

CITY OF NEBRASKA CITY, NEBRASKA
MINUTES OF CITY COUNCIL REGULAR MEETING
June 16, 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 June 16, 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, Mark Mercer and Mayor Hobbie. 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 Güttinger.

Commissioner Handy moved to approve the minutes of the June 2, 2014, City Council Regular Meeting, seconded by Commissioner Mercer. Upon roll call the following voted YES: Crunk, Stark, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion adopted.

Commissioner Mercer moved to pay all claims except Claim #7250P, seconded by Commissioner Handy. Upon roll call the following voted YES: Stark, Handy, Mercer and Mayor Hobbie. Voting NO: Crunk. Motion carried.

Moved by Commissioner Handy and seconded by Stark to approve Claim #7250P. Upon roll call the following voted YES: Crunk, Stark, Handy and Mayor Hobbie. Voting NO: None. Abstain: Mercer. Motion adopted.

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|------------------|---------|-----------|-------------------|-----------|-----------|
| A-1 Locksmith | Rep | 2161.88 | Mercer's | Sup | 473.47 |
| ACCO | Rep | 1441.35 | Microfilm Imaging | Contr | 80.00 |
| Adkins Signs | Sup | 79.00 | Mid-Con Systems | Chem | 568.10 |
| Alamar Uniforms | Unif | 162.93 | Midwest Farmers | Sup | 262.20 |
| Allied Recycling | Garbage | 337.34 | Mullenax Auto | Sup | 412.79 |
| Arbor Mart | Fuel | 3878.67 | Nationwide | Ins | 16706.20 |
| Arbor Outdoor | Rep | 35.86 | NC Clerk | Misc | 89.54 |
| AVAC | Contr | 217.00 | NC Utilities | Util | 7866.43 |
| Auburn Newspaper | Adv | 81.60 | NCTC | Grant | 20000.00 |
| Benefiel | Rep | 741.60 | Dept of Rev | Sls Tax | 1507.24 |
| Bill Walters | Rep | 43.71 | NE Golf & Turf | Contr | 287.56 |
| Bohl Plumbing | Rep | 324.46 | NE Turfgrass | Dues | 50.00 |
| Bound Tree | Sup | 2321.28 | NE Golf Assoc | Contr | 918.00 |
| Canes, I | Rfnd | 25.00 | O'Reilly | Sup | 26.98 |
| Card Services | Misc | 683.28 | Odey's Inc. | Sup | 117.32 |
| Casey's | Fuel | 134.29 | Omaha Tractor | Rep | 650.66 |
| CDA | Contr | 3960.01 | Orscheln | Sup | 96.15 |
| CEDE | Bond | 113245.00 | Otoe County Clerk | contr | 4423.46 |
| Citizen Printing | Sup | 1087.00 | Otoe County Treas | Misc | 70.91 |
| City of NC | Artists | 1841.06 | Paper Tiger | Sup | 35.00 |
| Coca-Cola | Bev | 267.84 | Payroll | Payroll | 104228.59 |
| Crossfield, K | Rfnd | 100.00 | Physio-Control | Sup | 1479.80 |
| Don's Johns | Sup | 100.00 | Pite, D | Dance | 318.00 |
| Double Eagle | Bev | 385.40 | Prochaska & Assoc | Contr | 3960.01 |
| Douglas Tire | Rep | 1047.41 | RepCo Marketing | Sup | 40.50 |
| Eggers Bros | Sup | 379.37 | Right Choice | Contr | 11472.50 |
| EMS Billing | Contr | 4344.27 | River View Pest | Pst Cntrl | 1772.00 |
| Fareway | Conc | 231.29 | Rodriguez, D | Rfnd | 25.00 |
| Ferguson, R | Rfnd | 100.00 | Schneider Elec | Rep | 412.20 |

