

CITY OF NEBRASKA CITY, NEBRASKA
MINUTES OF CITY COUNCIL REGULAR MEETING
November 18, 2013

Pursuant to due call and notice thereof, a Regular Meeting of the City Council of the City of Nebraska City was conducted in the William F. Davis Room at City Hall, 1409 Central Avenue, on Monday, November 18, 2013. Notice of the meeting was given in advance thereof by posting in at least three public places, the designated method for giving notice, as shown by the Certificate of Posting Notice attached to these minutes. Availability of the agenda was communicated in advance to the media, Mayor and Commissioners of this proceeding and said meeting was open to the public.

Mayor Hobbie called the meeting to order at 6:00 p.m. The Mayor publicly stated to all in attendance that a current copy of the Nebraska Open Meetings Act was available for review and indicated the location of such copy posted in the room where the meeting was being held. Mayor Jack Hobbie then led in the Pledge of Allegiance. Upon roll call the following answered present: Jeff Crunk, Dean Handy, Mark Mercer and Mayor Hobbie. Absent: Jim Stark. The following City Officials were present: City Administrator Joe Johnson, Deputy City Clerk – Treasurer Emily Anthony, City Attorney David Partsch, Police Chief David Lacy, and Public Properties Director/Zoning Director Dan Giittinger.

Commissioner Handy moved to approve the minutes of the November 4, 2013, City Council Regular Meeting, seconded by Commissioner Mercer. Upon roll call the following voted YES: Handy, Mercer and Mayor Hobbie. Voting NO: None. Abstain: Crunk. Motion adopted.

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

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

Moved by Mayor Hobbie and seconded by Commissioner Handy to re-appoint Steve Recker to the Board of Adjustment. Upon roll call the following voted YES: Crunk, Handy, Mercer and Mayor Hobbie. Voting NO: None. Motion passed.

Moved by Mayor Hobbie and seconded by Commissioner Handy to appoint Jeri Johns to a three-year term on the Board of Adjustment. Upon roll call the following voted YES: Crunk, Handy, Mercer and Mayor Hobbie. Voting NO: None. Motion passed.

Mayor Hobbie proclaimed November 17 – 23, 2013 as Jaycee Family Week.

Mayor Hobbie opened the Public Hearing on a request by Better Life Chiropractic for an LB840 loan in the amount of \$58,000.00. Stephanie Shrader of NCEADC explained that Dr. Jeff Cumro is in the process of purchasing Nebraska City Chiropractic. The terms of the loan will be 3.5% interest for 10 years. Dr. Cumro is from Omaha and has recently moved to Nebraska City. Moved by Commissioner Handy and seconded by Mercer to close the Public Hearing. Upon roll call, the following voted YES: Crunk, Handy, Mercer and Mayor Hobbie. Voting NO: None. Motion passed.

Mayor Hobbie opened the Public Hearing on a request by the Ambassador Group to change the zoning on Lot 36, Northside Addition from R-2 to C-3 General Commercial District. Dan Giittinger explained that the Ambassador intends to construct a storage building for records and possibly maintenance equipment. No one else spoke in support or opposition to the zoning change request. Moved by Commissioner Handy and seconded by Mercer to close the Public Hearing. Upon roll call, the following voted YES: Crunk, Handy, Mercer and Mayor Hobbie. Voting NO: None. Motion passed.

Mayor Hobbie opened the Public Hearing on the request to approve the Final Plat for the Stovall Subdivision located near 356 N. 62nd Road. Dan Giittinger explained that subdivision met all the requirements of City Codes and has been approved by the Planning Commission. No one else spoke in support or opposition to the request. Moved by Commissioner Handy and seconded by Mercer to close the Public Hearing. Upon roll call the following voted YES: Crunk, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

Joe Johnson provided the City Administrator's Report to the Council. The Treasurer provided the financial report for October. Cash on hand as of October 1, 2013 was \$482,169.80, revenues

were \$796,700.86, expenses \$674,657.63 leaving a cash balance on hand of \$604,213.03. Mayor Hobbie asked that the reports be placed on file.

Mayor Hobbie introduced Ordinance No. 2927-13 on its second reading entitled: AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF NEBRASKA CITY, AS REFERRED TO IN SECTION 403 OF ORDINANCE NO. 2576-03, BY CHANGING THE ZONING CLASSIFICATION OF THE PROPERTY DESCRIBED IN SECTION 1 HEREOF, FROM R-2 RESIDENTIAL TO C-3 GENERAL COMMERCIAL DISTRICT; TO PROVIDE FOR INCORPORATION INTO THE OFFICIAL ZONING MAP OF THE CITY; TO PROVIDE FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; AND TO PROVIDE FOR AN EFFECTIVE DATE; and moved that the statutory rule requiring reading on three different days be suspended. Commissioner Handy seconded the motion to suspend the rules and upon roll call the following voted YES: Crunk, Mercer, Handy and Mayor Hobbie. Voting NO: None. The motion to suspend was adopted by three-fifths of the Council and the statutory rule was declared suspended for consideration of said ordinance.

Said ordinance was then read by title and thereafter Mayor Hobbie moved for final passage of the ordinance, which motion was seconded by Commissioner Handy. The Mayor then stated the question: "Shall Ordinance No. 2927-13 be passed and adopted?" Upon roll call the following voted YES: Crunk, Mercer, Handy and Mayor Hobbie. Voting NO: None. The passage and adoption of said ordinance having been concurred in by a majority of all members of the Council, the Mayor declared the ordinance adopted and the Mayor, in the presence of the Council, signed and approved the ordinance and the Clerk attested the passage and approval of the same and affixed his signature thereto. A true and correct copy of said ordinance is as follows:

ORDINANCE NO. 2927-13

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF NEBRASKA CITY, AS REFERRED TO IN SECTION 403 OF ORDINANCE NO. 2576-03, BY CHANGING THE ZONING CLASSIFICATION OF THE PROPERTY DESCRIBED IN SECTION 1 HEREOF, FROM R-2 RESIDENTIAL TO C-3 GENERAL COMMERCIAL DISTRICT; TO PROVIDE FOR INCORPORATION INTO THE OFFICIAL ZONING MAP OF THE CITY; TO PROVIDE FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; AND TO PROVIDE FOR AN EFFECTIVE DATE.

Whereas, the Planning Commission held a public hearing on said application and has recommended to the City Council approval of the requested change in zoning classification, and

Whereas, the City Council has held a public hearing on the matter, after giving due notice thereof as required by law,

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

SECTION 1. That the Official Zoning Map of the City of Nebraska City, Nebraska, as adopted by Ordinance No. 2576-03 of the City of Nebraska City, Nebraska, is hereby amended from R-2 Residential to, C-3 General Commercial District insofar as the same relates to the property legally described as:

Lot 36; Northside Addition to Nebraska City, Otoe County, Nebraska.

SECTION 2. That the City Clerk be and is hereby authorized to amend the Official Zoning Map of the City of Nebraska City by designating the zoning classification therein as provided by this ordinance.

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

SECTION 4. 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 18th day of November, 2013.

