

CITY OF NEBRASKA CITY, NEBRASKA  
MINUTES OF CITY COUNCIL REGULAR MEETING  
August 17, 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 August 17, 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 Vice-President 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 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, Building Inspector Alan Viox and Public Properties Director/Zoning Director Dan Giittinger.

Commissioner Gay moved to approve the minutes of the July 29, 2009, City Council Special Meeting, seconded by Commissioner Handy. Upon roll call the following voted YES: Handy, Mercer, Gay and Mayor Hobbie. Voting NO: None. Abstain; Crunk. Motion adopted.

Commissioner Handy moved to approve the minutes of the August 3, 2009 City Council Regular Meeting, seconded by Commissioner Gay. Upon roll call the following voted YES: Mercer, Crunk, Gay and Handy. Voting NO: None. Abstain: Mayor Hobbie. Motion adopted.

Mayor Hobbie opened the Public Hearing to hear objections to the 2009-03 Storm Water Sewer Improvement District. The Clerk stated that no written objections were received concerning the creation of the district. 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 passed.

Joe Miller of Miller-Monroe-Farrell presented a check for \$16,971.00 to the Mayor representing a savings on insurance due to safety in the work place by city employees.

Pat Haverty reported that the Mill and Overlay Project on North 10<sup>th</sup> & 11<sup>th</sup> Streets is now substantially complete. He added that staff is working hard with engineering firms to get the South 11<sup>th</sup> Street/11<sup>th</sup> Corso Project to qualify for "Stimulus" funds. Also, the city is going to finance the purchase of the Street Sweeper at 2% interest. The Treasurer Reported a beginning balance July 1 of \$3,197,389.91; receipts of \$923,146.05; expenses of \$979,363.30 with an ending balance July 31, 2009 of \$3,141,172.66. Wyuka Cemetery reported receipts of \$3,275.00. The Mayor accepted all report and had them placed on file.

Mayor Hobbie introduced Resolution 2424-09 which would allow for reimbursements from a bond for expenses incurred on Storm Water Sewer Project 2009-03. Commissioner Handy moved to approve Resolution 2424-09. 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 2424-09**

BE IT RESOLVED BY THE MAYOR AND BOARD OF COMMISSIONERS OF THE CITY OF NEBRASKA CITY, NEBRASKA, as follows:

Section 1. That the Mayor and Board of Commissioners of the City of Nebraska City, Nebraska, do hereby declare this resolution to be the City's official declaration of intent under Internal Revenue Service Regulation Section 1.150-2 to provide for the incurring of indebtedness which may include reimbursements of expenditures made by the City in conjunction with costs incurred in connection with the construction of Storm Water Sewer Improvement District 2009-03 of the City. The preliminary estimate of debt contemplated to be issued for such project exceeds \$120,000.00.

Section 2. That up to the expenditure of the full amounts of such project described within this resolution, the City may advance funds as may be necessary for meeting the immediate costs of such project. It is the intent of the Mayor and Board and the City's reasonable expectation that the City shall reimburse such expenditures as may be made from general funds on hand from the proceeds of the issuance of its debt obligations.

PASSED AND APPROVED this 17<sup>th</sup> day of August, 2009

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

Attest:

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

Mayor Hobbie introduced Ordinance 2769-09 for its third and final reading. AN ORDINANCE TO ADD A NEW SECTION TO THE CODE OF ORDINANCES OF THE CITY OF NEBRASKA CITY, NEBRASKA; TO CREATE A POLICY TO IDENTIFY AND REGISTER VACANT BUILDINGS; TO ESTABLISH A PROCESS TO IMPROVE COMMUNITY SAFETY AND PROMOTE THE WELLBEING OF AREA BUSINESS; TO REPEAL ANY ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; AND TO DELCARE AN EFFECTIVE DATE, and moved for final passage of the ordinance, which motion was seconded by Commissioner Handy. Commissioner Mercer stated that with adoption of this ordinance the city will be dictating the selling price of commercial property. Pat Haverty stated that the committee that recommended the ordinance had met again and decided to keep the fees the same as originally drafted. Mayrene Thummel listed several objections including the fact that no governmental incentives were included to assist property owners. Carmen Polk felt that the ordinance was too open ended. Bill Moore asked the City Attorney the legality of the ordinance. The City Attorney responded that the document was legal. The Mayor then stated "Shall Ordinance 2769-09 be passed and adopted. Upon roll call the following voted YES: Gay, Crunk, Handy and Mayor Hobbie. Voting NO: Mercer. 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. A true and correct copy of said ordinance is as follows:

