

CITY OF NEBRASKA CITY, NEBRASKA  
MINUTES OF CITY COUNCIL REGULAR MEETING  
September 8, 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 September 8, 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. Absent: Brett Gay. The following City Officials were present: City Administrator Pat Haverty, City Clerk Arnold M. Ehlers, City Attorney William Davis, Police Chief David Lacy and Public Properties Director/Zoning Director Dan Gittinger.

Commissioner Mercer moved to approve the minutes of the August 17, 2009, City Council Regular Meeting, seconded by Commissioner Handy. Upon roll call the following voted YES: Crunk, Handy, Mercer and Mayor Hobbie. Voting NO: None. Absent: Gay. Motion adopted.

Mayor Hobbie then opened the Public Hearing for the proposed fiscal year 2009-2010 budget. City Administrator Pat Haverty presented a summary of the budget which had been previously reviewed by the City Council on July 29, 2009. There were no changes from that draft budget. No one else spoke in support or opposition to the proposed budget. Mayor Hobbie moved to close the public hearing. Upon roll call the following voted YES: Mercer, Crunk, Handy and Mayor Hobbie. Voting NO: None. Motion carried.

Mayor Hobbie opened the Public Hearing setting the final tax request at a different amount than the previous year. Pat Haverty stated that the budget retained the same tax levy as the previous year but that the City's assessed valuation increased by almost nine million dollars thereby increasing the amount projected to be received from property tax by approximately \$35,000. No one else spoke in support or opposition to the final tax request. Commissioner Handy moved to close the Public Hearing. Upon roll call the following voted YES: Crunk, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion carried.

Mayor Hobbie opened the Public Hearing on a loan request by Warehouse Antiques @ 609 L.L.C. to open an antique and clothing consignment store. Stephanie Shrader of R.C.E.D.C. provided background and a recommendation by the Loan Review Committee to approve this loan. No one else spoke in favor or opposition to the request. Commissioner Handy moved to close the Public Hearing. Upon roll call the following voted YES: Crunk, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion carried.

Mayor Hobbie then opened the Public Hearing to adopt guidelines for use of CDBG-Downtown Revitalization Program Funds. Pat Haverty reviewed the guidelines which each member of the board previously received. No one else spoke in support or opposition to the guidelines. Commissioner Handy moved to close the Public Hearing. Upon roll call the following voted YES: Crunk, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion carried.

Mayor Hobbie proclaimed the week of September 13 – 19 as “National Assisted Living Week.”

City Administrator Pat Haverty updated the Council on several projects. Staff has made a “Request for Qualifications” for a consultant to design the Steinhart Park Trail Phase II, there was a “Plan in Hand” meeting on the 11<sup>th</sup> Street/11<sup>th</sup> Corso Project. The Central Avenue Project is still on track to qualify for “Stimulus” funding, and the transfer station passed the NDEQ inspection. Mayor Hobbie accepted the report and asked that it be placed on file.

Mayor Hobbie moved to approve the 2009-2010 fiscal year budget for the Nebraska City Area Solid Waste Agency (NCASWA). Upon roll call the following voted YES: Mercer, Crunk, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

Mayor Hobbie introduced Resolution 2427-09 increasing budgeted restricted funds by 1%. Commissioner Handy moved to approve Resolution 2427-09. Upon roll call the following voted YES: Crunk, Mercer, Handy and Mayor Hobbie. Voting NO: None. A true, correct and complete copy of said resolution is as follows:

**Resolution 2427-09**

**WHEREAS**, pursuant to Nebraska Revised Statute §13-519 the City of Nebraska City is limited to increasing its total of budgeted restricted funds by no more than the prior year's total of budgeted restricted funds plus population growth plus two and one-half percent (2½%) expressed in dollars; and

**WHEREAS**, §13-519 authorizes the City of Nebraska City to exceed the foregoing budget limit for a fiscal year by an additional one percent (1%) increase in budgeted restricted funds upon affirmative vote of at least seventy-five (75%) of the governing body; and

**WHEREAS**, the Annual Budget for Fiscal Year 2009-2010 and Program for Municipal Services in the Lid Computation Fiscal year 2009-2010 supported by the detail relating to restricted revenue accounts, proposes an additional increase in budgeted restricted funds of one percent (1%) as provided by the statute; and

**WHEREAS**, approval of the additional one percent (1%) increase in budgeted restricted funds is prudent fiscal management, does not increase authorized expenditures and is in the best interests of the City of Nebraska City and its citizens.

**NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND BOARD OF COMMISSIONERS OF THE CITY OF NEBRASKA CITY, NEBRASKA**, that by an affirmative vote by more than seventy-five percent (75%) of the Board of Commissioners, budgeted restricted funds for Fiscal Year 2009-2010 shall be increased by an additional one percent (1%) as provided by Nebraska Revised Statute § 13-519.

PASSED and APPROVED this 8<sup>th</sup> day of September, 2009

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Jack Hobbie, Mayor

Attest:

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

Mayor Hobbie introduced Ordinance 2777-09 entitled AN ORDINANCE TO ADOPT THE BUDGET STATEMENT TO BE TERMED THE 2009-2010 ANNUAL APPROPRIATION BILL; TO APPROPRIATE SUMS FOR NECESSARY EXPENSES AND LIABILITIES; TO PROVIDE FOR AN EFFECTIVE DATE and moved that the statutory rule requiring reading on three different days be suspended. Commissioner Handy seconded the motion to suspend the rules and upon roll call the following voted YES: Mercer, Crunk, Handy and Mayor Hobbie. Voting NO: None. Absent: Gay. 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. 2777-09 be passed and adopted?" Upon roll call the following voted YES: Mercer, Handy and Mayor Hobbie. Voting NO: Crunk. The passage and adoption of said ordinance having been concurred in by a majority of all members of the Council, the Mayor declared the ordinance adopted and the Mayor, in the presence of the Council, signed and approved the ordinance and the Clerk attested the passage and approval of the same and affixed his signature thereto. A true and correct copy of said ordinance is as follows:

**ORDINANCE No. 2777-09**

**AN ORDINANCE TO ADOPT THE BUDGET STATEMENT TO BE TERMED THE 2009-2010 ANNUAL APPROPRIATION BILL; TO APPROPRIATE SUMS FOR NECESSARY EXPENSES AND LIABILITIES; TO PROVIDE FOR AN EFFECTIVE DATE.**

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

SECTION 1. That after complying with all procedures required by law, the budget presented and set forth in the budget statement is hereby approved as the Annual Appropriation Bill for the fiscal year beginning October 1, 2009, through September 30,

2010. All sums of money contained in the budget statement are hereby appropriated for the necessary expenses and liabilities of the City of Nebraska City. A copy of the budget document shall be forwarded as provided by law to the Auditor of Public Accounts, State Capitol, Lincoln, Nebraska, and to the County Clerk of Otoe County, Nebraska, for use by the levying authority.

SECTION 2. This ordinance shall take effect and be in force from and after its passage, approval and publication as required by law.

Passed and approved this 8<sup>th</sup> day of September, 2009.

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

ATTEST:

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Arnold M. Ehlers, City Clerk-Treasurer

Mayor Hobbie introduced Ordinance 2776-09; AN ORDINANCE TO AMEND THE EIGHT-STEP PAY SCHEDULE REFERRED TO IN SECTION 2-9 OF THE CODE OF THE CITY OF NEBRASKA CITY RELATNG TO SALARIED OFFICERS AND EMPLOYEES AND TO DECLARE AN EFFECTIVE DATE and moved that the statutory rule requiring reading on three different days be suspended. Commissioner Handy seconded the motion to suspend the rules and upon roll call the following voted YES: Mercer, Crunk, Handy and Mayor Hobbie. Voting NO: None. Absent: Gay. 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. 2776-09 be passed and adopted?" Upon roll call the following voted YES: Mercer, Crunk, Handy and Mayor Hobbie. Voting NO: None. The passage and adoption of said ordinance having been concurred in by a majority of all members of the Council, the Mayor declared the ordinance adopted and the Mayor, in the presence of the Council, signed and approved the ordinance and the Clerk attested the passage and approval of the same and affixed his signature thereto. A true and correct copy of said ordinance is as follows:

