

CITY OF NEBRASKA CITY, NEBRASKA  
 MINUTES OF CITY COUNCIL REGULAR MEETING  
 May 19, 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 May 19, 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, Jeff Crunk, Dean Handy, and Mayor Hobbie. Absent: Mark Mercer. The following City Officials were present: City Clerk-Treasurer Arnold M. Ehlers, City Attorney David Partsch, Police Chief David Lacy, and Public Properties Director/Zoning Director Dan Giittinger.

Commissioner Handy moved to approve the minutes of the May 5, 2014, City Council Regular Meeting, seconded by Stark. Upon roll call the following voted YES: Handy, Stark, and Mayor Hobbie. Voting NO: None. Abstain: Crunk. Motion adopted.

Commissioner Handy moved to pay all claims except Claim #0177, seconded by Stark. Upon roll call the following voted YES: Crunk, Stark, Handy, and Mayor Hobbie. Voting NO: None. Motion carried.

A-1 Locksmith	Rep	55.00	Martin Marietta	Supp	1306.97
ACCO	Supp	3170.89	Matheson Tri-Gas	Supp	119.74
Action Tech	Contr	400.00	MD Aquatics, LLP	Contr	1178.00
Allied Insurance	Ins	100.00	Mercer's Do-It-Best	Supp	547.54
American Red Cross	Dues	150.00	Midwest Coop	Chem	53.50
Arbor Mart, Inc	Fuel	3284.98	Midwest Service	Supp	2727.15
AVAC	Contr	208.00	McNeely, M	Contr	2773.88
Barco Products	Rep	440.88	Mullenax Auto	Rep	15.97
Berggren, B	Rfnd	65.70	Nationwide	Inv	16554.19
Bob's Welding Shop	Rep	80.00	NC Clerk - Treasurer	Misc	75.00
Bohl Plumbing	Rep	304.86	NCPS	Contr	160.00
Brown Shoe Fir	Postage	28.08	NC Rotary Club	Dues	375.00
BSN Sports	Supp	34.66	NC Utilities	Util	7511.07
Card Services	Supp	989.01	Nebr Dept of Rev	Sls Tax	973.45
Cavanzon, K	Refund	25.00	O'Reilly Auto Parts	Supp	78.73
CDA	Misc	274.49	Omaha Tractor, Inc.	Rep	335.51
Century Lumber	Supp	5.60	Orscheln	Supp	54.99
Coca-Cola	Conc	281.52	Otoe County Clerk	Contr	4423.46
Concrete Ind	Supp	282.78	Payroll	Payroll	88242.79
Crunk, J	Supp	435.40	PGA of America	Dues	491.00
D & D Comm	Rep	212.00	Pite, D	Contr	174.75
Double Eagle	Bev	361.40	Prochaska & Assoc	Contr	1838.49
Johnson, D	Rfnd	200.00	Purchase Power	Postage	400.00
Douglas Tire Co.	Rep	137.95	Right Choice Painting	Contr	14400.00
EMS Billing	Contr	3017.11	River View Pest	Pst Cntrl	362.00
Enterprise Publish	Adv	255.00	Roy2Holly, LLC	Rfnd	500.00
Fareway Foods	Contr	8050.14	Schneider Electric	Rep	457.50
Fareway Stores, Inc.	Conc	70.22	Schultz, A	Rfnd	100.00
Fastenal Company	Supp	42.92	Shaffer Comm	Supp	1145.00
Fire Protection Svs	Rep	3.75	Shell	Fuel	3212.73
Food Pride	Supp	19.15	Spidell, C	Rfnd	25.00
Foremost Equipment	Supp	289.00	State Chemical	Supp	281.22
Galeton Gloves	Supp	275.41	Stratus Bldg	Contr	2087.99
Gatehouse Media	Adv	989.20	Strong, M	Contr	311.25

Gawart, J	Rfnd	50.00	Thurman's Bike	Contr	9448.42
Gottwald, N	Rfnd	102.00	Tielke's Sandwiches	Conc	44.96
Grimm's Gardens	Supp	344.85	Tree City Tees	Unif	26.00
Guardian	Ins	3462.22	Tri-State Office	SUpp	214.77
Hornung's Golf	Mdse	4.71	Turf Supply Company	Chem	778.00
Int'l Code Council	Dues	125.00	Tyco Security	Contr	573.24
Ideal Pure Water	Supp	58.92	UHC	Ins	57822.42
Jebro Inc.	Supp	1029.88	Unifirst Corporation	Supp	71.50
Jensen, C	Contr	82.50	Van Wall Turf	Rep	202.48
Johnson, J	Mileage	68.97	Verizon Wireless	Tele	14.08
K & Z Distributing	Bev	78.80	Vostrel Prarie Farms	Loan	58770.00
Kreifels Electric L.L.C.	Rep	82.50	Watkins True Value	Supp	480.70
Landis Engine	Rep	88.35	Windstream,Inc.	Tele	2346.78
LaRue Coffee	Supp	119.98	York, A	Contr	174.75
Lincoln Financial	Ins	2367.45			
Loveland Grass Pad	Seed	577.15			

