saturday, Sunday, legal holiday or a day on which such banking institutions are authorized to close, and payment on such day shall have the same force and effect as if made on the nominal date of payment.

Section 6. The bonds shall be executed on behalf of the City by being signed by the Mayor and the City Clerk, both of which signatures may be facsimile signatures, and shall have the City seal impressed on each bond. The City Clerk shall make and certify a transcript of proceedings had and done precedent to the issuance of said bonds which shall be delivered to the purchaser of said bonds. After being executed by the Mayor and City Clerk, said bonds shall be delivered to the Treasurer of the City who shall be responsible therefor under his/her official bond. Such Treasurer shall maintain a record of information with respect to said bonds in accordance with the requirements of Section 10-140, R.R.S. Neb. 2012, as amended, and shall cause the same to be filed with the office of the Auditor of Public Accounts of the State of Nebraska. The Paying Agent and Registrar shall register each bond in the name of its initial registered owner as designated by the initial purchaser. Each bond shall be authenticated on behalf of the City by the Paying Agent and Registrar. The bonds shall be issued initially as "book-entry only" bonds using the services of The Depository Trust Company (the "Depository"), with one typewritten bond per maturity being issued to the Depository. In such connection said officers of the City are authorized to execute and deliver a letter of representations and inducement (the "Letter of Representations") in the form required by the Depository (which may include any "blanket" letter previously executed and delivered), for and on behalf of the City, which shall thereafter govern matters with respect to registration, transfer, payment and redemption of the bonds. Upon issuance of the bonds as "book-entry-only" bonds, the following provisions shall apply:

(a) The City and the Paying Agent and Registrar shall have no responsibility or obligation to any broker-dealer, bank or other financial institution for which the Depository holds bonds as securities depository (each, a "Bond Participant") or to any person who is an actual purchaser of a bond from a Bond Participant while the bonds are in book-entry form (each a "Beneficial Owner") with respect to the following:

(i) the accuracy of the records of the Depository, any nominees of the Depository or any Bond Participant with respect to any ownership interest in the bonds;

(ii) the delivery to any Bond Participant, any Beneficial Owner or any other person, other than the Depository, of any notice with respect to the bonds, including any notice of redemption, or

(iii) the payment to any Bond Participant, any Beneficial Owner or any other person, other than the Depository, of any amount with respect to the bonds.

The Paying Agent and Registrar shall make payments with respect to the bonds only to or upon the order of the Depository or its nominee, and all such payments shall be valid and effective fully to satisfy and discharge the obligations with respect to such bonds to the extent of the sum or sums so paid. No person other than the Depository shall receive an authenticated Bond, except as provided in (e) below.

(b) Upon receipt by the Paying Agent and Registrar of written notice from the Depository to the effect that the Depository is unable to or unwilling to discharge its responsibilities, the Paying Agent and Registrar shall issue, transfer and exchange bonds requested by the Depository in appropriate amounts. Whenever the Depository requests the Paying Agent and Registrar to do so, the Paying Agent and Registrar will cooperate with the Depository in taking appropriate action after reasonable notice (i) to arrange, with the prior written consent of the City, for a substitute depository willing and able upon reasonable and customary terms to maintain custody of the bonds or (ii) to make available bonds registered in whatever name or names the Beneficial Owners transferring or exchanging such bonds shall designate.



KNOW ALL PERSONS BY THESE PRESENTS: That the City of Nebraska City, in the County of Otoe, in the State of Nebraska, hereby acknowledges itself to owe and for value received promises to pay to the registered owner specified above the principal amount specified above in lawful money of the United States of America on the maturity date specified above, with interest thereon from date of original issue specified above or most recent interest payment date to which interest has been paid or provided for, whichever is later, to maturity (or earlier redemption) at the rate per annum specified above. Said interest shall be payable semiannually on the first day of June and December in each year, starting December 1, 2013. If this bond is not paid upon presentation at maturity or any interest installment hereon is not paid when due, the bond or interest installment shall bear interest thereafter until paid at a rate equal to the rate assessed against delinquent taxes under Section 45-104.01 R.R.S. Nebraska 2010, as now existing or as the same may be amended from time to time by the Nebraska Legislature. The interest hereon due prior to maturity or earlier redemption shall be paid on each interest payment date by the City Treasurer, as Paying Agent and Registrar for the City by wire transfer (but only in accordance with the limited terms of the authorizing ordinance), check or draft mailed to the registered owner hereof, as shown on the records of the Paying Agent and Registrar as of the close of business on the fifteenth day of the month immediately preceding the month in which the interest payment date occurs, at such owner's registered address as it appears on the books of registration of the City. The principal of this bond and the interest due at maturity or upon call for redemption prior to maturity are payable on presentation and surrender to said Paying Agent and Registrar at the office of the Paying Agent and Registrar in Nebraska City, Nebraska. Any interest not so timely paid shall cease to be payable to the person entitled thereto as of the record date such interest was payable, and shall be payable to the person who is the registered owner of this bond (or of one or more predecessor bonds hereto) on such special record date for payment of such defaulted interest as shall be fixed by the Paying Agent and Registrar whenever monies for such purpose become available. For the prompt payment of this bond, principal and interest as the same become due, the full faith, credit and resources of said City are hereby irrevocably pledged.