Jack Hobbie, Mayor

Moved by Commissioner Mercer and seconded by Commissioner Handy to approve the final plat for the Stovall Subdivision. Upon roll call the following voted YES: Crunk, Handy, Mercer and Mayor Hobbie. Voting NO: None. Motion passed and adopted.

Mayor Hobbie introduced Resolution 2614-13 approving a loan to Better Life Chiropractic in the amount of \$58,000.00. Moved by Commissioner Handy and seconded by Mercer to approve Resolution 2614-13. Upon roll call, the following voted YES: Crunk, Handy, Mercer and Mayor Hobbie. Voting NO: None. Motion passed and adopted. A true, correct and complete copy of said resolution is as follows:

RESOLUTION NO. 2614-13

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 loans to eligible businesses 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 business for a loan of \$58,000 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 loan for **“Better Life Chiropractic and Wellness, L.L.C.”**, contingent upon approval of the City Attorney as to form.

Passed and adopted on the 18th day of November 13, 2013 by the City Council of Nebraska City.

Jack Hobbie, Mayor

Mayor Hobbie introduced Resolution 2619-13 calling the 2005 Public Safety Department Tax Anticipation Bond. Moved by Handy and seconded by Crunk to approve Resolution 2613-13. Upon roll call the following voted YES: Crunk, Handy, Mercer and Mayor Hobbie. Voting NO: None. Motion passed and adopted. A true, correct and complete copy of said resolution is as follows:

RESOLUTION NO. 2619-13

A RESOLUTION CALLING THE OUTSTANDING PUBLIC SAFETY DEPARTMENT TAX ANTICIPATION BONDS, SERIES 2005, IN THE OUTSTANDING PRINCIPAL AMOUNT OF \$165,000 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, in accordance with their option provisions, are hereby irrevocably called for payment on December 18, 2013, after which date interest on the bonds will cease:

Public Safety Department Tax Anticipation Bonds, Series 2005, dated April 27, 2005, numbered as they are shown on the books and records of the Paying Agent and Registrar, in the total outstanding principal amount of \$165,000, issued for the purpose of paying the costs of purchasing fire-fighting equipment and apparatus for the City, maturing, in the principal amounts, bearing CUSIP numbers as follows:

<u>Principal Amount</u>	<u>Maturity Date</u>	<u>CUSIP Number</u>
\$30,000	November 15, 2014	639591 GC4
30,000	November 15, 2015	639591 GD2
35,000	November 15, 2016	639591 GE0
35,000	November 15, 2017	639591 GF7
35,000	November 15, 2018	639591 GG5

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

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

DATED this 4th day of November, 2013.

ATTEST:

By _____
Mayor

Mayor Hobbie introduced Resolution 2620-13 calling the 2008 Public Safety Department Tax Anticipation Bond. Moved by Handy and seconded by Mercer to approve Resolution 2620-13. Upon roll call the following voted YES: Crunk, Handy, Mercer and Mayor Hobbie. Voting NO: None. Motion passed and adopted. A true, correct and complete copy of said resolution is as follows:

RESOLUTION NO. 2620-13

A RESOLUTION CALLING THE OUTSTANDING PUBLIC SAFETY DEPARTMENT TAX ANTICIPATION BONDS, SERIES 2008, IN THE OUTSTANDING PRINCIPAL AMOUNT OF \$1,170,000 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, in accordance with their option provisions, are hereby irrevocably called for payment on December 18, 2013, after which date interest on the bonds will cease:

Public Safety Department Tax Anticipation Bonds, Series 2008, dated December 18, 2008, numbered as they are shown on the books and records of the Paying Agent and Registrar, in the total outstanding principal amount of \$1,170,000, issued for the purpose of paying the costs of building a multi-purpose public safety facility for the City, maturing, in the principal amounts, bearing CUSIP numbers as follows:

<u>Principal Amount</u>	<u>Maturity Date</u>	<u>CUSIP Number</u>
\$30,000	December 15, 2014	639591 HH2
30,000	December 15, 2015	639591 HJ8
30,000	December 15, 2016	639591 HK5
35,000	December 15, 2017	639591 HL3
40,000	December 15, 2018	639591 HM1
50,000	December 15, 2019	639591 HN9
85,000	December 15, 2020	639591 HP4
90,000	December 15, 2021	639591 HQ2
95,000	December 15, 2022	639591 HR0
100,000	December 15, 2023	639591 HS8
585,000	December 15, 2028	639591 HT6

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

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

DATED this 4th day of November, 2013.

By _____
Jack Hobbie, Mayor

Mayor Hobbie introduced Ordinance No. 2926-13 entitled AN ORDINANCE AUTHORIZING THE ISSUANCE OF PUBLIC SAFETY DEPARTMENT TAX ANTICIPATION REFUNDING BONDS, SERIES 2013, OF THE CITY OF NEBRASKA CITY, NEBRASKA, OF THE PRINCIPAL AMOUNT OF ONE MILLION THREE HUNDRED FIFTY-FIVE THOUSAND DOLLARS (\$1,355,000); FOR THE PURPOSE OF REFUNDING CERTAIN OUTSTANDING BONDS OF THE CITY; PRESCRIBING THE FORM OF SAID BONDS; PROVIDING FOR THE LEVY OF TAXES TO PAY SAID BONDS; PROVIDING FOR THE SALE OF THE BONDS; AUTHORIZING THE DELIVERY OF THE BONDS TO THE PURCHASER; PROVIDING FOR THE DISPOSITION OF THE BOND PROCEEDS AND ORDERING THE ORDINANCE PUBLISHED IN PAMPHLET FORM; and moved that the statutory rule requiring reading on three different days be suspended. Commissioner Handy seconded the motion to suspend the rules and upon roll call the following voted YES: Crunk, 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 Mercer. The Mayor then stated the question: "Shall Ordinance No. 2926-13 be passed and adopted?" Upon roll call the following voted YES: 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 his signature thereto. A true and correct copy of said ordinance is as follows:

ORDINANCE NO. 2926-13

AN ORDINANCE AUTHORIZING THE ISSUANCE OF PUBLIC SAFETY DEPARTMENT TAX ANTICIPATION REFUNDING BONDS, SERIES 2013, OF THE CITY OF NEBRASKA CITY, NEBRASKA, OF THE PRINCIPAL AMOUNT OF ONE MILLION THREE HUNDRED FIFTY-FIVE

THOUSAND DOLLARS (\$1,355,000); FOR THE PURPOSE OF REFUNDING CERTAIN OUTSTANDING BONDS OF THE CITY; PRESCRIBING THE FORM OF SAID BONDS; PROVIDING FOR THE LEVY OF TAXES TO PAY SAID BONDS; PROVIDING FOR THE SALE OF THE BONDS; AUTHORIZING THE DELIVERY OF THE BONDS TO THE PURCHASER; PROVIDING FOR THE DISPOSITION OF THE BOND PROCEEDS AND ORDERING THE ORDINANCE PUBLISHED IN PAMPHLET FORM

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

Section 1. The Mayor and Board of Commissioners of the City of Nebraska City, Nebraska hereby find and determine as follows:

(a) that the City has heretofore issued interest-bearing bonds, part of which remain unpaid and constitute a legal liability against the City as follows:

Public Safety Department Tax Anticipation Bonds, Series 2005, in the principal amount of \$165,000, date of original issue April 27, 2005; and

Public Safety Department Tax Anticipation Bonds, Series 2008, in the principal amount of \$1,170,000, date of original issue December 18, 2008 (collectively the “Outstanding Bonds”);

that the Outstanding Bonds represent all of the bonds from such issues which currently remain outstanding; that since the issuance of said Outstanding Bonds the rates of interest have so declined in the markets that by taking up and paying off such bonds by an issue of refunding bonds in the amount of \$1,355,000, together with a deposit of other available funds of the City, the Outstanding Bonds can be satisfied in full as to their payment requirements and said Outstanding Bonds have been called for payment on December 19, 2013;

(b) that the taxable valuation of all taxable property within the City as most recently determined is \$337,855,033;

(c) that pursuant to Section 18-1201, Reissue Revised Statutes of Nebraska, 2012, as amended, the Mayor and Council of the City of Nebraska City have provided and do hereby provide for the levy of a special tax, all as more specifically described in Section 6 hereof;

(d) the Outstanding Bonds are the only bonds of the City currently outstanding which have been issued pursuant to the provisions of Sections 18-1201 and 18-1202, R.R.S. Neb. 2012, as amended;

(e) that the maximum total of principal and interest payable in any one year on the Bonds authorized by this Ordinance is \$127,072.50; and

(f) that all conditions, acts and things required by law to exist or to be done precedent to the issuance of Public Safety Department Tax Anticipation Refunding Bonds, Series 2013, in the amount of \$1,355,000 for the purpose of paying the Outstanding Bonds, pursuant to Sections 10-142, 18-1201 and 18-1202, R.R.S. Neb. 2012, as amended, do exist and have been done as required by law.

Section 2. For the purposes set out in Section 1 hereof, there shall be and there are hereby ordered issued bonds of the City of Nebraska City, Nebraska, to be designated Public Safety Department Tax Anticipation Refunding Bonds, Series 2013, in the principal amount of \$1,355,000, date of original issue of December 19, 2013, numbered as they are shown on the books and records of the Paying Agent and Registrar, in fully registered form. Said bonds shall bear interest at the rates per annum, be numbered and mature on December 15 of each year in the principal amounts as follows:

<u>Principal Amount</u>	<u>Maturing on December 15 of Year</u>	<u>Interest Rate Per Annum</u>
\$85,000	2014	0.40%
85,000	2015	0.55
90,000	2016	0.80
90,000	2017	1.05
95,000	2018	1.50
95,000	2019	1.85
95,000	2020	2.20
100,000	2021	2.55
100,000	2022	2.75
105,000	2023	3.00
110,000	2024	3.20
110,000	2025	3.35
120,000	2026	3.55
75,000	2027	3.75

The bonds shall be issued in the denomination of \$5,000 or any integral multiple thereof and shall be numbered from 1 upwards in the order of their issuance. No bond shall be issued originally or upon transfer or partial redemption having more than one principal maturity. The initial bond numbering and principal amounts for each of the bonds issued shall be as directed by the initial purchasers thereof. Interest on the bonds shall be payable semiannually on June 15 and December 15 of each year, starting June 15, 2014. The interest due on each interest payment date shall be payable to the registered owners of record as of the close of business on the last day of the calendar month immediately preceding the calendar month in which the interest payment date occurs (the "Record Date"), subject to the provisions of Section 3 hereof. Payment of interest due on the bonds prior to maturity or redemption shall be made by the Paying Agent and Registrar, as designated pursuant to Section 3 hereof, by mailing a check in the amount due for such interest on each interest payment date to the registered owner of each bond, as of the applicable Record Date, to such owner's registered address as shown on the books of registration, as required to be maintained in Section 3 hereof. Payment of principal due at maturity or at any date fixed for redemption, together with any accrued interest then due, shall be made by said Paying Agent and Registrar to the registered owners upon presentation and surrender of the bonds to said Paying Agent and Registrar. In the event that bonds of this issue are held in the nominee name of a national clearinghouse or depository, payment of principal or interest shall be made by wire transfer of funds in accordance with any applicable regulations governing "Depository Eligible Securities". The City and said Paying Agent and Registrar may treat the registered owner of any bond as the absolute owner of such bond for the purpose of making payments thereon and for all other purposes and neither the City nor said Paying Agent and Registrar shall be affected by any notice or knowledge to the contrary whether such bond or any installment of interest due thereon shall be overdue or not. All payments on account of interest or principal made to the registered owner of any bond shall be valid and effectual and shall be a discharge of the City and said Paying Agent and Registrar, in respect of the liability upon the bonds or claims for interest to the extent of the sum or sums so paid. If any bond is not paid upon presentation of the bond at maturity or any interest installment is not paid when due, the delinquent bond or delinquent interest installment shall bear interest thereafter until paid at a rate equal to the rate assessed against delinquent taxes under Section 45-104.01 R.R.S. Nebraska, 2010, as now existing or as the same may be amended from time to time by the Nebraska Legislature.

Section 3. The City Treasurer is hereby designated as Paying Agent and Registrar for the bonds. Said Paying Agent and Registrar shall keep and maintain for the City books for the registration and transfer of the bonds at the office of the Paying Agent and Registrar in Nebraska City, Nebraska. The names and registered addresses of the registered owner or owners of the bonds shall at all times be recorded in such books. Any bond may be transferred pursuant to its provisions at the office of the Paying Agent and Registrar upon surrender of such bond for cancellation, accompanied by a written instrument of transfer, in form satisfactory to such Paying Agent and Registrar, duly executed by the registered owner in person or by such owner's duly authorized agent, and thereupon the Paying Agent and Registrar will register such transfer upon said registration books and deliver to the transferee registered owner or owners (or send by registered mail to the transferee owner or owners at such owner's or owners' risk and expense), registered in the name of such transferee owner or owners, a new bond or bonds of the same interest rate, aggregate principal amount and maturity. To the extent of the denominations authorized for the bonds by this ordinance, one bond may be transferred for several such bonds of the same interest rate and maturity and for a like aggregate principal amount, and several such bonds may be transferred for one or several such bonds, respectively, of the same interest rate and maturity and for a like aggregate principal amount. In every case of transfer of a bond, the surrendered bond or bonds shall be cancelled and destroyed. All bonds issued upon transfer of the bonds so surrendered shall be valid obligations of the City evidencing the same obligations as the bonds surrendered and shall be entitled to all benefits and protection of this ordinance to the same extent as the bonds upon transfer of which they were delivered. The City and the Paying Agent and Registrar shall not be required to transfer bonds during any period from any Record Date until its immediately following interest payment date or to transfer any bonds called for redemption for a period of 30 days next preceding the date fixed for redemption prior to maturity. In the event that payments of interest due on the bonds on an interest payment date are not timely made, such interest shall cease to be payable to the registered owners as of the Record Date for such interest payment date and shall be payable to the registered owners of the bonds as of a special date of record for payment of such defaulted interest as shall be designated by the Paying Agent and Registrar whenever monies for the purpose of paying such defaulted interest become available.

