

CITY OF NEBRASKA CITY, NEBRASKA
MINUTES OF CITY COUNCIL REGULAR MEETING
February 20, 2012

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 at City Hall, 1409 Central Avenue, on February 6, 2012. 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: Brett Gay, Jeff Crunk, Dean Handy, Mark Mercer and Mayor Hobbie. The following City Officials were present: City Administrator Joe Johnson, City Clerk-Treasurer Arnold M. Ehlers, Police Chief David Lacy, Building Inspector Alan Viox and Public Properties Director/Zoning Director Dan Giittinger.

Commissioner Handy moved to approve the minutes of the February 6, 2012, City Council Regular Meeting, seconded by Commissioner Gay. Upon roll call the following voted AYE: Handy, Gay and Mayor Hobbie. Voting NO: None. Abstain: Crunk and Mercer. Motion adopted.

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

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

Mayor Hobbie moved to appoint Casey Carl Welchans as a probationary member of the N.C.V.F.&R. Dept., seconded by Commissioner Crunk. Upon roll call the following voted YES: Mercer, Handy, Gay, Crunk and Mayor Hobbie. Voting NO: None. Motion passed.

Mayor Hobbie proclaimed March 2012 as "Gambling Awareness Month" and informed all citizens the Nebraska offers quality services to gamblers and their families.

Mayor Hobbie opened the Public Hearing on the One & Six Year Street Improvement Plan. Evan Wickersham, Street Engineer provided background information on the improvements scheduled for 2012 and those on the list for future years. No one else spoke in support or opposition to the street improvement plan. Moved by Commissioner Handy and seconded by Commissioner Gay to close the Public Hearing. Upon roll call the following voted YES: Mercer, Crunk, Gay, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

Mayor Hobbie opened the Public Hearing to assess costs to adjacent property owners for Street Improvement Project No. 2011-03. City Clerk explained how the costs were determined and how much was due from each property owner. Property owner Ken Campbell expressed his concerns to the Council that grass had not been properly reseeded in the construction area and that construction debris was still lying on his property. Public Properties Director Dan Giittinger assured Mr. Campbell that the materials would be picked up and grass planted. No one else spoke in support or opposition to the assessments. Moved by Commissioner Gay and seconded by Commissioner Handy to close the Public hearing. Upon roll call the following voted YES: Crunk, Mercer, Handy, Gay and Mayor Hobbie. Voting NO: None. Motion passed.

Mayor Hobbie opened the Public Hearing on the rezone request by Norbert Esser on the property located at 402 East 4th Corso. Dan Giittinger explained the reason for the request. The house is in a C-3 Commercial Zone and the owners want to sell the property but cannot get insurance due to the commercial zone. The request is to change the zoning to R-2 Residential which is the adjacent zoning to the north. No one else spoke in support or opposition to the request. Moved by Commissioner Gay and seconded by Commissioner Handy to close the Public Hearing. Upon roll call the following voted YES: Crunk, Mercer, Handy, Gay and Mayor Hobbie. Voting NO: None. Motion passed.

Joe Johnson provided written reports of City activities. to the Council and public. Included also is department activities for the month of January and a legislative session update. The Treasurer reported balance on hand January 1, 2012 of \$827,887.16, revenues of \$747,185.30 and

expenditures of \$530,892.77 leaving a balance on hand of \$1,044,179.69. Barbara Hegr, Library Director presented a pictorial review of happenings at the Morton-James Public Library over the past year. Stephanie Shrader provided the financials for the quarter to Council as well as highlight of activities over the past 3 months. Shrader stated that Phase I of the acquisition of 42 acres on the northwest edge of Nebraska City is complete and that 10 acres have been sold to business. Mayor Hobbie asked that the reports be placed on file.

Roger Watton of BKD, LLC presented the findings from the audit performed for Fiscal Year 2010-2011. Among the facts presented that the small staff at City offices made separation of duties a challenge. He stated that Nebraska City’s debt was less than half that of peer cities. Also City debt per capita was less than half that of peer Cities. There were no adverse findings and his firm gave Nebraska City a good report. The Board asked him if other Cities had separate audits for their utilities departments. He answered that he knew some did but could not be specific. Commissioner Mercer then asked him if there would be a cost savings by combining the audits. He indicated that there would be a savings but could not estimate how much. He did add that the different fiscal years would have to be eliminated to get accurate audits.