ORDINANCE No. 2776-09

AN ORDINANCE TO AMEND THE EIGHT-STEP PAY SCHEDULE REFERRED TO IN SECTION 2-9 OF THE CODE OF THE CITY OF NEBRASKA CITY RELATNG TO SALARIED OFFICERS AND EMPLOYEES AND TO DECLARE AN EFFECTIVE DATE.

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

SECTION 1. That THE EIGHT-STEP Pay Schedule attached to and made a part of this ordinance, be and is hereby adopted for various employee positions of the City of Nebraska City, Nebraska.

SECTION 2. The rates of pay as provided for by the Pay Schedule shall be effective from the first day of October 2009.

SECTION 3. All ordinances or parts of ordinance in conflict with this ordinance are hereby repealed.

SECTION 4. This ordinance shall take effect and be in force from and after its passage, approval and publication as required by law.

Passed and approved this 8<sup>th</sup> day of September 2009.

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

ATTEST:

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Arnold M. Ehlers, City Clerk-Treasurer

Mayor Hobbie introduced Resolution 2430-09 setting the property tax request for 2009-2010 fiscal year. Commissioner Handy moved to approve Resolution 2430-09. Upon roll call the following voted YES: Mercer, Handy and Mayor Hobbie. Voting NO: Crunk. Absent Gay. Motion passed. A true, correct and complete copy of said resolution is as follows:

RESOLUTION NO.2430-09

WHEREAS, Nebraska Revised Statute 77-1601.02 provides that the property tax request for the prior year shall be the property tax request for the current year for the purpose of setting the levy by the County Board of Equalization unless the Governing Body of the City passes by a majority vote a resolution or ordinance setting the tax request at a different amount; and

WHEREAS, a special public hearing was held as required by law to hear and consider comments concerning the property tax request; and

WHEREAS, it is in the best interests of the City that the property tax request for the current year be a different amount than the property tax request for the prior year,

NOW, THEREFORE, THE MAYOR AND CITY COMMISSIONERS OF THE CITY OF NEBRASKA CITY, NEBRASKA, BY A MAJORITY VOTE, RESOLVE THAT:

1. The property tax request for the fiscal year beginning October 1, 2009, be set at the following amounts:

General Fund..... \$ 820,084.00

Bonded Indebtedness Fund.....\$ 475,000.00

2. The City Clerk-Treasurer shall certify and forward a copy of this resolution to the County Clerk prior to October 9, 2009.

Passed and approved this 8<sup>th</sup> day of September, 2009.

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Jack Hobbie, Mayor

ATTEST:

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Arnold M. Ehlers, City Clerk-Treasurer

Commissioner Mercer moved to approve the 2009-2010 Nebraska City Municipal Airport Budget. Upon roll call the following voted YES: Crunk, Handy, Mercer and Mayor Hobbie. Voting NO: None. Motion carried.