Section 4. Bonds maturing on or after December 15, 2019 shall be subject to redemption, in whole or in part, prior to maturity at any time on or after December 19, 2018, at par plus accrued interest on the principal amount redeemed to the date fixed for redemption. Notice of redemption of any bond called for redemption shall be given at the direction of the Mayor and Board by the Paying Agent and Registrar by mail not less than thirty days prior to the date fixed for redemption, first class postage prepaid, sent to the registered owner of such bond at said owner's registered address. Such notice shall designate the bond or bonds to be redeemed by number and maturity, the date of original issue, the date fixed for redemption and state that such bond or bonds are to be presented for prepayment at the office of the Paying Agent and Registrar. In case of any bond partially redeemed, such notice shall specify the portion of the principal amount of such bond to be redeemed. No defect in the mailing of notice for any bond shall affect the sufficiency of the proceedings of the Mayor and Board designating the bonds called for redemption or the effectiveness of such call for bonds for which notice by mail has been properly given and the Mayor and Board shall have the right to further direct notice of redemption for any such bond for which defective notice has been given.

Section 5. If the date for payment of the principal of or interest on the bonds shall be a Saturday, Sunday, legal holiday or a day on which banking institutions in the City where the office of the Paying Agent and Registrar is located are authorized by law or executive order to close, then the date for such

payment shall be the next succeeding day which is not a Saturday, Sunday, legal holiday or a day on which such banking institutions are authorized to close, and payment on such day shall have the same force and effect as if made on the nominal date of payment.

Section 6. The bonds shall be executed on behalf of the City by being signed by the Mayor and the City Clerk, both of which signatures may be facsimile signatures, and shall have the City seal impressed on each bond. The City Clerk shall make and certify a transcript of proceedings had and done precedent to the issuance of said bonds which shall be delivered to the purchaser of said bonds. After being executed by the Mayor and City Clerk, said bonds shall be delivered to the Treasurer of the City who shall be responsible therefor under his/her official bond. Such Treasurer shall maintain a record of information with respect to said bonds in accordance with the requirements of Section 10-140, R.R.S. Neb. 2012, as amended, and shall cause the same to be filed with the Auditor of Public Accounts of the State of Nebraska. The Paying Agent and Registrar shall register each bond in the name of its initial registered owner as designated by the initial purchaser. Each bond shall be authenticated on behalf of the City by the Paying Agent and Registrar. The bonds shall be issued initially as "book-entry only" bonds using the services of The Depository Trust Company (the "Depository"), with one typewritten bond per maturity being issued to the Depository. In such connection said officers of the City are authorized to execute and deliver a letter of representations and inducement (the "Letter of Representations") in the form required by the Depository (which may include any blanket letter previously executed and delivered), for and on behalf of the City, which shall thereafter govern matters with respect to registration, transfer, payment and redemption of the bonds. Upon issuance of the bonds as "book-entry-only" bonds, the following provisions shall apply:

(a) The City and the Paying Agent and Registrar shall have no responsibility or obligation to any broker-dealer, bank or other financial institution for which the Depository holds bonds as securities depository (each, a "Bond Participant") or to any person who is an actual purchaser of a bond from a Bond Participant while the bonds are in book-entry form (each a "Beneficial Owner") with respect to the following:

(i) the accuracy of the records of the Depository, any nominees of the Depository or any Bond Participant with respect to any ownership interest in the bonds;

(ii) the delivery to any Bond Participant, any Beneficial Owner or any other person, other than the Depository, of any notice with respect to the bonds, including any notice of redemption; or

(iii) the payment to any Bond Participant, any Beneficial Owner or any other person, other than the Depository, of any amount with respect to the bonds. The Paying Agent and Registrar shall make payments with respect to the bonds only to or upon the order of the Depository or its nominee, and all such payments shall be valid and effective fully to satisfy and discharge the obligations with respect to such bonds to the extent of the sum or sums so paid. No person other than the Depository shall receive an authenticated Bond, except as provided in (e) below.

(b) Upon receipt by the Paying Agent and Registrar of written notice from the Depository to the effect that the Depository is unable to or unwilling to discharge its responsibilities, the Paying Agent and Registrar shall issue, transfer and exchange bonds requested by the Depository in appropriate amounts. Whenever the Depository requests the Paying Agent and Registrar to do so, the Paying Agent and Registrar will cooperate with the Depository in taking appropriate action after reasonable notice (i) to arrange, with the prior written consent of the City, for a substitute depository willing and able upon reasonable and customary terms to maintain custody of the bonds or (ii) to make available bonds registered in whatever name or names the Beneficial Owners transferring or exchanging such bonds shall designate.

(c) If the City determines that it is desirable that certificates representing the bonds be delivered to the ultimate Beneficial Owners of the bonds and so notifies the Paying Agent and Registrar in writing, the Paying Agent and Registrar shall so notify the Depository, whereupon the depository will notify the Bond Participants of the availability through the Depository of bond certificates representing the bonds. In such event, the Paying Agent and Registrar shall issue, transfer and exchange bond certificates representing the bonds as requested by the Depository in appropriate amounts and in authorized denominations.

(d) Notwithstanding any other provision of this Ordinance to the contrary, so long as any bond is registered in the name of the Depository or any nominee thereof, all payments with respect to such bond and all notices with respect to such bond shall be made and given, respectively, to the Depository as provided in the Letter of Representations.

(e) Registered ownership of the bonds may be transferred on the books of registration maintained by the Paying Agent and Registrar, and the bonds may be delivered in physical form to the following:

(i) any successor securities depository or its nominee; or

(ii) any person, upon (A) the resignation of the Depository from its functions as depository or (B) termination of the use of the Depository pursuant to this Section and the terms of the Paying Agent and Registrar's Agreement, if any.

(f) In the event of any partial redemption of a bond unless and until such partially redeemed bond has been replaced in accordance with the provisions of this Ordinance, the books and records of the Paying Agent and Registrar shall govern and establish the principal amount of such bond as is then outstanding and all of the bonds issued to the Depository or its nominee shall contain a legend to such effect.

If for any reason the Depository resigns and is not replaced or upon termination by the City of book-entry-only form, the City shall immediately provide a supply of bond certificates for issuance upon subsequent transfers or in the event of partial redemption. In the event that such supply of certificates shall be insufficient to meet the requirements of the Paying Agent and Registrar for issuance of replacement bond certificates upon transfer or partial redemption, the City agrees to order printed an additional supply of bond certificates and to direct their execution by manual or facsimile signature of its then duly qualified and acting officers. In case any officer whose signature or facsimile thereof shall appear on any bond shall cease to be such officer before the delivery of such bond (including any bond certificates delivered to the Paying Agent and Registrar for issuance upon transfer or partial redemption) such signature or such facsimile signature shall nevertheless be valid and sufficient for all purposes the same as if such officer or officers had remained in office until the delivery of such bond. The bonds shall not be valid and binding on the City until authenticated by the Paying Agent and Registrar. The bonds shall be delivered to the Paying Agent and Registrar for registration and authentication.