ORDINANCE NO 2769-09

AN ORDINANCE TO ADD A NEW SECTION TO THE CODE OF ORDINANCES OF THE CITY OF NEBRASKA CITY, NEBRASKA; TO CREATE A POLICY TO IDENTIFY AND REGISTER VACANT BUILDINGS; TO ESTABLISH A PROCESS TO IMPROVE COMMUNITY SAFETY AND PROMOTE THE WELLBEING OF AREA BUSINESS; TO REPEAL ANY ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; AND TO DELCARE AN EFFECTIVE DATE.

WHEREAS, the Mayor and City Council hereby determine that the creation of a Vacant Building Ordinance is essential for the betterment of the City of Nebraska,

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

SECTION A. That a new Article V, Sections 1-10, be added to Chapter 9, Building, of the Code of Ordinances of the City of Nebraska City, which section shall read as follows:

**"Chapter 9, Article V. Vacant Buildings, Sections 1-10.**

SECTION 1. Purpose.

The purpose of this ordinance is to protect the public health, safety and welfare of Nebraska City by establishing a program for identification and registration of vacant commercial buildings, determining the responsibilities of owners of vacant commercial buildings and structures, and providing for administration, enforcement and penalties.

SECTION 2. Definitions.

*Commercial activity* means having the objective of supplying commodities (goods and services) and ancillary business functions.

*Commercial Building* means a building with more than 50% of its floor space used for commercial activity. For the purposes of this section, floor space shall be designated as the area on the main or street level of the building.

*Dangerous structure* means a structure that is potentially hazardous to persons or property, including, but not limited to: (a) a structure that is in danger of partial or complete collapse; (b) a structure with any exterior parts that are loose or in danger of falling; or (c) a structure with any parts, such as floors, porches, railings, stairs, ramps, balconies or roofs, that are accessible and that are either collapsed, in danger of collapsing or unable to support the weight of normally imposed loads.

*Owner* means the person, persons, or entity shown to be the owner or owners of record on the records of the Otoe County Register of Deeds, those identified as the owner or owners on a vacant building registration form, holder of an unrecorded contract for deed, a mortgagor or vendor in possession, assignee of rents, receiver, executor, trustee, lessee, other person, firm or corporation in control of the freehold of the premises or lessor state therein. Any such person, persons, or entity, shall have a joint and several obligation for compliance with the provisions of this article.

*Secured by other than normal means* means a building secured by means other than those used in the design of the building.

*Unoccupied* means a building which is not being used for a legal occupancy. The storage of products and materials does not constitute occupancy unless authorized by Zoning Ordinance of the City.

*Unsecured* means a building or portion of a building that is open to entry by unauthorized persons without the use of tools.

*Vacant building* means a building or portion of a building that is:

- (a) Unoccupied and secured
- (b) Unoccupied and unsecured;

- (c) Unoccupied and secured by other than normal means;
- (d) Unoccupied and a dangerous structure;
- (e) Unoccupied and condemned;
- (f) Unoccupied and has city code violations; or
- (g) Condemned and illegally occupied. Vacant building does not mean any building being constructed pursuant to a valid permit issued pursuant to the city building code.