Mayor Hobbie introduced Resolution 2428-09 approving the loan request by Warehouse Antiques @609 L.L.C. Mayor Hobbie moved to approve Resolution 2428-09. Upon roll call the following voted YES: Mercer, Crunk, Handy and Mayor Hobbie. Voting NO: None. Motion carried. A true, correct and complete copy of said resolution is as follows:

**RESOLUTION NO. 2428-09**

**TO USE PROGRAM INCOME FROM A PREVIOUS  
COMMUNITY DEVELOPMENT BLOCK GRANT**

**WHEREAS**, the **Nebraska City/Otoe County Regional Economic Development Loan Fund** has received Community Development Block Grants for Economic Development and,

**WHEREAS**, Program Income (Reuse) funds for Economic Development are to be used for making loans to private businesses in accordance with the Regional Economic Development Plan, program and governing regulations, and,

**WHEREAS**, a Reuse Plan has previously been adopted, and,

**WHEREAS**, the Application Review Board has recommended a reuse project presented through application by an eligible business for a loan up to \$45,000 under specified conditions, and,

**WHEREAS**, the City Council of Nebraska City has conducted a public hearing upon the proposed use of Program Income 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 Application Review Board and the Mayor is hereby authorized to execute all necessary and appropriate documents on behalf of the City and the Regional Economic Development Loan Fund to complete the loan project for **“Warehouse Antiques @ 609 L.L.C.”**, contingent upon approval of the City Attorney as to form.

Passed and adopted on the 8th day of September, 2009 by the City Council of Nebraska City, Nebraska.

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

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

Leroy Frana of Nebraska City Utilities asked the Council to approve the recommendation by the Board of Public Works to purchase a Kuhn Knight Model 2044 Pro Push Spreader in the amount of \$39,925.00. Commissioner Handy moved to approve the purchase of the Pro Push Spreader for the sum of \$39,925.00. Upon roll call the following voted YES: Crunk, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

Chief Lacy informed the Council that the Shriner’s had contacted him about using the 100 block of South 7<sup>th</sup> Street on September 19<sup>th</sup> after the bank closed. Commissioner Handy moved to approve the request by the Shrine Club to use the 100 block of South 7<sup>th</sup> for parking and staging on September 19, 2009. Upon roll call the following voted YES: Crunk, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion carried.

Ron Hoyle representing the Arbor Shrine Club asked the Council for permission for Shriner’s to collect donations at the intersection on Central Avenue at 11<sup>th</sup> Street on September 19<sup>th</sup> 2009. Mayor Hobbie moved to approve the request by Ron Hoyle to allow collection of donations at the intersection of Central Avenue at 11<sup>th</sup> Street on September 19<sup>th</sup>. Upon roll call the following voted YES: Crunk, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion carried.

Mayor Hobbie introduced Resolution 2426-09 to place handicap spaces in front of the Police station. Commissioner Handy moved to approve Resolution 2426-09. Upon roll call the following voted YES: Crunk, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion passed. A true, correct and complete copy of said ordinance is as follows:

**RESOLUTION 2426-09**

BE IT RESOLVED by the Mayor and City Commissioners of the City of Nebraska City, Nebraska:

That a “Handicapped Parking” stall be placed at the following location to regulate parking, and said regulation shall be effective twenty-four hours each day, for the purpose of setting aside a portion of Central Avenue, where only vehicles bearing a handicapped license plate, or a special plate, or a special handicapped permit attached to the rearview mirror, may be parked, to-wit:

West from the 15<sup>th</sup> Street back of curb along the North side of Central Avenue one hundred four feet (104’) to the East side of space one (1) and one hundred thirty six feet (136’) to the east side of parking space two (2) also identified as the Fifth parking space and the Sixth parking space located West of Fifteenth Street on the North side of Central Avenue adjacent to Lots Nine - Twelve, Block Forty (40) Prairie City Addition to Nebraska City, Otoe County, Nebraska; and that said spaces be identified by posting above ground and adjacent to each parking space a sign as designated in Section 18-1737, of the Reissue of Revised Statutes of Nebraska, 2006 Cumulative Supplement.

Passed and approved this 8<sup>th</sup> day of September, 2009.

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

Attest:

Mayor Hobbie moved to approve the Sidewalk Café Application of Good Times at Stanley's. Pat Haverty informed the Council that they could place conditions such as type of tables & chairs. Commissioner Crunk stated that he was not in favor of the permit but wanted uniformity in the code and have benches along Central Avenue. Mayor Hobbie amended his motion to include that Building Inspector Alan Viox will approve the fixtures. Upon roll call the following voted YES: Handy, Mercer and Mayor Hobbie. Voting NO: Crunk. Motion carried.