Section 7. Said bonds shall be in substantially the following form:

UNITED STATES OF AMERICA
STATE OF NEBRASKA
COUNTY OF OTOE
CITY OF NEBRASKA CITY

No. \$
PUBLIC SAFETY DEPARTMENT TAX
ANTICIPATION REFUNDING BOND, SERIES 2013

<u>Interest Rate</u>	<u>Maturity Date</u>	<u>Date of Original Issue</u>	<u>CUSIP No.</u>
%	December 15, ____	December 19, 2013	

Registered Owner: _____

Principal Amount: _____

KNOW ALL PERSONS BY THESE PRESENTS: That the City of Nebraska City, in the County of Otoe, in the State of Nebraska, hereby acknowledges itself to owe and for value received promises to pay to the registered owner specified above, out of the special tax upon the taxable valuation of all the taxable property in the City, authorized by Sections 18-1201 and 18-1202, Reissue Revised Statutes of Nebraska, 2012, the principal amount specified above in lawful money of the United States of America on the maturity date specified above, with interest thereon from date of original issue specified above or most recent interest payment date, whichever is later, to maturity (or earlier redemption) at the rate per annum specified above. Said interest shall be payable semiannually on the fifteenth day of June and December in each year, starting June 15, 2014. If this bond is not paid upon presentation at maturity or any interest installment hereon is not paid when due, the bond or interest installment shall bear interest thereafter until paid at a rate equal to the rate assessed against delinquent taxes under Section 45-104.01 R.R.S. Nebraska 2010, as now existing or as the same may be amended from time to time by the Nebraska Legislature. The interest hereon due prior to maturity or earlier redemption shall be paid on each interest payment date by the City Treasurer, as Paying Agent and Registrar for the City by wire transfer (but only in accordance with the limited terms of the authorizing ordinance), check or draft mailed to the registered owner hereof, as of the close of business on the last day of the month immediately preceding the month in which the interest payment date occurs, at such owner's registered address as it appears on the books of registration of the City. The principal of this bond and the interest due at maturity or upon call for redemption prior to maturity are payable on presentation and surrender to said Paying Agent and Registrar at the office of the Paying Agent and Registrar in Nebraska City, Nebraska. Any interest not so timely paid shall cease to be payable to the person entitled thereto as of the record date such interest was payable, and shall be payable to the person who is the registered owner of this bond (or of one or more predecessor bonds hereto) on such special record date for payment of such defaulted interest as shall be fixed by the Paying Agent and Registrar whenever monies for such purpose become available. For the prompt payment of this bond, principal and interest as the same become due, the full faith, credit and resources of said City, to the extent of the levy and collection of said special tax, are hereby irrevocably pledged and said bonds are secured by such tax to be so assessed and levied.

The City, however, reserves the right and option of paying bonds of this issue maturing on or after December 15, 2019, in whole or in part, on December 19, 2018, or at any time thereafter, at the principal amount thereof plus accrued interest to the date fixed for redemption. Notice of any such redemption shall be given by mail, sent to the registered owner of any bond to be redeemed at said registered owner's address in the manner provided in the ordinance authorizing said bonds. Individual bonds may be redeemed in part but only in the amount of \$5,000 or integral multiples thereof. Any bond redeemed in part only shall be surrendered to the Paying Agent and Registrar in exchange for a new bond or bonds evidencing the unredeemed principal thereof.

This bond is one of an issue of the total principal amount of \$1,355,000 of like tenor herewith except as to denomination, date of maturity and rate of interest issued by said City for the purpose of satisfying the indebtedness of the City on its legally issued Public Safety Department Tax Anticipation Bonds, Series 2005, dated April 27, 2005, in the principal amount of \$165,000 and Public Safety Tax Anticipation Bonds, Series 2008, dated December 18, 2008, in the principal amount of \$1,170,000. The issuance of said bonds has been authorized by an ordinance duly passed by the Mayor and Council of said City, all in strict compliance with and in pursuance of Section 10-142, Sections 18-1201 and 18-1202, Reissue Revised Statutes of Nebraska, 2012, as amended.

This bond is transferable by the registered owner or such owner's attorney duly authorized in writing at the office of the Paying Agent and Registrar upon surrender and cancellation of this bond, and thereupon a new bond or bonds of the same aggregate principal amount, interest rate and maturity will be issued to the transferee as provided in the ordinance authorizing said issue of bonds, subject to the limitations therein prescribed. The City, its Paying Agent and Registrar and any other person may treat the person in whose name this bond is registered as the absolute owner hereof for the purpose of receiving payment hereof and for all purposes and shall not be affected by any notice to the contrary, whether this bond be overdue or not.

AS PROVIDED IN THE ORDINANCE REFERRED TO HEREIN, UNTIL THE TERMINATION OF THE SYSTEM OF BOOK-ENTRY-ONLY TRANSFERS THROUGH THE DEPOSITORY TRUST COMPANY, NEW YORK, NEW YORK (TOGETHER WITH ANY SUCCESSOR SECURITIES DEPOSITORY APPOINTED PURSUANT TO THE ORDINANCE, "DTC"), AND NOTWITHSTANDING ANY OTHER PROVISIONS OF THE ORDINANCE TO THE CONTRARY, A PORTION OF THE PRINCIPAL AMOUNT OF THIS BOND MAY BE PAID OR REDEEMED WITHOUT SURRENDER HEREOF TO THE PAYING AGENT AND REGISTRAR. DTC OR A NOMINEE, TRANSFEREE OR ASSIGNEE OF DTC OF THIS BOND MAY NOT RELY UPON THE PRINCIPAL AMOUNT INDICATED HEREON AS THE PRINCIPAL AMOUNT HEREOF OUTSTANDING AND UNPAID. THE PRINCIPAL AMOUNT HEREOF OUTSTANDING AND UNPAID SHALL FOR ALL PURPOSES BE THE AMOUNT DETERMINED IN THE MANNER PROVIDED IN THE ORDINANCE.

UNLESS THIS BOND IS PRESENTED BY AN AUTHORIZED OFFICER OF DTC (A) TO THE PAYING AGENT AND REGISTRAR FOR REGISTRATION OF TRANSFER OR EXCHANGE OR (B) TO THE PAYING AGENT AND REGISTRAR FOR PAYMENT OF PRINCIPAL, AND ANY BOND ISSUED IN REPLACEMENT HEREOF OR SUBSTITUTION HEREFOR IS REGISTERED IN THE NAME OF DTC AND ANY PAYMENT IS MADE TO DTC OR ITS NOMINEE, ANY TRANSFER, PLEDGE OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL BECAUSE ONLY THE REGISTERED OWNER HEREOF, DTC OR ITS NOMINEE, HAS AN INTEREST HEREIN.

This bond shall not be valid and binding on the City until authenticated by the Paying Agent and Registrar.

