

CITY OF NEBRASKA CITY, NEBRASKA
MINUTES OF CITY COUNCIL REGULAR MEETING
July 20, 2009

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 20, 2009. 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: 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, Building Inspector Alan Viox Police Captain Lonnie Neeman and Public Properties Director/Zoning Director Dan Gittinger.

Commissioner Mercer moved to approve the minutes of the July 6, 2009, City Council Regular Meeting, seconded by Commissioner Handy. Upon roll call the following voted AYE: Crunk, Handy, Mercer and Mayor Hobbie. Voting NO: None. Absent: Gay. Motion adopted.

Mayor Hobbie opened the Public Hearing on the request for a Class "D" liquor license for Kwik Shop. June Cullom, District Advisor – Kwik Shop Inc answered questions by the City Attorney and Commissioners. No one else spoke in support or opposition to the request. Commissioner Mercer moved to close the Public Hearing. Upon roll call the following voted YES: Crunk, Handy, Mercer and Mayor Hobbie. Voting NO: None. Absent: Gay. Motion carried.

Mayor Hobbie opened the Public Hearing on the request to authorize the Mayor to request the release of CDBG Funds for Phase II of the Downtown Revitalization Project. Pat Haverty provided the Council with information on this step of the process to receive funds awarded to the City of Nebraska City. No one else spoke in support or opposition to the request. Commissioner Handy moved to close the Public Hearing. Upon roll call the following voted YES: Crunk, Handy, Mercer and Mayor Hobbie. Voting NO: None. Absent: Gay. Motion carried.

Mayor Hobbie opened the Public Hearing on the grant request by Kimmel Orchard for \$1,500.00 to assist in advertising for "Wine under the Pines." Shawna Silvius from R.C.E.D.C. provided information to the Council concerning the request. No one else spoke in support or opposition to the request. Commissioner Handy moved to close the Public Hearing. Upon roll call the following voted YES: Crunk, Handy, Mercer and Mayor Hobbie. Voting NO: None. Absent: Gay. Motion carried.

Mayor Hobbie proclaimed August 28, 2009 as "Forget-Me-Not" Day in Nebraska City.

Pat Haverty reported that he, Commissioner Handy and Public Properties Director Dan Gittinger attended a meeting in Lincoln that provided information on expediting federally funded projects. Mr. Haverty also updated the Council on the four remaining ROW acquisitions for the 11th Street/11th Corso projects. There is a storm sewer problem on south 8th Street which will require boring under the OPPD Railroad tracks, engineers' estimate of \$125,000 for the project. Mr. Haverty also reminded the Mayor and Commissioners of the Budget Retreat on July 29 from 2:00 to 5:00 p.m. The Treasurer's Report showed a beginning balance of \$3,078,988.33 on June 1, 2009. Revenues of \$720,808.13 and expenses of \$602,406.55 with an ending balance on June 30, 2009 of \$3,197,389.91. Wyuka Cemetery had total revenues and donations of \$12,871.00 in June. Brent Shanholtz presented R.C.E.D.C.'S Quarterly Report without the financials to the Council, explaining that the financials will be available upon the Executive Director's return from sick leave. The Mayor accepted all the reports and directed that they be placed on file.

Mayor Hobbie moved to add the Eagles Club to Agenda Item 10 as an outlet interested in hosting KENO in Nebraska City. Upon roll call the following voted YES: Crunk, Handy, Mercer and Mayor Hobbie. Voting NO: None. Absent: Gay. Motion carried.

Mayor Hobbie introduced Resolution 2421-09 approving the LB840 funds request by Kimmel Orchard. Commissioner Handy moved to approve Resolution 2421-09. Upon roll call the following voted YES: Crunk, Handy, Mercer and Mayor Hobbie. Voting NO: None. Absent: Gay. Motion carried. A true, correct and complete copy of said resolution is as follows:

RESOLUTION NO. 2421-09

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 \$1,500.00 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 20th day of July, 2009 by the City Council of Nebraska City.

Mayor

ATTEST: _____
City Clerk

Commissioner Handy moved to approve the agreement outlining the requirements for use of grant funds. Upon roll call the following voted YES: Mercer, Crunk, Handy and Mayor Hobbie. Voting NO: None. Absent: Gay. Motion passed.