The City, however, reserves the right and option of paying bonds of this issue maturing on or after June 1, 2018, in whole or in part, on May 1, 2018, or at any time thereafter, at the principal amount thereof plus accrued interest to the date fixed for redemption. Notice of any such redemption shall be given by mail, sent to the registered owner of any bond to be redeemed at said registered owner's address in the manner provided in the ordinance authorizing said bonds. Individual bonds may be redeemed in part but only in the amount of \$5,000 or integral multiples thereof. Any bond redeemed in part only shall be surrendered to the Paying Agent and Registrar in exchange for a new bond or bonds evidencing the unredeemed principal thereof.

This bond is one of an issue of fully registered bonds of the total principal amount of \$610,000, of like tenor herewith except as to denomination, date of maturity and rate of interest issued by said City for the purpose of paying the cost of improving certain streets (exclusive of intersections and areas formed by the crossing of streets, avenues and alleys) in Paving District No. 217 of said City in strict compliance with Section 17-516, Reissue Revised Statutes of Nebraska, 2012, and has been authorized by an ordinance legally passed, approved and published and proceedings duly had by the Mayor and Board of said City.

This bond is transferable by the registered owner or such owner's attorney duly authorized in writing at the office of the Paying Agent and Registrar upon surrender and cancellation of this bond, and thereupon a new bond or bonds of the same aggregate principal amount, interest rate and maturity will be issued to the transferee as provided in the ordinance authorizing said issue of bonds, subject to the limitations therein prescribed. The City, its Paying Agent and Registrar and any other person may treat the person in whose name this bond is registered as the absolute owner hereof for the purpose of receiving payment hereof and for all purposes and shall not be affected by any notice to the contrary, whether this bond be overdue or not.

AS PROVIDED IN THE ORDINANCE REFERRED TO HEREIN, UNTIL THE TERMINATION OF THE SYSTEM OF BOOK-ENTRY-ONLY TRANSFERS THROUGH THE DEPOSITORY TRUST COMPANY, NEW YORK, NEW YORK (TOGETHER WITH ANY SUCCESSOR SECURITIES DEPOSITORY APPOINTED PURSUANT TO THE ORDINANCE, "DTC"), AND NOTWITHSTANDING ANY OTHER PROVISIONS OF THE ORDINANCE TO THE CONTRARY, A PORTION OF THE PRINCIPAL AMOUNT OF THIS BOND MAY BE PAID OR REDEEMED WITHOUT SURRENDER HEREOF TO THE PAYING AGENT AND REGISTRAR. DTC OR A NOMINEE, TRANSFEREE OR ASSIGNEE OF DTC OF THIS BOND MAY NOT RELY UPON THE PRINCIPAL AMOUNT INDICATED HEREON AS THE PRINCIPAL AMOUNT HEREOF OUTSTANDING AND

UNPAID. THE PRINCIPAL AMOUNT HEREOF OUTSTANDING AND UNPAID SHALL FOR ALL PURPOSES BE THE AMOUNT DETERMINED IN THE MANNER PROVIDED IN THE ORDINANCE.

UNLESS THIS BOND IS PRESENTED BY AN AUTHORIZED OFFICER OF DTC (A) TO THE PAYING AGENT AND REGISTRAR FOR REGISTRATION OF TRANSFER OR EXCHANGE OR (B) TO THE PAYING AGENT AND REGISTRAR FOR PAYMENT OF PRINCIPAL, AND ANY BOND ISSUED IN REPLACEMENT HEREOF OR SUBSTITUTION HEREFOR IS REGISTERED IN THE NAME OF DTC AND ANY PAYMENT IS MADE TO DTC OR ITS NOMINEE, ANY TRANSFER, PLEDGE OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL BECAUSE ONLY THE REGISTERED OWNER HEREOF, DTC OR ITS NOMINEE, HAS AN INTEREST HEREIN.

This bond shall not be valid and binding on the City until authenticated by the Paying Agent and Registrar.

IT IS HEREBY CERTIFIED AND WARRANTED that all conditions, acts and things required by law to exist or to be done precedent to and in the issuance of this bond did exist, did happen and were done and performed in regular and due form and time as required by law, and that the indebtedness of said City, including this bond, does not exceed any limitations imposed by law. The City covenants and agrees that it will cause to be levied and collected annually a tax by valuation on all the taxable property in said City, in addition to all other taxes, sufficient in rate and amount to pay the interest on this bond when and as the same becomes due and to create a sinking fund to pay the principal of this bond when the same becomes due.