IT IS HEREBY CERTIFIED AND WARRANTED that all conditions, acts and things required by law to exist or to be done precedent to and in the issuance of this bond did exist, did happen and were done and performed in regular and due form and time as required by law, and that the indebtedness of said City, including this bond, does not exceed any limitations imposed by law. The City agrees that it shall, pursuant to Section 18-1201, Reissue Revised Statutes of Nebraska, 2012, levy a special tax, so long as this bond remains outstanding, of not more than the levy authorized by said Section 18-1201 on the dollar upon the taxable value of all the taxable property within the City. The City further agrees that in each calendar year in which payments of principal and interest fall due on the bonds of this issue, such tax shall be levied and collected in an amount of not less than 112% of the total amount of principal and interest payable on this bond in such calendar year. This bond shall be secured by such tax and shall be payable out of the funds derived from such tax pursuant to the terms of Section 18-1202, R.R.S. Nebraska, 2012. On receipt of such taxes, the City Treasurer shall hold such taxes in a separate fund for the purpose of paying or redeeming said bonds.

IN WITNESS WHEREOF, the City of Nebraska City, Nebraska, has caused this bond to be executed on behalf of the City by being signed by the Mayor and Clerk of the City, both of which signatures may be facsimile signatures, and by causing the official seal of the City to be affixed hereto, all as of the date of original issue shown above.

CITY OF NEBRASKA CITY, NEBRASKA

By _____ (do not sign)
Mayor

ATTEST:

(do not sign)
City Clerk
(S E A L)

CERTIFICATE OF AUTHENTICATION

This bond is one of the bonds authorized by an ordinance passed and approved by the Mayor and Council of the City of Nebraska City as described in said bonds.

(do not sign)
City Treasurer, Paying Agent & Registrar

(FORM OF ASSIGNMENT)

For value received _____ hereby sells, assigns and transfers unto _____ the within bond and hereby irrevocably constitutes and appoints _____, Attorney, to transfer the same on the books of registration in the office of the within mentioned Paying Agent and Registrar with full power of substitution in the premises.

Date: _____

Registered Owner

SIGNATURE GUARANTEED

By _____

Authorized Officer

Note: The signature(s) of this assignment MUST CORRESPOND with the name as written on the face of the within bond in every particular without alteration, enlargement or any change whatsoever, and must be guaranteed by a commercial bank or a trust company or by a firm having membership on the New York, Midwest or other stock exchange.

Section 8. The City agrees that it shall, pursuant to Section 18-1201, Reissue Revised Statutes of Nebraska, 2012, levy a special tax so long as any of the bonds of this issue remain outstanding of not more than the levy authorized by said Section 18-1201 on the dollar upon the taxable value of all the taxable property within the City. The City further agrees that in each calendar year in which payments of principal and interest fall due on the bonds of this issue, such tax shall be levied and collected in an amount of not less than 112% of the total amount of principal and interest payable on the bonds of this issue in such calendar year. Said bonds shall be secured solely by such tax and shall be payable solely out of the funds derived from such tax pursuant to the terms of Section 18-1201, R.R.S. Nebraska, 2012. On receipt of such taxes, the City Treasurer shall hold such tax in a separate fund for the purpose of paying or redeeming said bonds.

Section 9. Said bonds are hereby sold to Ameritas Investment Corp. at 98.75% of the principal amount thereof, and the City Treasurer is authorized to deliver said bonds to said purchaser upon receipt of the said amount plus accrued interest to the date of payment. Said bonds are sold to the purchaser subject to the opinion of independent bond counsel that said bonds are lawfully issued; that said bonds constitute a valid obligation of the City; and that under existing laws and regulations the interest on said bonds is exempt from both Nebraska state and federal income taxes. Such purchaser and its agents, representatives and counsel (including its bond counsel) are hereby authorized to take such actions on behalf of the City as are necessary to effectuate the closing of the issuance and sale of the bonds, including without limitation, authorizing the release of the bonds by the Depository (as defined herein) at closing.

Section 10. The City Board hereby approves (and declares final) on behalf of the City the preliminary Official Statement prepared with respect to the bonds and hereby authorizes the Mayor and Clerk or either of them to approve, execute and deliver on behalf of the City a final Official Statement relating to and describing the bonds. The officers of the City are further authorized to take any and all actions deemed necessary by them in connection with the carrying out and performance of the terms of this Ordinance.

Section 11. In accordance with the requirements of Rule 15c2-12 (the "Rule") promulgated by the Securities and Exchange Commission, the City being the only "obligated persons" other than the City with respect to the Bonds, and being an "obligated person" with respect to no more than \$10,000,000 in aggregate amount of outstanding municipal securities (including the Bonds), agrees that it will provide the following continuing disclosure information to the Municipal Securities Rulemaking Board (the "MSRB") in an electronic format as prescribed by the MSRB:

- (a) at least nine months after the end of the fiscal year, financial information or operating data for the City which is customarily prepared by the City and is publicly available, including the City's audited financial statements and information of the type accompanying the audited financial statements of the City entitled "Management's Discussion and Analysis";

- (b) in a timely manner not in excess of ten business days after the occurrence of the event, notice of the occurrence of any of the following events with respect to the Bonds:
- (1) principal and interest payment delinquencies;
 - (2) non-payment related defaults, if material;
 - (3) unscheduled draws on debt service reserves reflecting financial difficulties;
 - (4) unscheduled draws on credit enhancements reflecting financial difficulties;
 - (5) substitution of credit or liquidity providers, or their failure to perform;
 - (6) adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the Bonds, or other material events affecting the tax status of the Bonds;
 - (7) modifications to rights of the holders of the Bonds, if material;
 - (8) bond calls, if material, and tender offers;
 - (9) defeasances;
 - (10) release, substitution, or sale of property securing repayment of the Bonds, if material;
 - (11) rating changes;
 - (12) bankruptcy, insolvency, receivership or similar events of the City (this event is considered to occur when any of the following occur: the appointment of a receiver, fiscal agent or similar officer for the City in a proceeding under the U.S. Bankruptcy Code or in any other proceeding under state or federal law in which a court or governmental authority has assumed jurisdiction over substantially all of the assets or business of the City, or if such jurisdiction has been assumed by leaving the existing governing body and officials or officers in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of reorganization, arrangement or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the City);
 - (13) the consummation of a merger, consolidation, or acquisition involving the City or the sale of all or substantially all of the assets of the City, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material;
 - (14) appointment of a successor or additional trustee or the change of name of a trustee, if material.

The City has not undertaken to provide notice of the occurrence of any other event, except the events listed above.

The City agrees that all documents provided to the MSRB under the terms of this continuing disclosure undertaking shall be in such electronic format and accompanied by such identifying information as shall be prescribed by the MSRB. The City reserves the right to modify from time to time the specific types of information provided or the format of the presentation of such information or the accounting methods in accordance with which such information is presented, to the extent necessary or appropriate in the judgment of the City, consistent with the Rule. The City agrees that such covenants are for the benefit of the registered owners of the Bonds (including Beneficial Owners) and that such covenants may be enforced by any registered owner or Beneficial Owner, provided that any such right to enforcement shall be limited to specific enforcement of such undertaking and any failure shall not constitute an event of default under the Resolution. The continuing disclosure obligations of the City, as described above, shall cease when none of the Bonds remain outstanding. The name, address and telephone number of the person from whom the foregoing information, data will be the City Clerk.