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|---------------------|---------|---------|------------------|-------|----------|
| Fire Protection | Maint | 22.50 | Shell | Fuel | 2591.16 |
| Fireguard | Rep | 1458.02 | St. Mary's | Sup | 199.90 |
| Gatehouse Media | Adv | 401.42 | Strong, M | Dance | 392.25 |
| Giittinger, D | Mileage | 317.53 | Sutphen | Rep | 1631.30 |
| Guardian | Ins | 3753.93 | TCB Contracting | Rfnd | 200.00 |
| Hopkins Auto | Sup | 71.98 | Thurman's | Sup | 52.75 |
| Ideal Pure Water | Contr | 120.12 | Tielke's | Conc | 77.48 |
| Jebro Inc. | Sup | 1074.82 | Titan Machinery | Rep | 1562.20 |
| Jerry's Landscaping | Mowing | 145.00 | Tree Worx | Maint | 1175.00 |
| K & Z Distributing | Bev | 81.60 | Tri-State Office | Sup | 451.65 |
| Konica Minolta | Contr | 176.17 | UHC | Ins | 60731.49 |
| Kreifels Electric | Rep | 555.75 | Unifirst Corp | Sup | 71.50 |
| Kustom Signals | Equip | 486.00 | Van Wall Turf | Rep | 507.57 |
| Landis | Sup | 55.25 | Verizon | Tele | 14.06 |
| Larson Motors | Rep | 73.58 | Voice News | Adv | 130.00 |
| Lincoln Financial | Ins | 2420.19 | Watkins | Sup | 162.91 |
| Martin Marietta | Sup | 667.42 | Wick's Sterling | Sup | 216.57 |
| Matheson Tri-Gas | Sup | 229.08 | Windstream | Tele | 2390.85 |
| MD Aquatics | Chem | 1178.00 | Wrangler Sales | Contr | 543.00 |
| Mead Lbr | Sup | 38.67 | | | |

Moved by Mayor Hobbie to re-appoint Rick Freshman, Richard Gibson and Chuck Stoner to the Planning Commission, Randy Fox and Rob Schreiner to the Tree Board, Ed Sasse to the EDRLF Loan Review Committee, Dorothy Royal and Jerry Herzog to the Cemetery Board and , appoint Allen Schreiner and Lynn Pursel to the Cemetery Board seconded by Commissioner Handy. Upon roll call the following voted YES: Mercer, Stark, Crunk, Handy and Mayor Hobbie. Voting NO: None. Motion adopted.

Mayor Hobbie opened the Public Hearing on the request from James Gerking for approval of the Final Plat of the LBI Subdivision. Dan Giittinger explained that Mr. Gerking wants to subdivide the larger property into three smaller portions so that they can be sold. Moved by Commissioner Handy and seconded by Crunk to close the Public Hearing. Upon roll call the following voted YES: Mercer, Stark, Crunk, Handy and Mayor Hobbie.

Joe Johnson provided the City Administrator’s Report for May. The Treasurer Reported a beginning cash on hand balance as of May 1, 2014 of \$673,262.56; receipts of \$974,338.57; expenses of \$910,575.40; leaving cash balance on hand as of May 31, 2014 of \$737,025.73. Mayor Hobbie asked that the reports be placed on file.

Moved by Mercer and seconded by Commissioner Handy to approve the Final Plat for LBI Subdivision. Upon roll call the following voted YES: Stark, Crunk, Handy, Mercer and Mayor Hobbie. Voting NO: None. Motion carried.

Mayor Hobbie introduced Resolution 2634-14 a Declaration as to Use for Steinhart Park Trail System. Moved by Commissioner Handy and seconded by Crunk to approve Resolution 2634-14. Upon roll call the following vote YES: Mercer, Stark, Crunk, Handy and Mayor Hobbie. Voting NO: None. Motion adopted. A true, correct and complete copy of said resolution is as follows:

**RESOLUTION NO. 2634-14
DECLARATION AS TO USE
“STEINHART PARK TRAIL PHASE 2”**

WHEREAS The City of Nebraska City is the owner of a portion of the South Half of the Southwest Quarter (S ½ SW ¼)of Section Eight (8), Township Eight (8) North, Range Fourteen (14)East of the 6th P.M., Otoe County, Nebraska; which includes Steinhart Park, and

WHEREAS said real estate described above is now being occupied by Steinhart Park, Table Creek, Open Fields, Homes, and Associated Appurtenances, and

WHEREAS the City of Nebraska City wishes to construct, operate, and maintain a public transportation trail facility, and associated appurtenances, across a portion of said property, and

WHEREAS the transportation trail facility, and associated appurtenances, is to be constructed as part of Nebraska Department of Roads project ENH-66(34), Control Number 13055, and identified as Steinhart Park Trail Phase 2, and

WHEREAS to comply with Federal Highway Administration 23 CFR 1.23(a)-("Interest to be acquired-The State shall acquire rights-of-way of such nature and extent as are adequate for the

construction, operation, and maintenance of a project”)it is necessary for the City of Nebraska City to declare that a portion of said property shall be used for the construction, operation, and maintenance of a transportation trail facility, and associated appurtenances, for a period of no less than twenty-five years from the completion of its construction.

