

CITY OF NEBRASKA CITY, NEBRASKA
MINUTES OF CITY COUNCIL REGULAR MEETING
March 1, 2010

Pursuant to due call and notice thereof, a Regular Meeting of the City Council of the City of Nebraska City was conducted in the Council Chambers of City Hall, 1409 Central Avenue, on March 1, 2010. Notice of the meeting was given in advance thereof by posting in at least three public places, the designated method for giving notice, as shown by the Certificate of Posting Notice attached to these minutes.

Mayor Hobbie called the meeting to order at 6:00 p.m. The Mayor publicly stated to all in attendance that a current copy of the Nebraska Open Meetings Act was available for review and indicated the location of such copy posted in the room where the meeting was being held. Mayor Jack Hobbie led in the Pledge of Allegiance. Upon roll call the following answered present: Jeff Crunk, Dean Handy, and Mark Mercer. Absent: Brett Gay. The following City Officials were present: City Administrator Pat Haverty, City Clerk Arnold M. Ehlers, City Attorney William Davis, Police Chief David Lacy and Public Properties Director/Zoning Director Dan Giittinger.

Commissioner Handy moved to approve the minutes of the February 15, 2010, City Council Regular Meeting, seconded by Commissioner Mercer. Upon roll call the following voted YES: Crunk, Handy, Gay, Mercer and Mayor Hobbie. Voting NO: None. Motion adopted.

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

Commissioner Handy moved to approve the electricians permit application as presented. Upon roll call the following voted YES: Mercer, Crunk, Handy and Mayor Hobbie. Voting NO: None. Motion carried.

Mayor Hobbie proclaimed the week of March 7th to 13th as "Job's Daughters Week in Nebraska City."

Mayor Hobbie opened the Public Hearing on the assessment of unpaid clean-up costs to property owners. Pat Haverty explained that from time to time the City has to mow or clean-up nuisance properties and that some property owners do not pay the costs. By assessing the costs against the property the City will eventually recoup some of its expenses. No one else spoke in support or opposition to the assessment of charges. Commissioner Handy moved to close the Public Hearing. Upon roll call the following voted YES: Crunk, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion carried.

Mayor Hobbie opened the Public Hearing on the proposed changes to Section 510 of the Zoning Regulations. Pat Haverty explained the need to clarify the regulation and to develop a sight diagram for property owners. No one else spoke in support or opposition to the proposed changes. Commissioner Handy moved to close the Public Hearing. Upon roll call the following voted YES: Mercer, Crunk, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

Mayor Hobbie opened the Public Hearing on the proposed changes to Section 521 of the Zoning Regulations relating to signs and billboards. Pat Haverty provided an overview of the proposed changes for the Council. No one else spoke in support or opposition to the proposed changes. Commissioner Handy moved to close the Public Hearing. Upon roll call the following voted YES: Mercer, Crunk, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

Pat Haverty presented the City Administrator's report for this meeting. Mr. Haverty informed the Council that our area had been included in a disaster declaration due to snow storms earlier this season. He also informed the Council that Nebraska City received the award for "Best Practice" for the Nebraska City Downtown Revitalization Plan. He also reminded the Council of the Council retreat scheduled for March 11th at 1:00p.m.

Mayor Hobbie introduced Resolution 2450-10 assessing unpaid costs to property owners. Commissioner Mercer moved to approve Resolution 2450-10. Upon roll call the following voted YES: Crunk, Handy, Mercer and Mayor Hobbie. Voting NO: None. Motion carried. A true, correct and complete copy of said resolution is as follows:

RESOLUTION 2450-10

BE IT RESOLVED BY THE MAYOR AND BOARD OF COMMISSIONERS OF THE CITY OF
NEBRASKA CITY, NEBRASKA;

WHEREAS, Section 18-58, of the Code of Ordinances, Nebraska City, Nebraska provides that the City may have a lien upon real property for the mowing of weeds, grasses and worthless vegetation or clean up of litter, which under said Ordinance constitutes a nuisance; and,

WHEREAS, Notice to abate and remove such nuisance was given to each of the owner(s) and occupant(s) of the following described property(s) at least five (5) days prior to removal by the City of Nebraska City, Nebraska; and,

WHEREAS, The City of Nebraska City, Otoe County, Nebraska has mowed weeds, grasses, worthless vegetation or cleaned up the following described real estate, to-wit:

514 6th Corso., Lot 7; Block 28; South Nebraska City Addition, City of Nebraska City, Otoe County, Nebraska - \$55.54

710 1st Ave., Lot B; Schnitzmeyer Subd; Block 23; Nebraska City Proper; Nebraska City, Otoe County, Nebraska – \$750.54

524 7th Ave., Lot 7; Block 84; Greggspport Add.; Nebraska City, Otoe County, Nebraska – \$422.54

910 4th Corso., E½ Lot 8; All Lot 9; Block 8; South Nebraska City; Nebraska City, Otoe County, Nebraska - \$171.72

1612 3rd Corso., Lot 4 in S½ Block 8;Hail & Co. Addition; Nebraska City, Otoe County, Nebraska - \$356.30

409 N. 16th Street., N½ Lots 11 & 12; Block 22; Prairie City Addition; Nebraska City, Otoe County, Nebraska – \$106.42

1205 N. 10th Street., Lots 10-12; Block 39; Greggspport Addition; Nebraska City, Otoe County, Nebraska - \$357.10

After failure of the owner(s) to abate and remove the same from said real estate; and

WHEREAS, the City of Nebraska City, Otoe County, Nebraska has incurred the cost relative to the mowing of weeds, grasses and worthless vegetation or cleaned up said real estate and,

WHEREAS, the City sent the property owner a bill for said cleanup which has not been paid, and

WHEREAS, the City may file a Special Assessment for Improvements against property for which a City bill for services has not been paid.