IN WITNESS WHEREOF, the Mayor and Board of Commissioners of the City of Nebraska City, Nebraska, have caused this bond to be executed on behalf of the City by being signed by the Mayor and Clerk of the City, both of which signatures may be facsimile signatures, and by causing the official seal of the City to be affixed hereto, all as of the date of original issue shown above.

NEBRASKA CITY OF NEBRASKA CITY,  
By \_\_\_\_\_ (Do not sign)  
Mayor

ATTEST:  
\_\_\_\_\_  
(Do not sign)  
City Clerk

(S E A L)

CERTIFICATE OF AUTHENTICATION

This bond is one of the bonds authorized by an ordinance passed and approved by the Mayor and Board of the City of Nebraska City as described in said bonds.

\_\_\_\_\_  
(Do not sign)  
City Treasurer of Nebraska City,  
Nebraska,  
as Paying Agent and Registrar

(FORM OF ASSIGNMENT)

For value received \_\_\_\_\_ hereby sells, assigns and transfers unto \_\_\_\_\_ the within bond and hereby irrevocably constitutes and appoints \_\_\_\_\_, Attorney, to transfer the same on the books of registration in the office of the within mentioned Paying Agent and Registrar with full power of substitution in the premises.

Date: \_\_\_\_\_  
\_\_\_\_\_  
Registered Owner

SIGNATURE GUARANTEED  
By \_\_\_\_\_  
\_\_\_\_\_

Authorized Officer

Note: The signature(s) of this assignment MUST CORRESPOND with the name as written on the face of the within bond in every particular without alteration, enlargement or any change whatsoever, and must be guaranteed by a commercial bank or a trust company or by a firm having membership on the New York, Midwest or other stock exchange.

Section 8. Said bonds are hereby sold to Ameritas Investment Corp. at 98.50% of the principal amount thereof, and the City Treasurer is authorized to deliver the bonds to said purchaser upon receipt of the said amount plus accrued interest to the date of payment. Said bonds are sold to the purchaser subject to the opinion of independent bond counsel that said bonds are lawfully issued; that said bonds constitute a valid obligation of the City; and that under existing laws and regulations the interest on said bonds is exempt from both Nebraska state and federal income taxes. The proceeds of the bonds herein authorized shall be used to pick up and pay off outstanding bond anticipation notes of the City, which mature on May 1, 2013, issued to pay the costs of the paving improvements described in Section 1. Such purchaser and its agents, representatives and counsel (including its bond counsel) are hereby authorized to take such actions on behalf of the City as are necessary to effectuate the closing of the issuance and sale of the Bonds, including, without limitation, authorizing the release of the bonds by the Depository at closing.

Section 9. The Mayor and Board shall cause to be levied and collected annually a tax by valuation on all the taxable property in the City, in addition to all other taxes, sufficient in rate and amount to pay the interest on the bonds herein authorized as the same becomes due and to create a sinking fund to pay the principal of said bonds when and as such principal becomes due.

Section 10. The City of Nebraska City, Nebraska, hereby covenants to the purchasers and holders of the bonds hereby authorized that it will make no use of the proceeds of said bond issue, including monies held in any sinking fund for the payment of said bonds, which would cause said bonds to be arbitrage bonds within the meaning of Sections 103(b) and 148 of the Internal Revenue Code of 1986, as amended (the "Code") and further covenants to comply with said Sections 103 and 148 and all applicable regulations thereunder throughout the term of said bond issue. The City hereby covenants and agrees to take all actions necessary under the Code to maintain the tax-exempt status of interest payable on the bonds with respect to taxpayers generally but not including insurance companies or corporations subject to the additional minimum tax. The City hereby designates the bonds as its "qualified tax-exempt obligations" pursuant to Section 265(b)(3)(B)(i)(III) of the Code and covenants and warrants that it does not anticipate issuing tax-exempt obligations in calendar 2013 in an amount in excess of \$10,000,000.

Section 11. In order to promote compliance with certain federal tax and securities laws relating to the bonds herein authorized (as well as other outstanding bonds) the policy and procedures attached hereto as Exhibit "A" (the "Post-Issuance Compliance Policy and Procedures") are hereby adopted and approved in all respects. To the extent that there is any inconsistency between the attached Post-Issuance Compliance Policy and Procedures and any similar policy or procedures previously adopted and approved, the Post-Issuance Compliance Policy and Procedures shall control.

Section 12. This ordinance shall be published in pamphlet form and take effect as provided by law.

