

CITY OF NEBRASKA CITY, NEBRASKA  
MINUTES OF CITY COUNCIL REGULAR MEETING  
April 5, 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 April 5, 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, Building Inspector Alan Viox and Public Properties Director/Zoning Director Dan Giittinger.

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

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

Commissioner Handy moved to approve the electrician's work permit applications. Upon roll call the following voted YES: Mercer, Crunk, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

Commissioner Mercer moved to approve all plumber's licenses applications. Upon roll call the following voted YES: Mercer, Crunk, Handy and Mayor Hobbie. Voting NO: None. Motion Passed.

Mayor Hobbie moved to appoint Jerry Herzog to the Cemetery Board to fill an unexpired term ending June 1, 2012. Upon roll call the following voted YES: Crunk, Handy, Mercer and Mayor Hobbie. Voting NO: None. Motion adopted.

Mayor Hobbie proclaimed April as "National Occupational Therapy Month"

Stephanie Shrader of Nebraska City Area Economic Development Corporation presented information supporting a grant in the amount of \$14,000.00 for the Nebraska City Museum Association that would allow free admission to all Nebraska City museums (except Arbor Lodge) for Nebraska City residents and funds for paid attendants. No one else spoke in support or opposition to the request. Commissioner Handy moved to close the Public Hearing. Upon roll call the following voted YES: Crunk, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion carried.

Mayor Hobbie opened the Public Hearing on the request by Emily Parker for a Class "I" liquor license for Parkers Smokehouse. City Attorney asked Ms. Parker several questions pertaining to server training, experience and ages. Ben Rice spoke in a neutral position supporting documentation of server training for all license holders. No one else spoke in support or opposition to the liquor license application. 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.

Pat Haverty reported that Arbor Day cleanup is planned for April 17<sup>th</sup> through April 24<sup>th</sup> this year. Mr. Haverty also reminded the citizens of Nebraska City the importance of completing the Census. He also informed everyone that the City of Nebraska City Municipal Code is now on line at [www.nebraskacity.com](http://www.nebraskacity.com). In addition the 11<sup>th</sup> Street – 11<sup>th</sup> Corso project will begin within the next few days with completion expected in October. Mayor Hobbie asked that the report be placed on file.

Mayor Hobbie introduced Resolution 2461-10 approving the grant request of \$14,000 by the Nebraska City Museum Association. Commissioner Handy moved to approve Resolution 2461-10. 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. 2461-10**  
**TO USE PROGRAM FUNDS FROM THE CITY OF NEBRASKA CITY ECONOMIC DEVELOPMENT PROGRAM (LB840)**

**WHEREAS**, the **City of Nebraska City** has received Program Funds through the City of Nebraska City Economic Development Plan and,

**WHEREAS**, Program funds for Economic Development are allowed to be used for making grants for spurring downtown revitalization, the attraction of new capital investment through business development and to promote tourism in accordance with the City of Nebraska City Economic Development Plan, program and governing regulations, and,

**WHEREAS**, the City of Nebraska City Economic Development Plan has previously been adopted, and,

**WHEREAS**, the Citizens Advisory Review Committee has recommended a project presented through application by an eligible entity for a grant of \$14,000 under specified conditions, and,

**WHEREAS**, the City Council of Nebraska City conducted a public hearing upon the proposed use of Economic Development Program funds,

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of Nebraska City, that the obligation of funds is approved according to the recommendations of the Citizens Advisory Review Committee and the Mayor is hereby authorized to execute all necessary and appropriate documents on behalf of the City and the City of Nebraska City Economic Development Program to complete the grant project for **“Nebraska City Museum Association c/o Civil War Veterans Museum”**, contingent upon approval of the City Attorney as to form.