Moved by Commissioner Mercer to adopt the audit report as presented, seconded by Commissioner Gay. Upon roll call the following voted YES: Handy, Crunk, Gay, Mercer and Mayor Hobbie. Voting NO: None. Motion passed.

Mayor Hobbie introduced Resolution 2557-12 approving the One & Six Year Street Improvement Plan. Moved by Commissioner Handy and seconded by Commissioner Gay to approve Resolution 2552-12. Upon roll call the following voted YES: Mercer, Gay, Handy and Mayor Hobbie. Voting NO: Crunk. Motion passed and adopted. A true, correct and complete copy of said resolution is as follows:

RESOLUTION 2557-12

“**WHEREAS**, the City Street Superintendent has prepared and presented a One and Six Year Plan for Street Improvement Program for the City of Nebraska City, Nebraska and, **WHEREAS**, a public meeting was held on the 20th day of February, 2012, to present this plan and there was a discussion held with respect to said plan;

THEREFORE, BE IT RESOLVED BY THE Mayor and City Council of Nebraska City, Nebraska that the plans and data as furnished and/or modified are hereby in all things accepted and adopted.”

Passed and adopted this 20th day of February, 2012

Upon roll call the vote is as follows:

Brett Gay	Yes
Jeff Crunk	No
Dean Handy	Yes
Mark Mercer	Yes
Mayor Jack Hobbie	Yes

Jack Hobbie, Mayor

ATTEST:

Arnold M. Ehlers, Clerk

Mayor Hobbie introduced Resolution 2554-12 assessing costs of Street Improvement Project No. 2011-03 to property owners. Moved by Commissioner Handy and seconded by Commissioner Gay to approve Resolution 2554-12. Upon roll call the following voted YES: Mercer, Crunk, Gay, Handy and Mayor Hobbie. Voting NO: None. Motion passed and adopted. A true, correct and complete copy of said resolution is as follows:

RESOLUTION 2554-12

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF NEBRASKA CITY, NEBRASKA, SITTING AS A BOARD OF EQUALIZATION:

1. The Mayor and Commissioners find and determine: That the Board has heretofore designated February 20, 2012, as the date for considering and levying special assessments upon property specially benefited by street improvements in Street Improvement Project No. 2011-3 to pay the cost of constructing same; that notice of the time and place of holding this meeting for said purpose has been duly given as provided by statute by publication in the Nebraska City News-Press, a legal newspaper published and of general circulation in this City, for at least ten days before the time designated therein for holding this meeting said publications being made in the issues of said paper published on February 10 and February 17, 2012; that the Mayor and Commissioners have this session heard all persons who desire to be heard in reference to the special benefits or damages thereto by reason of the construction of said improvements and with reference thereto have considered the advice of the engineer in charge of the construction of said improvements.
2. The Mayor and Commissioners find and determine that at the hearing all assessments have been adjusted and equalized with reference to the benefits resulting from the improvements and have

been apportioned among the several lots and parcels of land subject to assessment in proportion to the special benefits accrued to said lots and parcels of land respectfully from such improvements; that no lot or parcel of land in said Street Improvement Project No. 2011-3 has been damaged by the construction of said improvements; that the amounts of benefits specially accruing to each lot and parcel of land in said project by reason of the construction of said improvements exceeds the amount assessed against each lot or parcel of land to pay the cost of said improvements. The benefits are equal and uniform and the assessments shown on the schedule hereinafter set out are according to front footage of the lots or real estate within the project boundaries.

3. There are hereby levied and assessed upon the several lots and parcels of land in the Street Improvement Project No. 2011-3 special assessments to pay the cost of constructing said improvements in the amount in dollars and cents set out in the schedule below in the column headed "Special Assessments".

(Schedule of Assessments attached as Exhibit A)

4. Said assessments for paving are payable in fifteen equal installments the first of which shall become delinquent not less than fifty (50) days from the adoption of the resolution, and the remaining installments shall become delinquent in one, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen and fifteen years respectively from the date of passage of this resolution; that each said installment shall draw interest from the date of the passage of this resolution at a rate of five and one-half per centum (5.5%) per annum, until the same became delinquent, and after the same became delinquent interest at the rate specified by law for delinquent special assessments for such project shall be paid thereon; provided all said assessments may be paid at one time on any lot or land within the fifty (50) days from the date of the levy without interest.
5. Said special assessments shall be a lien on the property on which they are levied from the date of the passage of this resolution and shall be certified by the City Clerk to the Treasurer of this City for collection; that the City Clerk shall also at the time provided by law cause such assessments or the portion thereof then remaining unpaid to be certified to the County Clerk of this County for entry upon the proper tax list; that said assessments shall be payable to the City Treasurer until so certified to the County Clerk and shall thereafter be collected by the County Treasurer.