Section 12. The City of Nebraska, Nebraska, hereby covenants to the purchasers and holders of the bonds hereby authorized that it will make no use of the proceeds of said bond issue, including monies held in any sinking fund for the payment of said bonds, which would cause said bonds to be arbitrage bonds within the meaning of Sections 103(b) and 148 of the Internal Revenue Code of 1986, as amended (the "Code") and further covenants to comply with said Sections 103 and 148 and all applicable regulations thereunder throughout the term of said bond issue. The City hereby covenants and agrees to take all actions necessary under the Code to maintain the tax-exempt status of interest payable on the bonds with respect to taxpayers generally but not including insurance companies or corporations subject to the additional

minimum tax. The City hereby designates the bonds as its “qualified tax-exempt obligations” pursuant to Section 265(b)(3)(B)(i)(III) of the Code and covenants and warrants that it does not anticipate issuing tax-exempt obligations in calendar 2013 in an amount in excess of \$10,000,000.

Section 13. In order to promote compliance with certain federal tax and securities laws relating to the bonds herein authorized (as well as other outstanding bonds) the policy and procedures attached hereto as Exhibit “A” (the “Post-Issuance Compliance Policy and Procedures”) are hereby adopted and approved in all respects. To the extent that there is any inconsistency between the attached Post-Issuance Compliance Policy and Procedures and any similar policy or procedures previously adopted and approved, the Post-Issuance Compliance Policy and Procedures shall control.

Section 14. This Ordinance shall be published in pamphlet form and take effect as provided by law.

PASSED AND APPROVED this 18th day of November, 2013.

ATTEST:

City Clerk

Mayor

(S E A L)

I, the undersigned, City Clerk for the City of Nebraska City, Nebraska, hereby certify that the foregoing is a true and correct copy of proceedings had and done by the Mayor and Board on November 18, 2013; that all of the subjects included in the foregoing proceedings were contained in the agenda for the meeting, kept continually current and readily available for public inspection at the office of the City Clerk; that such subjects were contained in said agenda for at least twenty-four hours prior to said meeting; that such agenda items were sufficiently descriptive to give the public reasonable notice of the matters to be considered at the meeting; that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by members of the public; that the said minutes from which the foregoing proceedings have been extracted were in written form and available for public inspection within ten working days and prior to the next convened meeting of said body; that all news media requesting notification concerning meetings of said body were provided advance notification of the time and place of said meeting and the subjects to be discussed at said meeting; and that a current copy of the Nebraska Open Meetings Act was available and accessible to members of the public, posted during such meeting in the room in which such meeting was held.

City Clerk

(SEAL)

Leroy Frana with the Nebraska City Utilities presented a recommendation from the BPW to approve a bid for the purchase of an A-758 Paste Type Lime Slaker and control panel in the amount for the water treatment plant. The original one was installed in 1987. Moved by Commissioner Crunk and seconded by Commissioner Mercer to approve the purchase of an A-758 Paste Type Lime Slaker and control panel in the amount of \$132,000.00. Upon roll call, the following voted YES: Crunk, Handy, Mercer and Mayor Hobbie. Voting NO: None. Motion passed.

Leroy Frana then presented a recommendation from the BPW to approve the purchase of a Zig Zag Grounding Transformer. This will replace a transformer from 1971 and the Utilities plan to rebuild the replaced transformer. Moved by Commissioner Crunk and seconded by Commissioner Mercer to approve the purchase of a Zig Zag Grounding Transformer in the amount of \$70,456 plus sales tax. Upon roll call, the following voted YES: Crunk, Handy, Mercer and Mayor Hobbie. Voting NO: None. Motion passed.

Leroy Frana then presented a recommendation from the BPW to approve Electric Work Order #184 to install electric distribution to 270 Monroe Street in Bennet. This work order will replace a 2-block stretch of overhead line with underground line. Moved by Commissioner Crunk and seconded by Mercer to approve Electric Work Order #184 to install electric distribution to 270 Monroe Street in Bennet in the amount of \$19,614.64. Upon roll call, the following voted YES: Crunk, Handy, Mercer and Mayor Hobbie. Voting NO: None. Motion passed.

Leroy Frana then presented a recommendation by the BPW to approve Electric Work Order #186 to provide electric service to U-Save Prescription Drug. They intend to develop a three phase underground distribution system under South 11th Street. Moved by Commissioner Crunk and seconded by Mercer to approve Electric Work Order #186 to provide electric service to U-Save Prescription Drug in the amount of \$15,507.82. Upon roll call, the following voted YES: Crunk, Handy, Mercer and Mayor Hobbie. Voting NO: None. Motion passed.

Leroy Frana then presented a recommendation by the BPW to approve Electric Work Order #178 to reconstruct 3.5 miles of single phase 24.0 KV distribution line. This will replace a very old distribution line. They intend to move the line from the south side of the road to the north side as well. Moved by Commissioner Crunk and seconded by Mercer to approve Electric Work Order #178 to reconstruct 3.5 miles of single phase 24.0 KV distribution line in the amount of \$241,551.04. Upon roll call, the following voted YES: Crunk, Handy, Mercer and Mayor Hobbie. Voting NO: None. Motion passed.

Mayor Hobbie introduced Resolution 2613-13 approving Supplemental Engineering Agreement No. 1 for 4th Corso Viaduct an increase of \$11,515.89 with an 80/20 split. Dan Giittinger explained that this will involve soil sampling on 4th Corso near the old gas station and round house. This work is required by Federal Highway and an engineering firm will be performing the work. If an contaminated material is found, we will be responsible to remove and replace the material with an 80/20 split. Moved by Handy and seconded by Mercer to approve Resolution 2613-13. Upon roll call the following voted YES: Crunk, Handy, Mercer and Mayor Hobbie. Voting NO: None. Motion passed and adopted. A true, correct and complete copy of said resolution is as follows:

RESOLUTION
PRELIMINARY ENGINEERING SERVICES AGREEMENT
SUPPLEMENTAL AGREEMENT NO. 1 – BK1266

CITY OF NEBRASKA CITY

Resolution 2613-13

Whereas: The City of Nebraska City and Alfred Benesch & Company have previously executed a Preliminary Engineering Services Agreement (BK1266) for a transportation project for which the Local Public Agency (LPA) would like to obtain Federal Funds; and

Whereas: the City of Nebraska City understands that it must continue to strictly follow all Federal, State and local laws, rules, regulations, policies and guidelines applicable to the funding of this Federal-aid project; and

Whereas: the City of Nebraska City and Alfred Benesch & Company wish to enter into a preliminary engineering services supplemental agreement setting out modifications and/or additional duties and/or funding responsibilities for the Federal-aid project.

Be It Resolved: by the Mayor and Commissioners of the City of Nebraska City, Nebraska that:

Jack Hobbie, mayor of the City of Nebraska City, Nebraska is hereby authorized to sign the attached Preliminary Engineering Services Supplemental Agreement No. 1 between the City of Nebraska City and Alfred Benesch & Company.

The City of Nebraska City is committed to providing local funds for the project as required by the Project Program Agreement and any Supplemental Project Agreements.

