

CITY OF NEBRASKA CITY, NEBRASKA
MINUTES OF CITY COUNCIL REGULAR MEETING
July 19, 2010

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 of City Hall, 1409 Central Avenue, on July 19, 2010. 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.

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 led in the Pledge of Allegiance. Upon roll call the following answered present: Brett Gay, Jeff Crunk, Dean Handy, and Mark Mercer. The following City Officials were present: City Administrator Pat Haverty, City Clerk Arnold M. Ehlers, City Attorney William Davis, and Public Properties Director/Zoning Director Dan Giittinger.

Commissioner Gay moved to approve the minutes of the July 6, 2010, City Council Regular Meeting, seconded by Commissioner Mercer. Upon roll call the following voted YES: Crunk, Handy, Gay, Mercer and Mayor Hobbie. Voting NO: None. Motion adopted.

Commissioner Mercer moved to pay all claims as presented except Claim #7250U, seconded by Commissioner Handy. Upon roll call the following voted YES: Gay, Crunk, Handy, Mercer and Mayor Hobbie. Voting NO: None. Motion passed.

Commissioner Handy moved to pay Claim #7250U, seconded by Commissioner Crunk. Upon roll call the following voted YES: Gay, Crunk, Handy and Mayor Hobbie. Voting NO: None. Abstain: Mercer. Motion passed.

Commissioner Handy moved to approve the plumber's license for Savage Plumbing. Upon roll call the following voted YES: Crunk, Gay, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion carried.

Mayor Hobbie proclaimed September 5, 2010 as Forget-Me-Not Day in Nebraska City.

Mayor Hobbie opened the Public Hearing to apply for \$300,000.00 in CDBG Funds for a citywide housing rehab program. Pat Haverty provided information on how the CDBG Grant would be distributed. No one else spoke in support or opposition to the grant. Commissioner Handy moved to close the Public Hearing. Upon roll call the following voted YES: Mercer, Crunk, Gay, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

Mayor Hobbie opened the Public Hearing on the request by Kimmel Orchard for a \$2,700.00 grant from the LB840 fund to advertise and promote "Wine Under the Pines." Pat Haverty outlined how the funds are to be used. No one else spoke in support or opposition to the grant. Commissioner Handy moved to close the Public Hearing. Upon roll call the following voted YES: Crunk, Gay, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion carried.

Pat Haverty reported that the Central Avenue Mill & Overlay Project should begin tomorrow (Tuesday). The Budget Workshop will be August 12, 2010 from 2:00 to 5:00 p.m. The City received notice to proceed with preliminary design and environmental review on the Steinhart Park Trail project. The Treasurer's Report showed a balance on hand June 1, 2010 of \$2,807,916.35 with receipts of \$622,119.24 and expenditures of \$591,900.95 leaving an ending balance on June 30, 2010 of \$2,838,134.64. Mayor Hobbie accepted the reports asked that they be placed on file.

Mayor Hobbie introduced Resolution 2485-10 approving the application for the CDBG Housing Rehab Grant. Commissioner Handy moved to approve Resolution 2485-10 authorizing the Mayor to sign all documents for the application for AHP Funds to implement a citywide housing rehab program in the amount of \$300,000.00. Upon roll call the following voted YES: Crunk, Gay, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion adopted. A true, correct and complete copy of said resolution is as follows:

**RESOLUTION 2485-10
AUTHORIZING CHIEF ELECTED OFFICIAL TO SIGN
AN APPLICATION FOR NEBRASKA AFFORDABLE HOUSING
PROGRAM FUNDS**

Whereas, the **City of Nebraska City, Nebraska**, is an eligible unit of a general government authorized to file an application under the Housing and Community Development Act of 1974 as Amended for Small Cities Community Development Block Grant (CDBG) Program, and, Cranston-Gonzalez National Affordable Housing Act of 1990 (HOME Program) funds distributed by the Department of Economic Development through the Nebraska Affordable Housing Program (NAHP).

Whereas, the City of Nebraska City, Nebraska has obtained its citizens' comments on community development and housing needs; and has conducted a public hearing upon the proposed application and received favorable public comment respecting the application which is for an amount of \$300,000 in 2010 NAHP funds to implement an "Owner-occupied Housing Rehabilitation Program" within the City; and,

NOW, THEREFORE, BE IT RESOLVED BY

the City Council of Nebraska City, Nebraska that the Mayor be authorized and directed to proceed with the formulation of any and all contracts, documents or other memoranda between the City of Nebraska City, Nebraska and the Nebraska Department of Economic Development so as to effect acceptance of the grant application.

Signed: _____

Jack Hobbie, Mayor
Nebraska City, Nebraska

Date: _____

Mayor Hobbie introduced Resolution 2481-10 approving the LB840 Grant to Kimmel Orchard. Commissioner Handy moved to approve the grant request by Kimmel Orchard in the amount of \$2,700.00 for "Wine Under the Pines." Upon roll call the following voted YES: Crunk, Gay, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion passed. A true, correct and complete copy of said resolution is as follows:

RESOLUTION NO. 2481-10

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 \$2,700.00 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 "**Kimmel Orchard**", contingent upon approval of the City Attorney as to form.