NOW THEREFORE BE IT RESOLVED, that the City Clerk-Treasurer of Nebraska City is hereby authorized to file with the Otoe County Treasurer, Special Assessments for Improvements in the amount(s) and against the property(s) specified above, all located within Nebraska City, Otoe County, Nebraska.

Passed and approved this 1st day of March, 2010

Jack Hobbie, Mayor

Attest:

Arnold M. Ehlers, Clerk – Treasurer

Mayor Hobbie introduced Ordinance 2794-10 entitled AN ORDINANCE TO AMEND SECTION 510 OF THE OFFICIAL ZONING ORDINANCE OF THE CITY OF NEBRASKA CITY, NEBRASKA, TO MORE PRECISELY DEFINE THE AREA WHERE NO BUILDING, FENCE, WALL, STRUCTURE OR OTHER OBSTRUCTION SHALL BE PLACED OR MAINTAINED; TO REPEAL THE ORIGINAL SECTION 510 AND ANY AND ALL ORDINANCES OR PARTS OF ORDINANCES WHICH ARE IN CONFLICT WITH THIS ORDINANCE; AND TO DECLARE AN EFFECTIVE DATE; and moved that the statutory rule requiring reading on three different days be suspended. Commissioner Mercer 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 Crunk. The Mayor then stated the question: “Shall Ordinance No. 2794-10 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. 2794–10

AN ORDINANCE TO AMEND SECTION 510 OF THE OFFICIAL ZONING ORDINANCE OF THE CITY OF NEBRASKA CITY, NEBRASKA, TO MORE PRECISELY DEFINE THE AREA WHERE NO BUILDING, FENCE, WALL, STRUCTURE OR OTHER OBSTRUCTION SHALL BE PLACED OR MAINTAINED; TO REPEAL THE ORIGINAL SECTION 510 AND ANY AND ALL ORDINANCES OR PARTS OF ORDINANCES WHICH ARE IN CONFLICT WITH THIS ORDINANCE; AND TO DECLARE AN EFFECTIVE DATE.

WHEREAS, the Planning Commission of the City of Nebraska City, Nebraska, has held a public hearing on the subject of amending Section 510 of the Official Zoning Ordinance of Nebraska City, and has recommended that the Mayor and City Commissioners approve the Amendment of said Section 510, and

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

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

Section 1. That Section 510 of the Official Zoning Ordinance of the City of Nebraska City, Nebraska, be amended to read as follows:

“SECTION. 510. STREET INTERSECTION VISIBILITY.

On any corner lot in any zoning district, except the C-2, Central Business District, no building, fence, wall, structure or other obstruction shall be placed or maintained at a height greater than three and one-half (3½) feet above grade level within the triangular area formed by the intersection street right-of-way lines and a line connecting points on said right-of-way lines which are twenty five (25) feet from the intersection of said right-of-way.”

The following drawing depicts the triangular area within which no building, fence, wall, structure, or other obstruction may be placed or maintained at a height greater than 3 1/2 feet above grade level within the triangular area.

