

CITY OF NEBRASKA CITY, NEBRASKA  
MINUTES OF CITY COUNCIL REGULAR MEETING  
May 4, 2009

Pursuant to due call and notice thereof, a Regular Meeting of the City Council of the City of Nebraska City was conducted in the Council Chambers of City Hall, 1409 Central Avenue, on May 4, 2009. Notice of the meeting was given in advance thereof by posting in at least three public places, the designated method for giving notice, as shown by the Certificate of Posting Notice attached to these minutes.

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

Commissioner Handy moved to approve the minutes of the April 20, 2009, City Council Regular Meeting, seconded by Commissioner Mercer. Upon roll call the following voted AYE: Crunk, Gay, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion carried.

Mayor Hobbie opened the Public Hearing to amend the Fiscal Year 2008-2009 Budget. Pat Haverty provided information concerning the funds transferred to the City when the City assumed the ownership of the Nebraska City Rescue Service. He also provided an overview of the purchases needed for the updating of equipment and staffing for the EMS Service. No one else spoke in support or opposition at the hearing. Commissioner Handy moved to close the Public Hearing. Upon roll call the following voted YES: Crunk, Gay, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion carried.

Mayor Hobbie opened the Public Hearing on the request for a new zoning classification; "Technology-Office Park." Pat Haverty presented information on the need for such a classification. Doug Farrar spoke in favor of the classification. 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, Gay, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion carried.

Mayor Hobbie opened the Public Hearing on the application for a Neighborhood Stabilization Program grant. Dave Taladay from SENDD explained the guidelines and use for the funds. No one else spoke in support or opposition to applying for the grant. Commissioner Handy moved to close the Public Hearing. Upon roll call the following voted YES: Crunk, Gay, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion carried.

Mayor Hobbie proclaimed "Census 2010" as a top priority for all departments and appointed officials. Mayor Hobbie proclaimed June 6, 2009 as "Buddy Poppy" Day. Mayor Hobbie proclaimed May 27, 2009 as "National Senior Health and Fitness Day."

Pat Haverty presented the City Administrator's Report updating the Council on the 11<sup>th</sup> Street/11<sup>th</sup> Corso Project, the Highway 2 Overpass Public Hearing on May 5<sup>th</sup>, the "Livingston" Property, the Rowe Memorial Public Safety Complex, Central Avenue Mill and Overlay and H1N1/Pandemic Flu planning and preparedness. Arnold M. Ehlers presented the Treasurer's Report which showed a beginning balance on April 1, 2009 of \$3,967,135.38; revenues of \$1,519,583.08 and expenses of \$1,849,607.53 leaving a balance of \$3,637,110.93 on April 30, 2009. The Wyuka Cemetery Report showed revenues of \$6,211.00 for the month of April. The Council accepted the reported and directed that they be placed on file.

Mayor Hobbie introduced Ordinance 2754-09:

AN ORDINANCE TO AMEND THE BUDGET STATEMENT TO BE TERMED THE 2008-2009 ANNUAL APPROPRIATION BILL; TO APPROPRIATE SUMS FOR NECESSARY EXPENSES AND LIABILITIES; TO PROVIDE FOR AN EFFECTIVE DATE; and moved that the statutory rule requiring reading on three different days be suspended. Commissioner Handy seconded the motion and upon roll call the following voted AYE: Mercer, Gay, Crunk, Handy and Mayor Hobbie. Voting NO: None. The motion to suspend the rule was adopted by three-fifths of the Board 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 stated the question

“Shall Ordinance No. 2754-09 be passed and adopted?” Upon roll call the following voted YES: Crunk, Gay, Mercer, Handy and Mayor Hobbie. Voting NO: None. The passage and adoption of said ordinance having been concurred in by a majority of all members of the Board, the Mayor declared the ordinance adopted and the Mayor in the presence of the Board signed and approved the ordinance and the Clerk attested the passage and approval of the same and affixed his signature thereto and ordered the Ordinance to be published in pamphlet form as provided therein. A true, correct and complete copy of said ordinance is as follows:

**ORDINANCE 2754-09**

**AN ORDINANCE TO AMEND THE BUDGET STATEMENT TO BE TERMED THE 2008-2009 ANNUAL APPROPRIATION BILL; TO APPROPRIATE SUMS FOR NECESSARY EXPENSES AND LIABILITIES; TO PROVIDE FOR AN EFFECTIVE DATE.**

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

SECTION 1. That after complying with all procedures required by law, the amended budget presented and set forth in the budget statement is hereby approved as the Amended Appropriation Bill for the fiscal year beginning October 1, 2008, through September 30, 2009. All sums of money contained in the budget statement are hereby appropriated for the necessary expenses and liabilities of the City of Nebraska City. A copy of the budget document shall be forwarded as provided by law to the Auditor of Public Accounts, State Capitol, Lincoln, Nebraska, and to the County Clerk of Otoe County, Nebraska, for use by the levying authority.

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

Passed and approved this 4<sup>th</sup> day of May, 2009.

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

ATTEST:

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

Mayor Hobbie introduced Resolution 2410-09 to authorize and direct the Mayor to formulate and sign all documents between the City of Nebraska City and the Nebraska Department of Economic Development for the CDBG-NSP Grant. Commissioner Handy moved to approve Resolution 2410-09. Upon roll call the following voted YES: Crunk, Mercer, Handy and Mayor Hobbie. Voting NO: None. Abstain: Gay. Motion carried. A true, correct and complete copy of said resolution is as follows:

**RESOLUTION 2410-09**

**Whereas**, the City of Nebraska City, Nebraska, is an eligible unit of a general local government authorized to file an application under the Housing and Community Development Act of 1974 as Amended for Small Cities Community Development Block Grant Program (CDBG) and Title III of Division B of the Housing and Economic Recovery Act of 2008 for funds distributed by the Department of Economic Development through the Neighborhood Stabilization Program (NSP).

**Whereas**, the City of Nebraska City, Nebraska, has obtained its citizens' comments on community development and housing needs; and has conducted a public hearing upon the proposed application and received favorable public comment respecting the application which is for an amount of \$105,000 in CDBG NSP funds for the demolition of a vacant, dilapidated building presently owned by the City; and

**NOW, THEREFORE, BE IT RESOLVED BY** the City Council of Nebraska City, Nebraska, that the Mayor be authorized and directed to proceed with the formulation of any and all contracts, documents or other memoranda between the City of Nebraska City and the Nebraska Department of Economic Development so as to effect acceptance of the grant application.

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

May 4, 2009

\_\_\_\_\_  
Date

Attest:

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

Dave Taladay presented a contract for the management of “Owner-Occupied Housing Rehabilitation Program Funds” Commissioner Handy moved to approve the contract with SENDD and authorize the Mayor to sign. Upon roll call the following voted YES: Crunk, Gay, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion carried.

Mayor Hobbie introduced Ordinance 2757-09.

AN ORDINANCE TO AMEND THE OFFICIAL ZONING ORDINANCE OF THE CITY OF NEBRASKA CITY, NEBRASKA, AS REFERRED TO IN SECTION 403 OF ORDINANCE NO. 2576-03, TO AMEND SEC. 402 OF SAID ORDINANCE, TO ADD A NEW CLASSIFICATION TO BE KNOWN AS TECHNOLOGY-OFFICE PARK DISTRICT; TO ADD A NEW ZONING DISTRICT AT SECTION 421 OF SAID ORDINANCE, THE PROVISIONS OF WHICH SHALL APPEAR IN SECTIONS 421.01 THROUGH 421.13, BOTH INCLUSIVE; TO PROVIDE FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; AND TO PROVIDE FOR AN EFFECTIVE DATE; and moved that the statutory rule requiring reading on three different days be suspended. Commissioner Gay seconded the motion and upon roll call the following voted Yes: Mercer, Gay, Crunk, Handy and Mayor Hobbie. Voting NO: None. The motion to suspend the rule was adopted by three-fifths of the Board 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 stated the question "Shall Ordinance No. 2757-09 be passed and adopted?" Upon roll call the following voted YES: Crunk, Gay, Mercer, Handy and Mayor Hobbie. Voting NO: None. The passage and adoption of said ordinance having been concurred in by a majority of all members of the Board, the Mayor declared the ordinance adopted and the Mayor in the presence of the Board signed and approved the ordinance and the Clerk attested the passage and approval of the same and affixed his signature thereto and ordered the Ordinance to be published in pamphlet form as provided therein. A true, correct and complete copy of said ordinance is as follows:

ORDINANCE NO. 2757-09

AN ORDINANCE TO AMEND THE OFFICIAL ZONING ORDINANCE OF THE CITY OF NEBRASKA CITY, NEBRASKA, AS REFERRED TO IN SECTION 403 OF ORDINANCE NO. 2576-03, TO AMEND SEC. 402 OF SAID ORDINANCE, TO ADD A NEW CLASSIFICATION TO BE KNOWN AS TECHNOLOGY-OFFICE PARK DISTRICT; TO ADD A NEW ZONING DISTRICT AT SECTION 421 OF SAID ORDINANCE, THE PROVISIONS OF WHICH SHALL APPEAR IN SECTIONS 421.01 THROUGH 421.13, BOTH INCLUSIVE; TO PROVIDE FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; AND TO PROVIDE FOR AN EFFECTIVE DATE.

WHEREAS, the Planning Commission of the City of Nebraska City, Nebraska, has held a public hearing on the subject of adding a new Zoning District to the Zoning Ordinance of Nebraska City, to include a Technology-Office Park District, and has recommended to the Mayor and City Commissioners approval of an Ordinance adopting such new Zoning District, and

WHEREAS, the Mayor and City Commissioners have held a public hearing on the matter, after giving due notice thereof, as required by law.

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

**SECTION 1.**

That Section 402 of the Zoning Regulations of Nebraska City, Nebraska, be amended to read as follows:

**"SECTION 402. Zoning districts created.**

For the purpose of this ordinance, there are hereby created the following types of zoning districts, zoning district regulations and zoning district designations for which all land contained within the corporate limits of the city and the jurisdictional area outside of the corporate limits of said city, as defined in Section 102 of this ordinance, shall be divided:

- AG Agricultural District
- R-1 Residential District
- R-2 Residential District
- R/O Residential/Office District
- C-1 Neighborhood Commercial District
- C-2 Central Business District
- C-3 General Commercial District
- I-1 Light Industrial District
- I-2 Industrial District
- PUD Planned Unit Development District
- FHO Flood Hazard Overlay District
- AHO Airport Hazard Overlay District
- T/O Technology Office Park District"

**SECTION 2.** That a new Section 421 be added to the Zoning Regulations of Nebraska City, Nebraska, describing the provisions of the Technology Office Park District, as hereinafter set forth:

**"SECTION 421 T/O Technology-Office Park District**

**421.01 INTENT:**

The Technology-Office Park District is intended to encourage the development of corporate office headquarters, research and development and high technology activities and uses. Development

within the district is characterized by a landscaped environment with emphasis on architectural, aesthetic and environmental considerations.

**421.02**

**GENERAL PROVISIONS:**

The conduct of permitted uses in this district shall be within completely enclosed buildings, except for vehicle parking and loading areas.

**421.03**

**PERMITTED PRINCIPAL USES AND STRUCTURES:**

The following shall be permitted as uses by right except when located within one-hundred fifty (150) feet of any Residential District, in which case a conditional use permit will be required to allow the following uses:

1. Computer programming, data storage and other software and telecommunications services, and uses.
2. Office buildings used only for the administrative functions of companies, corporations, social or philanthropic organizations or societies.
3. Educational, scientific and non-laboratory research activities.
4. Federal, state, county, city and public utility buildings and uses.