Passed and adopted on the 19th day of July, 2010 by the City Council of Nebraska City.

Jack Hobbie, Mayor

ATTEST: _____
Arnold M. Ehlers, City Clerk

Mayor Hobbie introduced Resolution 2480-10 calling Series 24 Nebraska City Utilities Bond. Commissioner Gay moved to approve Resolution 2480-10. Upon roll call the following voted YES: Mercer, Crunk, Handy, Gay and Mayor Hobbie. Voting NO: None. Motion carried. A true, correct and complete copy of said resolution is as follows:

RESOLUTION NO. 2480-10

A RESOLUTION CALLING THE OUTSTANDING COMBINED UTILITIES REVENUE BONDS, SERIES NO. 24, IN THE OUTSTANDING PRINCIPAL AMOUNT OF \$1,680,000 OF THE CITY OF NEBRASKA CITY, NEBRASKA.

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

Section 1. That the following bonds of the City, in accordance with their option provisions, are hereby called for payment on August 20, 2010, after which date interest on the bonds will cease:

Combined Utilities Revenue Bonds, Series No. 24, dated July 12, 2005, in the principal amount of \$1,680,000, maturing and bearing CUSIP numbers as follows:

<u>No.</u>	<u>Principal Amount</u>	<u>Maturity Date</u>	<u>CUSIP</u>
	\$105,000	September 1, 2010	639648 FS8
	105,000	September 1, 2011	639648 FT6
	105,000	September 1, 2012	639648 FU3
	105,000	September 1, 2013	639648 FV1
	105,000	September 1, 2014	639648 FW9
	105,000	September 1, 2015	639648 FX7
	105,000	September 1, 2016	639648 FY5
	105,000	September 1, 2017	639648 FZ2
	105,000	September 1, 2018	639648 GA6
	105,000	September 1, 2019	639648 GB4
	105,000	September 1, 2020	639648 GC2
	105,000	September 1, 2021	639648 GD0
	105,000	September 1, 2022	639648 GE8
	105,000	September 1, 2023	639648 GF5
	105,000	September 1, 2024	639648 GG3
	105,000	September 1, 2025	639648 GH1

Section 2. These bonds are to be paid at the office of the City Treasurer in Nebraska City, Nebraska, as Paying Agent and Registrar.

Section 3. A true copy of this Resolution shall be filed by the City Clerk with the Paying Agent at least thirty (30) days prior to call date and the Paying Agent is hereby irrevocably instructed to take appropriate action to mail notice to the registered owner at least thirty (30) days prior to the call date.

PASSED AND APPROVED this 19th day of July, 2010.

By

Jack Hobbie, Mayor

(SEAL)

ATTEST:

Arnold M. Ehlers, City Clerk

Mayor Hobbie introduced Resolution 2474-10 amending alcohol seller/server training. Commissioner Mercer moved to approve Resolution 2474-10. Upon roll call the following voted YES: Gay, Crunk, Handy, Mercer and Mayor Hobbie. Voting NO: None. Motion adopted. A true, correct and complete copy of said resolution is as follows:

RESOLUTION NO. 2474-10

Whereas, the City Council of the City of Nebraska City makes recommendations to the Nebraska Liquor Control Commission for liquor licenses within the corporate limits of the City of Nebraska City; and

Whereas, the City Council of the City of Nebraska City desires that all establishments located within the corporate limits of Nebraska City, Nebraska that sell and/or serve alcoholic beverages to their patrons require that each of their employees receive alcohol server training from a person or entity approved by the Nebraska Liquor Control Commission to provide such training; and

Whereas, Certified alcohol server training is available from many sources,

Now Therefore Be It Resolved, That the City of Nebraska City requires that current Certificates of Completion of alcohol server training be on file at City Hall for all persons selling or serving alcoholic beverages within the corporate limits of the City of Nebraska City, Nebraska.

PASSED AND APPROVED THIS 19TH DAY OF JULY, 2010

Jack Hobbie, Mayor

Attest:

Arnold M. Ehlers Clerk-Treasurer

Mayor Hobbie introduced Ordinance 2806-10 entitled, AN ORDINANCE TO AMEND SECTION 521, SIGNS, OF THE OFFICIAL ZONING ORDINANCE OF THE CITY OF NEBRASKA CITY, NEBRASKA, BY RECODIFYING THE ENTIRE SECTION 521, SIGNS, TO INCLUDE THE FOLLOWING SUBSECTIONS: SEC. 521.01 SIGNS, GENERALLY; SEC. 521.02 LEGALIZING EXISTING SIGNS; SEC. 521.03, DEFINITIONS; SEC. 521.04 EXEMPTIONS; SEC. 521.05 INCIDENTAL SIGNS; SEC. 521.06 MAINTENANCE AND REMOVAL; SEC. 521.07, GENERAL PROVISIONS; SEC 521.08 HISTORIC SIGN DESIGN REQUIREMENTS AND REVIEW PROCEDURES-RESERVED FOR FUTURE; SEC. 521.09, BUSINESS SIGNS; AND SEC. 521.10 BILLBOARDS.; TO REPEAL SECTION 521, AND ANY AND ALL ORDINANCES OR PARTS OF ORDINANCES WHICH ARE IN CONFLICT WITH THIS ORDINANCE; 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: Gay, Crunk, Handy, Mercer 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. 2806-10 be passed and adopted?" Upon roll call the following voted YES: Gay, Crunk, Handy, Mercer 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 her signature thereto. A true and correct copy of said ordinance is as follows:

ORDINANCE NO. 2806 -10

AN ORDINANCE TO AMEND SECTION 521, SIGNS, OF THE OFFICIAL ZONING ORDINANCE OF THE CITY OF NEBRASKA CITY, NEBRASKA, BY RECODIFYING THE ENTIRE SECTION 521, SIGNS, TO INCLUDE THE FOLLOWING SUBSECTIONS: SEC. 521.01 SIGNS, GENERALLY; SEC. 521.02 LEGALIZING EXISTING SIGNS; SEC. 521.03, DEFINITIONS; SEC. 521.04 EXEMPTIONS; SEC. 521.05 INCIDENTAL SIGNS; SEC. 521.06 MAINTENANCE AND REMOVAL; SEC. 521.07, GENERAL PROVISIONS; SEC 521.08 HISTORIC SIGN DESIGN REQUIREMENTS AND REVIEW PROCEDURES-RESERVED FOR FUTURE; SEC. 521.09, BUSINESS SIGNS; AND SEC. 521.10 BILLBOARDS.; TO REPEAL SECTION 521, AND ANY AND ALL ORDINANCES OR PARTS OF ORDINANCES WHICH ARE IN CONFLICT WITH THIS ORDINANCE; AND TO DECLARE AN EFFECTIVE DATE.

WHEREAS, the Planning Commission of the City of Nebraska City, Nebraska, has held a public hearing on the subject of amending Section 521 of the Official Zoning Ordinance of Nebraska City, and has recommended that the Mayor and City Commissioners approve such Amendments to Section 521, and

WHEREAS, the Mayor and City Commissioners have also held a public hearing on the matter, after giving public notice of such hearing as provided by law.

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 521 of the Official Zoning Ordinance of the City of Nebraska City, Nebraska, be amended to read as follows:

"SECTION 521 SIGNS

521.01 SIGNS, GENERALLY:

Any sign shall, by definition, be a structure. No land, building, or structure shall be used for sign purposes except in conformance with these regulations and those of the applicable zoning district. Signs shall only be permitted in zoning districts permitting the same and no sign shall be erected, enlarged, or otherwise modified until a building permit for same has been issued, except as specified in this Section.

521.02 LEGALIZING EXISTING SIGNS:

All signs legally existing at the date of adoption of this Ordinance or applicable amendment thereto may remain in use under the conditions of legal non-conformance. Signs in legal non-conformance shall not be enlarged, moved, lighted, or reconstructed without compliance with this Ordinance, provided, however, that normal maintenance of such signs and the changing of the advertising display in the case of billboards shall not be restricted. Conversion of any non-conforming business sign to another business sign or product name may be done, provided such non-conforming sign is not an obsolete sign, as defined in Section 521.03, Subsection 13 herein. If such non-conforming sign is determined to be an obsolete sign, it shall not be converted to any other sign unless such conversion would bring such sign in conformance with these regulations.

521.03 DEFINITIONS:

1. **BILLBOARD:** An off-site free-standing sign, unattached to any other structure, which directs attention to an object, product, place, activity, business, person or persons, service or interest not situated on the same premises as such billboard.
2. **BUSINESS SIGN:** An on-site sign which identifies or directs attention to an object, product, place, activity, business, person or persons, service or interest situated on the same premises as such sign.
3. **SIGN:** Any outdoor visual identification, description, display, or illustration which is affixed to, painted on, or attached to a building, post, pole or other structure and which directs attention to an object, product, place, activity, business, person or persons,

service or interest, provides direction or otherwise provides a means of visually communicating with the general public.

4. SIGN, ANIMATED: Any sign that uses movement or change of lighting to depict action or create a special effect or scene, appearance or optical illusion of movement, or appears to flash, undulate, pulse, blink, move closer to or further from the viewer, expand or contract, bounce, rotate, twist or otherwise portray movement.

5. SIGN, DIGITAL BILLBOARD: An off-site sign capable of displaying multiple static images controlled by electronic communications.

6. SIGN, ELECTRONIC INFORMATION: On-site signs capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means. Signs whose information is limited to time and temperature are not considered electronic information signs. Area shall not exceed 50% of maximum permitted sign area.

7. SIGN FACE: The surface of the sign upon, against, or through which the message of the sign is exhibited.

8. SIGN, FLASHING: A sign that utilizes a pattern of changing light illumination where the sign illumination alternates suddenly between fully illuminated and full non-illuminated for the purpose of drawing attention to the sign.

9. SIGN, FRAME EFFECT: A visual effect on an electronic information sign applied to a single frame to transition from one message to the next.