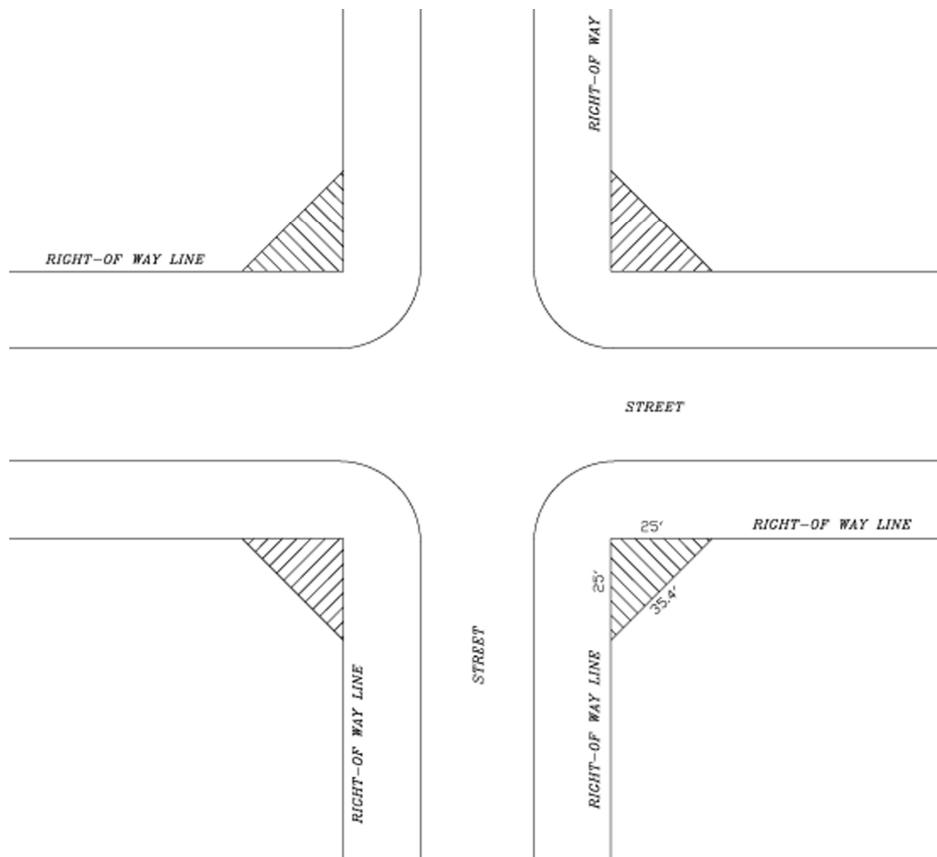


Figure 510-1 No obstructions allowed in the cross-hatched area

Section 2. That the original section 510 and all other Ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

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

PASSED and APPROVED, this 1st day of March, 2010.

Jack Hobbie, Mayor
Attest:

Arnold M. Ehlers, City Clerk-Treasurer

Mayor Hobbie introduced Ordinance 2795-10 entitled AN ORDINANCE TO AMEND SECTION 521 OF THE OFFICIAL ZONING ORDINANCE OF THE CITY OF NEBRASKA CITY, NEBRASKA, AS REFERRED TO IN SECTIONS 521.01, LEGALIZING EXISTING SIGNS; 521.03, DEFINITIONS; 521.05 INCIDENTAL SIGNS; 521.07, GENERAL PROVISIONS; 521.09, BUSINESS SIGNS; AND 521.10 BILLBOARDS: TO REPEAL SECTIONS 521.08 HISTORIC SIGNS, AND ANY AND ALL ORDINANCES OR PARTS OF ORDINANCES WHICH ARE IN CONFLICT WITH THIS ORDINANCE; AND TO DECLARE AN EFFECTIVE DATE; and moved that the statutory rule requiring reading on three different days be suspended. Commissioner Mercer 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 Crunk. The Mayor then stated the question: “Shall Ordinance No. 2795-10 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. 2795 -10

AN ORDINANCE TO AMEND SECTION 521 OF THE OFFICIAL ZONING ORDINANCE OF THE CITY OF NEBRASKA CITY, NEBRASKA, AS REFERRED TO IN SECTIONS 521.01, LEGALIZING EXISTING SIGNS; 521.03, DEFINITIONS; 521.05 INCIDENTAL SIGNS; 521.07, GENERAL PROVISIONS; 521.09, BUSINESS SIGNS; AND 521.10 BILLBOARDS: TO REPEAL SECTIONS 521.08 HISTORIC SIGNS, AND ANY AND ALL ORDINANCES OR PARTS OF ORDINANCES WHICH ARE IN CONFLICT WITH THIS ORDINANCE; AND TO DECLARE AN EFFECTIVE DATE.

WHEREAS, the Planning Commission of the City of Nebraska City, Nebraska, has held a public hearing on the subject of amending parts of Section 521 of the Official Zoning Ordinance of Nebraska City, and has recommended that the Mayor and City Commissioners approve these Amendments to Section 21, and

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

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

Section 1. That Section 521 of the Official Zoning Ordinance of the City of Nebraska City, Nebraska, be amended to read as follows:

“SECTION 521 SIGNS

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

521.02 LEGALIZING EXISTING SIGNS:

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

521.03 DEFINITIONS:

1. BILLBOARD: An off-site free-standing sign, unattached to any other structure, which directs attention to an object, product, place, activity, business, person or persons, service or interest not situated on the same premises as such billboard.
2. BUSINESS SIGN: An on-site sign which identifies or directs attention to an object, product, place, activity, business, person or persons, service or interest situated on the same premises as such sign.
3. SIGN: Any outdoor visual identification, description, display, or illustration which is affixed to, painted on, or attached to a building, post, pole or other structure and which directs attention to an object, product, place, activity, business, person or persons, service or interest, provides direction or otherwise provides a means of visually communicating with the general public.
4. SIGN, ANIMATED: Any sign that uses movement or change of lighting to depict action or create a special effect or scene, appearance or optical illusion of movement, or appears to flash, undulate, pulse, blink, move closer to or further from the viewer, expand or contract, bounce, rotate, twist or otherwise portray movement.
5. SIGN, DIGITAL BILLBOARD: An off-site sign capable of displaying multiple static images controlled by electronic communications.
6. SIGN, ELECTRONIC INFORMATION: On-site signs capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means. Signs whose information is limited to time and temperature are not considered electronic information signs. Area shall not exceed 50% of maximum permitted sign area.
7. SIGN FACE: The surface of the sign upon, against, or through which the message of the sign is exhibited.
8. SIGN, FLASHING: A sign that utilizes a pattern of changing light illumination where the sign illumination alternates suddenly between fully illuminated and full non-illuminated for the purpose of drawing attention to the sign.
9. SIGN, FRAME EFFECT: A visual effect on an electronic information sign applied to a single frame to transition from one message to the next.
10. SIGN, FREE STANDING: A sign attached to a self-supporting structure, which is unattached to any building or other structure.
11. SIGN, INCIDENTAL: A nameplate, temporary sign, or on-site sign providing direction for entrances, exits, parking areas and similar uses, including real estate “for sale” and “for rent or lease” signs and elected office or public issue campaign signs.
12. SIGN, MONUMENT: A free-standing sign in which the sign face is immediately attached to the foundation of the sign without poles or posts (a ground mounted sign).
13. SIGN, MOVING: A sign that changes its message through rotating or changing elements.
14. SIGN, OBSOLETE: Any sign which advertises an activity, business, product or service no longer conducted on the premises on which the sign is located for a period of six (6) months.