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

(S E A L)

Rebecca Turner, representing the Enchanted Arboretum Committee requested the closure of Central Avenue from 10<sup>th</sup> to 11<sup>th</sup> on April 20, 2013 from 8:00 am to 3:00 p.m. and approval of temporary locations to display the trees until they are auctioned off in September. Moved by Commissioner Handy and seconded by Mercer to approve the request by the Enchanted Arboretum Committee to close Central Avenue on April 20, 2013 and allow the temporary placement of said trees around Nebraska City until they are auctioned off in September. Upon roll call the following voted YES: Mercer, Crunk, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

Moved by Commissioner Handy and seconded by Mercer to approve April 6 – 13, 2013 as “free” drop-off of yard waste at the transfer station for Nebraska City residents. Upon roll call the following voted YES: Crunk, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

Rose Ralstin of NCTC presented the requests for this year’s Arbor Day Festival including but not limited to: the 5K/10K Run; Parade; Tree Planting use of the parks and placement of temporary way-finding signage. Moved by Commissioner Handy and seconded by Mercer to approve the requests by NCTC for Arbor Day Activities. Upon roll call the following voted YES: Crunk, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

Mayor Hobbie introduced Resolution 2595-13 approving the grant to the Nebraska City Museum Association in the amount of \$16,000.00. Moved by Commissioner Handy and seconded by Mercer to approve the grant to Nebraska City Museum Association in the amount of \$16,000.00. Upon roll call the following voted YES: Crunk, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion passed and adopted. A true, correct and complete copy of said resolution is as follows:

**RESOLUTION NO. 2595-13**

**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 \$16,000 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 Museum Association**”, contingent upon approval of the City Attorney as to form.

Passed and adopted on the 1st day of April, 2013 by the Mayor and Council of the City of Nebraska City, Nebraska.

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Jack Hobbie, Mayor

Brent Shanholtz representing the Leadership Nebraska City Class #8 requested permission to construct a stage approximately 130 sq. ft. in Memorial Way for use by community organizations. Moved by Mercer and seconded by Commissioner Handy to approve the request by LNC #8 to construct a stage in Memorial Way contingent upon approval by the City Building Inspector. Upon roll call the following voted YES: Crunk, Handy, Mercer and Mayor Hobbie. Voting NO: None. Motion passed.

Margaret Spiers presented a request to vacate the alley in Block 21, Elmwood Addition to Nebraska City. She stated that the neighbor to the south of the alley had no objections to the vacation. Moved by Commissioner Handy and seconded by Crunk to approve the vacation of the alley in Block twenty-one (21); Elmwood Addition to the City of Nebraska City. Upon roll call the following voted YES: Mercer, Crunk, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

Mayor Hobbie introduced Resolution 2592-13 adopting a new plan year for the Nebraska City Employees Flexible Spending Accounts, which resolution was read aloud by the clerk. Moved by Mayor Hobbie and seconded by Commissioner Handy to approve Resolution 2592-13. Upon roll call the following voted YES: Handy, Mercer and Mayor Hobbie. Voting NO: None. Abstain:

Crunk. Motion passed and adopted. A true, correct and complete copy of said resolution is as follows:

**RESOLUTION 2592-13**  
ADOPTING RESOLUTION

The undersigned authorized representative of the City of Nebraska City hereby certifies that the following resolution was duly adopted by the City of Nebraska City on April 1, 2013, and that such resolution has not been modified or rescinded as of the date hereof:

RESOLVED, that the form of amended Cafeteria Plan including a Dependent Care Flexible Spending Account and Health Flexible Spending Account effective March 1, 2013, presented to this meeting is hereby approved and adopted and that an authorized representative of the City of Nebraska City is hereby authorized and directed to execute and deliver to the Administrator of the Plan one or more counterparts of the Plan.

The undersigned further certifies that attached hereto as Exhibits A and B, respectively, are true copies of the City of Nebraska City Flexible Benefits Plan as amended and restated, and the Summary Plan Description approved and adopted in the foregoing resolution.

Passed and adopted this 1<sup>st</sup> day of April, 2013.

\_\_\_\_\_  
Arnold M. Ehlers, City Clerk - Treasurer

Mayor Hobbie introduced Resolution 2593-13 amending certain zoning fees. The City Clerk read Resolution aloud. Moved by Commissioner Handy and seconded by Mercer to approve Resolution 2593-13. 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 2593-13**

Adoption of a new fee schedule for Nebraska City Zoning services.