**Passed** and adopted on the 5th day of April, 2010 by the Mayor and Council of the City of Nebraska City, Nebraska.

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

ATTEST:

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

Mayor Hobbie introduced Resolution 2462-10 approving the liquor license application for Parkers Smokehouse. Commissioner Handy moved to approve Resolution 2462-10. Upon roll call the following voted YES: Mercer, Handy and Mayor Hobbie. Voting NO: Crunk, Motion passed. A true, correct and complete copy of said resolution is as follows:

**RESOLUTION 2462 -10**

**WHEREAS**, an application was filed by Parkers Smokehouse NE City LLC, doing business as Parkers Smokehouse I-88325, at 715 1<sup>st</sup> Corso, Nebraska City, Nebraska, for a Class "I" Liquor License; and

**WHEREAS**, a public hearing notice was published in the *Nebraska City News-Press* as required by state law on March 30; such publication cost being \$ 13.68; and

**WHEREAS**, Emily Parker has applied for a liquor license manager designation for the business; and

**WHEREAS**, a public hearing was held on April 5, 2010 for the purpose of discussing such liquor license application.

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

  X   The City of Nebraska City hereby recommends approval of the above identified liquor license application.

  X   The City of Nebraska City hereby recommends the approval of Emily Parker, as liquor manager of such business.

Passed and adopted by the Mayor and Commissioners of the City of Nebraska City, Nebraska, on April 5, 2010.

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

Attest:

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

Mayor Hobbie introduced Ordinance 2802-10 entitled AN ORDINANCE PROVIDING FOR THE ISSUANCE OF STREET IMPROVEMENT BOND ANTICIPATION NOTES, 2010 SERIES, IN THE PRINCIPAL AMOUNT OF SIX HUNDRED THOUSAND DOLLARS (\$600,000) FOR THE PURPOSE OF PAYING THE COSTS OF CONSTRUCTING PAVING IMPROVEMENT IN THE CITY OF NEBRASKA CITY, NEBRASKA; PROVIDING FOR A PAYING AGENT AND REGISTRAR OF THE NOTES; AGREEING TO ISSUE BONDS OR OTHER OBLIGATIONS TO PAY THE NOTES AND ACCRUED INTEREST AT MATURITY AND ORDERING THE PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM; and, moved that the statutory rule requiring reading on three different days be suspended. Commissioner Handy seconded the motion to suspend the rules and upon roll call the following voted YES: Mercer, Crunk, 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. 2802-10 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. 2802-10

AN ORDINANCE PROVIDING FOR THE ISSUANCE OF STREET IMPROVEMENT BOND ANTICIPATION NOTES, 2010 SERIES, IN THE PRINCIPAL AMOUNT OF SIX HUNDRED THOUSAND DOLLARS (\$600,000) FOR THE PURPOSE OF PAYING THE COSTS OF CONSTRUCTING PAVING IMPROVEMENT IN THE CITY OF NEBRASKA CITY, NEBRASKA; PROVIDING FOR A PAYING AGENT AND REGISTRAR OF THE NOTES; AGREEING TO ISSUE BONDS OR OTHER OBLIGATIONS TO PAY THE NOTES AND ACCRUED INTEREST AT MATURITY AND ORDERING THE PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM.

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

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

a) that the City has by ordinance previously authorized certain street improvements in the City designated Paving District No. 217 and has authorized the construction of certain street improvements pursuant to said district; that all actions, hearings and other required facts and conditions for the authorization of said district and the construction of improvements therein have occurred and have been determined as required by law;

b) that it is necessary and appropriate to construct, and the City is constructing, those street improvements designated in Paving District No. 217;

c) that the City is authorized to issue warrants to pay the costs of said improvements pursuant to Sections 17-516 and 17-520, R.R.S. Neb. 2007, as amended, and pursuant to Section 18-2003, R.R.S. Neb. 2007, as amended;

d) that in order to provide temporary financing to pay the cost of said improvements (including engineering costs) it is advisable for the City to issue notes in the total principal amount of \$600,000 to be designated Street Improvement Bond Anticipation Notes, 2010 Series, in lieu of issuing warrants, pursuant to Section 10-137, Reissue Revised Statutes of Nebraska, 2007; and

e) that all acts and conditions exist or have occurred for the issuance of said bond anticipation notes, in lieu of issuing warrants.