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

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

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

521.04 EXEMPTIONS:

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

1. Signs not exceeding two (2) square feet in area and bearing only property numbers, address numbers, names of occupants or premises, or other identification of the premises not denoting any business activity.
2. Flags and insignia of any governmental unit, civic, educational or religious organization, except where displayed in connection with a business promotion.
3. Legal notices, identification, informational, warning, no trespassing, directional or other similar signs erected, or required to be erected by any governmental unit and informational or directional signs allowed by the City Council to be placed in any public right-of-way.
4. Memorial plaques, historical markers, integral decorative or architectural features of a building, except trademarks, moving parts or moving lights.
5. One (1) real estate sign for each lot frontage indicating "for sale", "for rent or lease", provided any such sign shall be set back at least fifteen (15) feet from any street right-of-way line. Political campaign yard signs, provided such signs are not placed in any public right-of-way and further provided such signs are set back at least fifteen (15) feet from any street right-of-way line.
7. Window signs, including pictures, symbols, writing or combination thereof designed to promote an on-site activity that is placed inside a window and is visible from the exterior.

521.05 INCIDENTAL SIGNS:

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

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

521.06 MAINTENANCE AND REMOVAL:

1. All signs shall be kept in good repair.
2. Signs and sign structures which are obsolete, no longer functional or are abandoned shall be removed within sixty (60) days after written notification from the Zoning Administrator that such sign is deemed to be obsolete, non-functional, abandoned, or the sign face and/or structure is dilapidated.
3. No sign or sign structure shall be erected at any location where it will interfere with, obstruct the view of pedestrians or on-coming vehicular or railroad traffic, or be confused with any authorized traffic control sign, signal or device. No rotating beam, beacon or flashing illumination resembling any emergency vehicle lights shall be used in connection with any sign.

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

521.08 HISTORIC SIGN DESIGN REQUIREMENTS AND REVIEW PROCEDURES:
 REPEALED – RESERVED FOR FUTURE USE

521.09 BUSINESS SIGNS:

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

1. No more than one (1) business sign shall be permitted on any lot used for business purposes in the R/O, Residential Office Zoning District and no more than three (3) business signs shall be permitted on any lot in a commercial, T-O, Technology Office or industrial zoning district, except that when the principal business building is located on a corner lot and has vehicular entrances to both streets or when the principal business building has public entrances to both a front and rear of the building, one (1) additional sign shall be permitted.
2. Business signs on any premises with frontage on Highway 2, Highway 75, including the business routes of these highways, with frontage on the J. Sterling Morton Beltway or located on any premises zoned C-2, Central Business District, may be wall-mounted, projecting or monument signs. Free-standing on-site signs mounted on poles or posts in any zoning district shall be prohibited.
3. The maximum sign face area for wall mounted business signs in the R/O, Residential Office Zoning District shall be fifty (50) square feet for each street frontage. The maximum sign face area for wall mounted business signs in a commercial, T-O, Technology Office or industrial zoning district shall be two hundred (200) square feet for each street frontage, provided that on lots having street frontage greater than fifty (50) feet, the maximum wall-mounted business sign face area may be increased one (1) square foot for each lineal foot of street frontage over fifty (50) feet up to a maximum of four hundred (400) square feet. The construction of an electronic wall mounted information sign shall be subject to the usage provisions in Section 521.09, Paragraph 6 below.
4. Any existing sign which may be legally modified to include electronic information capability as defined in Subsection 521.03, Paragraph 6 shall complete a sign permit application and shall conform to the usage provisions set forth in Subsection 521.09, Paragraph 6 below.
5. In any Commercial District, R-O, Residential Office, T-O, Technology Office Park and any Industrial Zoning District a monument business sign may be located no closer than five (5) feet to a lot line, except in the C-2 Business District, where said sign may be placed on the lot line/right-of-way line, and provided such sign face areas does not exceed thirty-five (35) square feet and such sign height does not exceed forty-two (42) inches and said sign remains at these maximums until it reaches a five (5) foot setback. The placement of a monument sign in any of the aforementioned zoning districts at a distance greater than five feet from the lot line/right-of-way line shall follow the distance requirements set forth below:
 - a. at a distance of five (5) to nine (9) feet from the right of way, a monument sign may have a maximum height of six (6) feet and a maximum size of thirty-five (35) square feet.
 - b. at a distance of ten (10) to fourteen (14) feet from the right of way, a monument sign may have a maximum height of eight (8) feet and a maximum size of seventy (70) square feet.
 - c. at a distance of fifteen (15) to twenty-four (24) feet from the right of way, a monument sign may have a maximum height of ten (10) feet and a maximum size of one hundred (100) square feet.

d. at a distance of twenty-five (25) feet or greater from the right of way, a monument sign may have a maximum height of twelve (12) feet and a maximum size of one hundred (100) square feet.