NOW THEREFORE, BE IT RESOLVED that the Mayor and City Council of the City of Nebraska City, Nebraska, hereby approve the use of a portion of said land owned by the City of Nebraska City for the construction, operation, and maintenance of a transportation trail facility, and associated appurtenances, as shown on attached Exhibit “1”, and as aligned in project plans and specifications for Nebraska Department of Roads project ENH-66(34), Control Number 13055, and identified as Steinhart Park Trail Phase 2, for a period of no less than twenty-five years from the completion of its construction.

Passed and approved this 16th day of June, 2014.

Arnold M. Ehlers, City Clerk-Treasurer

Mr. Joy Johnson and Mr. Richard Hoch, Attorney addressed the Council on Mr. Johnson’s rezone request on 319 6th Avenue. Mr. Hoch presented the Council with a petition signed by over 30 neighbors consenting to the change in zoning and the erection of a storage building at that location. Moved by Stark and seconded by Crunk to approve the change in zoning from R-2 to I-1 and direct the City Attorney to draft an ordinance. Upon roll call the following voted YES: Mercer, Handy, Crunk, Stark and Mayor Hobbie. Voting No: None. Motion carried.

Renee Stidd requested use of Nuckolls Park on July 13, 2014 from 1 – 4 p.m. to raise funds for Juvenile Diabetes. There will be music and games for everyone. Moved by Stark and seconded by Mercer to approve the request from Team Will to use Nuckolls Square on July 13th. Upon roll call the following voted YES: Crunk, Handy, Mercer, Stark and Mayor Hobbie. Voting NO: None. Motion adopted.

Jeff Frields appeared before the Council requesting permission on behalf of Nebraska City Baseball Association to place three flag poles at Clemmy Holmes field. Moved by Crunk and seconded by Stark to honor the request by Nebraska City Baseball Association to erect three flag poles at Clemmy Holmes Field. Upon roll call the following voted YES: Handy, Mercer, Stark, Crunk and Mayor Hobbie. Voting NO: None. Motion carried.

Mayor Hobbie introduced an Interlocal Agreement Cooperation Agreement with eight other Nebraska communities. Leroy Frana explained the history of the grant application process and that Joe Johnson assisted in preparing the application with the BPW being part of the process. Moved by Commissioner Handy and seconded by Stark to approve an Interlocal Cooperation Agreement with eight other Nebraska communities to form the Nebraska Community Energy Alliance as recommended by the BPW and authorize the Mayor to sign. Upon roll call the following voted YES: Mercer, Crunk, Stark, Handy and Mayor Hobbie. Voting NO: None. Motion carried.

Joe Johnson explained the basis for the Interlocal Cooperation Agreement between the City of Nebraska City and Nebraska City Public Schools to form Nebraska City Recreational Agency and recommended that Stark, Edmisten and Mr. Johnson be appointed to the joint committee. Mercer stated: “I don’t really see why the school board would have 50% of the vote when they put up none of the money.” Moved by Mercer and seconded by Crunk to amend the agreement to specify membership be comprised of 4 members appointed by the City Council and 1 member appointed by the school board. Upon roll call the following voted YES: Handy, Stark, Crunk, Mercer and Mayor Hobbie. Voting NO: None. Motion carried.

Moved by Commissioner Handy and seconded by Stark to approve the request by Spiral Communications to occupy City sidewalk with steps for a door on the east side of their building. Upon roll call the following voted YES: Mercer, Crunk, Stark, Handy and Mayor Hobbie. Motion adopted.