Section 2. Notes to be designated Street Improvement Bond Anticipation Notes, 2010 Series, in the amount of \$600,000, which shall be in denominations of \$5,000 each or any integral multiple thereof as determined by the City Treasurer prior to delivery, are hereby authorized to be issued. The Notes shall be dated as of their date of delivery and shall bear interest at the rate of one and seventy hundredths per centum (1.70%) per annum and become due on May 1, 2013. The Notes shall bear interest from the date of delivery until maturity or earlier redemption, with such interest payable each May 1 and November 1, commencing November 1, 2010, and at maturity. Said notes are optional for prepayment at par plus accrued interest on February 1, 2011 or at any time thereafter. The City may select the Notes to be redeemed for such optional redemption in its sole discretion. Any Notes to be redeemed in part shall be redeemed only in amounts of \$5,000 or integral multiples thereof. Notes redeemed in part only shall be surrendered to the Paying Agent and Registrar designated in Section 4 hereof in exchange for a new Note evidencing the unredeemed principal thereof. Notice of redemption of any Note called for redemption shall be given at the direction of the City by said Paying Agent and Registrar by mail not less than 30 days prior to the date fixed for redemption, first class, postage prepaid, sent to the registered owner of such Note at such owner's registered address. Such notice shall designate the Note or Notes to be redeemed by maturity or otherwise, the date of original issue and the date fixed for redemption and shall state that such Note or Notes are to be presented for prepayment at the office of said Paying Agent and Registrar. In case of any Note partially redeemed, such notice shall specify the portion of the principal amount of such note to be redeemed. If any Note or an interest payment thereon is not paid at maturity or due date, the Note or interest installment shall bear interest thereafter until paid at a rate equal to the rate assessed against delinquent taxes under Section 45-104.01 R.R.S. Nebraska 2004, as now existing or as the same may be amended from time to time by the Nebraska Legislature. Said Notes shall be delivered to Ameritas Investment Corp, upon receipt of payment for said Notes, at the purchase price of 99% of the principal amount thereof, plus accrued interest to the date of delivery. Said Notes are sold to the purchaser subject to the opinion of independent bond counsel that said Notes are lawfully issued; that said Notes constitute a valid obligation of the City; and that under existing laws and regulations, the interest on said Notes is exempt from both Nebraska state and federal income taxes.

Section 3. Said Notes shall be dated the date of their delivery, be executed on behalf of the City by being signed by the Mayor and the City Clerk, both of which signatures may be facsimile signatures, and shall have the City seal impressed on each Note. After being executed by the Mayor and City Clerk, said Notes shall be delivered to the Paying Agent and Registrar who shall register each note in the name of its initial registered owner as designated by the initial purchaser. Each Note shall be authenticated on behalf of the City by the Paying Agent and Registrar. The Notes shall be issued initially as "book-entry only" notes using the services of The Depository Trust Company (the "Depository"), with one typewritten Note per maturity being issued to the Depository. In such connection said officers of the City are authorized to

execute and deliver a letter of representations and inducement (the "Letter of Representations") in the form required by the Depository, for and on behalf of the City (including any blanket letter previously executed), which shall thereafter govern matters with respect to registration, transfer, payment and redemption of the Notes. Upon issuance of the Notes as "book-entry-only" notes, the following provisions shall apply:

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

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

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

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

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

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

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

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

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

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

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

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

Section 4. All Notes authorized by this ordinance shall be fully registered notes pursuant to Section 10-135 R.R.S. Neb. 2007. The Treasurer of the City is hereby designated as Paying Agent and

Registrar for the Notes. Said Paying Agent and Registrar shall keep and maintain for the City books for the registration and transfer of the Notes at its office in Nebraska City, Nebraska. The names and registered addresses of the initial registered owner or owners of the Notes shall be recorded in such books prior to the issuance thereof. Any Note may be transferred pursuant to its provisions at the office of the Paying Agent and Registrar upon surrender of the Note for notation of transfer, accompanied by a written instrument of transfer, in form satisfactory to such Paying Agent and Registrar, duly executed by the registered owner in person or by such owner's duly authorized agent, and thereupon the Paying Agent and Registrar will register the transfer upon the registration books and make notation thereof on the Note and deliver the same to the transferee registered owner (or send it by registered mail to the transferee owner at such owner's risk and expense). The City Treasurer is hereby authorized and directed to transfer, from any monies of the City available for the purpose, funds required to pay interest and principal on the Notes when and as the same become due, to the Paying Agent and Registrar on or before each interest and principal payment date. Payment of interest, except for payment of interest at maturity or upon redemption, shall be mailed to the registered owners of the Notes as of the record date for each interest payment date. The record date shall be the close of business on the fifteenth day of the month immediately preceding the month in which each interest payment date occurs. The principal, together with accrued interest then due, shall be payable at maturity or on redemption prior to maturity upon presentation and surrender of each Note at the office of the Paying Agent and Registrar in Nebraska City, Nebraska. The City and the Paying Agent and Registrar shall not be required to transfer Notes during any period from any record date until its immediately following interest payment date or to transfer any Notes called for redemption for a period of thirty days next preceding any date fixed for redemption prior to maturity.