Moved by Commissioner Handy and seconded by Stark to approve Claim # 0177. Upon roll call the following voted YES: Stark, Handy and Mayor Hobbie. Voting NO: None. Motion carried.

Moved by Mayor Hobbie and seconded by Commissioner Handy to appoint Shawn Bassinger, Robert Earll, Gregg Goebel, Danny Oakes and Tom Woodward as probationary members of the Nebraska City Fire and Rescue Department. Upon roll call the following voted YES: Stark, Crunk, Handy and Mayor Hobbie. Voting NO: None. Motion carried.

Mayor Hobbie proclaimed May 18 – 24, 2014 as National Emergency Medical Services Week. Mayor Hobbie proclaimed general aviation as a vital resource to Nebraska City. Mayor Hobbie proclaimed May 24, 2014 as Buddy Poppy Day in Nebraska City.

Mayor Hobbie opened the Public Hearing on a rezone request from Mr. & Mrs. Joy Johnson. They are requesting the property located at 319 6<sup>th</sup> Avenue be changed from R-2 to I-1 Light Industrial. Timothy Nebelsick opposed the granting of the rezone request. Dan Giittinger explained the history of the property and the current owners wishing to erect a building to house their motor home, boat and yard care equipment. Stark was concerned that the building could be used for light industry in the future. Mr. Giittinger informed the Council that the Planning Commission unanimously approved the rezone request. Crunk was concerned that the river could be contaminated by light industry. Moved by Commissioner Handy and seconded by Crunk to close the Public Hearing. Upon roll call the following voted YES: Stark, Crunk, Handy and Mayor Hobbie. Voting NO: None. Motion carried.

Mayor Hobbie opened the Public Hearing to amend Section 414.08 of the Zoning Codes to correct a typographical error in the ordinance. Dan Giittinger explained that it was discovered that the term ‘side yard’ was inadvertently used instead of ‘rear yard’ in the ordinance. Moved by Commissioner Handy and seconded by Mayor Hobbie to close the Public Hearing. Upon roll call the following voted YES: Stark, Crunk, Handy and Mayor Hobbie. Voting NO: None. Motion carried.

Mayor Hobbie opened the Public Hearing on Home Based Businesses. Dan Giittinger explained that the issue of the bait shop had been resolved and that the Planning Commission did not recommend any changes to the current Home Based Business Ordinance. Moved by Commissioner Handy and seconded by Crunk to close the Public Hearing. Upon roll call the following voted YES: Stark, Crunk, Handy and Mayor Hobbie. Voting NO: None. Motion carried.

City Administrator Report was given to Council members. The Treasurer reported a beginning balance of cash on hand as of April 1, 2014 of 460,527.67; revenues of \$941,468.64; expenses of \$728,733.75; leaving a cash balance on hand as of April 30, 2014 of \$673,262.56. Building Inspector Alan Viox presented a report on sidewalk conditions in Nebraska City. He estimated that 90% of the blocks with sidewalks needed some type of repair. Mr. Viox asked for direction from the City Council on addressing this problem which could be costly for the homeowner as well as Nebraska City. David Partsch, City Attorney stated that he would assist Mr. Viox in developing an awareness campaign and have it available at the next City Council meeting. Mayor Hobbie asked that the written reports be placed on file.

Fire Chief, Alan Viox addressed the Council asking that a revised job description for firefighters be approved. The revised job description better defines the requirements for becoming a member of the Nebraska City Fire and Rescue Department. Moved by Commissioner Handy and seconded by Stark. Upon roll call the following voted YES: Crunk, Stark, Handy and Mayor Hobbie. Voting NO: None. Motion carried.

Arnold Ehlers explained the confusion concerning County Assessor records which incorrectly state that the City of Nebraska City Dock Board owns a few acres north of the north well field. The actual owners are requesting the City of Nebraska City authorize the Mayor to sign a Quit Claim Deed to clear up the error at the Assessor's Office. City Attorney David Partsch and former City Attorney Bill Davis both stated that the property in question did in fact belong to the Ramold family. Stark asked for additional proof. Moved by Stark and seconded by Crunk to postpone action pending additional information. Upon roll call the following voted YES: Handy, Crunk, Stark and Mayor Hobbie. Voting NO: None. Motion adopted.