10. SIGN, FREE STANDING: A sign attached to a self-supporting structure, which is unattached to any building or other structure.

11. SIGN, INCIDENTAL: A nameplate, temporary sign, or on-site sign providing direction for entrances, exits, parking areas and similar uses, including real estate "for sale" and "for rent or lease" signs and elected office or public issue campaign signs.

12. SIGN, MONUMENT: A free-standing sign in which the sign face is immediately attached to the foundation of the sign without poles or posts (a ground mounted sign).

13. SIGN, MOVING: A sign that changes its message through rotating or changing elements.

14. SIGN, OBSOLETE: Any sign which advertises an activity, business, product or service no longer conducted on the premises on which the sign is located for a period of six (6) months.

15. SIGN, POLITICAL CAMPAIGN: An outdoor sign of temporary nature, erected for the purpose of soliciting votes or support for or in opposition to any candidate or any political party under whose designation any candidate is seeking nomination or election, or for the purpose of endorsing or in opposition to a proposition or public question being placed on a ballot at an election held under the laws of the state.

16. SIGN, PROJECTING: A sign suspended from or supported by a building and extending outward therefrom more than fifteen (15) inches.

17. SIGN, SAIL. A wind device that contains a harpoon style pole or staff driven into the ground for support or mounted on a weighted portable base. Sail signs are generally used in connection with a commercial promotion or to advertise a commercial product, service, business, activity or person. All sail signs shall be considered temporary signs.

18. SIGN STRUCTURE: The support or supports, uprights, bracing and framework, which supports the sign surface. In the case of a sign structure consisting of two (2) or more sign faces, where the angle formed between any of the faces, or projections thereof, exceeds fifteen (15) degrees, each side shall be considered a separate sign structure.

19. SIGN SURFACE: The entire area within a single continuous perimeter enclosing all elements of a sign which are intended to be part of the visual image of the sign.

20. SIGN, TEMPORARY: Any sign used to display information relating to a land use or event of limited duration which is not rigidly and permanently installed in the ground, attached to a building, or identified in this section. The use of said sign shall be limited to thirty (30) total days per calendar year, subject to the regulations provided in Subsection 521.05. A business shall be limited to one temporary sign on-site per event.

21. SPECIAL EVENT: A one-time or infrequently occurring event outside of normal programs or activities of the sponsoring or organizing body or business. For the purpose of this section, a special event shall be a business grand opening, business anniversary celebration, local community celebration or a specific organizational event.

521.04 EXEMPTIONS:

The following signs shall be exempt from these regulations, subject to the conditions specified below:

1. Signs not exceeding two (2) square feet in area and bearing only property numbers, address numbers, names of occupants or premises, or other identification of the premises not denoting any business activity.
2. Flags and insignia of any governmental unit, civic, educational or religious organization, except where displayed in connection with a business promotion.
3. Legal notices, identification, informational, warning, no trespassing, directional or other similar signs erected, or required to be erected by any governmental unit and informational or directional signs allowed by the City Council to be placed in any public right-of-way.

4. Memorial plaques, historical markers, integral decorative or architectural features of a building, except trademarks, moving parts or moving lights.
5. One (1) real estate sign for each lot frontage indicating “for sale”, “for rent or lease”, provided any such sign shall be set back at least fifteen (15) feet from any street right-of-way line.
6. Political campaign yard signs, up to thirty-two (32) square feet in size are allowed adjacent to a state or business highway. Political campaign signs shall be limited to sixteen (16) square feet or less in all other areas. Campaign signs are allowed on private property with the consent of the property owner, but are prohibited on public property, including the rights-of-way. Such signs shall be set back at least fifteen (15) feet from any street right-of-way line. Political signs may be placed on private property no earlier than sixty (60) days prior to the election for which the sign is applicable and must be removed not later than the fifteen (15th) day following the election. City personnel may remove and dispose of any sign placed on public property or within the rights-of-way.
7. Window signs, including pictures, symbols, writing or combination thereof designed to promote an on-site activity that is placed inside a window and is visible from the exterior.

521.05 INCIDENTAL SIGNS:

The following incidental signs shall be permitted, subject to the listed requirements and limitations:

1. Signs directing and guiding traffic, identifying a parking or loading area, designating building entrances on private property. Such signs shall not exceed four (4) square feet in area for each sign, shall not exceed a height of four (4) feet, if free-standing and shall be set back a minimum of five (5) feet from any right-of-way line.
2. Temporary signs in connection with a special event, provided such signs are limited in use to thirty (30) total days per calendar year, per premises and are set back a minimum of five (5) feet from any right-of-way line. Prior to erecting said special event temporary sign, a special event temporary sign permit shall be obtained from the City Clerk-Treasurer, completed and approved by the Building Inspector.
3. Temporary signs in connection with buildings under construction, model homes and similar longer term temporary signs which shall be removed when the work or sale is completed. Such signs shall be set back a minimum of five (5) feet from any right-of-way line.
 4. A temporary or permanent subdivision identification sign for each street entrance into a subdivision. Such sign shall not exceed two hundred fifty (250) square feet or forty-two (42) inches in height and shall be set back a minimum of ten (10) feet from any right-of-way line unless a greater set back is required to maintain street intersection visibility in accordance with Section 510 of this Ordinance.
 5. Off-site signs identifying a church, school, hospital, public park, historic site, local service benevolent organizations and other public facilities, subject to the following limitations:
 - a. Such signs shall be placed on private property and shall not be placed on any public property or public right-of-way unless so authorized by the City Council.
 - b. Such signs shall be located no closer than five (5) feet to a right-of-way line of any street.
 - c. Such signs shall not have a sign face area exceeding sixteen (16) square feet and such signs shall not exceed ten (10) feet in height.
 - d. Not more than one (1) such sign may be placed on the same sign structure.
 - e. Such signs shall be located no closer than two hundred (200) feet to any other sign, excluding those signs listed as exempted signs in Section 521.04 of this Ordinance.
 - f. Such signs may be lighted or an electronic information sign as defined in Section 521.03 Subsection 6 and shall be subject to the electronic information sign standards and parameters referenced in Section 521.09 Paragraph 6 of this Ordinance.

521.06 MAINTENANCE AND REMOVAL:

1. All signs shall be kept in good repair.
2. Signs and sign structures which are obsolete, no longer functional or are abandoned shall be removed within sixty (60) days after written notification from the Zoning Administrator that such sign is deemed to be obsolete, non-functional, abandoned, or the sign face and/or structure is dilapidated.

521.07 GENERAL PROVISIONS:

1. No sign or sign structure shall be placed on private property or public property without the consent of the owner of such property.
2. No sign or sign structure, other than official street or highway signs, shall be placed upon, over or in any street or highway right-of-way, except in the Central Business District or as otherwise authorized by the City Council.
3. No sign or sign structure shall be erected at any location where it will interfere with, obstruct the view of pedestrians or on-coming vehicular or railroad traffic, or be confused with any authorized traffic control sign, signal or device. No rotating beam, beacon or flashing illumination resembling any emergency vehicle lights shall be used in connection with any sign.

4. It shall be unlawful to erect and maintain:
 - a. Any sign which is not included under the types of signs permitted in this Ordinance.
 - b. Any portable or movable sign, except as a temporary sign in accordance with the regulations set forth in this Section.
 - c. A billboard and an on-site business sign on the same lot.
 - d. Any trailer, vehicle, semi-truck trailer or other movable vehicle shall not be used as a structure for any sign, except as a temporary sign in accordance with the regulations in this Section.
5. Business signs and billboards may be illuminated except as otherwise restricted in this Section. When such signs are directly lighted such light fixtures and reflectors shall not extend more than eight (8) feet from the sign face and shall not extend into any public right-of-way, except as authorized in the C-2 Central Business District.
6. No sign or sign structure, except a projecting sign, shall extend more than fifteen (15) inches from the building wall on which it is mounted.
7. Not more than one (1) projecting sign shall be allowed for each lot or occupant thereof and the maximum sign surface area shall be fifty (50) square feet per side. In no case shall a projecting sign extend more than eight (8) feet beyond its supporting structure or be less than eighty inches (80) inches above ground level. Projecting signs may be illuminated except as otherwise restricted in this Section.
8. Signs or sign structures shall be set back from any right-of-way line in accordance with the yard requirements of the applicable zoning district, except as otherwise specified in this Section and provided that in the case of a projecting sign, except in the C-2 Central Business District, where the building wall on which the sign is mounted is located closer than eight (8) feet to the setback line, such sign may extend up to six (6) feet into the required yard.
9. No sign shall be located in a site distance triangle, as set forth in Section 510 of this Ordinance.

521.08 HISTORIC SIGN DESIGN REQUIREMENTS AND REVIEW PROCEDURES:

REPEALED – RESERVED FOR FUTURE USE

521.09 BUSINESS SIGNS:

The number and size of business signs for business uses permitted in the R/O, Residential Office, T/O, Technology Office Park or any commercial or industrial zoning district shall be limited as follows:

1. No more than one (1) business sign shall be permitted on any lot used for business purposes in the R/O, Residential Office Zoning District and no more than three (3) business signs shall be permitted on any lot in a commercial, T/O, Technology Office Park or industrial zoning district, except that when the principal business building is located on a corner lot and has vehicular entrances to both streets or when the principal business building has public entrances to both a front and rear of the building, one (1) additional sign shall be permitted.
2. Business signs on any premises with frontage on Highway 2, Highway 75, including the business routes of these highways, with frontage on the J. Sterling Morton Beltway or located on any premises zoned C-2, Central Business District, may be wall-mounted, projecting or monument signs. Free-standing on-site signs mounted on poles or posts in any zoning district shall be prohibited.
3. The maximum sign face area for wall mounted business signs in the R/O, Residential Office Zoning District shall be fifty (50) square feet for each street frontage. The maximum sign face area for wall mounted business signs in a commercial, T/O, Technology Office Park or industrial zoning district shall be two hundred (200) square feet for each street frontage, provided that on lots having street frontage greater than fifty (50) feet, the maximum wall-mounted business sign face area may be increased one (1) square foot for each lineal foot of street frontage over fifty (50) feet up to a maximum of four hundred (400) square feet. The construction of an electronic wall mounted information sign shall be subject to the usage provisions in Section 521.09, Paragraph 6 below.
4. Any existing sign which may be legally modified to include electronic information capability as defined in Subsection 521.03, Paragraph 6 shall complete a sign permit application and shall conform to the usage provisions set forth in Subsection 521.09, Paragraph 6 below.
5. In any Commercial District, R/O, Residential Office, T/O, Technology Office Park and any Industrial Zoning District a monument business sign may be located no closer than five (5) feet to a lot line, except in the C-2 Business District, where said sign may be placed on the lot line/right-of-way line, and provided such sign face area does not exceed thirty-five (35) square feet and such sign height does not exceed forty-two (42) inches and said sign remains at these maximums until it reaches a five (5) foot setback. The placement of a monument sign in any of the aforementioned zoning districts at a distance greater than five feet from the lot line/right-of-way line shall follow the distance requirements set forth below:

- a. at a distance of five (5) to nine (9) feet from the right of way, a monument sign may have a maximum height of six (6) feet and a maximum size of thirty-five (35) square feet.
- b. at a distance of ten (10) to fourteen (14) feet from the right of way, a monument sign may have a maximum height of eight (8) feet and a maximum size of seventy (70) square feet.
- c. at a distance of fifteen (15) to twenty-four (24) feet from the right of way, a monument sign may have a maximum height of ten (10) feet and a maximum size of one hundred (100) square feet.
- d. at a distance of twenty-five (25) feet or greater from the right of way, a monument sign may have a maximum height of twelve (12) feet and a maximum size of one hundred (100) square feet.

Distance from ROW	M a x	Size of Fac
5 to 9		35
10 to 14		70
15 to 24	1	100
25 + feet	1	100

- 6. In any Commercial District, R/O, Residential Office, T/O, Technology Office Park and any Industrial Zoning Districts such sign may be an electronic information sign as defined in Subsection 521.03, Subsection 6 subject to the following conditions:
 - a. Such signs shall display static images for a period of at least five (5) seconds before transition to another static image. Frame effects are permitted so long as animation and flashing are prohibited.
 - b. Such signs in all zoning districts shall come equipped with automatic dimming technology which adjust the sign's brightness based on ambient light levels.
 - c. Such signs may not exceed an illumination level of 0.3 foot candles above ambient light levels, as measured using a foot candle (lux) meter, at a distance of one hundred feet from the sign.
 - d. Such signs may not emit an audible sound.
 - e. Such sign may be illuminated or lighted, but shall not be flashing or animated.
- 7. For unified centers, including shopping centers, technology and industrial parks, one (1) additional sign shall be permitted at the main entrance to such unified center, subject to the following requirements:
 - a. Such sign shall be a monument sign and shall indicate only the name and location of such unified center and the name and type of business of the occupants of such center.
 - b. The set back, sign face surface area and height shall be as regulated in Subsection 521.09, Paragraph 5 above.
 - c. Such sign may be illuminated or lighted, but shall not be flashing or animated.
 - d. Such sign may be an electronic information sign as defined in Subsection 521.03, Subsection 6, subject to the provisions in Subsection 521.09, Paragraph 6 above.

521.10 BILLBOARDS:

- 1. It is the intent of this Section to establish reasonable and uniform limitations, safeguards and controls for the location of billboards. Such regulations are deemed necessary in the public interest to protect the use and value of adjoining properties, as well as the best interest of the City.
- 2. The construction of a billboard in any zoning district shall be subject to the provisions of Article 7 of this ordinance requiring a conditional use permit.
- 3. Billboards shall be permitted on a lot with one hundred (100) feet or more of frontage on a street classified in the City's Major Street Plan as an arterial street and only in areas included in the C-3, General Commercial District or any Industrial Zoning District.
- 4. A billboard shall not be less than fifty (50) feet from any other building or on-site sign or two hundred feet from another billboard on the same side of the street.
- 5. Billboards shall not be permitted on the same lot as any unified center shopping center.

6. The minimum front yard from any street or highway right-of-way shall be in accordance with the front yard requirements of the applicable zoning district.
7. The minimum side or rear yard shall be five (5) feet.
8. No billboard shall be permitted within one hundred (100) feet of a residential zoning district.
9. The sign face of a billboard shall not be greater than ten (10) feet in vertical dimension or greater than thirty (30) feet in horizontal dimension and the maximum sign face area shall not exceed three hundred square feet.
10. The sign face of a billboard shall not be less than eight (8) feet in vertical dimension or less than twelve and one-half (12 ½) feet in horizontal dimension and the minimum sign face area shall not be less than one hundred (100) square feet.
11. A billboard shall not contain more than two (2) advertising signs per sign face.
12. A maximum of two (2) signs back-to-back shall be permitted per sign structure.
13. Double-decker sign faces are prohibited.
14. A moving sign as defined in Section 521.03, Subsection 13 may be permitted.
15. The maximum height of a billboard shall be twenty (20) feet above ground level at the base of the sign.
16. The construction of an electronic billboard information sign is subject to the following usage restrictions:
 - a. Such billboards shall display static images for period of at least ten (10) seconds before instantaneously transitioning to another static image.
 - b. Animation, flashing and frame effects are specifically prohibited.
 - c. Such billboards shall come equipped with automatic dimming technology which automatically adjusts the sign's brightness based on ambient light conditions.
 - d. Such billboards shall not exceed an illumination level of 0.3 foot candles above ambient light as measured using a foot candle (lux) meter from a pre-set distance measuring as follows:

0-100 square foot sign to be measured from 100 feet to the source,
 101-300 square foot sign to be measured 150 feet from the source.”