Section 5. The fully registered Street Improvement Bond Anticipation Notes, 2010 Series, shall be in substantially the following form:

CITY OF NEBRASKA CITY, NEBRASKA  
STREET IMPROVEMENT  
BOND ANTICIPATION NOTE  
2010 SERIES

<u>Interest Rate</u>	<u>Maturity Date</u>	<u>Date of Delivery</u> <u>CUSIP No.</u>
%	May 1, 2013	May 6, 2010

Registered Owner: \_\_\_\_\_

Principal Amount: \_\_\_\_\_

The City of Nebraska City, Nebraska, hereby promises to pay to the registered owner specified above the sum specified above on the maturity date specified above, together with interest thereon from the date of delivery hereof until maturity (or earlier redemption) at the rate per annum specified above, payable each May 1 and November 1, commencing November 1, 2010, and at maturity. The interest hereon shall be paid on each interest payment date by the Treasurer of the City of Nebraska City, Nebraska, as Paying Agent and Registrar, by wire transfer, check or draft mailed to the registered owner hereof designated as of the close of business on the fifteenth day of the month immediately preceding the month in which the interest payment date occurs, at such owner's registered address as it appears on the books of registration of the City as maintained by said Paying Agent and Registrar. The principal of this Note and the interest due at maturity or upon call for redemption prior to maturity are payable on presentation and surrender to said Paying Agent and Registrar at its office in Nebraska City, Nebraska. If this Note or any interest installment hereon is not paid upon maturity or due date, the Note or interest installment shall bear interest thereafter until paid at a rate equal to the rate assessed against delinquent taxes under Section 45-104.01 R.R.S. Nebraska, 2004, as now existing or as the same may be amended from time to time by the Nebraska Legislature. This Note and interest accruing hereon shall be payable from funds received by the City from the issuance and sale of its various purpose bonds or other bonds and is optional for payment on February 1, 2011 or at any time thereafter at par plus accrued interest. This Note is one of an issue of \$600,000 in total principal amount issued pursuant to Ordinance No. 2802-10. All of the provisions and agreements of said Ordinance are by reference made a part of this instrument and all such agreements accrue to the registered owner of this Note. This Note shall not be a debt of the City of Nebraska City within the meaning of any constitutional, statutory or charter limitation upon the creation of general obligation indebtedness of said City and said City shall not be liable for the payment of the principal thereof out of any money of the municipality other than from proceeds of the issuance of various purpose bonds or other bonds, as aforesaid, or other funds of the City available to pay interest on said Note or a portion of the cost of the project so as to reduce the required financing.

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

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

THE PRINCIPAL AMOUNT INDICATED HEREON AS THE PRINCIPAL AMOUNT HEREOF OUTSTANDING AND UNPAID. THE PRINCIPAL AMOUNT HEREOF OUTSTANDING AND UNPAID SHALL FOR ALL PURPOSES BE THE AMOUNT DETERMINED IN THE MANNER PROVIDED IN THE ORDINANCE.

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

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

IN WITNESS WHEREOF, the Mayor and Board of Commissioners of the City have caused this note to be executed on behalf of the City by being signed by the Mayor and Clerk of the City, both of which signatures may be facsimile signatures, and by causing the official seal of the City to be affixed hereto all as of the date of delivery shown above.

CITY OF NEBRASKA CITY, NEBRASKA  
By \_\_\_\_\_ (Do not sign)  
Mayor

ATTEST:  
\_\_\_\_\_  
(Do not sign)  
City Clerk  
(S E A L)

CERTIFICATE OF AUTHENTICATION

This note is one of the notes authorized by an ordinance passed and approved by the Mayor and Board of Commissioners of the City of Nebraska City as described in said notes.