Leroy Frana provided engineers drawings for increasing the height of the former “Coke” building by five feet (5’). Moved by Stark and seconded by Commissioner Handy to award a contract to Casper Construction in the amount of \$74,464.00. Upon roll call the following voted YES: Mercer, Handy, Stark and Mayor Hobbie. Voting NO: Crunk. Motion adopted.

Leroy Frana presented the recommendation from the BPW to approve a lease with Union Pacific Railroad for land and roadway adjacent to the water treatment plant. Terms are \$3000.00 for 25 years. Moved by Stark and seconded by Mercer to approve the lease with Union Pacific Railroad. Upon roll call the following voted YES: Crunk, Handy, Mercer, Stark and Mayor Hobbie. Voting NO: None. Motion carried.

Leroy Frana presented a recommendation from the BPW to purchase a 2005 Kenworth Dump Truck in the amount of \$34,500.00. Moved by Stark and seconded by Commissioner Handy to approve the purchase of a 2005 Kenworth Dump Truck in the amount of \$34,500.00. Upon roll call the following voted YES: Crunk, Mercer, Handy, Stark and Mayor Hobbie. Voting NO: None. Motion carried.

Leroy Frana presented W.O. #106 to install electrical duct and cabinets on the north side of Arbor Road in the amount \$48,520.97. Moved by Stark and seconded by Commissioner Handy to approve W.O. 106 in the amount of \$48,520.97. Upon roll call the following voted YES: Mercer, Crunk, Handy, Stark and Mayor Hobbie. Voting NO: None. Motion carried.

Mayor Hobbie introduced Ordinance No. 2941-14 entitled: AN ORDINANCE DIRECTING THE SALE AND CONVEYANCE OF VACATED 15th STREET BETWEEN 6th CORSO AND 7th CORSO IN HAIL & COMPANY ADDITION TO NEBRASKA CITY, OTOE COUNTY, NEBRASKA, AS DESCRIBED IN SECTION 1 HEREOF; DIRECTING NOTICE OF SALE BY PUBLICATION; PROVIDING FOR DELIVERY OF A DEED; 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, 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. 2941-14 be passed and adopted?" Upon roll call the following voted YES: Crunk, Stark, Mercer, Handy and Mayor Hobbie. Voting NO: None. The passage and adoption of said ordinance having been concurred in by a majority of all members of the Council, the Mayor declared the ordinance adopted and the Mayor, in the presence of the Council, signed and approved the ordinance and the Clerk attested the passage and approval of the same and affixed his signature thereto. A true and correct copy of said ordinance is as follows:

ORDINANCE NO. 2941-14

AN ORDINANCE DIRECTING THE SALE AND CONVEYANCE OF VACATED 15th STREET BETWEEN 6th CORSO AND 7th CORSO IN HAIL & COMPANY ADDITION TO NEBRASKA CITY, OTOE COUNTY, NEBRASKA, AS DESCRIBED IN SECTION 1 HEREOF; DIRECTING NOTICE OF SALE BY PUBLICATION; PROVIDING FOR DELIVERY OF A DEED; AND TO PROVIDE FOR AN EFFECTIVE DATE.

WHEREAS, Rick D. Shallenberger and Debra L. Shallenberger 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 Rick D. Shallenberger and Debra L. Shallenberger, 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, including those set forth in Nebraska City Ordinance 2940-14, the following described property:

That portion of 15th Street between 6th Corso and 7th Corso adjacent to the West of Lots 6 & 7, Block 46 of Hail & Company 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 deed with reservation of easements, to be attested by the City Clerk-Treasurer, with the seal of the City affixed, conveying said real estate to Rick D. Shallenberger and Debra L. Shallenberger.

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.

Section 4. This ordinance shall take effect and be in force from and after its passage, approval and publication.

PASSED and APPROVED this 16th day of June, 2014.