Mayor Hobbie introduced Resolution 2422-09 to consider request for Class "D" Liquor License for Kwik Shop #649. Commissioner Mercer moved to approve the request for a Class "D" Liquor License for Kwik Shop #649 with the stipulation that all alcohol except beer be kept behind the counter. Upon roll call the following voted YES: Crunk, Handy, Mercer and Mayor Hobbie. Voting NO: None. Absent: Gay. Motion passed. A true, correct and complete copy of said resolution is as follows:

RESOLUTION 2422-09

WHEREAS, an application was filed by Kwik Shop, Inc, doing business as Kwik Shop #649, at 503 South 11th Street, Nebraska City, Nebraska, for a Class "D" Liquor License; and

WHEREAS, a public hearing notice was published in the *Nebraska City News-Press* as required by state law on July 14, 2009; such publication cost being \$ 12.35; and

WHEREAS, a public hearing was held on July 20, 2009, for the purpose of discussing such liquor license application.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COMMISSIONERS OF THE CITY OF NEBRASKA CITY, NEBRASKA, that;

The City of Nebraska City hereby recommends the approval of the above

Identified liquor license application with the following stipulation(s):

All alcoholic beverages other than beer are kept behind the counter.

Passed and adopted by the Mayor and Commissioners of the City of Nebraska City, Nebraska, on July 20, 2009.

Jack Hobbie, Mayor

Attest:

Arnold M. Ehlers, Clerk

Commissioner Mercer moved to approve The Depot; The Avenue Grill; and The Eagles Club as KENO Outlets in Nebraska City pending proper completion of the applications. Upon roll call the following voted YES: Crunk, Handy, Mercer and Mayor Hobbie. Voting NO: None. Absent: Gay. Motion passed.

Pat Haverty provided information on a request by St. Mary's Hospital Foundation to hold an event on Wildwood Golf Course August 29th. Commissioner Handy moved to approve the request by St. Mary's Hospital Foundation to use a portion of the 7th fairway for their event. Upon roll call the following voted YES: Mercer, Crunk, Handy and Mayor Hobbie. Voting NO: None. Absent: Gay. Motion passed.

Commissioner Mercer moved to approve the recommendation by the Board of Public Works to award a contract to H. K. Scholz for electrical work on Substations 902 & 903 in the amount of \$298,600.00. Upon roll call the following voted YES: Crunk, Handy, Mercer and Mayor Hobbie. Voting NO: None. Absent: Gay. Motion passed.

Mayor Hobbie introduced Ordinance 2769-09 for the second reading. Pat Haverty explained the basis for the ordinance. Bernadette Shanholtz spoke in support of the ordinance. Mayrene Thummel suggested that Section 4 be removed from the proposed ordinance and also stated that the city already had the powers included in the proposed ordinance. John Palmtag stated he is all

for inspecting buildings and keeping them in sound shape so that they are not a hazard to neighboring buildings but that the fees proposed in the ordinance pose an additional burden on building owners. Building Inspector Alan Viox stated that all buildings should be inspected whether vacant or not. But such an undertaking would require additional manpower. Commissioner Mercer interjected that a \$40 per year fee would be appropriate but expressed that he would not be in favor of fees above the \$40. Pat Haverty informed the Council that there are exemptions to the fee schedule. Mayor Hobbie added that four members of the committee that developed this ordinance are commercial building owners. Commissioner Handy stated that the "Livingston Property" may end up costing \$350,000 to complete and that is creating a burden on the taxpayers. Commissioner Crunk added that the Committee had decided to wait until after the third reading to make any changes to the ordinance in order to allow ample time for public comment. Commissioner Mercer moved to send the ordinance back to the committee and for the committee to consider deleting Section 4(a) and 4(b) and any sections conflicting with those deletions. . Upon roll call the following voted YES: Crunk, Handy, Mercer. Voting NO: Mayor Hobbie. Absent: Gay. Motion passed.

Mayor Hobbie introduced Ordinance 2764-09.