**SECTION 3. Vacant building registration.**

- (a) The owner shall register with the city not later than 30 days after the effective date of this ordinance or not later than 30 days after any commercial building in the city becomes a vacant building as defined in this article. The owner of the building will be required to pay a \$40.00 fee at the time of registration. This fee includes the initial inspection of the property by the City Building Inspector.
- (b) In the event that a vacant building is not registered with the City within 30 days of becoming vacant a \$250.00 registration fee will be required. This fee includes the initial inspection of the property by the City Building Inspector.
- (c) The registration shall be submitted on forms provided by the city. The forms shall include a plan for the continued care and upkeep of the property acceptable to the city and a timetable for returning the building to appropriate occupancy or use and/or for demolition of the building and such other information deemed necessary by the city.
- (d) All applicable laws and codes shall be complied with by the owner. The owner shall notify the city of any changes in information supplied as part of the vacant building registration within 30 days of the change. If the plan or timetable for the vacant building is revised in any way, the revisions must meet the approval of the city.
- (e) The owner and any subsequent owners shall keep the building secured and safe and the building and grounds properly maintained until the rehabilitation or demolition has been completed. The building shall not be used for storage.
- (f) Any new owner(s) shall register or re-register the vacant building with the city within 30 days of any transfer of an ownership interest in a vacant building. The new owner(s) shall comply with the approved plan and timetable submitted by the previous owner until any proposed changes are submitted and meet the approval of the city.

**SECTION 4. Vacant building fees.**

- (a) The owner of a vacant building shall pay an annual fee for the period the building remains a vacant building. The fee shall increase in the 4<sup>th</sup> year that the building is vacant at the following rate structure:
 

Years 1 through 3:	\$1,000
Year 4 and beyond:	\$3,000
- (b) The first annual fee shall be paid not later than 30 days after the building becomes vacant for one year. If the fee is not paid within 30 days of being due, the owner shall be in violation of this article.
- (c) The owner of a vacant building shall be required to pay the following initial registration and inspection fee:
 

Initial registration within 30 days of vacancy:	(includes initial inspection)	\$ 40.00
Initial registration after 30 days of vacancy: (includes initial inspection)		\$250.00
- (d) Once the initial inspection is completed and code violations are noted, the following fees shall apply:
 

Each subsequent inspection to correct noted code violations:	\$ 50.00
Failure to correct code violations within timetable per occurrence:	\$250.00
- (e) The fees shall be paid in full prior to the issuance of any building permits, with the exception of a demolition permit.
- (g) Fees associated with this Ordinance shall be paid directly to the City of Nebraska City. In the event that fees are unpaid, the City Attorney shall institute appropriate action against the owner of the premises where the vacant structure is or was located for the recovery of such costs.

**SECTION 5. Exemptions.**

A building that has suffered fire damage shall be exempt from the registration requirement for 90 days after the date of the fire if the property owner submits a request for exemption in writing to the city. This request shall include the following information supplied by the owner:

- (a) A description of the premises;
- (b) The names and addresses of the owner or owners;
- (c) The names and addresses of the current/former tenant; and
- (d) A statement of intent to repair and reoccupy the building in an expedient manner.

A vacant building that is actively listed and offered for sale shall be exempt from the annual vacant building fee subject to the following conditions:

- (a) The building is offered at a price not to exceed 25% above the assessed value as documented by the Otoe County Assessor's office.
- (b) The owner will be required to submit evidence of the assessed value of the building to the City and the asking price for the property 30 days prior to the one year anniversary of vacancy.

A vacant building that is offered for rent shall be exempt from the annual vacant building fee subject to the following conditions:

- (a) The amount of rent requested is comparable to other commercial buildings in the commercial district of the vacant building.
- (b) The owner of the vacant building is responsible to provide sufficient documentation to substantiate the request for exemption.

**SECTION 6. Inspections.**

The city may inspect any premises in the city for the purpose of enforcing and assuring compliance with the

provisions of this article. Upon registration the vacant building will be inspected by the City Building Inspector and a report will be provided to the owner noting code deficiencies, if any. The owner will be required to make necessary repairs based upon a reasonable timetable to allow the property to become occupied. Subsequent inspections will be made by the City Building Inspector to ensure that repairs have been completed. Subsequent inspections will be billed to the owner based on the information contained in Section 4 of this Ordinance.