Jack Hobbie, Mayor

Mayor Hobbie introduced Ordinance No. 2942-14 entitled: AN ORDINANCE DIRECTING THE SALE AND CONVEYANCE OF VACATED 15th STREET BETWEEN 7th CORSO AND 8th CORSO IN HAIL & COMPANY ADDITION TO NEBRASKA CITY, OTOE COUNTY, NEBRASKA, AS DESCRIBED IN SECTION 1 HEREOF; DIRECTING NOTICE OF SALE BY PUBLICATION; PROVIDING FOR DELIVERY OF A DEED; 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, 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. 2942-14 be passed and adopted?" Upon roll call the following voted YES: Crunk, Stark, Mercer, Handy and Mayor Hobbie. Voting NO: None. The passage and adoption of said ordinance having been concurred in by a majority of all members of the Council, the Mayor declared the ordinance adopted and the Mayor, in the presence of the Council, signed and approved the ordinance and the Clerk attested the passage and approval of the same and affixed his signature thereto. A true and correct copy of said ordinance is as follows:

ORDINANCE NO. 2942-14

AN ORDINANCE DIRECTING THE SALE AND CONVEYANCE OF VACATED 15th STREET BETWEEN 7th CORSO AND 8th CORSO IN HAIL & COMPANY ADDITION TO NEBRASKA CITY, OTOE COUNTY, NEBRASKA, AS DESCRIBED IN SECTION 1 HEREOF; DIRECTING NOTICE OF SALE BY PUBLICATION; PROVIDING FOR DELIVERY OF A DEED; AND TO PROVIDE FOR AN EFFECTIVE DATE.

WHEREAS, TD Futures LLC 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 TD Futures LLC, 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, including those set forth in Nebraska City Ordinance 2940-14, the following described property:

That portion of 15th Street between 7th Corso and 8th Corso adjacent to the East of Lots 1 & 12, Block 54 of Hail & Company 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 deed with reservation of easements, to be attested by the City Clerk-Treasurer, with the seal of the City affixed, conveying said real estate to TD Futures LLC.

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.

Section 4. This ordinance shall take effect and be in force from and after its passage, approval and publication.

PASSED and APPROVED this 16th day of June, 2014.

Jack Hobbie, Mayor

Mayor Hobbie introduced Ordinance No. 2943-14 entitled: AN ORDINANCE TO VACATE A PORTION OF EXISTING FRONTAGE ROAD RIGHT-OF-WAY IN ELMWOOD 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, 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. 2943-14 be passed and adopted?" Upon roll call the following voted YES: Crunk, Stark, Mercer, Handy and Mayor Hobbie. Voting NO: None. The passage and adoption of said ordinance having been concurred in by a majority of all members of the Council, the Mayor declared the ordinance adopted and the Mayor, in the presence of the Council, signed and approved the ordinance and the Clerk attested the passage and approval of the same and affixed his signature thereto. A true and correct copy of said ordinance is as follows:

ORDINANCE 2943-14

AN ORDINANCE TO VACATE A PORTION OF EXISTING FRONTAGE ROAD RIGHT-OF-WAY IN ELMWOOD 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 Frontage Road right-of-way in Elmwood Addition to Nebraska City, Otoe County, Nebraska, more fully 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 portion of said street.

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

SECTION 1. That the portion of Frontage Road described legally as follows:

A part of existing Frontage Road right-of-way located in part of vacated 18th Street adjacent to Blocks 11 & 12, part of Lots 2, 3, 4, 5, 6, 10, 11 & 12, and part of adjacent vacated alley, Block 11, part of vacated 12th Avenue right-of-way adjacent to Blocks 5 & 12, and part of Lots 7 & 8, Block 5, all in Elmwood Addition to Nebraska City, located in part of the Southeast Quarter (SE¼) of Section 5, Township 8 North, Range 14 East of the 6th P.M., Otoe County, Nebraska, being more particularly described as follows:

Considering the West line of the Southeast Quarter (SE¼) of Section 5, Township 8 North, Range 14 East as being S00°00'00"E and with all bearings contained herein relative thereto:

Commencing at the Center of said Section 5, thence southerly along the said West line of the said SE¼ S00°00'00"E 604.14 feet to a point, said point being the True Point of Beginning; thence leaving said line and continuing northeasterly N57°50'27"E 41.08 feet to a point; thence southeasterly along a radius of 163 feet, whose long chord bears S56°50'27"E 135.54 feet to a point; thence southeasterly S81°24'56"E 122.46 feet to a point; thence continuing southeasterly along a radius of 640.36 feet, whose long chord bears S70°41'29"E 226.1 feet to a point; thence southeasterly S61°04'44"E 176.58 feet to a point on the West right-of-way line of vacated 17th Street; thence continuing southerly along said West line S01°14'52"W 44.65 feet to a point; thence northwesterly along the existing Southerly Frontage Road right-of-way line N61°10'43"W 202.26 feet to a point; thence continuing northwesterly along said Southerly right-of-way line N74°14'39"W 182.72 feet to a point; thence northwesterly N72°36'31"W 289.9 feet to the Northwest (NW) Corner of Lot 6, Block 12; thence northerly along the West line of said SE¼ N00°00'00"E 65.86 feet to the True Point of Beginning;

be and the same is 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 16th day of June, 2014.