Whereas: Nebraska City Zoning Administrator has recommended a rate change based on area averages, and;

Whereas: City staff finds that adoption of the recommended rates would be prudent for the City, NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NEBRASKA CITY, OTOE COUNTY, NEBRASKA THAT:

The City hereby adopts the following fee schedule and incorporates it into the policies and procedures of the Nebraska City Zoning Regulations manual.:

Schedule of Fees		
	Current	New
Zoning Map Amendment	\$ 100.00	\$ 300.00
Zoning Text Amendment	\$ 100.00	\$ 300.00
Conditional Use Permit	\$ 100.00	\$ 300.00
Conditional Use Permit Amendment	\$ 100.00	\$ 100.00
Tower Permit Fee	n/a	\$1,000.00
Flood Plain Development Permit	\$ 40.00	\$ 50.00
Administrative Plat	\$ 40.00	\$ 50.00
Preliminary P. U. D. w/ zoning fee	\$ 75.00	\$ 100.00
Final P. U. D.	\$ 75.00	\$ 100.00
Vacation of Plat	\$ 40.00	\$ 50.00
Board of Adjustments (Variance, Appeals, Map Interpretation)	\$ 75.00	\$ 250.00
Preliminary Plat		
Minor	\$ 75.00	\$ 150.00
Major (Plus \$10.00 per lot over three lots)	\$ 100.00	\$ 500.00
Final Plat (Plus \$ 5.00 per lot over three lots)	\$ 100.00	\$ 300.00
Subdivider Financed Subdivisions (% of certified infrastructure costs)	1.5%	1.5%
Comp Plan Amendment	\$ 100.00	\$ 100.00

Passed and approved this first day of April, 2013.

\_\_\_\_\_  
Jack Hobbie, Mayor  
Attest:

\_\_\_\_\_  
Arnold M. Ehlers, City Clerk – Treas

Mayor Hobbie introduced Ordinance No. 2901-13 AN ORDINANCE TO AMEND CHAPTER 7, ARTICLE II, DIVISION 2, OF THE CODE OF THE CITY OF NEBRASKA CITY, TO PROVIDE NEW LICENSE FEES IN SECTION 7 – 36, TO REPEAL ALL ORDINANCES OR 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: Mercer, Crunk, 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. 2901-13 be passed and adopted?" Upon roll call the following voted YES: Mercer, Crunk, 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 2901-13

AN ORDINANCE TO AMEND CHAPTER 7, ARTICLE II, DIVISION 2, OF THE CODE OF THE CITY OF NEBRASKA CITY, TO PROVIDE NEW LICENSE FEES IN SECTION 7 – 36, TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND TO DECLARE AN EFFECTIVE DATE.

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

Section 1. That Chapter 7, Article II, Division 2, Licenses, Sec 7-36 Fees be amended to read as follows:

**“Sec. 7-37. Fees.**

Before any license required by this division shall be issued, the applicant therefore shall pay the following appropriate fee to the City Clerk for each dog or cat to be licensed:

	OWNER’S AGE	
	Under 62	Age 62 and over
Male or Female Dog or Cat	\$ 29.00	\$ 24.00
Spayed or Neutered Dog or Cat	\$ 9.00	\$ 6.00

Proof of owner’s age being sixty-two (62) years or over, must be presented at the time of application for said license in order to pay the reduced rate.

Certificates of vaccination and neutering or spaying, if applicable must be presented at the time of application for said license.”

No refund will be allowed in the case of death, sale, or other disposition of the licensed dog or cat.

Section 2. That Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.

Section 3. This Ordinance shall take effect and be in force from and after its passage, approval and publication as required by law.

PASSED and APPROVED this 1<sup>st</sup> day of April, 2013.

\_\_\_\_\_  
Jack Hobbie, Mayor

\_\_\_\_\_  
Arnold M. Ehlers, City Clerk - Treas

Mayor Hobbie introduced Ordinance No. 2902-13 entitled AN ORDINANCE TO AMEND SECTION 4 OF ARTICLE V. CHAPTER NINE, VACANT BUILDINGS OF THE CODE OF THE CITY OF NEBRASKA CITY, NEBRASKA, TO PROVIDE FOR AN INCREASE IN THE INITIAL REGISTRATION FEE OF A VACANT BUILDING WITHIN 30 DAYS OF A VACANCY; TO REPEAL THE ORIGINAL SECTION 4, ARTICLE V. CHAPTER NINE, VACANT BUILDINGS OF THE CODE OF NEBRASKA CITY, AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; AND TO PROVIDE FOR 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: Mercer, Crunk, 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. 2902-13 be passed and adopted?" Upon roll call the following voted YES: Mercer, Handy and Mayor Hobbie. Voting NO: Crunk. 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. 2902-13

AN ORDINANCE TO AMEND SECTION 4 OF ARTICLE V. CHAPTER NINE, VACANT BUILDINGS OF THE CODE OF THE CITY OF NEBRASKA CITY, NEBRASKA, TO PROVIDE FOR AN INCREASE IN THE INITIAL REGISTRATION

FEE OF A VACANT BUILDING WITHIN 30 DAYS OF A VACANCY; TO REPEAL THE ORIGINAL SECTION 4, ARTICLE V. CHAPTER NINE, VACANT BUILDINGS OF THE CODE OF NEBRASKA CITY, AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; AND TO PROVIDE FOR AN EFFECTIVE DATE.