**421.04 PERMITTED ACCESSORY USES AND STRUCTURES:**

The following accessory uses and structures shall be permitted:

1. Buildings and uses customarily incidental to the permitted uses, including but not limited to parking lots and garages, outdoor sitting and recreation areas, athletic fields, walking paths and reflecting pools.
2. Radio and television satellite receiving antennae (satellite dishes), provided that such satellite receiving antennae larger than twenty four (24) inches in diameter shall be located in the side or rear yard only.
3. On-site signs, excluding billboards, related to permitted uses and approved conditional uses, all subject to the regulations and requirements of Section 521 of Ordinance #2576-03.
4. Below ground utility lines and above ground utility installations and structures including local distribution lines, cables, poles and appurtenances, below ground and above ground public utility water storage tanks and distribution substations but excluding regulator stations, communications equipment buildings, communications, micro-wave, cellular communications or other towers in excess of thirty five (35) feet in height, and storage or maintenance yards.

**421.05 CONDITIONAL USES AND STRUCTURES:**

After the provisions of Article 7 of Ordinance #2576-03 relating to conditional uses have been met, the following uses may be allowed as conditional uses:

1. Public or private schools, colleges, and similar education facilities.
2. Laboratories for research, development, testing and related production activities.
3. Other uses, determined at the sole discretion of the Commission, to be comparable with the other uses permitted as conditional uses in this district, compatible with the uses permitted in the district and consistent with the intent of this district.

**421.06 PERFORMANCE STANDARDS:**

All uses permitted in this zoning district shall comply with the following performance standards:

1. Open storage of materials attendant to a permitted use or conditional use shall be permitted only within an area surrounded or screened by a solid wall or fence six (6) feet in height, provided that no materials or equipment shall be stored to a height greater than that of the wall or fence. Architectural elements, materials, colors, and design of screening walls, coverings and fences shall be consistent with the predominant materials, colors, and elements of the primary building.
2. No use shall be permitted and no process, equipment or materials shall be used which are found by the Governing Body to be objectionable to persons living or working in the vicinity by reasons of odor, fumes, dust, smoke, cinders, dirt, refuse, water-carried waste, noise, vibrations, illuminations, glare or unsightliness or to involve any hazard of fire or explosion.
3. Where a site abuts a Residential District, a 150' buffer must be created. No portion of the building or parking lot will be constructed in this buffer. Walking trails, reflecting pools and landscaping will be allowed in this area.
4. All lighting used to illuminate an off-street parking area, sign or other structure shall be arranged so as to deflect light away from any adjoining property and from public streets through fixture type and location.
5. Exterior lighting of buildings shall be limited to low-level spotlights, floodlights, and similar illuminating devices hooded in such a manner that the direct beam of any light sources will not glare upon adjacent property or public streets. The Zoning Administrator may approve exceptions to these requirements for sports and athletic field lighting, flagpole lighting, public street lighting, temporary lighting for seasonal/holiday or special events, and lighting used for public safety.
6. Permitted exterior building materials shall be high quality, durable materials that include, but are not limited to, brick; native or manufactured stone, integrally, colored, burnished, textured, or glazed concrete masonry units; quality accent metals such as copper; high quality pre-stressed concrete systems, tilt-up concrete panels with an architectural finish; and drainable (water managed) EIFS.
7. All access roads and driveways shall be constructed of asphalt or concrete.

8. The following exterior materials are prohibited: split shakes, rough-sawn wood; painted concrete block; tilt-up concrete panels without an architectural finish; field-painted or pre-finished standard corrugated metal siding; standard single or double-tee concrete systems; or barrier type EIFS. The Zoning Administrator may permit the use of these materials, up to 10% of any façade as an accent material.
9. Materials on all sides of the building shall be consistent with materials and colors of the front façade when visible from public streets and trails and adjacent residential areas.
10. Any section of roof that is visible from an adjacent property or right-of-way shall consist of any of the following materials: clay or concrete tile, standing seam metal, architectural grade asphalt shingles, architectural metals, copper, natural or synthetic slate, or similar durable materials.
11. Developments shall preserve natural and scenic areas, streams and natural drainageways, floodplains, prairies, and wetlands.