AN ORDINANCE TO AMEND SECTION 15-20, PHYSICAL EXAMINATION, OF THE CODE OF THE CITY OF NEBRASKA CITY, NEBRASKA; TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES 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 and upon roll call the following voted YES: Crunk, Handy, Mercer and Mayor Hobbie. Voting NO: None. Absent: Gay. The motion to suspend the rule was adopted by three-fifths of the Board 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 Mercer. The Mayor stated the question "Shall Ordinance No. 2764-09 be passed and adopted?" Upon roll call the following voted YES: Crunk, Handy, Mercer and Mayor Hobbie. Voting NO: None. Absent: Gay. The passage and adoption of said ordinance having been concurred in by a majority of all members of the Board, the Mayor declared the ordinance adopted and the Mayor in the presence of the Board signed and approved the ordinance and the Clerk attested the passage and approval of the same and affixed his signature thereto and ordered the Ordinance to be published in pamphlet form as provided therein. A true, correct and complete copy of said ordinance is as follows:

ORDINANCE NO. 2764-09

AN ORDINANCE TO AMEND SECTION 15-20, PHYSICAL EXAMINATION, OF THE CODE OF THE CITY OF NEBRASKA CITY, NEBRASKA; TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; AND TO DECLARE AN EFFECTIVE DATE.

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

Section 1. That Section 15-20 of the Code of Nebraska City, Nebraska, be amended to read as follows:

"Sec. 15-20. Physical examination.

All members of the fire and rescue department may be required to submit to a physical examination and/or random drug testing once each year, and at any other times required by the Chief or by the City Council.

Section 2. That all other ordinance or parts of ordinances of the City of Nebraska City, Nebraska, 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 20th day of July, 2009.

Jack Hobbie, Mayor
Attest:

Arnold M. Ehlers, City Clerk-Treasurer

Mayor Hobbie introduced Ordinance 2765-09.

AN ORDINANCE TO AMEND SECTION 12-1 STATE LAW APPLICABLE, OF THE CODE OF THE CITY OF NEBRASKA CITY, NEBRASKA; TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES 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 and upon roll call the following voted YES: Crunk, Handy, Mercer and Mayor Hobbie. Voting NO: None. Absent: Gay. The motion to suspend the rule was adopted by three-fifths of the Board 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 stated the question "Shall Ordinance No. 2765-09 be passed and adopted?" Upon roll call the following voted YES: Crunk, Handy, Mercer and Mayor Hobbie. Voting NO: None. Absent: Gay. The passage and adoption of said ordinance having been concurred in by a majority of all members of the Board, the Mayor declared the ordinance adopted and the Mayor in the presence of the Board signed and approved the ordinance and the Clerk attested the passage and approval of the same and affixed his signature thereto and ordered the Ordinance to be published in pamphlet form as provided therein. A true, correct and complete copy of said ordinance is as follows:

ORDINANCE NO. 2765-09

AN ORDINANCE TO AMEND SECTION 12-1 STATE LAW APPLICABLE, OF THE CODE OF THE CITY OF NEBRASKA CITY, NEBRASKA; TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; AND TO DECLARE AN EFFECTIVE DATE.

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

Section 1. That Section 12-1 of the Code of Nebraska City, Nebraska, be amended to read as follows:

"Sec. 12-1. State law applicable.

Sections 13-1401 to 13-1417, inclusive, Reissue Revised Statutes of Nebraska, 2007, and amendments thereto, and now duly approved insofar as applicable shall be a part of this chapter."

Section 2. That all other ordinance or parts of ordinances of the City of Nebraska City, Nebraska, 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 20th day of July, 2009.

Jack Hobbie, Mayor

Attest:

Arnold M. Ehlers, City Clerk-Treasurer

Mayor Hobbie introduced Ordinance 2766-09.

AN ORDINANCE TO REPEAL ARTICLE II, ELECTRICAL INSPECTOR, SECTIONS 14-18 THROUGH 14-47, BOTH INCLUSIVE, OF THE CODE OF THE CITY OF NEBRASKA CITY, NEBRASKA; TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES 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 and upon roll call the following voted YES: Crunk, Handy, Mercer and Mayor Hobbie. Voting NO: None. Absent: Gay. The motion to suspend the rule was adopted by three-fifths of the Board 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 stated the question "Shall Ordinance No. 2766-09 be passed and adopted?" Upon roll call the following voted YES: Crunk, Handy, Mercer and Mayor Hobbie. Voting NO: None. Absent: Gay. The passage and adoption of said ordinance having been concurred in by a majority of all members of the Board, the Mayor declared the ordinance adopted and the Mayor in the presence of the Board signed and approved the ordinance and the Clerk attested the passage and approval of the same and affixed his signature thereto and ordered the Ordinance to be published in pamphlet form as provided therein. A true, correct and complete copy of said ordinance is as follows:

ORDINANCE NO. 2766-09

AN ORDINANCE TO REPEAL ARTICLE II, ELECTRICAL INSPECTOR, SECTIONS 14-18 THROUGH 14-47, BOTH INCLUSIVE, OF THE CODE OF THE CITY OF NEBRASKA CITY; AND TO DECLARE AN EFFECTIVE DATE.