NDOR Project Number: URB-6217(4)

NDOR Control Number: 13159

NDOR Project Description: 4th Corso Viaduct, Nebraska City of Nebraska City

Adopted this 18th day of November, 2013 at Nebraska City, Nebraska.

The City Council of the City of Nebraska City, Nebraska	
Jim Stark – Public Works Commissioner	Dean Handy – Street Commissioner
Jeff Crunk – Parks Commissioner	Mark Mercer – Finance Commissioner
	Jack Hobbie - Mayor

Commissioner Handy moved the adoption of said resolution, Mercer seconded the motion. Roll Call: 4 Yes; 0 No; 0 Abstained; 1 Absent.

Resolution adopted, signed and billed as adopted.

Attest:

Emily S. Anthony, Deputy City Clerk

Dan Giittinger explained to the Council that the engineering firm is going to be in Nebraska City on Tuesday, November 19 to start the test boring on the City R-O-W for the 4th Corso Viaduct Project. Moved by Commissioner Handy and seconded by Mercer to approve the test boring for the 4th Corso Viaduct Project. Upon roll call, the following voted YES: Crunk, Handy, Mercer and Mayor Hobbie. Voting NO: None. Motion passed.

Dan Giittinger explained that during the budget process, it was approved for the Cemetery to purchase a Cash 580SN TLB Loader/Backhoe. They have received a bid from Titan Machinery in the amount of \$56,000 with trade. The trade-in loader/backhoe will be the first years payment. The machine is currently be produced and will not be available until February 2014. Moved by Commissioner Handy and seconded by Mercer to award a contract to Titan Machinery for a Case 580SN TLB Loader/Backhoe in the amount of \$56,000 with trade. Upon roll call, the following voted YES: Crunk, Handy, Mercer and Mayor Hobbie. Voting NO: None. Motion passed.

Joe Johnson explained that Arnold Ehlers solicited bids from the local banks to obtain financing for the Case 580SN TLB Loader/Backhoe. Titan Machinery would finance us for 6.6%. The lowest/best bid received was from Arbor Bank for 2.5%. Moved by Commissioner Handy and seconded by Mercer to authorize the City Clerk-Treasurer to obtain financing for a Case 580SN TLB Loader/Backhoe from lowest/best bid received from a local bank. Upon roll call, the following voted YES: Crunk, Handy, Mercer and Mayor Hobbie. Voting NO: None. Motion passed.

Moved by Commissioner Handy and seconded by Mercer to conduct a free yard waste week at the transfer station from December 2 – 7, 2013. Upon roll call the following voted YES: Crunk, Handy, Mercer and Mayor Hobbie. Voting NO: None. Motion passed.

Commissioner Mercer led a discussion regarding the timing of receiving the council packets. In September 2013 the City Clerk – Treasurer proposed that the cut-off for adding items to the agenda be Thursday at 1:00 p.m. prior to the Monday meeting to better accommodate the citizens of Nebraska City. Mercer indicated that it would be beneficial to most council members if they were able to receive their packets by 1:00 pm on Thursday prior the Council meeting. Crunk stated that due to his job it is mandatory to provide him the agenda no later than 1:50 p.m. on Thursday so that he can determine if he needs to request time off for the meeting. Crunk went on to say that public input should be cut-off on Tuesday at 5:00 p.m. and City input cut-off on Wednesday at 5:00 p.m. In the event that supplemental information is received after that time, it would be forwarded to the Council members. Commissioner Crunk indicated that it must be a true emergency for an item to be added to the agenda after 5:00 p.m. Crunk and Mercer would like a revised ordinance drafted to have the cut-off time be 5:00 pm on Tuesday prior the meeting for the public and 5:00 pm on Wednesday for office staff.

Commissioner Crunk addressed the Council concerning an item that was proposed by a department head and not included on the agenda. He was approached by a department head about a tractor that needed to be replaced. Dan Giittinger explained that it was not placed on the agenda yet as information is still being compiled about replacement options. Joe Johnson confirmed that he is urging all of the department heads to be creative in finding options to fund their projects and inventory needs.

Action Tech Serv	Contr	45.99	Martin Marietta	Sup	1169.37
Allied Recycling	Garbage	256.33	Matheson Tri-Gas	Sup	659.95
Arbor Mart	Fuel	2348.86	Mercer's	Sup	130.99
Asphalt & Concrete	Sup	159.82	Michael Todd	Signs	3353.40
Battery Zone	Sup	294.95	Microfilm Imaging	Contr	80.00
Bill Walters & Son	Rep	964.01	Moyer, R	Rfnd	25.00
Bound Tree	Sup	278.72	Mullenax	Sup	170.64
Callaway Golf	Mdse	528.00	Nationwide	Inv	11695.91
Card Services	Misc	142.06	NC Utilities	Util	6150.53
Casey's General	Fuel	119.60	NE Salt and Grain	Sup	3078.71

Citizen Printing	Adv	434.50	Owens, R	Rfnd	25.00
Wildwood	Artist	3118.96	Payroll	Payroll	89228.50
Concrete Ind	Sup	800.00	Purchase Power	Postage	400.00
CROCS	Mdse	52.49	River View Pest	Pst Cntrl	176.00
Data Technologies	Contr	5836.81	Rose Equip	Rep	231.30
Don's Johns	Misc	104.00	Rowe, J	Rfnd	25.00
Douglas Tire	Rep	2091.16	Schneider Electric	Rep	109.49
EMS Billing	Contr	3355.63	Shell	Fuel	2357.16
Enterprise Publ	Adv	324.00	SE District Health	Sup	255.00
Fareway	Conc	2.19	St. Mary's	Med	44.20
Fastenal Co	Sup	8.15	Stryker Medical	Equip	9546.00
FEMA	Reimb	0.50	Sykes, T	Rfnd	200.00
Food Pride	Conc	22.87	Thomas, B	Rfnd	100.00
Gatehouse	Adv	237.39	Thurman's	Sup	382.50
Gopal, N	Rfnd	25.00	Tree City Tees	Unif	266.27
Harrah, G	Rfnd	25.00	Tree Worx	Contr	940.00
Hartnett, E	Rfnd	708.00	Tri-State Office	Sup	269.13
Holm, C	Rfnd	25.00	Two Sisters Cleaning	Contr	275.00
Hopkins	Sup	20.98	Unifirst Corp	Sup	71.50
Ideal Pure Water	Contr	57.42	Verizon	Tele	14.08
Johnson, J	Mileage	441.50	Wage Works	Contr	72.00
KNCY AM-FM	Adv	92.37	Watkins	Sup	223.03
Knook & Kranny	Contr	2300.00	Weakland, B	Rfnd	25.00
KONICA MINOLTA	Contr	174.32	Windstream	Tele	2388.51
Landis Engine	Sup	88.69	Witmer Public Safe	Rep	178.95
Laser Link Golf	Sup	124.00	Yamaha Golf	Rep	203.86
LoNM	Dues	145.00			

Meeting adjourned at 7:06 pm.

Emily S. Anthony, Deputy Clerk-Treasurer

AFFIDAVIT

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

Emily S. Anthony, Deputy Clerk-Treasurer