Pat Haverty informed the Council that the City Engineer was ready to advertise for bids on the 2009-03 Storm Water Sewer District. Commissioner Handy moved to direct the City Engineer to advertise for bids for the 2009-03 Storm Water Sewer District. Upon roll call the following voted YES: Mercer, Crunk, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

Pat Haverty explained the agreement provided by Omaha Public Power District which outlines conditions for repairing the Storm Water Sewer (2009-03). Commissioner Handy moved to approve the agreement with OPPD and authorize the Mayor to sign. Upon roll call the following voted YES: Mercer, Crunk, Handy and Mayor Hobbie. Voting NO: None. Motion carried.

Mayor Hobbie introduced Ordinance 2773-09 AN ORDINANCE DIRECTING THE SALE AND CONVEYANCE OF 5<sup>th</sup> STREET BETWEEN BLOCKS NINE (9) AND TEN (10), IN ANDERSON'S ADDITION IN THE CITY OF NEBRASKA CITY, NEBRASKA, AS MORE PARTICULARLY DESCRIBED IN SECTION ONE (1) HEREOF, TO RICHARD DEAN JOHNSON, DIRECTING NOTICE OF SALE BY PUBLICATION; AND TO PROVIDE FOR AN EFFECTIVE DATE and moved that the statutory rule requiring reading on three different days be suspended. Commissioner Handy seconded the motion to suspend the rules and upon roll call the following voted YES: Mercer, Crunk, Handy and Mayor Hobbie. Voting NO: None. Absent: Gay. 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. 2773-09 be passed and adopted?" Upon roll call the following voted YES: Mercer, Crunk, Handy and Mayor Hobbie. Voting NO: None. The passage and adoption of said ordinance having been concurred in by a majority of all members of the Council, the Mayor declared the ordinance adopted and the Mayor, in the presence of the Council, signed and approved the ordinance and the Clerk attested the passage and approval of the same and affixed his signature thereto. A true and correct copy of said ordinance is as follows:

**ORDINANCE NO. 2773-09**

AN ORDINANCE DIRECTING THE SALE AND CONVEYANCE OF 5<sup>th</sup> STREET BETWEEN BLOCKS NINE (9) AND TEN (10), IN ANDERSON'S ADDITION IN THE CITY OF NEBRASKA CITY, NEBRASKA, AS MORE PARTICULARLY DESCRIBED IN SECTION ONE HEREOF, TO RICHARD DEAN JOHNSON, DIRECTING NOTICE OF SALE BY PUBLICATION; AND TO PROVIDE FOR AN EFFECTIVE DATE.

WHEREAS, RICHARD DEAN JOHNSON, 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 Richard Dean Johnson, for the consideration of \$1.00 and all expenses involved in this sale, including legal expenses, advertising charges and filing fees, and subject to existing taxes and special assessments, if any, and also subject to any existing easements, the following described property:

Vacated 5<sup>th</sup> Street between Blocks Nine (9) and Ten (10), Anderson's Addition to Nebraska City, Otoe County, Nebraska,

and the Mayor is hereby directed to execute and acknowledge for and in the name of the City of Nebraska City, a quit claim deed, to be attested by the City Clerk-Treasurer, with the seal of the City affixed, conveying said real estate to Richard Dean Johnson.

Section 2. The City Clerk-Treasurer is hereby directed to publish in the Nebraska City News Press, a newspaper published and of general circulation in the City of Nebraska City, immediately after the passage and publication of this ordinance, a notice of said sale for three consecutive weeks.

Section 3. The Mayor and City Clerk-Treasurer are hereby directed to deliver said deed to the purchaser of said real estate, after the publication of said notice as hereinbefore provided and after thirty days from the passage and publication of this ordinance, and upon payment by the purchaser of said consideration in cash.