NOW THEREFORE, BE IT ORDAINED by the Mayor and City Commissioner of the City of Nebraska City, Nebraska:

Section 1. That Chapter 14, Article II, Electrical Inspector, Sections 14-18 through 14-47, both inclusive, of the Code of the City of Nebraska City, Nebraska, are hereby repealed in their entirety.

Section 2. That this ordinance shall take effect and be in force from and after its passage, approval, and publication, as provided by law.

Passed and approved this 20th day of July, 2009.

Jack Hobbie, Mayor

Attest:

Arnold M. Ehlers, City Clerk-Treasurer

Mayor Hobbie introduced Ordinance 2767-09

AN ORDINANCE TO REPEAL SECTION 20-2, TAX LEVY, OF CHAPTER 20, LIBRARIES, ARTICLE I, IN GENERAL, OF THE CODE OF THE CITY OF NEBRASKA CITY, NEBRASKA; AND TO DECLARE AN EFFECTIVE DATE; and moved that the statutory rule requiring reading on three different days be suspended. Commissioner Mercer seconded the motion and upon roll call the following voted YES: Crunk, Handy, Mercer and Mayor Hobbie. Voting NO: None. Absent: Gay. The motion to suspend the rule was adopted by three-fifths of the Board 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 stated the question "Shall Ordinance No. 2767-09 be passed and adopted?" Upon roll call the following voted YES: Crunk, Handy, Mercer and Mayor Hobbie. Voting NO: None. Absent: Gay. The passage and adoption of said ordinance having been concurred in by a majority of all members of the Board, the Mayor declared the ordinance adopted and the Mayor in the presence of the Board signed and approved the ordinance and the Clerk attested the passage and approval of the same and affixed his signature thereto and ordered the Ordinance to be published in pamphlet form as provided therein. A true, correct and complete copy of said ordinance is as follows:

ORDINANCE NO.2767-09

AN ORDINANCE TO REPEAL SECTION 20-2, TAX LEVY, OF CHAPTER 20, LIBRARIES, ARTICLE I, IN GENERAL, OF THE CODE OF THE CITY OF NEBRASKA CITY; AND TO DECLARE AN EFFECTIVE DATE.

NOW THEREFORE, BE IT ORDAINED by the Mayor and City Commissioner of the City of Nebraska City, Nebraska:

Section 1. That Section 20-2, Tax levy, of Chapter 20, Libraries, Article I, In General, of the Code of the City of Nebraska City, Nebraska, is hereby repealed.

Section 2. That this ordinance shall take effect and be in force from and after its passage, approval, and publication, as provided by law.

Passed and approved this 20th day of July, 2009.

Jack Hobbie, Mayor

Attest:

Arnold M. Ehlers, City Clerk-Treasurer

Mayor Hobbie introduced Ordinance 2768-09.

AN ORDINANCE TO AMEND SUBPARAGRAPH (e), SECTION 24-91, OF THE CODE OF THE CITY OF NEBRASKA CITY, NEBRASKA: FIREWORKS: SALE; PERMISSIBLE; LICENSE; TIME OF SALE; RULES AND REGULATIONS; PUBLIC EXHIBITIONS, OF THE CODE OF THE CITY OF NEBRASKA CITY, NEBRASKA; TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES 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 Mercer seconded the motion and upon roll call the following voted YES: Crunk, Handy, Mercer and Mayor Hobbie. Voting NO: None. Absent: Gay. The motion to suspend the rule was adopted by three-fifths of the Board 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 stated the question "Shall Ordinance No. 2768-09 be passed and adopted?" Upon roll call the following voted YES: Crunk, Handy, Mercer and Mayor Hobbie. Voting NO: None. Absent: Gay. The passage and adoption of said ordinance having been concurred in by a majority of all members of the Board, the Mayor declared the ordinance adopted and the Mayor in the presence of the Board signed and approved the ordinance and the Clerk attested the passage and approval of the same and affixed his signature thereto and ordered the Ordinance to be published in pamphlet form as provided therein. A true, correct and complete copy of said ordinance is as follows:

ORDINANCE NO. 2768-09

AN ORDINANCE TO AMEND SUBPARAGRAPH (e), SECTION 24-91, OF THE CODE OF THE CITY OF NEBRASKA CITY, NEBRASKA: FIREWORKS: SALE; PERMISSIBLE; LICENSE; TIME OF SALE; RULES AND REGULATIONS; PUBLIC EXHIBITIONS, OF THE CODE OF THE CITY OF NEBRASKA CITY, NEBRASKA; TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; AND TO DECLARE AN EFFECTIVE DATE.

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

Section 1. That Subparagraph (e), Section 24-91, Fireworks: Sale; Permissible; License; Time of Sale; Rules and Regulations; Public Exhibitions; of the Code of Nebraska City, Nebraska, be amended to read as follows:

“Sec. 24-91. Fireworks: Sale; Permissible; License; Time of Sale; Rules and Regulations; Public Exhibitions.

(e) Each application for a fireworks license must be approved by the chief of the fire department, and each fireworks stand must meet the following requirements:

- 1) All retail sales of permitted fireworks shall be permitted only from within a temporary fireworks stand, and the sale of fireworks from any other building or structure is hereby prohibited.
- 2) No stand shall be placed or located on a public right-of-way.
- 3) Each stand shall be provided with a least one (1) of the following five pound (5#) fire extinguishers: CO₂, or ABC type, in good working order and shall be easily accessible for use in the event of a fire.
- 4) “No smoking” signs shall be prominently displayed in four (4") inch letters, both inside and outside the fireworks stand. No person shall smoke or burn any cigarettes, cigars, pipes, or any combustible material, within such stand or within a distance of twenty (20) feet surrounding such stand.
- 5) Local Emergency telephone numbers, 911 or 873-3900, shall be posted in letters at least four (4") inches high and shall be in plain view.
- 6) All unsold stock and accompanying litter, shall be removed from the location by 5 o'clock p.m. on the 5th day of July, and shall be returned to the wholesaler or disposed of in an appropriate manner.”

Section 2. That all other ordinance or parts of ordinances of the City of Nebraska City, Nebraska, 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 20th day of July, 2009.

Jack Hobbie, Mayor

Attest:

Arnold M. Ehlers, City Clerk-Treasurer

Mayor Hobbie introduced Ordinance 2770-09.

AN ORDINANCE TO AMEND SUBPARAGRAPH (e), SECTION 24-91, OF THE CODE OF THE CITY OF NEBRASKA CITY, NEBRASKA: FIREWORKS: SALE; PERMISSIBLE; LICENSE; TIME OF SALE; RULES AND REGULATIONS; PUBLIC EXHIBITIONS, OF THE CODE OF THE CITY OF NEBRASKA CITY, NEBRASKA; TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES 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 Mercer seconded the motion and upon roll call the following voted YES: Crunk, Handy, Mercer and Mayor Hobbie. Voting NO: None. Absent: Gay. The motion to suspend the rule was adopted by three-fifths of the Board 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 stated the question “Shall Ordinance No. 2768-09 be passed and adopted?” Upon roll call the following voted YES: Crunk, Handy, Mercer and Mayor Hobbie. Voting NO: None. Absent: Gay. The passage and adoption of said ordinance having been concurred in by a majority of all members of the Board, the Mayor declared the ordinance adopted and the Mayor in the presence of the Board signed and approved the ordinance and the Clerk attested the passage and approval of the same and affixed his signature thereto and ordered the Ordinance to be published in pamphlet form as provided therein. A true, correct and complete copy of said ordinance is as follows:

ORDINANCE NO. 2770-09

AN ORDINANCE TO AMEND CHAPTER 14, ARTICLE IV, PERMITS AND INSPECTIONS, OF THE CODE OF THE CITY OF NEBRASKA CITY, NEBRASKA: TO REPEAL ARTICLE IV, SECTIONS 14-59 THROUGH AND INCLUDING SECTION 14-69; TO ADOPT NEW SECTIONS 14-60 THROUGH 14-69 RELATING TO LICENSES, WHEN NOT REQUIRED, APPLICATION, LICENSING OF FIRMS, BONDS, RECORDS, TERM, RENEWAL, AND PERMITS NOT TRANSFERABLE; TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; AND TO DECLARE AN EFFECTIVE DATE.