Section 2. That the original Section 521, of the Zoning Ordinances of the City of Nebraska Cit, and all other Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.

Section 3. That this Ordinance shall take effect and be in full force from and after its passage, approval, and publication, as provided by law.

PASSED and APPROVED, this 19th day of July, 2010.

 Jack Hobbie, Mayor

Attest:

 Arnold M. Ehlers, City Clerk-Treasurer

Rose Ralstin with NCTC informed the Council of the plans for this years “Lemon Days” business promotion and asked the Council to allow businesses to use the sidewalk for displays and sales. Commissioner Gay moved to approve the request by NCTC to use downtown sidewalks during “Lemon Days.” Upon roll call the following voted YES: Crunk, Gay, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion carried.

George Payne with Advanced Gaming Technologies presented paperwork for approval of Farbke Lanes as a Keno operation in Nebraska City. Commissioner Handy moved to approve the Keno operation for Farbke Lanes. Upon roll call the following voted YES: Mercer, Crunk, Handy and Mayor Hobbie. Voting NO: Gay. Motion passed.

Mayor Hobbie introduced Resolution 2482-10 approving an interlocal agreement with Otoe County for the 11th Corso Realignment Project. Commissioner Handy moved to approve Resolution 2482-10. Upon roll call the following voted YES: Crunk, Gay, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion passed. A true, correct and complete copy of said resolution is as follows:

RESOLUTION NO. 2482-10

WHEREAS, Otoe County and the City of Nebraska City are public entities inside Otoe County that retain personnel for road construction and maintenance;

WHEREAS, Otoe County has a full-time employee on staff who has successfully completed the required training to serve as a Responsible Charge on Federal-aid transportation projects;

WHEREAS, the City of Nebraska City has a federal aid transportation and improvement project identified as NDOR Project Number STPAA-6024(4), NDOR Control Number CN-12784, more commonly referred to as the 11th Corso Realignment Project, for which they are fully eligible for Federal-aid highway transportation project funds;

WHEREAS, the City of Nebraska City, pursuant to Neb. Rev. Stat. §13-801 et seq. and Neb. Rev. Stat. §77-3401 et seq., desires Otoe County to aid with the 11th Corso Realignment Project, more clearly defined as NDOR Project Number STPAA-6024(4), NDOR Control Number CN-12784, by providing the necessary personnel at an agreed upon rate;

WHEREAS, this agreement is in the best interests of the citizens and tax payers of both parties;

NOW THEREFORE BE IT RESOLVED, that Otoe County shall furnish the necessary personnel to the City of Nebraska City pursuant to the interlocal agreement, marked as Exhibit "A", and incorporated herein by this reference. The Mayor is authorized to sign any further documentation necessary to complete the attached interlocal agreement.

Dated this 19th day of July, 2010.

Jack Hobbie, Mayor

ATTEST:

Arnold Ehlers, City Clerk-Treasurer

Mayor Hobbie introduced Resolution 2483-10 approving an interlocal agreement with Otoe County for the 11th Street widening project. Commissioner Handy moved to approve Resolution 2483-10. Upon roll call the following voted YES: Crunk, Gay, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion passed. A true, correct and complete copy of said resolution is as follows:

RESOLUTION NO. 2482-10

WHEREAS, Otoe County and the City of Nebraska City are public entities inside Otoe County that retain personnel for road construction and maintenance;

WHEREAS, Otoe County has a full-time employee on staff who has successfully completed the required training to serve as a Responsible Charge on Federal-aid transportation projects;

WHEREAS, the City of Nebraska City has a federal aid transportation and improvement project identified as NDOR Project Number STPAA-6024(4), NDOR Control Number CN-12784, more commonly referred to as the 11th Corso Realignment Project, for which they are fully eligible for Federal-aid highway transportation project funds;

WHEREAS, the City of Nebraska City, pursuant to Neb. Rev. Stat. §13-801 et seq. and Neb. Rev. Stat. §77-3401 et seq., desires Otoe County to aid with the 11th Corso Realignment Project, more clearly defined as NDOR Project Number STPAA-6024(4), NDOR Control Number CN-12784, by providing the necessary personnel at an agreed upon rate;

WHEREAS, this agreement is in the best interests of the citizens and tax payers of both parties;

NOW THEREFORE BE IT RESOLVED, that Otoe County shall furnish the necessary personnel to the City of Nebraska City pursuant to the interlocal agreement, marked as Exhibit "A", and incorporated herein by this reference. The Mayor is authorized to sign any further documentation necessary to complete the attached interlocal agreement.