**421.07 PROHIBITED USES AND STRUCTURES:**

All other uses and structures, which are not specifically permitted or authorized as conditional uses, shall be prohibited in this zoning district.

**421.08 MINIMUM LOT AREA**

1. The minimum lot areas shall be forty five thousand (45,000) square feet.

**421.09 MINIMUM LOT WIDTH AND FRONTAGE:**

1. The minimum lot width and frontage for uses listed in Sections 421.03 and 421.04 shall be unrestricted, provided that each lot shall provide a marketable buildable area and all building(s) thereon shall comply with the minimum width, yard, parking area, and maximum rear yard coverage requirements specified in this district.
2. The minimum lot width and frontage for conditional uses listed in Section 421.05 shall be the area appropriate to each conditional use, as determined by the Commission in its review and authorization of each conditional use in accordance with Article 7 of Ordinance #2576-03.

**421.10 MINIMUM YARD REQUIREMENTS**

The minimum yards or setbacks of any building from a property line or street right-of-way shall be as follows, (*Refer to Section 502 of Ordinance #2576-03 for required modifications to minimum yard and setback regarding eaves, cornice overhangs, awnings, balconies, exceptions and the like*):

1. Front Yard - Lots of one (1) to five (5) acres in size shall have a front yard setback of 60' from the property line. A landscape buffer, as defined in Section 303.78 of Ordinance #2576-03, at least ten (10) feet in depth shall be provided along and adjacent to the front property line.  
Lots over five (5) acres in size shall have a front yard setback of 150' from the property line. A landscape buffer, as defined in Section 303.78 of Ordinance #2576-03, at least twenty-five (25) feet in depth, shall be provided along and adjacent to the front property line.
2. Side Yard - The minimum side yard for lots of one (1) to five (5) acres in size shall be thirty (30) feet from the property line.  
The minimum side yard for lots over five (5) acres in size shall be 60' from the property line.
3. Rear Yard - The minimum rear yard for lots one (1) to five (5) acres in size shall be forty (40) feet from the property line.  
The minimum rear yard for lots over five (5) acres in size shall be seventy-five (75) feet from the property line.

**421.11 MAXIMUM HEIGHT:**

The maximum height for any structure or building shall be fifty (50) feet, except for any applicable height restriction of the Airport Hazard Zone District regulations.

**421.12 MAXIMUM LOT COVERAGE:**

The maximum lot coverage shall be sixty five (65) percent.

**421.13 OFF-STREET PARKING AND LOADING AREAS:**

1. Parking shall be grouped into parking blocks that are defined by pedestrian paths, landscaping, and buildings.
2. A maximum of 100 parking stalls may be located in any one parking block.
3. All parking and loading areas in this zoning district shall be constructed of asphalt or concrete."

**SECTION 3.** That all Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.

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

PASSED and APPROVED this 4<sup>th</sup> day of May, 2009.

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

Attest:

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

Mayor Hobbie introduced Resolution 2409-09 placing "No Parking Between Signs."

Commissioner Handy moved to approve Resolution 2409-09. Upon roll call the following voted YES: Crunk, Gay, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion passed. A true, correct and complete copy of said resolution is as follows:

**RESOLUTION NO. 2409-09**

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

That two “No Parking Between Signs” signs be erected adjacent to Lot 7, Block 49, Kearney Addition to Nebraska City, Nebraska and that such parking regulations be effective twenty-four hours each day.

Passed and approved this 4th day of May, 2009.

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

Attest:

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

Chris Gress requested permission to use the parking lot adjacent to the Memorial Building for the Farmers Market again this year. Commissioner Handy moved to approve the request for a “Farmer’s Market” every Thursday from May 28<sup>th</sup> to October 8<sup>th</sup> at the Memorial Building parking Lot. Upon roll call the following voted YES: Crunk, Gay, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion carried.

Dave LeGrand asked the Council to close several streets for a Community Foundation Event-Street Dance on Aug. 22, 2009 to raise endowment funds. Commissioner Mercer moved to approve the request. Upon roll call the following voted YES: Gay, Crunk, Handy, Mercer and Mayor Hobbie. Voting NO: None. Motion carried.