Distance from ROW	Maximum Height	Size of Face
5 to 9 feet	6 feet	35 square feet
10 to 14 feet	8 feet	70 square feet
15 to 24 feet	10 feet	100 square feet
25 + feet	12 feet	100 square feet

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

521.10 BILLBOARDS:

1. It is the intent of this Section to establish reasonable and uniform limitations, safeguards and controls for the location of billboards. Such regulations are deemed necessary in the public interest to protect the use and value of adjoining properties, as well as the best interest of the City.
2. The construction of a billboard in any zoning district shall be subject to the provisions of Article 7 of this ordinance requiring a conditional use permit.
3. Billboards shall be permitted on a lot with one hundred (100) feet or more of frontage on a street classified in the City's Major Street Plan as an arterial street and only in areas included in the C-3, General Commercial District or any Industrial Zoning District.
4. A billboard shall not be less than fifty (50) feet from any other building or on-site sign or two hundred feet from another billboard on the same side of the street.
5. Billboards shall not be permitted on the same lot as any unified center shopping center.
6. The minimum front yard from any street or highway right-of-way shall be in accordance with the front yard requirements of the applicable zoning district.
7. The minimum side or rear yard shall be five (5) feet.
8. No billboard shall be permitted within one hundred (100) feet of a residential zoning district.
9. The sign face of a billboard shall not be greater than ten (10) feet in vertical dimension or greater than thirty (30) feet in horizontal dimension and the maximum sign face area shall not exceed three hundred square feet.
10. A billboard shall not contain more than two (2) advertising signs per sign face.
11. A maximum of two (2) signs back-to-back shall be permitted per sign structure.
12. Double-decker sign faces are prohibited.
13. A moving sign as defined in Section 521.03, Subsection 13 may be permitted.
14. The maximum height of a billboard shall be twenty (20) feet above ground level at the base of the sign.
15. The construction of an electronic billboard information sign is subject to the following usage restrictions:
 - a. Such billboards shall display static images for period of at least ten (10) seconds before instantaneously transitioning to another static image.
 - b. Animation, flashing and frame effects are specifically prohibited.
 - c. Such billboards shall come equipped with automatic dimming technology which automatically adjusts the sign's brightness based on ambient light conditions.
 - d. Such billboards shall not exceed an illumination level of 0.3 foot candles above ambient light as measured using a foot candle (lux) meter from a pre-set distance measuring as follows:

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

Section 2. That Section 521.08 Historic Sign Design Requirements and Review Procedures, of the Official Zoning Ordinance of the City of Nebraska City, Nebraska, be and the same is hereby repealed and said Section is reserved for future use.

Section 3. That the original Section 521, except that portion of 521.08 as noted above, and all other Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.

Section 4. That this Ordinance shall take effect and be in full force from and after its passage, approval, and publication, as provided by law.

PASSED and APPROVED, this 1st day of March, 2010.

Jack Hobbie, Mayor
Attest:

Arnold M. Ehlers, City Clerk-Treasurer

Commissioner Mercer moved to approve the Special Designated Liquor License application for the Knights of Columbus for their April 10, 2010 event. Upon roll call the following voted YES: Handy, Crunk, Mercer and Mayor Hobbie. Voting NO: None. Motion passed.

Commissioner Handy moved to approve the Special Designated Liquor License application of Schilling Bridge Winery for "Women's Night Out" at Earl May Garden Center on April 22, 2010. Upon roll call the following voted YES: Crunk, Mercer, Handy and Mayor Handy. Voting NO: None. Motion passed.

Commissioner Handy moved to approve the Special Designated Liquor License application by The Avenue Grill for a "Wine Tasting" on March 20, 2010. Upon roll call the following voted YES: Mercer, Crunk, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

Mayor Hobbie introduced Resolution 2451-10 appointing the Clerk-Treasurer as the Title VI Coordinator for the City of Nebraska City. Upon roll call the following voted YES: Crunk, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion passed. A true, correct and complete copy of said resolution is as follows:

Resolution No. 2451-10

Whereas: Certain transportation facilities (roads, streets, trails, and others) in the City of Nebraska City have been designated as being eligible for federal funds by the Federal Highway Administration in compliance with federal laws pertaining thereto;

Whereas: The City of Nebraska City desires to continue to participate in Federal-Aid transportation construction programs;

Whereas: The Nebraska Department of Roads as a recipient of said Federal funds is charged with oversight of the expenditures of said funds;

Whereas: The City of Nebraska City as a sub-recipient of said Federal-Aid funding is charged with the responsibility of expending said funds in accordance with Federal and State law, the rules and regulations of the Federal Highway Administration, the requirements of the Local Public Agency (LPA) Guidelines Manual of the Nebraska Department of Roads and the Title VI – Civil Rights Policy of The City of Nebraska City; and

Whereas: The City of Nebraska City understands that the failure to meet all requirements for federal funding could lead to a project(s) being declared ineligible for federal funds, which could result in The City of Nebraska City being required to repay some or all of the federal funds expended for a project(s).