Dated this 19th day of July, 2010.

Jack Hobbie, Mayor

ATTEST:

Arnold Ehlers, City Clerk-Treasurer

Mayor Hobbie introduced Resolution 2484-10 approving an interlocal agreement with Otoe County for the Central Avenue Mill & Overlay Project. Commissioner Handy moved to approve Resolution 2484-10. Upon roll call the following voted YES: Mercer, Gay, Crunk, Handy and Mayor Hobbie. Voting NO: None. Motion carried. A true, correct and complete copy of said resolution is as follows:

RESOLUTION NO. 2484-10

WHEREAS, Otoe County and the City of Nebraska City are public entities inside Otoe County that retain personnel for road construction and maintenance;

WHEREAS, Otoe County has a full-time employee on staff who has successfully completed the required training to serve as a Responsible Charge on Federal-aid transportation projects;

WHEREAS, the City of Nebraska City has a federal aid transportation and improvement project identified as NDOR Project Number URB-6210(3), NDOR Control Number CN-12921, more commonly referred to as the Central Avenue Project, for which they are fully eligible for Federal-aid highway transportation project funds;

WHEREAS, the City of Nebraska City, pursuant to Neb. Rev. Stat. §13-801 et seq. and Neb. Rev. Stat. §77-3401 et seq., desires Otoe County to aid with the Central Avenue Project, more clearly defined as NDOR Project Number URB-6210(3), NDOR

Control Number CN-12921, by providing the necessary personnel at an agreed upon rate;

WHEREAS, this agreement is in the best interests of the citizens and tax payers of both parties;

NOW THEREFORE BE IT RESOLVED, that Otoe County shall furnish the necessary personnel to the City of Nebraska City pursuant to the interlocal agreement, marked as Exhibit "A", and incorporated herein by this reference. The Mayor is authorized to sign any further documentation necessary to complete the attached interlocal agreement.

Dated this 19th day of July, 2010.

Jack Hobbie, Mayor

ATTEST:

Arnold M. Ehlers, City Clerk

Pat Haverty presented the report from the architects for the renovation of the Memorial Building. With all options added in and estimating the acquisition, displacement and demolition costs associated with the adjoining properties the total estimate came to \$6,169,313.73. Staff will be working on finding donations towards the project and expect to have a bond question to put before the citizens in early spring.

ACCO	1,118.70	Chem	Mid-Con Systems	121.73	Chem
ADT Security	121.44	Contr	Midwest Striping	7,100.00	Maint
Alamar	92.93	Unif	Mint Cards	162.75	Supp
Arbor Mart	2,381.09	Fuel	Missoula Theatre	2,400.00	Contr
Arbor Outdoor	86.95	Equip	Moore Medical	847.20	Med
Berggren Arch	2,500.00	ROW	Mullenax Auto	88.80	Rep
Bohl Plumbing	2,042.88	Rep	Nationwide	10,413.81	Ins
Callaway	961.34	Msde	NC Rotary	375.00	Dues
Casey's	235.66	Fuel	NC Utilities	10,690.58	Util
Cintas	55.00	Contr	NE Dept Rev	3,363.76	Sales Tax
City Tire	151.98	Equip	NE Expressways	375.00	Dues
Dell	958.00	Supp	NE Workforce Dev	4,936.25	Contr
Don's Johns	104.00	Contr	Neeman, L	13.14	Training
Douglas Tire	552.95	Rep	Omaha Door	1,399.10	Rep
Earl May	24.99	Msde	O'Reilly Auto	46.77	Rep
Ehlers, A	34.99	Supp	Orscheln	68.05	Rep
EMC Insurance	761.25	Ins	Otoe Co Clerk	2,672.64	Contr
Fireguard	863.40	Rep	Payroll	150,462.16	Payroll
Food Pride	97.43	Conc	Physician's Network	99.00	Med
Heartland Class	63.66	Advert	Pitney Bowes	249.00	Postage
Hopkins Auto	60.06	Rep	Presto-X	75.00	Pest Cont
Hornung's Golf	256.61	Msde	Purchase Power	400.00	Postage
Ideal Pure Water	165.49	Contr	Shell	2,411.91	Fuel
Interstate Battery	24.90	Rep	St. Mary's Hospital	52.00	Med
Jebro	1,037.37	Maint	Tielke's Sandwiches	26.94	Conc
Kreifels Electric	749.33	Equip	Titan Machinery	88.56	Equip
Landis Engine	195.17	Rep	Tri-State Pumping	900.00	Rep
Larson Motors	31.48	Equip	VISA	69.95	Supp
Lesco	266.17	Seed	Watkins True Value	131.89	Rep
Linweld	301.13	Med	Wildwood Artists	1,281.72	Contr
Mead Lumber	115.45	Supp	Windstream	2,120.33	Tele
Mercer's	161.52	Supp	Wurtele, G	185.09	Supp
Mid-Amer Termite	43.48	Pest Cont			

Meeting adjourned at 7:19 p.m.

Arnold M. Ehlers, City Clerk