WHEREAS, because Electrical Inspections are now being performed by the State Electrical Inspector, Article IV of Chapter 14 of the City Code is being revised to include the following subjects.

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

Article 1. That Article IV, Sections 14-59 through and including Section 14-69, of Chapter 14, of the Code of Nebraska City, Nebraska, be and the same are hereby repealed and shall be of no further force and effect.

Article 2. That Chapter 14, Article IV, Permits and Inspections is hereby amended to read as follows:

“Sec. 14-60. When not required.

No permit required by this article shall be required for the following work:

- (a) The installation of any electric apparatus used or useful in the connection with any

generating plant or distribution system operated under a franchise granted by the city.

- (b) For minor repair work, such as repairing flash and snap switched, replacing fuses, changing lamp sockets and receptacles, taping bare joints and repairing drop cords.

Sec. 14-61 Work to be performed by licensed electricians.

It shall be unlawful for any electrician to have any person other than a person holding a Nebraska State Electrical Board License or journeyman electrician perform any electrical work. All work will be inspected by a State of Nebraska Electrical Inspector.

Sec. 14-62 Required

It shall be unlawful for any person to engage in the business of electrical wiring or repair as an electrician or contracting electrician in this city, or to commence or take charge of any work as an electrician, without first having procured from the city a permit to work as required by this article. No such permit shall be issued by the city clerk until directed

Sec. 14-63 Application.

The application for a permit required by this article shall be made in writing to the city clerk on forms furnished by said clerk and the applicant shall give full name under which the business is to be conducted.

Sec. 14-64 Licensing of firms, corporations, etc.

In case of a partnership or firm consisting of more than one (1) person, only one (1) of such persons shall be required to qualify as a licensed electrician.

Sec. 14-65 Electrician Bond

Before any electrician permit to work is issued, the applicant therefore shall file with the city clerk-treasurer a bond in the sum of ten thousand dollars (\$10,000.00), executed by the applicant and a surety company authorized to do business in this state as surety, running to the city, conditioned upon the faithful performance by the licensee of all work in full compliance with all provisions of the city Code and any person injured by failure of such licensee to comply with the provisions of the city Code shall have a right of action against the licensee and his surety in his name; provided, however, that any person wishing to avail himself of the benefits of the surety bond shall commence action thereof within one (1) year after the date of the completion of the work alleged to have been improperly performed. The bond herein required shall be in force upon date of application and be continually in force during the year for which the permit to work is issued, in form and substance as herein required, shall be given by such person to cover all work he shall perform during such year. Any such bond shall be approved as to form and legal content by the city attorney. A permit to work as hereinabove provided may be issued upon approval of such surety bond, provided the requirements hereof are fulfilled.

Sec. 14-66 Record of licenses to be kept.

The city clerk shall make and keep a record of all permits issued, lapsed and revoked.

Sec. 14-67 Term.

All permits issued under this article shall continue in force until January first after date on which it was granted.

Sec. 14-68 Renewal.

Permits, at the time of their expiration, may be renewed by the city clerk, upon the written recommendation of the building inspector, upon payment of the annual permit fee and registration or renewal fee, and upon condition that registrant's bond for the renewal permit period is approved and on file.

Sec. 14-69 Permits not transferable.

No initial permit or renewal permit issued pursuant to these provisions of this article shall be transferable.

Article 3. That all Ordinances or parts of ordinances in conflict with this Ordinances are hereby repealed.

Article 4. That this Ordinance shall be effective from and after its adoption, approval, and publication, as provided by law.

PASSED and APPROVED, this 20th day of July, 2009.

Jack Hobbie, Mayor

Attest:

Arnold M. Ehlers, City Clerk-Treasurer

Commissioner Mercer moved to pay all claims except Claim #7250I. Upon roll call the following voted YES" Crunk, Handy, Mercer and Mayor Hobbie. Motion passed.