PASSED AND APPROVED this 20th day of February, 2012

Jack Hobbie, Mayor

Attest:

Arnold M. Ehlers, City Clerk – Treasurer

Building Inspector Alan Viox provided the Council with information on the condition of the structure located at 611 Central Avenue and asked the Council to make a formal determination that the building be declared unsafe and that he notify the owner to repair or demolish the building. Commissioner Gay expressed concern by the lack of response to previous letters sent to the owner. Commissioner Mercer stated that the City is becoming the private insurer for bad investments in real estate. Gay added that the Council needs to protect the taxpayers and encourage responsible ownership. Moved by Commissioner Gay and seconded by Commissioner Handy to tag the building as unsafe and notify the owner that he has 10 days to appeal the decision of the Council.

Harry Larson addressed the Council on the ticket he recently received for erecting an illegal pole sign within the city limits. He elaborated on he is a good taxpaying businessman and that he has actually had sign work done without permits before and was aware of the ordinance prior to the changes made to the existing signs and the new pole sign. Commissioner Mercer stated that even though he voted for the sign ordinance it is not realistic. He added that "...pole signs are my friend when I travel." Commissioner Crunk stated that signage draws business. Commissioner Gay expressed concern that a lack of community involvement leads to these types of problems. Bob Moser informed the Council that he was denied a sign permit due to already having the limit of signs on his building. Tom Ross added that he has been informed to remove his sign because it has not been used for over 12 months. Darcy Carpenter asked why defunct businesses were still allowed to have billboards advertising their businesses. No other comments were received and no action taken at the meeting.

Stephanie Farmer requested the use of Shelter # 1 and an area east of the shelter in Wildwood Park to hold "Paws for a Cause" on April 28, 2012 beginning at 9:30AM. Moved by Commissioner Handy and seconded by Commissioner Mercer to approve the request by NCTC Community Development Committee to hold "Paws for a Cause" in Wildwood Park on April 28, 2012. Upon roll call the following voted YES: Crunk, Gay, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

Mayor Hobbie introduced Ordinance No. 2866-12 entitled: AN ORDINANCE TO AMEND SECTION 25-3(c) , PARKS AND RECREATION ADVISORY COMMITTEE GENERALLY,

OF THE CODE OF NEBRASKA CITY, NEBRASKA, TO DELETE ARCHAIC LANGUAGE, TO REPEAL ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH, 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, Gay, 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. 2866-12 be passed and adopted?" Upon roll call the following voted YES: Crunk, Gay, 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. 2866-12

AN ORDINANCE TO AMEND SECTION 25-3(c) , PARKS AND RECREATION ADVISORY COMMITTEE GENERALLY, OF THE CODE OF NEBRASKA CITY, NEBRASKA, TO DELETE ARCHAIC LANGUAGE, TO REPEAL ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH, AND TO DECLARE AN EFFECTIVE DATE.

WHEREAS, the reference to a public properties secretary is no longer necessary and should be removed.

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

Section 1. That Section 25-3(c) of the Code of the City of Nebraska City, be amended to read as follows:

"Section 25-3(c). *Organization; Quorum, meetings, records.*

At the first meeting in each year or within a reasonable time thereafter, members of said committee shall meet and elect one (1) of their own members as chairperson. Said committee shall adopt all necessary rules providing for regular and special meetings of said committee and for the conduct of its business. All proceedings shall be well and faithfully set down and preserved in record books which said committee shall provide for that purpose and the records of said committee shall be open to the public as other records of the city.

Section 2. That the original Section 25-3(c) of the Code of the City of Nebraska City, and all other Ordinances or parts of Ordinances in conflict with this Ordinance, are hereby repealed.

Section 3. That this ordinance shall be effective from and after its adoption, approval, and publication, as provided by law.