\_\_\_\_\_  
(Do not sign)  
Treasurer, City of Nebraska City, as Paying Agent and Registrar

(FORM OF ASSIGNMENT)

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

Date: \_\_\_\_\_

\_\_\_\_\_  
Registered Owner

SIGNATURE GUARANTEED  
By \_\_\_\_\_  
\_\_\_\_\_  
Authorized Officer

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

Section 6. The City covenants and agrees that it will take all steps required to complete the improvements described in Section 1 hereof in a manner to allow it to issue and sell its various purpose bonds or other bonds to provide for the permanent financing of such improvements. The City further agrees to issue and sell its various purpose bonds or other bonds in a sufficient amount and at such times as will enable it to take up and pay off the Notes, both principal and interest, at or prior to maturity, to the extent not paid from other sources. Additional street improvement bond anticipation notes can be authorized if deemed necessary by the Council by appropriate ordinance.

Section 7. The proceeds of the Notes will be used to pay for the costs of the Project as set out in Section 1 hereof.

Section 8. The City of Nebraska City, Nebraska, hereby covenants to the purchasers and holders of the Notes hereby authorized that it will make no use of the proceeds of said note issue, including monies held in any sinking fund for the payment of said Notes, which would cause said Notes to be arbitrage bonds within the meaning of Sections 103(b) and 148 of the Internal Revenue Code of 1986, as amended (the "Code") and further covenants to comply with said Sections 103 and 148 and all applicable regulations thereunder throughout the term of said note issue. The City hereby covenants and agrees to take all actions necessary under the Code to maintain the tax-exempt status of interest payable on the Notes with respect to taxpayers generally but not including insurance companies or corporations subject to the additional minimum tax. The City hereby designates the Notes as its "qualified tax-exempt obligations" pursuant to Section 265(b)(3)(B)(i)(III) of the Code and covenants and warrants that it does not anticipate issuing tax-exempt obligations in calendar 2010 in an amount in excess of \$30,000,000.

Section 9. This ordinance shall be published in pamphlet form and take effect as provided by law.

PASSED AND APPROVED this 5<sup>th</sup> day of April, 2010.

\_\_\_\_\_  
Jack Hobbie, Mayor  
ATTEST:

( S E A L )

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

Mayor Hobbie introduced Resolution 2459-10 concurring with the Nebraska Department of Roads in awarding the contract for the 11<sup>th</sup> Street widening project to M. E. Collins Contracting in the amount of \$1,093,383.31. Commissioner Handy moved to approve Resolution 2459-10. Upon roll call the following voted YES: Mercer, Crunk, Handy and Mayor Handy. Voting NO: None. Motion passed. A true, correct and complete copy of said resolution is as follows:

**RESOLUTION 2459-10**

WHEREAS, there has been signed by the City of Nebraska City on the 18<sup>th</sup> day of AUGust, 2003, and the State on the 1<sup>st</sup> day of September, 2003, an agreement providing for the construction of a Federal Aid Project at the following location: on 11<sup>th</sup> Street, from 10<sup>th</sup> Corso to 14<sup>th</sup> Corso in Nebraska City, and

WHEREAS, in the above agreement, the City has pledged sufficient funds to finance its share of the cost of the construction of this project identified as STPP-6218(1) and

WHEREAS, the above mentioned agreement provided that the City would pay costs as set forth in the agreement, and

WHEREAS, the State and the City received bids for the construction of this project on March 18, 2010, at which time three bids were received for the construction of the proposed work, and

WHEREAS, the following contractor(s) has been selected as the low bidder to whom the contract(s) should be awarded:

M.E. Collins Contracting Company, Inc., Wahoo, Nebraska

Grading, Concrete Pavement, Culverts, Water Main and Sanitary Sewer, and General Items: \$1,093,383.31

NOW THEREFORE, in consideration of the above facts, the City Council of the City of Nebraska City, by this resolution, takes the following official action:

1. The Council hereby concurs in the selection of the above mentioned contractor(s) to whom the contract(s) should be awarded.
2. The Council does not desire to perform any of the work with its own forces in lieu of performing the work by the contract method.
3. The Council hereby authorizes the Mayor and the City Clerk of Nebraska City to sign the construction contract on behalf of said City.

DATED THIS 5<sup>TH</sup> DAY APRIL 2010, A.D.