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

ACCO	764.09	Chem		KNCY AM-FM	48.00	Ads
ADT Security Svc.	115.11	Contr		Kreifels Electric	4,331.38	Rep
Alamar Uniforms	641.04	Unif		Krog, Andrew	250.00	Stipend
Alco Store	109.29	Conc		Larson Motors	91.66	Rep
Allied Recycling & Ref	405.75	Garbage		LaRue Coffee	132.61	Supp
Apple Inc	1,833.00	Equip		Lentsch, Shari	300.00	Stipend
Arbor Mart	1,620.55	Fuel		Linweld, Inc	160.40	Supp
Arbor Outdoor Power	76.95	Rep		Marion, James	750.00	Stipend
Armando Pro Vaquera	1,000.00	ROW		Martin Marietta Mater	418.97	Gravel
Barrett Construction Co.	5,609.00	Demo		Mead Lumber	13.99	Supp

Beacon Athletics	24.95	Supp		Mercer's	264.17	Supp
Bernhardson, Noah	300.00	Stipend		Mid Con Systems	23.58	Supp
Bishop Plmbg & Htg	96.00	Rep		Mid-America Termite	43.48	Contr
Bohl Plmbg & Htg	340.68	Rep		Midwest ROW Svc	186.00	ROW
BSN Sports	433.81	Maint		Moore Medical	1,103.35	Supp
Card Services	1,070.48	Comp		Morrow, Sharon	700.00	Stipend
Casey's General Stores	259.18	Fuel		Municipal Emerg Svc	641.42	Maint
CDW Government	2,810.69	Equip		Murphy Distributing	92.00	Conc
Center Trophy Co	60.00	Misc		N.E.E.D.	375.00	Dues
Cintas Corp	128.50	Supp		NC Jaycees	2,500.00	Donation
City of NC Wildwood	1,088.68	Contr		NC Utilities	10,404.54	Util
City Tire & Auto Access	642.92	Rep		NE Dept. of Revenue	2,544.40	Sales Tax
City Wholesale Meat	34.23	Conc		NE Workforce Dvl	4,331.86	Unemp
Conz, Gregory	100.00	Stipend		Omaha World-Herald	237.16	Ads
Creighton University Med	162.38	Train		O'Reilly Auto Parts	161.08	Maint
Data Technologies	731.10	Train		Otoe County Clerk	2,590.86	Contr
Dick's Body & Paint	64.00	Rep		Pamida,	4.79	Supp
Don's Johns & Septic	104.00	Contr		Paragon	871.45	Supp
Douglas Tire Co.	1,878.48	Rep		Pitney Bowes	667.99	Postage
EMS Billing Svc	4,169.78	Billings		Polk City Directories	215.00	Supp
Fireguard	556.09	Rep		Rock Port Golf	660.00	Contr
Fouraker, Helen	1,150.00	Stipend		Schneider Elec & Refr	689.48	Rep
Fremont Cnty Golf	660.00	Contr		Schreiner, Kelly	250.00	Stipend
Gittinger, D	248.39	Train		Shell	2,184.16	Fuel
Hamlin, Sandra	100.00	Stipend		St. Mary's Hosp	151.00	Med
Haverty, Brent	457.50	Contr		Tielke's Sandwiches	13.50	Conc
Heartland Classified Svc	12.35	Ads		Tim Engel Constr	2,350.00	Rep
HGM Associates Inc	5,000.00	Contr		Tri-State Office Prod	8,606.20	Supp
HireRight Solutions	50.00	Med		Voelker Title	13,600.00	Loan
Hogan Jr., William	500.00	Stipend		Wage & Benefits	96,655.92	Payroll
Hopkins Automotive	86.94	Maint		Watkins True Value	452.88	Supp
Hydraulic Equipment Svc	36.82	Rep		Wilson Electric	3,722.05	Contr
Ideal Pure Water	82.00	Water		Windstream	8,734.16	Tele
Ingle, Cass	250.00	Stipend		Wurtele Distributing	159.85	Conc
John Deere Landscapes	163.11	Chem		Zimco Supply Co.	289.17	Chem
Jones, Nathan	2,040.00	Stipend		Zones	256.87	Equip

Meeting adjourned at 7:44 p.m.

Arnold M. Ehlers, City Clerk Treasurer