Now Therefore, Be It Ordained by the Mayor and the City Commissioners of the City of Nebraska City, Nebraska as follows:

Section 1. That Section 4, Article V, Chapter 9, of the Code of Nebraska City, Nebraska, be amended to read as follows:

**“SECTION 4. Vacant buildings fees.**

(a) The owner of a vacant building shall pay an annual fee for the period the building remains a vacant building. The fee shall increase in the 4<sup>th</sup> year that the building is vacant at the following rate structure::

Years 1 through 3:	\$1,000
Years 3 and beyond:	\$3,000

(b) The first annual fee shall be paid not later than 30 days after the building becomes vacant for one year. If the fee is not paid within 30 days of being due, the owner shall be in violation of this article.

(c)The owner of a vacant building shall be required to pay the following initial registration and inspection fee:

Initial registration within 30 days of vacancy: (includes initial inspection) \$ 50.00

Initial registration after 30 days of vacancy: (includes initial inspection) \$ 250.00

(d) Once the initial inspection is completed and code violations are noted, the following fees shall apply:

Each subsequent inspection to correct noted code violations:	\$ 50.00
Failure to correct code violations within timetable per occurrence:	\$ 250.00

(e) The fees shall be paid in full prior to the issuance of ay building permits, with the exception of a demolition permit.

(f) Fees associated with this Ordinance shall be paid directly to the City of Nebraska City. In the event that fees are unpaid, the City Attorney shall institute appropriate action against the owner of the vacant building for the recovery of such fees and the costs of such action.”

Section 2. That the original Section 4, Article V, Chapter 9, of the Code of Nebraska City, Nebraska, and all ordinances or parts of ordinances in conflict with this ordinance 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 1<sup>st</sup> day of April, 2013.

\_\_\_\_\_  
Jack Hobbie, Mayor

Attest:

\_\_\_\_\_  
Arnold M. Ehlers, City Clerk-Treas

Mayor Hobbie introduced Ordinance No. 2903-13 entitled AN ORDINANCE DIRECTING THE SALE AND CONVEYANCE OF A PORTION OF 13<sup>th</sup> CORSO BETWEEN BLOCKS 16 and 17, ANDERSON’S ADDITION TO THE CITY OF NEBRASKA CITY, OTOE COUNTY, NEBRASKA, AS DESCRIBED IN SECTION 1 HEREOF, TO OLIVER SCHIBER and LUCILLE SCHIBER, 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 Handy seconded the motion to suspend the rules and upon roll call the following voted YES: Mercer, Crunk, 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. 2903-13 be passed and adopted?” Upon roll call the following voted YES: Mercer, Crunk, 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. 2903-13**

AN ORDINANCE DIRECTING THE SALE AND CONVEYANCE OF A PORTION OF 13<sup>th</sup> CORSO BETWEEN BLOCKS 16 and 17, ANDERSON’S ADDITION TO THE CITY OF NEBRASKA CITY, OTOE COUNTY, NEBRASKA, AS DESCRIBED IN SECTION 1 HEREOF, TO OLIVER SCHIBER and LUCILLE SCHIBER, DIRECTING NOTICE OF SALE BY PUBLICATION; AND TO PROVIDE FOR AN EFFECTIVE DATE.

WHEREAS, OLIVER SCHIBER and LUCILLE SCHIBER, have requested the sale and conveyance of the real estate hereinafter described and the Mayor and City Commissioners of the City 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 Oliver Schiber and Lucille Schiber, for the consideration of \$100.00 and 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:

Beginning at the Northeast corner of Lot 1, Block 17, Anderson’s Addition to Nebraska City, Otoe County, Nebraska, thence N00°39’40”W a distance of 66 feet to the Southeast Corner of Block 16, Anderson’s Addition to Nebraska City; thence N89°56’40”W along the South line of said Block 16, a distance of 39.16 feet; thence S84°37’23”W a distance of 239.80 feet; thence S21°48’39”E a distance of 46.61 feet to a point on the North line of Block 17, Anderson’s Addition to Nebraska City; thence S89°56’05”E along the North line of said Block 17, a distance of 261.35 feet to the 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 quit claim deed, to be attested by the City Clerk-Treasurer, with the seal of the City affixed, conveying said real estate to Oliver Schiber and Lucille Schiber, husband and wife, as joint tenants.

Section 2. 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 the 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 1st day of April, 2013.