CITY OF NEBRASKA CITY

ATTEST:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Council Member Handy moved the adoption  
City Clerk of said resolution.

Roll Call: \_\_\_\_ yea, \_\_\_\_ nay.

Resolution adopted, signed and billed as adopted

Mayor Hobbie introduced Resolution 2460-10 concurring with the Nebraska Department of Roads in awarding the contract for the 11<sup>th</sup> Corso Realignment Project to M. E. Collins Contracting in the amount of \$491,998.33. Commissioner Handy moved to approve Resolution 2460-10. 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 2460-10**

WHEREAS, there has been signed by the City of Nebraska City on the 3<sup>rd</sup> day of January, 2005, and the State on the 10<sup>th</sup> day of January, 2005, an agreement providing for the construction of a Federal Aid Project at the following location: 11 th Corso west of 11 th Street, the intersection of 11 th



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. 2799-10

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

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

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

SECTION 2. The rates of pay as provided for by the Pay Schedule shall be effective from the eighteenth day of April 2010.

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

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

Passed and approved this 5<sup>th</sup> day of April 2010.

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

ATTEST:

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

Mayor Hobbie introduced Ordinance 2800-10 entitled AN ORDINANCE TO AMEND ARTICLE III, NUISANCES AND OFFENSIVE CONDITIONS, OF THE CODE OF THE CITY OF NEBRASKA CITY, NEBRASKA, BY ADDING A NEW SECTION 18-46.1 RELATING TO THE PARKING OF VEHICLES ON RESIDENTIAL LOTS; TO PROVIDE FOR THE PARKING OF A MAXIMUM OF FOUR VEHICLES PER LOT; TO PROVIDE EXCEPTIONS; TO PROVIDE LIMITS ON SUCH PARKING; TO PROVIDE FOR REAR AND SIDE YARD PARKING; TO DEFINE VEHICLES, TO PROVIDE FOR THE REPEAL OF ANY ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE, AND TO PROVIDE FOR AN EFFECTIVE DATE; and, stated that this is the first reading of said ordinance and opened the item for discussion. Pat Haverty reviewed the ordinance paragraph by paragraph and enumerated many concerns including safety for bringing this ordinance to the Council. Debra Chesterman supported the ordinance. Ben Rice questioned the fairness and to consider existing nuisance houses. Chief Lacy stated the need for minimum standards that would allow his department better enforcement tools. Rick Brehmer expressed concern that the City is drawing a line in the sand and that the ordinance be more specific.

Mayor Hobbie introduced Ordinance 2801-10 entitled AN ORDINANCE TO AMEND CHAPTER 22, MOTOR VEHICLES, OF THE CODE OF THE CITY OF NEBRASKA CITY, NEBRASKA, BY ADDING A NEW ARTICLE VII, KEEPING OF UNREGISTERED VEHICLES; TO PROVIDE FOR PENALTIES; TO PROVIDE FOR REPEAL OF ANY ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE, AND TO PROVIDE FOR AN EFFECTIVE DATE; and stated that this is the first reading of said ordinance and opened the item for discussion.

Pat Haverty explained the contents of the contract to perform services for concept design and estimated costs of construction for the Memorial Building in anticipation of the bond election. The recommended firm of Sinclair Hille & Associates submitted an agreement in the amount of \$13,500.00 for the design and cost estimates. Commissioner Handy moved to offer a contract to Sinclair Hille & Associates in the amount of \$13,500.00. Upon roll call the following voted YES: Mercer, Crunk, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

Commissioner Handy moved to approve the request by Karen Houser of Lied Lodge & Conference center to allow parking on the south side of Sylvan Road on May 1, 2010 from 6:00 p.m. to 11:00 p.m. and Saturday nights of Arbor Day weekend through 2014. Upon roll call the following voted YES: Crunk, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

Commissioner Mercer moved to approve the request by Ernie Rink of River City Classic Cars to close Central Avenue from 7<sup>th</sup> to 11<sup>th</sup> and side streets to the alleys on Sept. 19<sup>th</sup>

from 7:00 a.m. to 5:00 p.m. Upon roll call the following voted YES: Crunk, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

Mayor Hobbie introduced Resolution 2457-10 appointing Leroy Frana as delegate to the MEAN management Committee and Dan Patton as the alternate; and appointing Leroy Frana as a director to the MEAN Board of Directors and Dan Patton as the alternate director. Commissioner Gay moved to approve Resolution 2457-10. Upon roll call the following voted YES: Crunk, Mercer, Handy, and Mayor Hobbie. Voting NO: None. Motion adopted.