Should a building remain vacant for 12 consecutive months an inspection shall occur. An annual inspection shall be conducted on each 12 month anniversary of the vacancy. The City reserves the right to inspect a vacant building at any reasonable time as conditions warrant.

The failure to correct the noted code deficiencies in a timely manner will result in a fee assessment noted in Section 4 of this Ordinance.

**SECTION 7. Emergency Repairs.**

Where any unsafe building or structure poses an immediate danger to the health, safety, or general welfare of any person or persons, and the owner fails to remedy the situation in a reasonable time after notice by the building inspector to do so, the city may summarily repair such building or structure.

**SECTION 8. Costs of emergency repairs, hearing and appeal.**

Upon receiving the notice to repair the building, the owner of the building, within the time stipulated, may in writing to the city clerk request a hearing before the board of appeals, to present reasons why the building should not be repaired. The board of appeals shall grant such hearing within ten (10) days from the date of receiving the request.

A written notice of the board of appeals decision following the hearing shall be sent to the property owner by certified mail. If the board of appeals rejects the appeal, the owner shall have ten (10) days from the sending of the decision to begin repair. If after the ten (10) day period the owner has not begun work, the city shall proceed to cause such work to be done; provided, the property owner may appeal such decision to the appropriate court for adjudication during which proceedings the decision of the city shall be stayed.

In case the owner of any building or structure shall fail, neglect or refuse to comply with notice by or on behalf of the city to repair or rehabilitate a building or structure which is unsafe, the city may proceed with the work specified in the notice to the property owner.

A statement of the cost of such work, including the cost of advertising and publishing of notices, shall be transmitted to the city council, which is authorized to levy the costs as a special assessment against the land. Such special assessment shall be a lien on the real estate and shall be collected in the manner provided for special assessments.

**SECTION 9. Penalties.**

Any person violating any provision of this article or providing false information to the city shall be punished as provided in Section 1-8 of this code.

**SECTION 10. Alternative procedures.**

Nothing in this article shall be deemed to abolish or impair existing remedies of the city authorized by this code.”

SECTION B. That all ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

SECTION C. That this ordinance shall be in full force and effect from and after its passage, approval, and publication as provided by law.

Passed and approved this \_\_\_\_ day of \_\_\_\_\_, 2009.

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

ATTEST:

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

Mayor Hobbie introduced Ordinance 2772-09 entitled AN ORDINANCE CREATING STREET IMPROVEMENT DISTRICT NO. 2009-05 IN THE CITY OF NEBRASKA CITY, NEBRASKA, ORDERING THE CONSTRUCTION OF STREET IMPROVEMENTS THEREIN 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, Gay, 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. 2772-09 be passed and adopted?” Upon roll call the following voted YES: Mercer, Gay, Handy and Mayor Hobbie. Voting NO: Crunk. 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 2772-09**

AN ORDINANCE CREATING STREET IMPROVEMENT DISTRICT NO. 2009-05 IN THE CITY OF NEBRASKA CITY, NEBRASKA, ORDERING THE CONSTRUCTION OF STREET IMPROVEMENTS THEREIN 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, as follows:

Section 1. That there be and hereby is created in the City of Nebraska City, Nebraska, a paving district to be known and designated as Street Improvement District No. 2009-05 of the City of Nebraska City, Nebraska.

Section 2. That the outer boundaries of Street Improvement District No. 2009-05 shall include, in addition to the street to be improved, all of the property abutting upon said street to be improved and within which district, the following street shall be improved by widening, paving with related storm sewer improvements and all necessary appurtenances related thereto:

14<sup>th</sup> Avenue, beginning at the East property line of the Northside Minor Subdivision and then Westerly 1,200 feet.

Section 3. Said streets shall be improved at public cost and said improvements shall be made in accordance with the plans, specifications and estimate prepared by the special engineers for the City and to be approved by the Mayor and Board of Commissioners.