PASSED and APPROVED this 6th day of February, 2012.

Jack Hobbie, Mayor

Attest:

Arnold M. Ehlers, City Clerk- Treasurer

Mayor Hobbie introduced Ordinance No. 2867-12 entitled: AN ORDINANCE TO AMEND SECTION 2-24, COUNCIL VICE-PRESIDENT, OF THE CODE OF NEBRASKA CITY, NEBRASKA, TO DELETE ARCHAIC LANGUAGE, TO REPEAL ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH, 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, Gay, 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. 2867-12 be passed and adopted?" Upon roll call the following voted YES: Mercer, Crunk, Gay, 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. 2867-12

AN ORDINANCE TO AMEND SECTION 2-24, COUNCIL VICE-PRESIDENT, OF THE CODE OF NEBRASKA CITY, NEBRASKA, TO DELETE ARCHAIC LANGUAGE, TO REPEAL ALL ORDINANCES AND PARTS OF ORDINANCES

IN CONFLICT HEREWITH, AND TO DECLARE AN EFFECTIVE DATE.

WHEREAS, the reference to superintendent is no longer accurate and should be corrected.

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

Section 1. That Section 2-24 of the Code of the City of Nebraska City be amended to read as follows:

“Section 2-24. Vice-president

The commissioner of public accounts and finances shall be the vice-president of the council, and in the temporary absence or inability of the mayor to serve, shall perform the duties of the mayor.

Section 2. That the original Section 2-24 of the Code of the City of Nebraska City, and all other Ordinances or parts of Ordinances in conflict with this Ordinance, are hereby repealed.

Section 3. That this ordinance shall be effective from and after its adoption, approval, and publication, as provided by law.

PASSED and APPROVED this 6th day of February, 2012.

Jack Hobbie, Mayor

Attest:

Arnold M. Ehlers, City Clerk- Treasurer

Mayor Hobbie introduced Ordinance No. 2868-12 entitled: AN ORDINANCE TO AMEND SECTION 2-36, USE OF MAGNETIC TAPES IN RECORDING CITY COUNCIL MEETINGS, OF THE CODE OF NEBRASKA CITY, NEBRASKA, TO DELETE ARCHAIC LANGUAGE, TO REPEAL ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH, 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, Gay, 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. 2868-12 be passed and adopted?” Upon roll call the following voted YES: Mercer, Crunk, Gay, 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. 2868-12

AN ORDINANCE TO AMEND SECTION 2-36, USE OF MAGNETIC TAPES IN RECORDING CITY COUNCIL MEETINGS, OF THE CODE OF NEBRASKA CITY, NEBRASKA, TO DELETE ARCHAIC LANGUAGE, TO REPEAL ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH, AND TO DECLARE AN EFFECTIVE DATE.

WHEREAS, the reference to retention of magnetic tapes has been modified by state statute.

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

Section 1. That Section 2-36 of the Code of the City of Nebraska City be amended to read as follows:

“Section 2-36. Video/Audio recordings of city council meetings.

The city clerk may record the proceedings of city council meetings for the purpose of assisting in the preparation of the minutes of the proceedings. Provided, however, that said recordings shall not be erased or disposed of for one (1) year after the meeting minutes have been approved by the city council.

Section 2. That the original Section 2-36 of the Code of the City of Nebraska City, and all other Ordinances or parts of Ordinances in conflict with this Ordinance, are hereby repealed.

Section 3. That this ordinance shall be effective from and after its adoption, approval, and publication, as provided by law.

PASSED and APPROVED this 6th day of February, 2012.

Jack Hobbie, Mayor

Attest:

Arnold M. Ehlers, City Clerk- Treasurer

Mayor Hobbie introduced Ordinance 2860-12 annexing approximately 136 Acres into Nebraska City for its second reading. Ordinance 2860-12 was read by title only. Moved by Commissioner

Handy and seconded by Commissioner Gay to approve Ordinance 2860-12 on its second reading. Upon roll call the following voted YES: Mercer, Crunk, Mercer, Gay, Handy and Mayor Hobbie. Voting NO: None. Mayor Hobbie declared Ordinance 2860-12 approved on its second reading. A true, correct and complete copy of said ordinance is as follows:

ORDINANCE NO. 2860-12

AN ORDINANCE OF THE CITY OF NEBRASKA CITY, NEBRASKA, TO EXTEND THE BOUNDARIES AND INCLUDE WITHIN THE CORPORATE LIMITS OF AND ANNEX TO THE CITY OF NEBRASKA CITY, NEBRASKA, CERTAIN CONTIGUOUS AND ADJACENT LANDS OUTSIDE OF THE CITY OF NEBRASKA CITY, OTOE COUNTY, NEBRASKA, AS DESCRIBED IN SECTION 2 HEREOF, AND TO PROVIDE FOR SERVICE BENEFITS THERETO, AND TO PROVIDE FOR AN EFFECTIVE DATE.