Be It Resolved: The City of Nebraska City, City Council does hereby adopt and bind itself to comply with all applicable federal law, including the rules and regulations of the Federal Highway Administration, all applicable state law and rules and regulations (Nebraska Administrative Code) and the requirements of the LPA Guidelines Manual of the Nebraska Department of Roads and the Title VI – Civil Rights of The City of Nebraska City.

Be It Further Resolved: The City Council does hereby designate the following as responsible for the management of the Title VI – Civil Rights process: City Clerk-Treasurer.

Adopted this first day of March, 2010 at Nebraska City, Nebraska.

Jack Hobbie, Mayor
Attest:

Arnold M. Ehlers, Clerk-Treasurer

Dan Giittinger presented the Council with the results of the Street Department Shop Building bid letting. Amerine Builders was the low bidder at \$201,634.00. After a discussion Commissioner Handy moved to award the contract to the low bidder in the amount of \$201,634.00. Upon roll call the following voted YES: Crunk, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

Mayor Hobbie introduced Resolution 2452-10 adopting new fees for Building Permits. Commissioner Handy moved to approve Resolution 2452-10. Upon roll call the following voted YES: Crunk, Mercer, Handy and Mayor Hobbie. Motion passed. A true, correct and complete copy of said resolution is as follows: A true, correct and complete copy of said resolution is as follows:

Resolution 2452-10

Adoption of a new fee schedule for the Nebraska City/Otoe County Building Permits and Inspection services.

Whereas: Nebraska City/Otoe County Building Inspector has recommended a rate change based on area averages, and;

Whereas: City staff finds that adoption of the recommended rates would be prudent for the City,
NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NEBRASKA CITY, OTOE COUNTY, NEBRASKA THAT:

The City hereby adopts the following fee schedule and incorporates it into the policies and procedures of the Building Permit Fees manual.

Schedule of Fees Fees for new construction shall be based upon *Building Valuation Data, or estimated cost of construction, WHICHEVER IS GREATER.

Estimated Construction Cost	Fee Schedule
\$1.00 to \$500.00	\$25.00
\$501.00 to \$2,000.00	\$25.00 for the first \$500.00 plus \$2.00 for each additional \$100.00 or fraction thereof, to and including \$2,000.00
\$2,001.00 to \$25,000.00	\$60.00 for the first \$2,000.00 plus \$9.00 for each additional \$1,000.00 or fraction thereof, to and including \$25,000.00
\$25,001.00 to \$50,000.00	\$267.00 for the first \$25,000.00 plus \$7.00 for each additional \$1,000.00 or fraction thereof, to and including \$50,000.00
\$50,001.00 to \$100,000.00	\$442.00 for the first \$50,000.00 plus \$5.00 for each additional \$1,000.00 or fraction thereof, to and including \$100,000.00
\$100,001.00 to \$500,000.00	\$692.00 for the first \$100,000.00 plus \$4.00 for each additional \$1,000.00 or fraction thereof, to and including \$500,000.00
\$500,000.00 to \$1,000,000.00	\$2,292.00 for the first \$500,000.00 plus \$3.00 for each additional \$1,000.00 or fraction thereof, to and including \$1,000,000.00
\$1,000,001.00 and up	\$3,792.00 for the first \$1,000,000.00 plus \$2.00 for each additional \$1,000.00 or fraction thereof.
*Any engineering charges incurred for drainage review or additional plan review, as deemed necessary by the Building Inspector, will be added to the Building Permit charges	

Passed and approved this first day of March, 2010

 Jack Hobbie, Mayor
 Attest:

 Arnold M. Ehlers, City Clerk

Mayor Hobbie introduced Resolution 2453-10 adopting new fees for inspections. Commissioner Mercer moved to approve Resolution 2453-10. Upon roll call the following voted YES: Crunk, Mercer, Handy and Mayor Hobbie. Motion passed. A true, correct and complete copy of said resolution is as follows:

Resolution 2453-10

Adoption of a new fee schedule for the Nebraska City Building Permits and Inspection services.

Whereas: Nebraska City Building Inspector has recommended a rate change based on area averages, and;

Whereas: City staff finds that adoption of the recommended rates would be prudent for the City,
NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NEBRASKA CITY, OTOE COUNTY, NEBRASKA THAT:

The City hereby adopts the following fee schedule and incorporates it into the policies and procedures of the Building Permit Fees manual;

Schedule of Fees

Project	Fee
Fence	\$25.00
Deck (0-144 sq. ft.)	\$25.00
(145 sq. ft. and up)	\$45.00 and up
Retaining Wall over 4' high	\$25.00
Accessory Buildings/Storage Sheds	
Less than 80 sq. ft.	\$25.00
81 to 120 sq. ft.	\$40.00
121 to 200 sq. ft.	\$60.00
201 to 400 sq. ft.	\$80.00
Signs	
Up to 20 sq. ft.	\$25.00
21 to 50 sq. ft.	\$35.00

Over 50 sq. ft.	\$45.00
New Billboards	\$60.00
Certificate of Occupancy	\$25.00
If Inspection Needed (\$100.00 minimum)	\$50.00/hr + mileage
Trailer Park Inspection	\$50.00
Home Based Business	\$25.00
On-Site Wastewater	\$75.00
Inspections	
Furnace and/or A/C	\$25.00
Mechanical-HVAC	\$25.00
Water Heater	\$25.00
Solid Fuel Appliance	\$25.00
Water Service	\$25.00
Drain Laying	\$25.00
Gas Line	\$25.00
Plumbing	\$25.00
More than one inspection in a single visit	\$10.00 additional