Pat Haverty presented a request by the EMS Division of the NCVFD to revise the stipends for paramedic volunteers. A category for 24 hour and 12 hour paramedic service would be added in the amount of \$250.00 per 24 hour shift and \$150.00 per 12 hour shift. Commissioner Gay moved to approve the revised stipend schedule. Upon roll call the following voted YES: Mercer, Handy, Gay and Mayor Hobbie. Voting NO: None. Abstain: Crunk. Motion passed.

Fire Chief Alan Viox presented the results of the bids received for a new ambulance and recommended the purchase of Osage Body with 2009 Ford Chassis demo unit from FireGuard in the amount of \$114,300 with trade. Commissioner Mercer moved to approve the recommendation by the EMS Committee to purchase the 2009 Osage Ambulance in the amount of \$114,300 with trade. Upon roll call the following voted YES: Crunk, Gay, Handy, Mercer and Mayor Hobbie. Voting NO: None. Motion carried.

Mayor Hobbie introduced Ordinance 2758-09.

AN ORDINANCE TO AMEND THE FOLLOWING SECTIONS OF THE CODE OF THE CITY OF NEBRASKA CITY, NEBRASKA, SECTION 2-165 RELATING TO THE DESTRUCTION OF OBSOLETE FILES; SECTION 2-170 RELATING TO LICENSES AND OCCUPATION TAXES; SECTION 2-171 RELATING TO CITY CLERK’S BOOKKEEPING, and SECTION 2-237 RELATING TO GROUP LIFE INSURANCE FOR VOLUNTEER FIREMEN; TO REPEAL THE FOLLOWING SECTIONS OF THE CODE OF THE CITY OF NEBRASKA CITY, NEBRASKA, SECTIONS 2-45 RELATING TO SIGNING OF MINUTES AND SECTION 2-48 RELATING TO SIGNING OF WARRANTS; TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES 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 Handy seconded the motion and upon roll call the following voted Yes: Mercer, Gay, Crunk, Handy and Mayor Hobbie. Voting NO: None. The motion to suspend the rule was adopted by three-fifths of the Board 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 stated the question “Shall Ordinance No. 2758-09 be passed and adopted?” Upon roll call the following voted YES: Crunk, Gay, Mercer, Handy and Mayor Hobbie. Voting NO: None. The passage and adoption of said ordinance having been concurred in by a majority of all members of the Board, the Mayor declared the ordinance adopted and the Mayor in the presence of the Board signed and approved the ordinance and the Clerk attested the passage and approval of the same and affixed his signature thereto and ordered the Ordinance to be published in pamphlet form as provided therein. A true, correct and complete copy of said ordinance is as follows

ORDINANCE NO. 2758-09

AN ORDINANCE TO AMEND THE FOLLOWING SECTIONS OF THE CODE OF THE CITY OF NEBRASKA CITY, NEBRASKA, SECTION 2-165 RELATING TO THE DESTRUCTION OF OBSOLETE FILES; SECTION 2-170 RELATING TO LICENSES AND OCCUPATION TAXES; SECTION 2-171 RELATING TO CITY CLERK’S BOOKKEEPING, and SECTION 2-237 RELATING TO GROUP LIFE INSURANCE FOR VOLUNTEER FIREMEN; TO REPEAL THE FOLLOWING SECTIONS OF THE CODE OF THE CITY OF NEBRASKA CITY, NEBRASKA, SECTIONS 2-45 RELATING TO SIGNING OF MINUTES AND SECTION 2-48 RELATING TO SIGNING OF WARRANTS; TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; AND TO DECLARE AN EFFECTIVE DATE.

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

Section 1. That Section 2-165 of the Code of Nebraska City, Nebraska, be amended to read as follows:

**“Sec. 2-165. Destruction of obsolete files.**

The City Clerk-Treasurer shall from time to time be authorized to destroy obsolete files and other records of the City, in his custody and control, which have been determined to be of no further legal, administrative, fiscal or historical value by the State Records Administrator, pursuant to Nebraska Revised Statutes Sections 84-1201 to 84-1220, both inclusive.”