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

PASSED and APPROVED this 8<sup>th</sup> day of September, 2009.

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Jack Hobbie, Mayor  
Attest:

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Arnold M. Ehlers, City Clerk-Treasurer

Mayor Hobbie introduced Ordinance 2775-09 AN ORDINANCE VACATING THE ALLEY IN BLOCK TWENTY-SEVEN (27) ELMWOOD ADDITION TO THE CITY OF NEBRASKA CITY, OTOE COUNTY, NEBRASKA; AND DECLARING AN EFFECTIVE DATE and moved that the statutory rule requiring reading on three different days be suspended. Commissioner Handy seconded the motion to suspend the rules and upon roll call the following voted YES: Mercer, Crunk, Handy and Mayor Hobbie. Voting NO: None. Absent: Gay. 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. 2775-09 be passed and adopted?" Upon roll call the following voted YES: Mercer, Crunk, Handy and Mayor Hobbie. Voting NO: None. The passage and adoption of said ordinance having been concurred in by a majority of all members of the Council, the Mayor declared the ordinance adopted and the Mayor, in the presence of the Council, signed and approved the ordinance and the Clerk attested the passage and approval of the same and affixed his signature thereto. A true and correct copy of said ordinance is as follows:

ORDINANCE NO. 2775-09  
AN ORDINANCE VACATING THE ALLEY IN BLOCK TWENTY-SEVEN (27) ELMWOOD ADDITION TO THE CITY OF NEBRASKA CITY, OTOE COUNTY, NEBRASKA; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, a majority of the owners of the property adjacent to the alley in Block Twenty-seven (27), Elmwood Addition to the City of Nebraska City, Nebraska, have requested that said alley be vacated, and

WHEREAS, because of the surrounding circumstances the Mayor and City Commissioners of the City of Nebraska City, Nebraska, find the City no longer has a need for the alley in Block Twenty-seven (27), Elmwood Addition, to the City of Nebraska City, Nebraska, and the applicants' request should be approved.

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

SECTION 1. That the alley in Block Twenty-Seven (27), Elmwood Addition to the City of Nebraska City, Nebraska, be and the same is hereby vacated, and title to such property shall vest in the owners of the abutting property, subject to any existing easements, and become a part of such property, one-half on each side thereof.

SECTION 2. 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 8th day of September, 2009.

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

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

Pat Haverty asked the board for direction on the City's Ordinance #33-64 through 69 concerning sidewalk obstructions. Bill Moore added that school wood shops could possibly build benches very inexpensively which would possibly help with the uniformity in the downtown revitalization and the Sidewalk Café' concerns. Steve Selz stated that he had a new business and that he uses a sidewalk sign which has generated in store traffic and that if the Council wants to revitalize downtown they should allow these types of signs. After discussion Mayor Hobbie assigned clarification and revision to the Commercial Building Committee.

Commissioner Handy moved to approve the application by Scott Weatherhogg dba All Pro Plumbing for a plumbers license. Upon roll call the following voted YES: Crunk, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion carried.

Commissioner Handy moved to approve the request by Ruth Weddle to close 5<sup>th</sup> Avenue between 16<sup>th</sup> and 17<sup>th</sup> Streets on September 18<sup>th</sup> for a block party. Upon roll call the following voted YES: Crunk, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

Mayor Hobbie moved to approve the request by Applejack Fun Run Committee to hold a Fun Run/Walk on September 19<sup>th</sup>. Upon roll call the following voted YES: Mercer, Crunk, Handy and Mayor Hobbie. Voting NO: None. Motion carried.

Pat Haverty explained the need for an “Environmental Review Record” to be on file for the “Livingston” Project. Commissioner Crunk stated that he did not understand why design was noted in the documents. Upon roll call the following voted YES: Mercer, Handy and Mayor Hobbie. Voting NO: Crunk. Motion carried.