Passed and approved this first day of March, 2010

 Jack Hobbie, Mayor
 Attest:

 Arnold M. Ehlers, City Clerk

Mayor Hobbie introduced Resolution 2454-10 adopting new fees for zoning changes. Commissioner Mercer moved to approve Resolution 2454-10. Upon roll call the following voted YES: Crunk, Handy, Mercer and Mayor Hobbie. Voting NO: None. Motion passed. A true, correct and complete copy of said resolution is as follows:

Resolution 2454-10

Adoption of a new fee schedule for Nebraska City Zoning services.

Whereas: Nebraska City Zoning Administrator has recommended a rate change based on area averages, and;

Whereas: City staff finds that adoption of the recommended rates would be prudent for the City,

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NEBRASKA CITY, OTOE COUNTY, NEBRASKA THAT:

The City hereby adopts the following fee schedule and incorporates it into the policies and procedures of the Nebraska City Zoning Regulations manual.;

Schedule of Fees

Zoning Map Amendment	\$100.00
Zoning Text Amendment	\$100.00
Conditional Use Permit	\$100.00
Conditional Use Permit Amendment	\$100.00
Flood Plain Development Permit	\$40.00
Administrative Plat	\$40.00
Preliminary P. U. D. w/ zoning fee	\$75.00
Final P. U. D.	\$75.00
Vacation of Plat	\$40.00
Board of Adjustments (Variance, Appeals, Map Interpretation)	\$75.00
Preliminary Plat	
Minor	\$75.00
Major (Plus \$5.00 per lot over three lots)	\$100.00
Final Plat (Plus \$2.50 per lot over three lots)	\$100.00
Subdivider Financed Subdivisions	1.5% of certified infrastructure costs

Passed and approved this first day of March, 2010

 Jack Hobbie, Mayor
 Attest:

 Arnold M. Ehlers, City Clerk

Mayor Hobbie introduced Resolution 2455-10 adopting new rental rates for City owned equipment. Commissioner Handy moved to approve Resolution 2455-10. Upon roll call the following voted YES: Mercer, Crunk, Handy and Mayor Hobbie. Voting NO: None; Motion passed. A true, correct and complete copy of said resolution is as follows:

Resolution 2455-10

Adoption of a new fee schedule for Nebraska City Equipment Rentals.

Whereas: Nebraska City Public Properties Director has recommended a rate change based on current costs, and;

Whereas: City staff finds that adoption of the recommended rates would be prudent for the City,
 NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF
 NEBRASKA CITY, OTOE COUNTY, NEBRASKA THAT:

The City hereby adopts the following fee schedule and incorporates it into the policies and procedures of
 the City of Nebraska City;

Schedule of Fees	
Equipment Rental (Includes Operator)	

Air Compressor	\$40.00
Bucket Truck	\$120.00
Dump Truck	\$60.00
Dump Truck – Twin Screw	\$80.00
Loader	\$100.00
Motor Grader	\$85.00
Mower	\$40.00
Skid Steer	\$65.00
Tractor/Shredder	\$55.00
Weed Eaters	\$35.00
Sweeper	\$75.00
Flusher	\$75.00
Pickup Truck	\$35.00
Labor	\$25.00

Passed and approved this first day of March, 2010

 Jack Hobbie, Mayor

Attest:

 Arnold M. Ehlers, City Clerk

Mayor Hobbie introduced Ordinance 2796-10 entitled AN ORDINANCE TO VACATE THAT PORTION OF FIFTH AVENUE LYING BETWEEN BLOCKS EIGHT AND NINE, IN PRAIRIE CITY ADDITION TO NEBRASKA CITY, NEBRASKA, AS DESCRIBED IN SECTION ONE HEREOF; WITH RESERVATIONS, AND TO DECLARE AN EFFECTIVE DATE; and moved that the statutory rule requiring reading on three different days be suspended. Commissioner Mercer seconded the motion 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 Crunk. The Mayor then stated the question: “Shall Ordinance No. 2796-10 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. 2796-10
 AN ORDINANCE TO VACATE THAT PORTION OF FIFTH AVENUE LYING BETWEEN BLOCKS EIGHT AND NINE, IN PRAIRIE CITY ADDITION TO NEBRASKA CITY, NEBRASKA, AS DESCRIBED IN SECTION ONE HEREOF; WITH RESERVATIONS, AND TO DECLARE AN EFFECTIVE DATE.

Whereas, the Public Properties Director has requested the vacation of that portion of Fifth Avenue lying between Blocks Eight and Nine of Prairie City Addition to Nebraska City, Otoe County, Nebraska, in order to acquire a tract of land for street right-of-way at the North end of said Block 8, and that said street right-of-way is no longer needed or used for street purposes, and

Whereas, the Mayor and City Commissioners of Nebraska City, find and determine that since such street area has never been used as a public street and there are other benefits to be obtained from such vacation, that the vacation of Fifth Avenue as requested will be in the best interests of the City of Nebraska City.