Mr. Joy Johnson addressed the Council concerning his request to rezone the property located at 319 6<sup>th</sup> Avenue. Mr. Johnson informed the Council that a previous Council approved the rezoning of the adjacent property from R-2 to I-1. Stark stated: "If smarter people were on the Council when that happened they should have thought about changing R-2 to allow storage buildings." Commissioner Handy asked Mr. Johnson if he would be satisfied if the R-2 Zoning was changed to allow the storage building. Mr. Johnson stated he would be okay with that if it could happen quickly. Mr. Giittinger stated that it would take a minimum of 45 days and probably longer. Moved by Stark and seconded by Crunk to send this request back to the Planning Commission and ask them to make recommendations for changes to R-2 Zoning classifications. Upon roll call the following voted YES: Crunk and Stark. Voting NO: Handy and Mayor Hobbie. Motion rejected. Mr. Giittinger stated that the council still needed to address what was on the agenda, either approve or deny the rezone. Mayor Hobbie informed the council that R-2 will not allow a storage building except on property on which your primary residence is located. Mayor Hobbie asked "Do we have any other motions?" No action taken.

Mayor Hobbie introduced Ordinance No. 2937-14 entitled: AN ORDINANCE TO AMEND SECTION 414.08, TO CHANGE "SIDE YARD" REFERENCE TO "REAR YARD" RELATING TO C-2 CENTRAL BUSINESS DISTRICT, TO REPEAL ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH, AND TO DECLARE AN EFFECTIVE DATE; and moved that the statutory rule requiring reading on three different days be suspended. Commissioner Handy seconded the motion to suspend the rules and upon roll call the following voted YES: Crunk, Stark, 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. 2937-14 be passed and adopted?" Upon roll call the following voted YES: Crunk, Stark, 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. 2937-14**

**AN ORDINANCE TO AMEND SECTION 414.08, TO CHANGE "SIDE YARD" REFERENCE TO "REAR YARD" RELATING TO C-2 CENTRAL BUSINESS DISTRICT, TO REPEAL ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH, AND TO DECLARE AN EFFECTIVE DATE.**

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

Section 1. That Section 414.08 of the Code of the City of Nebraska City be amended to read as follows:

"414.08. *Minimum yard requirements:* The minimum yards or setbacks of any building from a property line or street right-of-way line shall be as follows, (Refer to Section 502 of this ordinance for required minimum yard and setback regarding eaves, cornice overhangs, awnings, balconies, exceptions and the like):

1. *Front yard:* Zero (0) feet, except where the front yard of a use abuts an area zoned for residential use where a minimum front yard of twenty (20) feet shall be required. For

developed areas, as defined in Subsection 303.49 of this ordinance, the required front yard shall be the average of the existing front yards, provided that in no event shall such front yard be less than zero (0) feet, and further provided that where existing front yards exceed the required minimum front yard, the minimum front yard requirement shall apply.

- 2. *Side yard:* Zero (0) feet, except where the lot line abuts a residential zoning district the minimum side yard shall be twenty (20) feet and a landscape screen, as defined in Subsection 303.79 of this ordinance shall be installed on the property line or within the side yard. In determining the side yard requirements such side yard may be measured to the centerline of any abutting alley which is dedicated for public use.
- 3. *Rear yard:* Zero (0) feet, except where the lot line abuts a residential zoning district the minimum rear yard shall be twenty (20) feet and a landscape screen, as defined in Subsection 303.79 of this ordinance shall be installed on the property line or within the rear yard. In determining the rear yard requirements such rear yard may be measured to the centerline of any abutting alley which is dedicated for public use.”

Section 2. That the original Section 414.08 of the Code of the City of Nebraska City, and all other 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 19<sup>th</sup> day of May, 2014.

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Jack Hobbie, Mayor

Mayor Hobbie opened the discussion on determining the Fair Market Value (FMV) of the lots located in Deer Trail Subdivision. Mayor Hobbie stated that he had contacted an appraiser but had not received a response. Crunk questioned action taken at the previous City Council meeting regarding action on the purchase offer. Will place on agenda for next meeting.