Mayor Hobbie introduced Resolution 2429-09 approving guidelines for the Downtown Revitalization Loan Fund. Mayor Hobbie moved to approve Resolution 2429-09. Upon roll call the following voted YES: Mercer, Crunk, Handy and Mayor Hobbie. Voting NO: None. Motion carried.

Pat Haverty reviewed the contract for services from Schemmer Associates, Inc for design services and optional services available for the “Livingston” Project. Commissioner Handy moved to approve the contract with Schemmer Associates, Inc. for the lump sum of \$8,500 and include the geotechnical testing and engineering services for an additional \$2,100. Upon roll call the following voted YES: Mercer, Handy and Mayor Hobbie. Voting NO: Crunk. Motion carried.

Kenneth Kuhns requested that signage be placed at the intersection of 13<sup>th</sup> Street and 14<sup>th</sup> Corso informing drivers that 13<sup>th</sup> Street is not a through street. Commissioner Handy moved to direct staff to place a “No Outlet” sign at the intersection of 13<sup>th</sup> Street and 14<sup>th</sup> Corso for Southbound traffic. Upon roll call the following voted YES: Mercer, Crunk, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

Commissioner Handy moved to approve Estimate #1 in the amount of \$150,356.71 from Western Engineering for the North 10<sup>th</sup> and 11<sup>th</sup> Streets Mill and Overlay Project. Upon roll call the following voted YES: Crunk, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

Commissioner Mercer moved to pay all claims. Upon roll call the following voted YES: Crunk, Handy, Mercer and Mayor Hobbie. Voting NO: None. Motion passed.

ACCO	654.90	Chem	LaRue Coffee	59.96	Supp
Action Technology Svc	592.48	IT	Lentsch, Shari	450.00	Stipend
Adkins Signs	108.00	Sign	Linweld, Inc	199.85	Supp
Alamar Uniforms	114.99	Unif	Marion, James	1,000.00	Stipend
Alltel	306.56	Tele	Martin Marietta Materials	574.53	Gravel
American Promotional	500.00	Refund	McLain, Sue	219.00	Speaker
Arbor Mart	2,846.68	Fuel	Mid-America Termite	86.96	Pest Cntrl
Arbor Valley Anml Clnc	810.38	Contr	Mid-American Research	293.67	Supp
Bell's Studio	38.00	Photo	Midlands Financial Benefit	875.00	Contr
Bernhardson, Noah	636.00	Stipend	Moore Medical	2,126.65	Supp
Blue Cross Blue Shield	300.10	Refund	Moore Wallace	99.81	Supp
Bob's Welding Shop	123.11	Supp	Mullenax Auto Supply	465.64	Rep
Boehm, Ben	36.00	Stipend	Murphy Distributing	243.60	Conc
Bohl Plmbg & Htg	219.04	Supp	NC News Press	266.00	Ads
Brown Glass Co	67.88	Rep	NC Public School	300.00	Contr
Brown's Shoe Fit	63.75	Unif	NCTC	5,312.50	Contr
Burns Law Firm	1,119.70	ROW	NE Community Found	2,291.67	Contr
Burr Jr., Robert	36.00	Stipend	NE Environmental Products	141,100.00	Sweeper
Callaway Golf Co	408.16	Msde	NE Golf & Turf	784.00	Rep
Casey's General Stores	56.95	Fuel	NE Life Magazine	245.00	Ads
Center for Public Affairs	2,000.00	Survey	NEXTEL Partners Inc.	220.72	Tele
Century Lumber	32.26	Supp	Olsson Associates	3,201.45	Eng
City of NC	152,150.00	Bond	Orscheln	217.40	Supp
City of NC Wildwood	1,221.11	Contr	Otoe Cnty Reg of Deeds	47.50	Deeds
City Tire & Auto Access	691.00	Rep	Otoe County Clerk	1,130.50	Contr
City Wholesale Meat	16.10	Conc	Parks, Ryan	250.00	Stipend
CLIA Laboratory Prog	150.00	Contr	Pepsi-Cola of Lincoln	588.10	Conc
Concrete Industries	3,029.36	Rep	Peterson, Viola	76.00	Refund
Connell, David	88.67	MCT	Pitney Bowes	249.00	Contr
Conz, Gregory	200.00	Stipend	Presto-X Company	75.00	Pest Cntrl
Creighton University Med	56.00	Supp	ProSource One	230.00	Chem
Curtis, William	36.00	Stipend	Pummel, Jeanene	36.00	Stipend
Don's Johns & Septic	130.00	Contr	River City Transportation	100.00	Maint
Earl May Seed & Nrsry	34.45	Supp	Saunders, Marilyn	158.26	Refund
Economy Pest Control	344.00	Pest Cnt	Schendel Pest Control	118.00	Pest Cntrl