Now Therefore, Be It Ordained by the Mayor and City Commissioners of the City of Nebraska City, Nebraska:

Section 1. That subject to the reservations set forth in Section 2 hereof, the City of Nebraska City, does hereby vacate all of 5th Avenue lying between Blocks Eight and Nine, in Prairie City Addition to the City of Nebraska City, Nebraska.

Section 2. That the City of Nebraska City reserves an easement along the South twenty-five (25') feet of the North half of said vacated street to itself and to all persons hereafter granted franchises, licenses, contracts, or permits to furnish electric energy, water, gas, sewer service, cable television services and/or any other public utility services to said City or its inhabitants, to enter said easement area to lay, install, erect and maintain therein the lines, poles, wires, pipes, manholes or other construction materials necessary and incident to said purposes.

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

Passed and Approved this 1st day of March, 2010.

Jack Hobbie, Mayor

Attest:

Arnold M. Ehlers, City Clerk-Treasurer

Adkins Signs	24.00	Supp	Michael Todd Co	226.31	Maint
Afternooners	67.72	Misc	Midwest Machine	210.00	Equip
Alamar	12.75	Unif	Miller Monroe	53.34	Bond
Allied Ins	100.00	Bond	Moore Medical	46.80	Med
Amiertas	3,577.72	Ins	Moore Wallace	100.45	Unif
Anthens, G	184.00	Rec	Morrow, S	820.00	EMT
Arbor Mart	1,882.80	Fuel	Mullenax Auto	993.61	Rep
BKD	3,650.00	Contr	Murry, B	15.35	Mileage
Blue Cross	41,610.46	Ins	National Entert	480.00	Misc
Boehm, B	36.00	EMT	Nationwide	9,585.06	Ins
Bound Tree	241.02	Med	NCAEDC	6,250.00	Contr
Bray, C	100.00	EMT	NCTC	5,312.50	Contr
BSN Sports	347.98	Maint	NE Comm Found	2,291.67	Contr
Callaway	4,877.48	Msde	NE Dept Rev	5,895.66	Payroll
Casey, J	238.90	Mileage	NE Forest Service	90.00	Dues
Century Lumb	23.46	Supp	NE Golf & Turf	46.20	Rep
Cintas	60.25	Contr	NE HHS	40.00	Dues
Citizen Printing	419.85	Supp	NE Law Enforc	140.00	Dues
City of NC	109,360.00	Bond	NE Liquor Contrl	45.00	Misc
Cntr Pub Affrs	2,000.00	Contr	NE Salt & Grain	1,467.38	Maint
Conner, J	264.00	Rec	NebWorks, Inc.	711.99	Misc
Conseco	71.45	Ins	Nextel	224.00	Tele
Creighton Univ	147.00	Med	OC Mutual Aid	40.00	Dues
Data Tech	708.50	Contr	Odey's Inc.	5,159.25	Maint
Douglas Tire	1,542.82	Rep	Olsson Assoc.	1,085.41	ROW
Farris, M	192.00	Rec	O'Reilly Auto	10.68	Rep
Farris, P	188.00	Rec	Orscheln	49.99	Rep
Fire Protection	150.00	Misc	Otoe Co Clerk	229.75	Contr
Food Pride	59.56	Conc	Payroll	81,948.93	Payroll
Fouraker, H	400.00	EMT	Petty Cash	16.58	Postage
Fremont Nat	24,525.00	Bond	Provident	181.36	Ins
Gay, B	57.00	Mileage	Pummel, J	36.00	EMT
Goebel, G	36.00	EMT	Rarig, C	88.00	Rec
Hamlin, S	100.00	EMT	Ray Allen Manuf	359.90	Supp
Heartland	45.20	Advert	Richardson, C	72.00	EMT
Hogan, Jr., W	1,100.00	EMT	Scendel Pest	124.00	Pest
Hopkins Auto	67.27	Rep	Schebaum, D	120.00	Misc
ICC	75.25	Supp	Snodgrass, A	236.00	EMT
JEO	564.00	Contr	SPAAMFAA	30.00	Dues
Johnny's Cycle	44.00	Equip	Stutheit Imp	41.25	Rep
Jones, N	1,150.00	EMT	Thurman's	596.00	Unif
KNCY	990.00	Advert	Tom's Radio	900.00	Contr
Konica Premier	230.00	Contr	Tri-State Office	17.39	Supp
Krog, A	300.00	EMT	United Way	40.00	Payroll
Landis Engine	146.46	Rep	Unum	1,326.67	Ins
Larson Motors	47.70	Rep	Verizon	250.18	Tele
LaRue Coffee	58.97	Supp	Wademan, T	100.00	EMT
Leggio, Jr., W	400.00	EMT	Watkins	24.11	Rep
Linweld	161.15	Med	Weible, B	108.00	EMT
Madsen, D	176.00	Rec	Wielechowski, W	72.00	EMT
Marion, J	550.00	EMT	Windstream	1,727.30	Tele
Martin, K	176.00	Rec	Winter Equip	783.65	Equip

Mead Lumber	95.88	Supp		Wood Family Fuel	19.43	Fuel
MED Alliance	666.30	Med		Wurtele, G	56.40	Mileage
MES	821.40	Unif		Wurtele, J	180.00	Rec

Meeting adjourned at 7:00 p.m.

Arnold M. Ehlers, City Clerk