Section 4. Notice of creation of said District shall be published as provided by law in the *Nebraska City News-Press*, a legal newspaper published in and of general circulation in Nebraska City, Nebraska.

Section 5. This ordinance shall be published in pamphlet form and take effect as provided by law. PASSED AND APPROVED this 17<sup>th</sup> day of August, 2009.

**SIGNATURE PAGE FOLLOWS**

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

Attest:

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

Mayor Hobbie introduced Resolution 2425-09 to set a date to hear objections for the creation of Street Improvement District 2009-05. Commissioner Handy moved to approve Resolution 2425-09. 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 2425-09**

BE IT RESOLVED BY THE MAYOR AND BOARD OF COMMISSIONERS OF THE CITY OF NEBRASKA CITY, NEBRASKA, as follows:

The Mayor and the Board of Commissioners hereby find and determine that the Mayor and Board will meet on the 21<sup>st</sup> day of September, 2009, at 6:00 P.M. at the regular meeting place of the Board, at which time a hearing will be held as to the sufficiency of the written objections filed objecting to the creation of Street Improvement District No. 2009-05 of the City and as to the existence of the required facts and conditions relative to the creation of the District. The Clerk is hereby instructed to cause notice of this hearing to be included in the Notice of Creation of the District, published as provided by law.

PASSED AND APPROVED this 17<sup>th</sup> day of August, 2009.

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

Attest:

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

Library Director Barbara Hegr and Assistant Library Director Louan Beard informed the Council of the upcoming NASA Exhibit and encouraged all to view the exciting exhibits that are part of the program.

City Administrator Pat Haverty provided an overview of the agreement with R.C.E.D.C. which provides \$50,000 for economic development. Commissioner Mercer moved to approve the agreement and authorize the Mayor to sign. Upon roll call the following voted YES: Gay, Handy, Mercer and Mayor Hobbie. Voting NO: Crunk. Motion passed.

Commissioner Gay moved to approve the recommendation by the Board of Public Works for Work Order 164 in the amount of \$49,049.35 for Phase II of the Pheasant Run Subdivision in Bennett. Upon roll call the following voted YES: Mercer, Handy, Crunk, Gay and Mayor Hobbie. Voting NO: None. Motion passed.

Commissioner Gay moved to approve the recommendation by the Board of Public Works to approve Work Order 182 in the amount of \$75,937.13 constructing a 13.8KV line to the south of the entrance to the Nebraska City High School parking lot. Upon roll call the following voted YES: Crunk, Mercer, Handy, Gay and Mayor Hobbie. Voting NO: None. Motion passed.

After a request by several residents in Block 27; Elmwood Addition, Commissioner Handy moved to direct the City Attorney to draft an ordinance vacating the alley in Block 27; Elmwood Addition; Nebraska City. Upon roll call the following voted YES: Crunk, Gay, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion carried.

Richard Dean Johnson requested that the City deed vacated 5<sup>th</sup> Street between Blocks 9 & 10; Anderson's Addition for the consideration of right-of-way he deeded to the City. Commissioner Handy moved to sell the vacated portion of 5<sup>th</sup> Street between Block 9 & 10; Anderson's Addition to Richard Dean Johnson for one dollar (\$1.00) and costs and direct the City Attorney to draft the ordinance. Upon roll call the following voted YES: Crunk, Gay, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion carried.

Commissioner Handy moved to approve the Electricians Permit of Centaur Electric. Upon roll call the following voted YES: Mercer, Crunk, Gay, Handy and Mayor Hobbie. Voting NO: None. Motion carried.