Mayor Hobbie introduced Ordinance No. 2939-14 entitled: AN ORDINANCE TO VACATE A PORTION OF 12<sup>TH</sup> AVENUE AND A PORTION OF 12<sup>TH</sup> STREET IN GREGGSPORT ADDITION TO NEBRASKA CITY, OTOE COUNTY, NEBRASKA, AS DESCRIBED IN SECTION 1 HEREOF, SUBJECT TO AND RESERVING EASEMENTS AS DESCRIBED HEREIN; RESERVING TITLE TO THE SAME IN THE CITY OF NEBRASKA CITY, OTOE COUNTY; AND TO DECLARE AN EFFECTIVE DATE; and moved that the statutory rule requiring reading on three different days be suspended. Commissioner Handy seconded the motion to suspend the rules and upon roll call the following voted YES: Crunk, Stark, 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.

William Davis, Esq. representing Melvina Ludwig property owner stated that the owner wants to make clear the title which was deeded to a previous owner by the Mayor of Greggspport when the area was an independent entity. When title passed the deeded streets were not included in the deed. This action is to correct that omission.

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. 2939-14 be passed and adopted?” Upon roll call the following voted YES: Crunk, Stark, 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 2939-14

AN ORDINANCE TO VACATE A PORTION OF 12<sup>TH</sup> AVENUE AND A PORTION OF 12<sup>TH</sup> STREET IN GREGGSPORT ADDITION TO NEBRASKA CITY, OTOE COUNTY, NEBRASKA, AS DESCRIBED IN SECTION 1 HEREOF, SUBJECT TO AND RESERVING EASEMENTS AS DESCRIBED HEREIN; RESERVING TITLE TO THE SAME IN THE CITY OF NEBRASKA CITY, OTOE COUNTY; AND TO DECLARE AN EFFECTIVE DATE.

WHEREAS, a request has been made that a portion of 12<sup>th</sup> Avenue between Blocks 35 and 36 of Greggspport Addition to Nebraska City, Otoe County, Nebraska, along with that portion of 12<sup>th</sup> Street lying West of the North half of Block 35 and that portion of 12<sup>th</sup> Street lying West of the South half of Block 36, all in Greggspport Addition to Nebraska City, Otoe County, Nebraska, described in Section 1 hereof 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 said streets.

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

SECTION 1. That the portion of 12<sup>th</sup> Avenue between Blocks 35 and 36 of Greggspport Addition to Nebraska City, Otoe County, Nebraska, along with that portion of 12<sup>th</sup> Street lying West of the North half of Block 35 and that portion of 12<sup>th</sup> Street lying West of the South half of Block 36, all in Greggspport Addition to Nebraska City, Otoe County, Nebraska, be and the same are hereby vacated and title to the same is hereby reserved in the City of Nebraska City, Otoe County, Nebraska; 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 19<sup>th</sup> day of May, 2014.

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Jack Hobbie, Mayor

Mayor Hobbie introduced Ordinance No. 2938-14 entitled: AN ORDINANCE DIRECTING THE SALE AND CONVEYANCE OF VACATED 12<sup>th</sup> AVENUE AND 12<sup>th</sup> STREET IN GREGGSPORT ADDITION TO MELVINA R. LUDWIG, AS DESCRIBED IN SECTION 1 HEREOF, 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: Crunk, Stark, 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. 2938-14 be passed and adopted?" Upon roll call the following voted YES: Crunk, Stark, 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. 2938-14**

AN ORDINANCE DIRECTING THE SALE AND CONVEYANCE OF VACATED 12<sup>th</sup> AVENUE AND 12<sup>th</sup> STREET IN GREGGSPORT ADDITION TO MELVINA R. LUDWIG, AS DESCRIBED IN SECTION 1 HEREOF, DIRECTING NOTICE OF SALE BY PUBLICATION; AND TO PROVIDE FOR AN EFFECTIVE DATE.

WHEREAS, Melvina R. Ludwig has 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 Melvina R. Ludwig, for the consideration of \$100.00 and all expenses involved in this sale, including publication 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 portion of 12<sup>th</sup> Avenue between Blocks 35 and 36 of Greggspport Addition to Nebraska City, Otoe County, Nebraska, along with that portion of 12<sup>th</sup> Street lying West of the North half of Block 35 and that portion of 12<sup>th</sup> Street lying West of the South half of Block 36, all in Greggspport Addition to Nebraska City, Otoe County, Nebraska; 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 Melvina R. Ludwig.

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 19<sup>th</sup> day of May, 2014.