Fastenal Company	60.92	Supp		Schmitz Land Surveying	229.50	ROW
FEMA	7,469.00	Refund		SE Area Clerks Assoc	20.00	Dues
Fire Protection Svc	24.00	Maint		SEND	4,844.17	Contr
First Class Flowers	9.99	Misc		Sheahan, Bernard	539.00	Refund
Fouraker, Helen	500.00	Stipend		Snodgrass, Andrew	372.00	Stipend
Fremont National Bank	123,277.50	Bond		Thurman Bike & Sport	670.00	Misc
GALLS	130.07	Unif		Tielke's Sandwiches	60.54	Conc
Gemini Computers	185.34	IT		Tree City Tees	9.00	Unif
Gittinger, D	126.28	Train		Tree Worx	1,200.00	Maint
Goebel, Gregory	108.00	Stipend		Tri-State Office Products	1,761.09	Supp
Green Provence	2,222.99	Supp		Tri-State Pmpng & Excav	260.00	Rep
Hamlin, Sandra	236.00	Stipend		United Healthcare	562.40	Refund
Haverty, P	220.80	Mileage		Viox, A	600.60	Mileage
Heartland Classified Svc	145.70	Ads		Vogel West, Inc	1,142.80	Paint
Hemmer Garage	461.17	Rep		Wademan, Teresa	36.00	Stipend
Hogan Jr., William	1,008.00	Stipend		Wage & Benefits	154,907.67	Payroll
Hopkins Automotive	130.08	Rep		Wallen, M	65.80	Mileage
Ideal Pure Water	49.50	Water		Warehouse Antiques	45,000.00	Loan
Inland Truck Parts	410.49	Rep		Watkins True Value	474.26	Supp
JEO Consulting Group	14,939.00	Eng		Weible, Burton	216.00	Stipend
Jerry's Landscaping Co.	160.00	Code		Wenzl Hardware	13.45	Rep
John Deere Landscapes	416.55	Supp		Western Engineering Inc	150,356.71	Asphalt
Jones, Nathan	2,050.00	Stipend		Wielechowski, Wendy	36.00	Stipend
Konica Minolta	431.32	Contr		Wood Family Fuel	45.97	Fuel
Krog, Andrew	250.00	Stipend		Wurtele Distributing	550.30	Conc
Kustom Signals	343.00	Maint		Wyuka Cemetery	114.50	Donation
Landis Engine	111.70	Rep				

Mayor Hobbie moved to appoint Kelly Jensen to the Tree Board for a three year term. Upon roll call the following voted YES: Crunk, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

Mayor Hobbie moved to appoint himself as the City's representative to the River Country Economic Development Corporation Board. Upon roll call the following voted YES: Crunk, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

Mayor Hobbie moved to appoint Pat Haverty as the City's representative to the Nebraska City Tourism and Commerce Board. Upon roll call the following voted YES: Crunk, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

Meeting adjourned at 7:47 p.m.

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Arnold M. Ehlers, Clerk-Treasurer