Mayor Hobbie introduced Ordinance 2774-09 AN ORDINANCE TO VACATE A PORTION OF THE SOUTH 11TH STREET RIGHT-OF-WAY EAST OF THE CENTER LINE OF SAID STREET AND ADJACENT TO THE EAST 9.27 FEET OF LOT 7, BLOCK 25, ANDERSON'S 2ND ADDITION TO NEBRASKA CITY, OTOE COUNTY, NEBRASKA, AS MORE PARTICULARLY DESCRIBED IN SECTION 1 HEREOF, AND TO DECLARE AN EFFECTIVE DATE and moved that the statutory rule requiring reading on three different days be suspended. Commissioner Handy seconded the motion to suspend the rules and upon roll call the following voted YES: Mercer, Gay, 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. 2774-09 be passed and adopted?" Upon roll call the following voted YES: Mercer, Gay, Handy and Mayor Hobbie. Voting NO: Crunk. 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. 2774-09

AN ORDINANCE TO VACATE A PORTION OF THE SOUTH 11TH STREET RIGHT-OF-WAY EAST OF THE CENTER LINE OF SAID STREET AND ADJACENT TO THE EAST 9.27 FEET OF LOT 7, BLOCK 25, ANDERSON'S 2ND ADDITION TO NEBRASKA CITY, OTOE COUNTY, NEBRASKA, AS MORE PARTICULARLY DESCRIBED IN SECTION 1 HEREOF, AND TO DECLARE AN EFFECTIVE DATE.

WHEREAS, because of the location of said property, the Mayor and City Commissioners of Nebraska City have determined that the City no longer has a need for that portion of South 11th Street as described in Section 1 hereof, and approve the vacation of the same.

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

SECTION 1. That commencing at the SE corner of Lot 7, Block 25, in Anderson's 2nd Addition to Nebraska City, Otoe County, Nebraska, running thence westerly along the South line of said Lot 7, a distance of 9.27 feet to the True Point of Beginning; thence continuing westerly a distance of 4 feet, thence northerly 119.34 feet to the North line of said Lot 7; thence easterly along the North line of said Lot 7, a distance of 4 feet; thence southerly 119.34 feet to the True Point of Beginning, be and the same is hereby vacated, all of which is located east of the center line of South 11th Street in Nebraska City, Nebraska.

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

Passed and Approved this 17<sup>th</sup> day of August, 2009.

Jack Hobbie, Mayor

Attest:

Arnold M. Ehlers, City Clerk-Treasurer

Building Inspector Alan Viox requested that the City Council declare the building(s) located at 1014 N.9<sup>th</sup> Street as unsafe. Commissioner Gay moved to have the Building Inspector notify the owner of the property located at 1014 N. 9<sup>th</sup> Street of the unsafe condition and either remedy the condition or demolish within 30 days. Upon roll call the following voted YES: Crunk, Mercer, Handy, Gay and Mayor Hobbie. Voting NO: None. Motion passed.

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

Commissioner Handy moved to pay Claim # 7250J. Upon roll call the following voted YES: Crunk, Gay, Handy and Mayor Hobbie. Voting NO: None. Abstain: Mercer. Motion carried.