\_\_\_\_\_  
Jack Hobbie, Mayor

Attest:

\_\_\_\_\_  
Arnold M. Ehlers, City Clerk-Treasurer

Mayor Hobbie introduced Ordinance No. 2905-13 entitled AN ORDINANCE CREATING STREET IMPROVEMENT DISTRICT NO. 2013-01 IN THE CITY OF NEBRASKA CITY, NEBRASKA, ORDERING THE CONSTRUCTION OF STREET IMPROVEMENTS THEREIN AND ORDERING THE PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM; 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: Mercer, Crunk, 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. 2905-13 be passed and adopted?” Upon roll call the following voted YES: Mercer, Handy and Mayor Hobbie. Voting NO: Crunk. 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. 2905-13

AN ORDINANCE CREATING STREET IMPROVEMENT DISTRICT NO. 2013-01 IN THE CITY OF NEBRASKA CITY, NEBRASKA, ORDERING THE CONSTRUCTION OF STREET IMPROVEMENTS THEREIN AND ORDERING THE PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM.

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

Section 1. That there be and hereby is created in the City of Nebraska City, Nebraska, a paving district to be known and designated as Street Improvement District No. 2013-01 of the City of Nebraska City, Nebraska.

Section 2. That the outer boundaries of Street Improvement District No. 2013-01 shall include, in addition to the street to be improved, all of the following described property to-wit:

A PORTION OF STREET RIGHT OF WAY LOCATED IN THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 17, TOWNSHIP 8 NORTH, RANGE 14 EAST OF THE SIXTH P.M., OTOE COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF LOT 8, SUNSET ADDITION REPLAT TO THE CITY OF NEBRASKA CITY; THENCE N01°23'17"W (ASSUMED BEARING) ON THE SOUTHERLY EXTENSION OF THE WEST LINE OF EDGEWOOD ADDITION, A DISTANCE OF 56.01 FEET TO THE NORTH RIGHT OF WAY LINE OF A PUBLIC ROAD; THENCE CONTINUING ON THE SAME BEARING A DISTANCE OF 540.00 FEET TO A POINT LOCATED ON THE WEST LINE OF LOT 13, BLOCK D, EDGEWOOD ADDITION; THENCE S89°15'13"W A DISTANCE OF 92.76 FEET; THENCE S01°23'17"E PARALLEL WITH THE WEST LINE OF EDGEWOOD ADDITION, A DISTANCE OF 540.00 FEET TO A POINT LOCATED ON THE NORTH RIGHT OF WAY LINE OF A PUBLIC ROAD; THENCE CONTINUING ON THE SAME BEARING A DISTANCE OF 66.00 FEET TO THE NORTHEAST CORNER OF LOT 1, ORCHARD PARK ADDITION TO THE CITY OF NEBRASKA CITY; THENCE N89°15'13"E ON THE NORTH LINE OF SAID ORCHARD PARK ADDITION, A DISTANCE OF 92.68 FEET TO THE NORTHEAST CORNER OF OUTLOT A OF SAID ORCHARD PARK ADDITION, SAID CORNER ALSO BEING ON THE WEST LINE OF LOT 8, SUNSET ADDITION REPLAT TO THE CITY OF NEBRASKA CITY; THENCE N00°54'07"W ON SAID WEST LINE, A DISTANCE OF 9.99 FEET TO THE POINT OF BEGINNING.

and within which district, the following street shall be improved by concrete pavement and all necessary appurtenances related thereto:

15<sup>th</sup> Street from 13<sup>th</sup> Corso, north approximately 625 feet to a point located 55 feet south in the centerline of Industrial Road.

Section 3. Said street shall be improved and said improvements shall be made in accordance with the plans, specifications and estimate prepared by the special engineers for the City and to be approved by the Mayor and Council. The cost of such paving excepting street intersection shall be assessed against the property within said district specifically benefited thereby in proportion to benefits.

Section 4. Notice of the creation of said District shall be published as provided by law in the *Nebraska City News-Press*, a legal newspaper published in and of general circulation in Nebraska City, Nebraska.

Section 5. This ordinance shall be published in pamphlet form and take effect as provided by law.

PASSED AND APPROVED this 1st day of April, 2013.

\_\_\_\_\_  
Jack Hobbie, Mayor

ATTEST:

(S E A L)

\_\_\_\_\_  
Arnold M. Ehlers, City Clerk - Treasurer

Mayor Hobbie introduced Resolution 2594-13 setting the Public Hearing date for receiving written objections for the creation of Street Improvement District 2013-01, which resolution was read aloud by the City Clerk. Moved by Commissioner Handy and seconded by Mercer to approve Resolution 2594-13. Upon roll call the following voted YES: Crunk, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion passed and adopted. A true, correct and complete copy of said resolution is as follows:

RESOLUTION 2594-13

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

The Mayor and Board of Commissioners hereby find and determine that the Mayor and Board will meet on the 15<sup>th</sup> day of April, 2013, at 6:00 o'clock P.M. at the regular meeting place of the Board, at which time a hearing will be held as to the sufficiency of the written objections filed objecting to the creation of Street Improvement District No. 2013-01 of the City and as to the existence of the required facts and conditions relative to the creation of the District. The Clerk is hereby instructed to cause notice of this hearing to be included in the Notice of Creation of the District, published as provided by law and copy of the Notice in the form published be mailed by certified mail with return receipt requested to all owners of property in the District who are nonresidents of Otoe County according to current tax rolls.