Dan Giittinger presented a staff recommendation that the intersection of 5<sup>th</sup> Street and 12<sup>th</sup> Corso be made a 4-way stop due to safety concerns at that intersection. Veda Bennett opposed the staff recommendation explaining that speed and not obeying current signage was the cause of the problems. Commissioner Handy moved to direct the City Attorney to draft a resolution placing stop signs on all four corners of the intersection of 5<sup>th</sup> Street and 12<sup>th</sup> Corso. Upon roll call the following voted YES: Crunk, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion adopted.

Dan Giittinger presented a request by the Nebraska City Swim Team to waive pool fees for swim team members who only swam during team practice and events. Ben Wright pointed out that the golf team uses the golf course free during the school golf season and that if swim team members could use the pool for free all summer, the golf team may request usage of the golf course all season for free. Deb Chesterman supported waiving the fee. Mayor Hobbie moved to approve the request by Nebraska City Swim Team waiving pool pass fees for swim team members who only swam during team events and have the team provide a Certificate of Insurance. Commissioner Mercer stated that the tax payers subsidize the pool and golf course. Upon roll call the following voted YES: Handy and Mayor Hobbie. Voting NO: Mercer, Crunk. Motion failed.

Dan Giittinger presented the results of the bid opening for operating the concession stand at the pool for the 2010 season. Commissioner Crunk moved to award the concessions contract to Jackie Moyer who bid \$1,025.00 for the concessions. Upon roll call the following voted YES: Mercer, Handy, Crunk and Mayor Hobbie. Voting NO: None. Motion adopted.

Dan Giittinger introduced Don Hegr and Barbara Hegr to answer questions about the publishing of **Wyuka- A Place of Rest**. Don Hegr provided background of Wyuka that led to researching stories of those buried in Wyuka and Nebraska City and requested \$3,968.50 for the publishing of the book. Funds were donated last year to cover the expenses. The book will be for sale through the City and various retail outlets. Commissioner Handy moved to approve the request for \$3,968.50 for the publication of the Wyuka history book. Upon roll call the following voted YES: Crunk, Mercer, handy and Mayor Hobbie. Voting NO: None. Motion passed.

Pat Haverty explained the conditions and services contained in the contract from Schemmer & Associates for Steinhart Park Trail – Phase II in the amount of \$96,831. Commissioner Handy moved to approve contract with Schemmer & Associates for Steinhart Park Trail – Phase II. Upon roll call the following voted YES: Mercer, Crunk, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

Dan Giittinger updated the Council on phone calls and conversations that have taken place since the last Council meeting. Many youth have indicated that they would keep the area picked up. Crunk expressed concern that the vandalism that occurred on the electric panel which could result in sever injury to unsuspecting individuals. Riley Reeve, Briann Olson, Ben Wright and Lori Patterson all spoke in support of opening the Skate Park. Commissioner Mercer moved to open the Skate Park as soon as the lights can be disabled. Upon roll call the following voted YES: Handy, Crunk, Mercer and Mayor Hobbie. Voting NO: None. Motion carried.

ACCO	350.50	Rep	NC Newspress	76.00	Advert
1st Class Flowers	25.00	Misc	NC Rotary Club	375.00	Dues
Action Tech	2,700.00	Contr	NCAEDC	6,250.00	Contr
Adams, S	5.50	ROW	NCTC	5,312.50	Contr
Alco	9.37	Supp	NE Comm Found	2,291.67	Contr
Ameritas	3,625.48	Ins	NE Dept Rev	5,818.15	Sale Tx
Arbor Day Found	15.00	Dues	NE Envir Prod	91.14	Rep
Arbor Mart	3,444.16	Fuel	NE Golf & Turf	136.70	Rep