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Jack Hobbie, Mayor

Mayor Hobbie introduced Ordinance No. 2940-14 entitled: AN ORDINANCE TO VACATE SOUTH 15<sup>th</sup> STREET BETWEEN 6<sup>th</sup> CORSO AND 8<sup>th</sup> CORSO, WEST OF BLOCKS 46 AND 55, IN HAIL & COMPANY ADDITION TO THE CITY OF NEBRASKA CITY, OTOE COUNTY, NEBRASKA, AS DESCRIBED IN SECTION 1 HEREOF, SUBJECT TO AND RESERVING EASEMENTS AS DESCRIBED IN SECTION 1 AND 2 HEREOF; RESERVING TITLE TO THE SAME IN THE CITY OF NEBRASKA CITY, OTOE COUNTY; 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. Crunk left the meeting. Crunk was asked to return to the meeting to vote on the motion. Upon roll call the following voted YES: Crunk, Stark, 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. Crunk left the meeting at 7:12 p.m.

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. 2940-14 be passed and adopted?" Upon roll call the following voted YES: Stark, 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 2940-14

AN ORDINANCE TO VACATE SOUTH 15<sup>th</sup> STREET BETWEEN 6<sup>th</sup> CORSO AND 8<sup>th</sup> CORSO, WEST OF BLOCKS 46 AND 55, IN HAIL & COMPANY ADDITION TO THE CITY OF NEBRASKA CITY, OTOE COUNTY, NEBRASKA, AS DESCRIBED IN SECTION 1 HEREOF, SUBJECT TO AND RESERVING EASEMENTS AS DESCRIBED IN SECTION 1 AND 2 HEREOF; RESERVING TITLE TO THE SAME IN THE CITY OF NEBRASKA CITY, OTOE COUNTY; AND TO DECLARE AN EFFECTIVE DATE.

WHEREAS, a request has been made that 15<sup>th</sup> Street between 6<sup>th</sup> Corso and 8<sup>th</sup> Corso, West of Blocks 46 and 55 of Hail & Company Addition to Nebraska City, described in Section 1 hereof 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 said streets.

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

SECTION 1. That 15<sup>th</sup> Street between 6<sup>th</sup> Corso and 8<sup>th</sup> Corso, West of Blocks 46 and 55, in Hail & Company Addition to Nebraska City, Otoe County, Nebraska, be and the same are hereby vacated and title to the same is hereby reserved in the City of Nebraska City, Otoe County, Nebraska; reserving unto the City of Nebraska City, its successors and assigns a pedestrian and bicycle trail easement, the same being on the width and length of the vacated street, and the same shall include the right to operate, inspect, maintain and replace a pedestrian or bicycle trail and all appurtenances thereto including a bridge across the creek; and also 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 19<sup>th</sup> day of May, 2014.

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Jack Hobbie, Mayor

Moved by Stark and seconded by Commissioner Handy to approve the request from the VFW to solicit donations on City streets on May 24, 2014 for Buddy Poppy Day. Upon roll call the following voted YES: Handy, Stark and Mayor Hobbie. Voting NO: None. Motion carried.

Janet Reed requested use of Steinhart Pond for a Youth Fishing Clinic and to waive the rent on the shelter June 21, 2014. Moved by Commissioner Handy and seconded by Stark to approve the request to use Steinhart Park Pond and waive the shelter rent for River Country Nature Youth Fishing Clinic. Upon roll call the following voted YES: Stark, Handy and Mayor Hobbie. Voting NO: None. Motion carried.

Bill Hayes requested use of the Wyuka Cemetery hayfield and Wildwood Park to stage a Civil War Re-enactment October 3 – 5, 2014. Moved by Stark and seconded by Commissioner Handy to approve the request to hold a Civil War Re-enactment on City property October 3 – 5, 2014. Upon roll call the following voted YES: Handy, Stark and Mayor Hobbie. Voting NO: None. Motion carried.

MWH Global requested permission to temporarily close the alley adjacent to Thurman’s Bike and Sport to remove hazardous waste remediation equipment. Dan Giittinger explained that the Department of Environmental Quality agreed that the groundwater levels of contamination are now below acceptable levels. Moved by Stark and seconded by Commissioner Handy to approve the request to close the alley south of Thurman’s Bike & Sport June 9 – 13, 2014. Upon roll call the following voted YES: Handy, Stark and Mayor Hobbie. Voting NO: None. Motion carried.

Tom Hemmer representing Western Star Lodge #2 submitted a written request to waive shelter rent on June 8, 2014. Moved by Stark and seconded by Commissioner Handy to approve the request to waive rent of Western Star Lodge. Upon roll call the following voted YES: Handy, Stark and Mayor Hobbie. Voting NO: None Motion carried.

Meeting adjourned at 7:30 p.m.

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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.

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Arnold M. Ehlers, City Clerk-Treasurer