ABL Rentals	4,457.46	Eng	League of Nebr. Municipal	9,820.00	Training
Alamar Uniforms	619.39	Unif	Lentsch, Shari	300.00	Stipend
Alco Store	57.96	Supp	Linweld, Inc	78.95	Supp
Allied Recycling & Ref	405.75	Garbage	Marion, James	900.00	Stipend
American Fence	5,886.15	Rep	Mead Lumber	11.97	Supp
American Industrial Corp.	2,448.79	R.O.W.	Mercer's	878.05	Supp
Holmberg, Anna	300.00	MCT	Midwest Farmers Coop	271.60	Chem
Arbor Mart	2,211.67	Fuel	Midwest R.O.W. Svc	1,258.00	Eng
Arbor Outdoor Power	47.55	Supp	Moore Medical	524.70	Supp
Barco Municipal Prod	621.52	Sign	Mullenax Auto Supply	833.36	Rep
Bernhardson, Noah	200.00	Stipend	N.E.E.D.	375.00	Dues
Bill Walters & Son Shop	125.00	Rep	National Arbor Day Found	15.00	Dues
Boehm, Ben	144.00	Stipend	NC Medical Clinic	98.00	Med
Bohl Plmbg & Htg	433.61	Rep	NC News Press	621.11	Ads
Anderson, Brad	240.00	Maint	NC Utilities	12,098.41	Util
BSN Sports	74.98	Rep	NCEMSC	75.00	Dues
Card Services	730.64	Supp	NE Dept. of Revenue	2,095.75	Sales Tax
Carrot-Top Industries	65.45	Flag	Neeman, L	297.73	Unif
Casey's General Stores	349.64	Fuel	Olsson Associates	1,586.93	Eng
CDW Government	209.50	Equip	OMB's Express Police	359.99	Ammo
Cintas Corporation	200.75	Supp	O'Reilly Auto Parts	22.96	Supp
City of Nebraska City	229,343.61	Bond	Otoe Cnty Clerk	2,590.86	Contr
City Tire & Auto Access	758.90	Rep	Otoe Cnty Reg of Deeds	68.50	Deeds
City Wholesale Meat	32.20	Conc	Page Wolfberg & Wirth Law	99.00	Misc
Crook, Sarah	100.00	Refund	Pamida, Inc.	174.19	Supp
Curtis, William	36.00	Stipend	Paper Tiger Shredding	35.00	Contr
D & D Communications	788.65	Comm	Parks, Ryan	400.00	Stipend
Don's Johns & Septic	104.00	Misc	Pepsi-Cola	803.40	Conc
Douglas Tire Co	227.90	Rep	Pitney Bowes	418.99	Postage
Earl May Seed & Nrsry	80.56	Supp	Schebaum, D	631.00	Mileage
Ehlers, A	114.10	Mileage	Schneider Electric & Refrig	1,826.31	Eng
EMS Billing Svc	4,914.12	Contr	Shell	1,593.66	Fuel
Fastenal Company	4.80	Misc	Snodgrass, Andrew	136.00	Stipend
Fireguard	288.82	Unif	Southeast NE Appliance	1,248.00	Supp
Food Pride	483.50	Conc	St. Mary's Comm Hospital	342.94	Med
Galeton Gloves	35.05	Supp	Sutphen Corporation	172.00	Rep
Gittinger, D	107.83	Mileage	Thurman Bike & Sport	75.00	Maint
Hamlin, Sandra	652.00	Stipend	Tielke's Sandwiches	43.74	Conc
Heartland Classified Svc	11.49	Ads	Tom's Radio	900.00	Contr
Hemmer Garage	252.79	Rep	Tree City Tees	49.99	Unif
HireRight Solutions	25.00	Med	Tri-State Office Prod	892.86	Supp
Hogan Jr., William	250.00	Stipend	United Healthcare	129.98	Ins
Hopkins Automotive	150.59	Rep	Viox, A	580.80	Mileage
Ideal Pure Water	135.50	Water	Wage & Benefits	97,420.02	Payroll
Jebro Inc.	867.00	Asphalt	Watkins True Value	1,448.68	Supp
John Deere Landscapes	247.85	Supp	Wick's	55.00	Supp
Jones, Nathan	1,900.00	Stipend	Wigington, N	25.40	Meals
KNCY AM-FM	16.00	Ads	Wilson, Janet	100.00	Refund
Konica Minolta	572.33	Contr	Windstream	2,018.29	Tele
Landis Engine	372.79	Rep	Wood Family Fuel	202.46	Fuel

Larson Motors	8,519.00	Truck	Wurtele Distributing	429.15	Conc
LaRue Coffee	88.74	Supp	Zimco Supply Co.	488.60	Chem

Mayor Hobbie moved to appoint A. J. Riley as a probationary member of the Nebraska City Volunteer Fire and Rescue Department. Upon roll call the following voted YES: Gay, Crunk, Handy, Mercer and Mayor Hobbie.

Meeting adjourned at 7:05 p.m.

---

Arnold M. Ehlers, Clerk - Treasurer