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

SECTION 1. It is hereby found and determined by the Mayor and City Commissioners of the City of Nebraska City, Nebraska:

- a. The tract of land located outside of Nebraska City, Otoe County, Nebraska, as more particularly described in Section 2 hereof, is urban and suburban in character and is contiguous and adjacent to the corporate limits of the City of Nebraska City, Nebraska;
- b. Police, fire and snow removal benefits will be immediately available as well as other City Services, as provided by law;
- c. Within the areas considered for annexation, the users of the City’s utility services will have the benefits or rates applicable to users of such service within the City; and
- d. There is a unity of interest in the use of such tracts with the use of lots and tracts in such City, and the community of convenience and welfare and the interest of such City will be enhanced through incorporating such lots and tracts and streets within the limits of such City.

SECTION 2. That the boundaries of the City of Nebraska City, Nebraska, be and hereby are extended to include within the corporate limits of such City the adjacent and contiguous lands located outside of the City of Nebraska City, Otoe County, Nebraska, which is described as follows:

A tract of land located in Part of the N.W. 1/4 of Section 5, T.8N, R.14E and in Part of the West 1/4 of the S.W. 1/4 of Section 32, T.9N, R.14E of the 6th P.M., Otoe County, Nebraska, being more particularly described as follows:

Commencing at the Center of said Section 5, said point being the True Point of Beginning; thence westerly along the South line of the N.W. 1/4 (Existing City Limits) 371 feet to the Easterly right-of-way line of the Union Pacific Railroad; Thence leaving the said line South line and continuing northwesterly along the East right-of-way line of the Union Pacific Railroad (Existing City Limits) to a point 230.3+- feet southeasterly of the S.W. Corner of Lot 1, Rokicki Subdivision; thence leaving said railroad right-of-way and continuing easterly (Existing City Limits) 491.3 feet; thence northerly parallel to the East line of the said N.W. 1/4 (Existing City Limits) 1402.55 feet to a point on the North line of the said N.W. 1/4; thence westerly along the said North line of the N.W. 1/4 of said Section 5 and the South line of the West 1/2 of the S.W. 1/4 of said Section 32 (Existing City Limits), 518.22 feet to the S.W. Corner of said Section 32; thence leaving the said Existing City Limits line and continuing northerly along the West line of the West 1/2 of the S.W. 1/4 2636.08 feet to the West 1/4 Corner of said Section 32; thence easterly along the North line of the said the West 1/2 of the S.W. 1/4 1317.68 feet to the N.E. Corner of the said West 1/2 of the S.W. 1/4; thence southerly along the East line of the West 1/2 of the S.W. 1/4 2635.49 feet to the S.E. Corner of the said West 1/2 of the S.W. 1/4; thence continuing westerly along the Existing City Limits line along the South line of the West 1/2 of the S.W. 1/4 30.7 feet to the North 1/4 Corner of said Section 5, T.8, R14E, thence southerly along the East line of the said N.W. 1/4 of said Section 5 (Existing City Limits line) 2809.55 feet to the True Point of Beginning.

SECTION 3. That a certified copy of this ordinance, together with a plat of such lands, shall be filed of record in the office of the Register of Deeds of Otoe County, Nebraska.

SECTION 4. That the land described in Section 2 hereof is hereby annexed to the City of Nebraska City, Otoe County, Nebraska.

SECTION 5. That upon the taking effect of this ordinance, the police, fire and snow removal services of such City shall be furnished to the lands hereinbefore annexed, and other City services will be available as provided by law. The City rates for utility services furnished by the Nebraska City Utilities shall apply to such lots.

SECTION 6. This ordinance shall take effect and be in full force from and after fifteen days after its passage, approval, and publication as required by law, in its entirety or in pamphlet form, as the case may be, the authority for this annexation being Nebraska Revised Statutes Section 16-117, et seq. Reissue of 2007.