Jack Hobbie, Mayor

Mayor Hobbie introduced Resolution 2635-14 a Fire Protection Support Agreement for Cooper Nuclear Station. Moved by Commissioner Handy and seconded by Stark to approve Resolution 2635-14. Upon roll call the following voted YES: Mercer, Crunk, Stark, Handy and Mayor

Hobbie. Voting NO: None. Motion adopted. A true, correct and complete copy of said resolution is as follows:

**RESOLUTION NO. 2635-14
FIRE PROTECTION SUPPORT AGREEMENT
FOR COOPER NUCLEAR STATION**

WHEREAS the City of Nebraska City provides firefighting services to its citizens, and occasionally, to those outside of the City’s jurisdiction, and

WHEREAS Nebraska Public Power District’s Cooper Nuclear Station has contracted with the City in the past for fire protection support which continues on a year-to-year basis, and

WHEREAS the City of Nebraska City and the Nebraska Public Power District wish to ratify their contractual relationship as a mutual benefit to both entities, and

WHEREAS certain amendments to the contract have become necessary, as specifically set forth in Amendment No. 1, attached hereto.

NOW THEREFORE, BE IT RESOLVED that the Mayor and City Council of the City of Nebraska City, Nebraska, hereby ratify and approve NEBRASKA PUBLIC POWER DISTRICT AGREEMENT NO. 4200000785 and AMENDMENT NO. 1, attached hereto, and authorize the Fire Chief, Alan Viox, to enter and sign the same on behalf of the City.

Passed and approved this 16th day of June, 2014.

Jack Hobbie, Mayor

Tim Pendrell, Executive Director at NCTC requested the Sunken Parking lot on Central Avenue be closed from 2 – 11 p.m. on July 5, 2014 for music, dancing and a beer garden. Moved by Commissioner Handy and seconded by Mercer to approve the request from NCTC to close the Sunken Parking lot on July 5 from 2-11 p.m. Upon roll call the following voted YES: Crunk, Stark, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion adopted.

Tim Pendrell and Tyson Hermann appeared before the Council requesting a Special Designated Liquor License for July 5, 2014 for a beer garden and dance. Moved by Commissioner Handy and seconded by Stark to approve the application for a SDL for Bing’s Sports Bar on July 5, 2014. Upon roll call the following voted YES: Crunk, Stark, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion carried.

Tim Pendrell requested the Sunken Parking Lot be closed on Saturday’s from July 12 to August 30, 2014 to show movies free to the public. Moved by Commissioner Handy and seconded by Stark to approve the request from NCTC to close the Sunken Parking Lot on Saturdays from July 12 to August 30, 2014. Upon roll call the following voted YES: Mercer, Crunk, Stark, Handy and Mayor Hobbie. Voting NO: None. Motion adopted.

Meeting adjourned at 7:31 p.m.

Arnold M. Ehlers, City Clerk - Treasurer

AFFIDAVIT

I, the undersigned City Clerk for the City of Nebraska City, Nebraska, hereby certify that the foregoing is a true and correct copy of proceedings had and done by the Mayor and Board of Commissioners, that all of the subjects included in the foregoing proceedings were contained in the agenda for the meeting, kept continually current and available for public inspection at the office of the City Clerk; that such subjects were contained in said agenda for at least twenty-four hours prior to said meeting; that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by members of the public; that the said minutes from which the foregoing proceedings have been extracted were in written form and available for public inspection within ten working days and prior to the next convened meeting of said body; that all news media requesting notification concerning meetings of said body were provided advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.

Arnold M. Ehlers, City Clerk-Treasurer