Section 2. That Section 2-170 of the Code of Nebraska City, Nebraska, be amended to read as follows:

**“Sec. 2-170. Licenses, occupation taxes.**

The City Clerk-Treasurer shall issue all licenses, permits and occupational tax receipts authorized by law. He shall collect all occupational tax and license money except where some other city officer is specifically charged with such duty. He shall keep a register of all licenses granted in the city and the purpose for which they are issued. If required by the police department, he shall furnish it with a true copy of the register of all licenses and permits then in force.”

Section 3. That Section 2-171 of the Code of Nebraska City, Nebraska, be amended to read as follows:

**“Sec. 2-171. Bookkeeping generally.**

The City Clerk-Treasurer shall keep a daily cash book, which shall be footed and balanced daily and he shall adopt such bookkeeping methods as the council shall prescribe. His books and accounts shall always be open to inspection by the mayor, members of the council and such other persons as they may designate. He shall manage all custodial funds. He shall pay all overdue bonds, and the council’s order therefore shall not be required. He shall pay or register, as provided by law, all warrants properly drawn and lawfully issued by the authority of the mayor and council or by any other authorized board or commission.”

Section 4. That Section 2-237 of the Code of Nebraska City, Nebraska, be amended to read as follows:

**“Sec. 2-237. Group life insurance for volunteer firemen.**

The City Council shall purchase and maintain in force a policy of group term life insurance to age sixty-five (65) covering the lives of all its volunteer fire and rescue personnel, except that when any such person serves more than one municipality or district such policy shall be purchased only for the first municipality or district which he serves. Such policy shall provide a minimum death benefit of ten thousand dollars (\$10,000.00) for death from any cause and shall, at the option of the insured, be convertible to a permanent form of life insurance at age sixty-five (65). The coverage of such policy shall terminate as to any individual who ceases to be an active volunteer member of the fire department of the municipality or district.”

Section 5. That Section 2-45 and 2-48 of the Code of Nebraska City, Nebraska, be and the same are hereby repealed and shall be of no further force and effect because such sections are no longer required.

Section 6. That all other ordinance or parts of ordinances in conflict with the ordinances are hereby repealed.

Section 7. That this Ordinance shall be effective from and after its adoption, approval, and publication, as provided by law.

PASSED and APPROVED, this 4<sup>th</sup> day of May, 2009.

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

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

Commissioner Mercer moved to repurchase grave space(s) from Rosemary Gardner. Upon roll call the following voted YES: Gay, Crunk, Handy, Mercer and Mayor Hobbie. Voting NO: None. Motion carried.

Commissioner Mercer moved to repurchase grave space(s) from Marilyn Thummel. Upon roll call the following voted YES: Gay, Crunk, Handy, Mercer and Mayor Hobbie. Voting NO: None. Motion carried.

Commissioner Mercer moved to approve starting Officer Bell at Step 2 of the pay scale due to education, experience and knowledge. Upon roll call the following voted YES: Gay, Crunk, Handy, Mercer and Mayor Hobbie. Voting NO: None. Motion carried.