SECTION 7. The provisions of this ordinance are separable, and the invalidity of any phrase, clause or part of this ordinance shall not affect the validity or effectiveness of the remainder of the ordinance.

PASSED and APPROVED this _____ day of _____, 2012.

Jack Hobbie, Mayor

ATTEST:

Arnold M. Ehlers, City Clerk Treasurer

Mayor Hobbie introduced Ordinance No. 2869-12 entitled AN ORDINANCE TO AMEND SECTION 9-96, INSPECTIONS, OF THE CODE OF NEBRASKA CITY, NEBRASKA, TO CORRECT LANGUAGE, TO REPEAL ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH, 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, Gay, 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. 2869-12 be passed and adopted?" Upon roll call the following voted YES: Mercer, Crunk, Gay, 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. 2869-12

AN ORDINANCE TO AMEND SECTION 9-96, INSPECTIONS, OF THE CODE OF NEBRASKA CITY, NEBRASKA, TO CORRECT LANGUAGE, TO REPEAL ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH, AND TO DECLARE AN EFFECTIVE DATE.

WHEREAS, the reference to section 9-4 is not accurate and should be corrected.

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

Section 1. That Section 9-96 (c) of the Code of the City of Nebraska City be amended to read as follows:

(c) The failure to correct the noted code deficiencies in a timely manner will result in a fee assessment noted in Section 9-94.

Section 2. That the original Section 9-96(c) of the Code of the City of Nebraska City, and all other Ordinances or parts of Ordinances in conflict with this Ordinance, are hereby repealed.

Section 3. That this ordinance shall be effective from and after its adoption, approval, and publication, as provided by law.

PASSED and APPROVED this 20th day of February, 2012.

Jack Hobbie, Mayor
Attest:

Arnold M. Ehlers, City Clerk- Treasurer

Mayor Hobbie introduced Ordinance No. 2870-12 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 C-3 COMMERCIAL TO R-2 RESIDENTIAL; TO PROVIDE 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: Mercer, Crunk, Gay, 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. 2870-12 be passed and adopted?" Upon roll call the following voted YES: Mercer, Crunk, Gay, 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. 2870-12

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 C-3 COMMERCIAL TO R-2 RESIDENTIAL; TO PROVIDE 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, application for a change of zoning classification has been made by Norbert Esser, and said application has been referred to the Planning Commission for a recommendation,

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 C-3 Commercial to R-2 Residential, insofar as the same relates to the property legally described as:

That part of Stake Lot in Kearney Addition to Nebraska City, in Otoe County, Nebraska, being bound as follows: On the North by Lot 1 in Block F in Kearney Addition, on the West by Argo Avenue, on the South by Franklin Avenue, and on the east by Table Street, except a strip of land owned by the City of Nebraska City, more particularly described as follows: Beginning at the Southwest corner of said Stake Lot, said point being the intersection on the Northerly 40 foot right of way line of Franklin Avenue and the Easterly line of Argo Avenue; thence Northerly on the West line of said Stake Lot, said line also being the East line of Argo Avenue, a distance of 12.0 feet; thence Easterly on a line 12.0 feet from and parallel to the South line a distance of 60.0 feet to a point on the East line of said Stake Lot, thence Southerly on said East line, said line also being the West line of Table Street, a distance of 12.0 feet to the Southeast corner of Stake Lot; thence Westerly on the South line of said Stake Lot a distance of 60.0 feet to the point of beginning.

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 20th day of February, 2012.

Jack Hobbie, Mayor

Attest:

Arnold M. Ehlers, City Clerk-Treasurer

Mayor Hobbie introduced Ordinance No. 2865-12 entitled: AN ORDINANCE TO REPEAL CHAPTER 12 ½ OF THE CODE OF NEBRASKA CITY, NEBRASKA, AND TO DECLARE AN EFFECTIVE DATE; and moved that the statutory rule requiring reading on three different days be suspended. Commissioner Handy seconded the motion to suspend the rules and upon roll call the following voted YES: Crunk, Gay, 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. 2865-12 be passed and adopted?" Upon roll call the following voted YES: Crunk, Gay, 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. 2865-12
AN ORDINANCE TO REPEAL CHAPTER 12 ½ OF THE CODE
OF NEBRASKA CITY, NEBRASKA, AND TO DECLARE AN
EFFECTIVE DATE.