PASSED AND APPROVED this 1<sup>st</sup> day of April, 2013.

\_\_\_\_\_  
Jack Hobbie, Mayor of Nebraska City

ATTEST:

(S E A L)

\_\_\_\_\_  
Arnold M. Ehlers, City Clerk-Treasurer

Moved by Crunk and seconded by Mercer to approve the request by Carl Satterfield on behalf of Western Star Lodge to use Shelter #3 on April 28 and June 9 and waive any fees. Upon roll call the following voted YES: Handy, Stark, Crunk, Mercer and Mayor Hobbie. Voting NO: None. Motion passed.

Chief David Lacy addressed the Council requesting the use of the west City Hall parking lot on April 20, 2013, 2:00 – 4:00 p.m. for the voluntary drop off of expired and unused drugs. Moved by Commissioner Handy and seconded by Mercer to approve the request to use the west City Hall parking lot for a drug drop off on April 20, 2013. Upon roll call the following voted YES: Crunk, Stark, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

Stephanie Shrader presented the recommendation from the EDRLF Loan Committee on the latest settlement offer from the owners of the closed Lil' Dickie's Restaurant. Bill Davis added that the negotiated settlement offer of \$40,000.00 which was overseen by the judge appears to be all that the parties will be able to pay. Any additional attempts to collect more money will probably result in bankruptcy filings by the parties and the City will receive nothing. Fritz Stehlik attorney for one of the parties also stated that attempts at any amount over the \$40,000.00 offer would most probably result in not receiving any funds. Moved by Mercer and seconded by Commissioner Handy to accept the offer of \$40,000.00 to settle the loan made to Lil' Dickie's and release the borrowers from all liability of the remaining amount if the entire \$40,000.00 has been received within thirty (30) days. Upon roll call the following voted YES: Crunk, Handy, Mercer and Mayor Hobbie.

Action Technology	Contr	400.00	Landis Engine	Supp	5.90
Adkins Signs	Supp	475.00	Lant, J	Trng	176.13
Alamar Uniforms	Unif	546.40	Larson Motors	Rep	69.43
Allied Ins	Bond	100.00	LaRue Coffee	Supp	52.36
Arbor Mart	Fuel	3161.39	Laser Link Golf	Msde	614.50
AVAC	Contr	472.76	Matheson Tri-Gas	Supp	152.73
Asphalt & Concrete	Supp	193.98	Mead Lumber	Supp	16.45
Bennett, R	Contr	4071.42	Midwest Machine	Supp	5.19
Bill Walters & Son	Rep	271.39	Midwest Turf	Supp	959.91
Callaway Golf	Msde	228.06	Mullenax	Supp	432.28
Century Lbr	Supp	28.17	Municipal Toy	Supp	145.00
Cintas Corp	Supp	59.98	Nationwide	Inv	17616.41
Citizen Printing	Adv	248.00	NC Clerk - Treas	Misc	77.06
Concrete Ind	Supp	31.60	NC Museum Assoc	Contr	2406.25
Consolidated Mgmt	Trng	50.75	NCTC	Contr	5416.67
Cornhusker Inter	Supp	56.72	NE Salt and Grain	Chem	1402.01
Coventry Healthcare	Rfnd	529.36	Orscheln	Supp	192.88
Creative Prod	Supp	17.00	Otoe County Clerk	Contr	2477.00
Douglas Tire	Rep	1030.38	Otoe County Court	Misc	60.00
Econo Signs	Supp	2628.12	Payroll	Payroll	150204.69
Ed M. Feld Equip	Supp	103.50	Prestige Flag	Supp	232.62
Eggers Brothers	Supp	356.16	R & R Products	Supp	414.28
Ehlers, A	Adv	802.76	Shaffer Comm.	Equip	7613.00
EMC	Ins	603.75	Tielke's	Conc	53.88
Fareway Stores, Inc.	Conc	12.84	Trade Well Pallet	Supp	1000.00
Food Pride	Supp	3.36	Tree City Tees	Unif	507.34
Foremost Equipment	Supp	700.95	Tri-State Office	Supp	714.97
Gatehouse Media	Adv	47.65	Two Sisters Cleaning	Contr	300.00
Giittinger, D	Mileage	49.72	Van Wall Turf	Supp	2200.39
Hopkins	Supp	162.47	Verizon Wireless	Tele	469.00
Industrial Sales	Supp	398.18	Video Home Theater	Supp	22.75
JEO	Contr	11940.00	Wage Works	Contr	72.00
Kamtz, G	Rfnd	100.00	Watkins	Supp	67.77
Konica Minolta	Contr	245.00			

Meeting adjourned at 7:09 p.m.

Arnold M. Ehlers, City Clerk - Treasurer