Arbor Outdoor	15.15	Rep	NE Law Enforc	50.00	Training
Asphalt/Concrete	1,102.88	Maint	NE Salt & Grain	2,702.18	Maint
AVAC	400.00	Contr	State Fire Marshall	51.00	Fee
Barrett Const	1,380.00	ROW	Olsson Associates	1,569.03	ROW
Beacon Ath.	327.00	Maint	O'Reilly Auto	41.44	Rep
Blue Cross	40,150.38	Ins	Orscheln	266.00	Rep
Bob's Welding	115.85	Rep	Otoe Co Clerk	1,076.45	Contr
Bound Tree	582.10	Med	Otoe Co Mutual Aid	170.00	Dues
Bray, C	200.00	EMT	Otoe Co Reg Deeds	24.50	Contr
Brown Glass	293.14	Rep	Paper Tiger	35.00	Contr
Callaway	1,524.10	Msde	Paragon Sports	1,182.77	Msde
Cintas	55.00	Contr	Payroll	80,927.22	Payroll
Concrete Ind	960.00	Supp	Pepsi-Cola	371.95	Conc
Conseco Ins	71.45	Ins	Petty Cash	59.46	Conc
Conz, G	72.00	EMT	Physio-Control	272.62	Med
Danko Equip	15.90	Supp	Pitney Bowes	81.98	Postage
Dan's Tire	1,833.48	Maint	Prestige Flag	296.15	Supp
Dell	55.99	Supp	Provident Ins	181.36	Ins
EMC Ins	766.50	Ins	Pummel, J	36.00	EMT
Fireguard	408.50	Supp	Quality Inn	129.20	Travel
Food Pride	60.96	Conc	Quill Corp	846.23	Supp
Fouraker, H	250.00	EMT	Ray Allen Manuf	195.85	Misc
Geargrid	48.00	Supp	Reams Sprinkler	411.73	Rep
Giittinger, D	89.19	Mileage	Schemmer	2,608.00	ROW
Goebel, G	36.00	EMT	Schendel Pest	124.00	Pest
Grainger	89.42	Rep	Schmitz Land Survey	392.00	ROW
Heartland Class	107.95	Advert	Schneider Electric	905.40	Rep
Hogan, Jr., W	950.00	EMT	Schreiner, K	400.00	EMT
Hopkins Auto	0.21	Maint	SEND D	2,232.30	Contr
Horstmann, L	13.87	Misc	Snodgrass, A	636.00	EMT
Hysell, R	1,200.00	EMT	Southard's Auto	200.00	Rep
Infinity Aviation	3,725.16	Contr	State Chem Manuf	176.18	Supp
JEO	5,216.50	ROW	Stutheit Implement	13.25	Rep
Jones, N	1,800.00	EMT	Teten, J	269.97	Supp
Konica Business	178.73	Contr	Tielke's Sandwiches	57.18	Conc
Konica Premier	230.00	Contr	Tim Engel Const	1,870.00	Contr
Kreifels Electric	687.26	Rep	Titan Machinery	20.78	Rep
Laerdal Medical	108.14	Med	Titleist	442.33	Msde
Landis Engine	65.53	Equip	Towns & Assoc	700.00	Advert
Larson Motors	243.65	Equip	Tree City Tees	10.99	Unif
Leggio, Jr., W	250.00	EMT	Tri-State Office	371.25	Supp
Lincoln Electric	298.70	Rep	Two Sisters	400.00	Contr
Linweld	138.40	Med	Unum Life Ins	1,326.67	Ins
Marion, J	500.00	EMT	Van Wall Turf	4,179.88	Supp
Martin Marietta	2,096.14	Supp	Verizon Wireless	234.34	Contr
Mead Lumber	61.68	Rep	Viox, A	282.50	Mileage
MED Alliance	226.18	Med	Wademan, T	500.00	EMT
Midwest Co-op	140.64	Supp	Wallen, M	246.99	Mileage
Midwest Turf	786.23	Maint	Watkins True Value	366.72	Rep
Morrow, S	756.00	EMT	Weible, B	216.00	EMT
Mullenax Auto	173.38	Rep	Wielechowski, W	136.00	EMT
Muni Code Corp	4,467.00	Contr	Windstream	2,214.91	Tele
N American Res	231.77	Med	Wood Family Fuel	12.47	Fuel
Nationwide	9,377.58	Ins	Wurtele Dist	328.90	Conc

Meeting adjourned at 9:01 p.m.

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Arnold M. Ehlers, City Clerk