WHEREAS, Chapter 12 ½ of the Code of the City of Nebraska City, Nebraska, was adopted on June 7, 1999, to implement an Economic Development Program for the benefit of Excel or Cargill, Inc., and

WHEREAS, said economic development program was funded from a property tax approved by the voters of Nebraska City, which was to be collected over a period of ten years to provide financial assistance to the Excel or Cargill project, and

WHEREAS, said project has been completed and all funds collected under said program have been disbursed or transferred to the general fund of the City, and there is no further need for Chapter 12 ½ of the Code of the City of Nebraska City.

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

- Section 1. That Chapter 12 ½ of the Code of the City of Nebraska City, be and the same is hereby repealed and of no further force and effect.
- Section 2. That this ordinance shall be effective from and after its adoption, approval, and publication, as provided by law.

PASSED and APPROVED this 6th day of February, 2012.

Jack Hobbie, Mayor

Attest:

Arnold M. Ehlers, City Clerk- Treasurer

4IMPRINT, INC.	314.73	Advert	LaRue Coffee	182.52	Supp
Adkins Signs	400.00	Advert	Matheson Tri-Gas	183.85	Med
Flex One	50.00	Ins	Mead Lumber	152.68	Rep
Alamar Uniforms	99.98	Unif	Mercer's Do-It-Best	174.83	Rep
Arbor Mart, Inc	3146.43	Fuel	Microfilm Imaging	80.00	Sftwre
Auburn Newspapers	66.00	Advert	Midwest Farmers	625.00	Supp
Baird Holm, LLP	841.00	Contr	Mullenax Auto	541.74	Rep
Barco	498.78	Rep	National Entert Tech	480.00	Supp
Bishop Plumbing	194.50	Rep	Nationwide	14229.96	Inv
Bohl Plumbing	18.16	Rep	NCPS	150.00	Advert
Bound Tree Med	1047.36	Med	NC Utilities	9906.07	Util
Brant, J	160.00	Misc	NCTC	120.00	Advert
Callaway Golf	293.81	Supp	Nebraska Dept of R	724.89	Sls Tax
Card Services	304.00	Supp	NE Liquor Control	45.00	Misc
Casey's	764.11	Fuel	Nebraska Salt & Gra	4189.06	Maint
Century Lumber	13.44	Rep	Nebraska PGA	45.00	Dues
Cintas	60.32	Contr	O'Reilly Auto Parts	139.92	Rep
City Directories	225.00	Advert	Orscheln	214.81	Rep
City Tire	1224.00	Rep	Osten, V	62.64	Mileage
Crown Awards	210.13	Advert	Otoe County Clerk	5752.59	Contr
Douglas Tire Co.	737.31	Rep	Payroll	88310.29	Payroll
Eggers Brothers	243.38	Supp	Physio-Control, Inc	1224.35	Rep
Fire Protection Svc	138.00	Rep	Purchase Power	400.00	Postage
First Class Flowers	25.00	Msde	River View Pest Ctrl	176.00	Pst Cntrl
Food Pride	25.53	Supp	SEND D	5245.43	CDBG
Galls	96.48	Unif	Shell	2850.43	Fuel
Gatehouse Media	1526.68	Advert	St. Mary's Hospital	62.00	Med
Giittinger, D	204.24	Mileage	Tree City Tees	1222.22	Unif
HireRight	50.00	Med	Tri-State Office	553.29	Supp
Ideal Pure Water	63.82	Supp	Truck Equip Svc	89.70	Rep
Janie's Confections	45.00	Misc	Van Wall Equipment	27.59	Rep
Johnson, J	309.87	Mileage	Verizon Wireless	334.95	Tele
KNCY AM-FM	95.45	Advert	VFW POST #5547	50.00	Advert
Konica Monilta	145.60	Supp	Watkins True Value	467.08	Supp
Landis Engine	78.15	Supp	Windstream, Inc.	2318.82	Tele
Larson Motors	790.60	Rep			

Meeting adjourned at 8:04 O'clock P.M.

Arnold M. Ehlers, City Clerk – Treasurer

AFFIDAVIT

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

Arnold M. Ehlers, City Clerk-Treasurer