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

Action Technology Svc	400.00	Computer	Lawn World	83.70	Sod
Adkins Signs	150.00	Signs	LCL Truck Equip	1,435.26	Maint
Allied Insurance	100.00	Bond	Linweld, Inc	113.05	Supp
Alltel	273.33	Tele	Marion, James W.	576.00	Stipend
Arbor Mart	1,952.13	Fuel	Meyer, Laci	120.00	ROW
Arbor Valley Anml Cinc	498.00	Ani Exp	Midwest Turf & Irrig	59.94	Maint
Atchison Cnty Mail	90.00	Ad	Momar, Inc.	153.59	Supp
Battery Zone	76.99	Batteries	Morrow, Sharon L.	36.00	Stipend
Bishop Plmbg & Htg	1,418.80	Furnace	N.C. Public School Dist	5,875.00	Contr
Boehm, Ben J.	36.00	Stipend	NCTC	5,312.50	Tourism
Bohl Plmbg & Htg	664.32	Rep	NE Community Found	2,291.67	Contr
Bray, Cindi	36.00	Stipend	NE Golf & Turf	16.70	Supp
BSN Sports	466.84	Maint	NE Life Magazine	245.00	Ads
Callaway Golf Co	897.79	Msde	NE Turf Products	2,368.00	Supp
City Wholesale Meat	34.40	Conc	Neeman, L	124.41	Mileage
Concrete Industries	38.35	Concrete	NeFSMA	10.00	Train
Conner, Walter D.	120.00	ROW	Olsson Associates	446.44	Eng
Conrad Fire Equip, Inc	1,737.10	Rep	Orscheln	1,094.65	Supp
Continuum EAP	1,875.00	Contr	Otoe Cnty Clerk	1,016.88	Contr
Curtis, William	108.00	Stipend	Peterson, C	172.03	Mileage
Davis, Gary	25.00	ROW	Prestige Flag	297.90	Flags
Dick's Body & Paint	413.00	Rep	Presto-X Co	75.00	Pest Cntrl
Don's Johns & Sep Pmp	290.00	Contr	Pummel, Jeanene F.	36.00	Stipend
Douglas Tire Co.	18.00	Rep	PX:Direct	334.00	Supp
Driever, Connie L.	72.00	Stipend	R.C.E.D.C.	787.50	Contr
Earl May Seed & Nrsry L.	59.98	Supp	Richardson, Christopher	36.00	Stipend
Enke, Philip & Sharon	500.00	ROW	Rife Construction	289,663.20	Constr
Gardner, Rosemary	444.50	Cem Lots	Sammons, Linda	25.00	ROW
Hamlin, Sandra M.	216.00	Stipend	Schendel Pest Cntrl	109.00	Pest Cntrl
Hart, Anna	450.00	Contr	St. Mary's Comm Hosp	47.23	Supp
Heartland Classified Svc	153.24	Ads	Stutheit Implement Co	530.94	Rep
HGM Associates Inc	4,246.44	Eng	Thummel, Marilyn	69.50	Cem Lot
Hogan Jr., William F.	144.00	Stipend	Tielke's Sandwiches	16.80	Conc
ICC	100.00	Dues	Tom's Radio	220.95	Rep
Jebro Inc.	840.00	Asphalt	Tree Worx	225.00	Mulch
Jones, C	85.45	Meals	Tri-State Office Prod	739.70	Supp
KNCY AM-FM	68.00	Ads	UnitedHealthcare	74.74	Misc
KonicaMinolta Bus Sol	180.75	Contr	Viox, A	468.05	Mileage
Kopf, Roger L. &	130.00	ROW	Wage & Benefits	144,258.33	Payroll
Kreifels Electric	69.73	Rep	William F. Davis, Attny	71.50	Legal
Landis Engine	106.45	Maint	Wurtele, Randall D.	2,301.74	ROW
Larson Motors	911.45	Rep	Zimco Supply Co.	530.00	Supp
LaRue Coffee	142.46	Supp			

Mayor Hobbie moved to appoint Nathan Jones to the Nebraska City Volunteer Fire and Rescue Department – EMS Division. Upon roll call the following voted YES: Gay, Crunk, Handy, Mercer and Mayor Hobbie. Voting NO: None. Motion carried.

Mayor Hobbie moved to appoint Eve Sheppard to the Nebraska City Volunteer Fire and Rescue Department – EMS Division. Upon roll call the following voted YES: Gay, Crunk, Handy, Mercer and Mayor Hobbie. Voting NO: None. Motion carried.

Mayor Hobbie moved to appoint Alicia Draeger to the Nebraska City Volunteer Fire and Rescue Department – EMS Division. Upon roll call the following voted YES: Gay, Crunk, Handy, Mercer and Mayor Hobbie. Voting NO: None. Motion carried.

Meeting Adjourned at 7:34 p.m.

Arnold M. Ehlers, Clerk-Treasurer