

CITY OF NEBRASKA CITY, NEBRASKA  
MINUTES OF CITY COUNCIL REGULAR MEETING  
September 3, 2013

Pursuant to due call and notice thereof, a Regular Meeting of the City Council of the City of Nebraska City was conducted in the Council Chambers at City Hall, 1409 Central Avenue, on September 3, 2013. Notice of the meeting was given in advance thereof by posting in at least three public places, the designated method for giving notice, as shown by the Certificate of Posting Notice attached to these minutes. Availability of the agenda was communicated in advance to the media, Mayor and Commissioners of this proceeding and said meeting was open to the public.

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

Commissioner Handy moved to approve the minutes of the August 19, 2013, City Council Regular Meeting, seconded by Stark. Upon roll call the following voted YES: Crunk, Stark, Mercer, Handy, and Mayor Hobbie. Voting NO: None. Motion adopted.

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

Mayor Hobbie moved to re-appoint John Hogeland to the Board of Public Works, seconded by Commissioner handy. Upon roll call the following voted YES: Mercer, Crunk, Stark, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

Andrew Snodgrass presented certificates of appreciation to Gregg Goebel, Chris Richardson, Wendy Wielechowski and Andy Kriekemeier for service as officers EMS Division of Nebraska City Fire & Rescue Department.

Nebraska City Airport Authority Fiscal Year 2013-2014 Budget was presented to the City Council. It included major construction work on the north taxiway.

Mayor Hobbie opened the discussion on the Nebraska City Fiscal Year 2013-2014 budget. Mercer stated that he was not prepared to discuss the budget without a detailed report on administration salaries.

Mayor Hobbie introduced Ordinance No. 2920-13 entitled AN ORDINANCE TO AMEND SECTION 2-37, TO PROVIDE FOR A TIME FOR THE CLOSING OF THE AGENDA FOR REGULAR MEETINGS OF THE CITY COUNCIL, AND THE METHOD FOR GIVING SUCH NOTICE OF SUCH MEETINGS, TO REPEAL ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH, AND TO DECLARE AN EFFECTIVE DATE; and moved that the statutory rule requiring reading on three different days be suspended. Commissioner Handy seconded the motion to suspend the rules and upon roll call the following voted YES: Stark, Crunk, Mercer, Handy and Mayor Hobbie. Voting NO: None. The motion to suspend was adopted by three-fifths of the Council and the statutory rule was declared suspended for consideration of said ordinance.

Said ordinance was then read by title and thereafter Mayor Hobbie moved for final passage of the ordinance, which motion was seconded by Commissioner Mercer. The Mayor then stated the question: "Shall Ordinance No. 2920-13 be passed and adopted?" Upon roll call the following voted YES: Stark, 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. 2920-13

AN ORDINANCE TO AMEND SECTION 2-37, TO PROVIDE  
FOR A TIME FOR THE CLOSING OF THE AGENDA FOR

REGULAR MEETINGS OF THE CITY COUNCIL, AND THE METHOD FOR GIVING SUCH NOTICE OF SUCH MEETINGS, TO REPEAL ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH, AND TO DECLARE AN EFFECTIVE DATE.

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

Section 1. That Section 2-37 of the Code of the City of Nebraska City be amended to read as follows:

“Section 2-37. Agenda for and notice of city council meetings.

The City Council shall give reasonable advance publicized notice of the time and place of each meeting by posting such notice in three public places, which shall be recorded in the minutes of the meeting. Such notice shall be transmitted to all members of the city council and to the public. Such notice shall contain an agenda of subjects known at the time of the publicized notice or a statement that the agenda, which shall be kept continually current, shall be readily available for public inspection at the office of the City Clerk during normal business hours. Except for items of an emergency nature, the agenda for meetings of the city council shall not be altered later than: (a) 1:00 p.m. on the Thursday preceding the dates of the regular meetings of the city council which are the first and third Mondays of each month, or, (b) forty-eight (48) hours before the scheduled commencement of a meeting of the city council scheduled outside the corporate limits of the municipality. The city council shall have the right to modify the agenda to include items of an emergency nature only at such public meeting

Section 2. That the original Section 2-37 of the Code of the City of Nebraska City, and all other Ordinances or parts of Ordinances in conflict with this Ordinance, are hereby repealed.

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

PASSED and APPROVED this 3<sup>rd</sup> day of September, 2013.

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Jack Hobbie, Mayor

Mayor Hobbie introduced Ordinance No. 2921-13 entitled AN ORDINANCE TO AMEND SECTION 34-75 OF THE CODE OF NEBRASKA CITY, NEBRASKA, TO LEVYAN OCCUPATION TAX OF FOUR PERCENT (4%) FROM DECEMBER 1, 2013 THROUGH NOVEMBER 30, 2014 AND REDUCE TO TWO PERCENT (2%) THEREON FOR RENTAL OF SLEEPING ROOMS AND TO DEFINE TERMS USED IN THE COLLECTION OF SUCH TAX AS PROVIDED HEREIN; TO REPEAL THE ORIGINAL SECTIONS 34-75 OF THE CODE OF NEBRASKA CITY AND ANY OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; TO PROVIDE FOR PUBLICATION; AND TO DECLARE THE EFFECTIVE DATE OF THIS ORDINANCE WHICH SHALL BE ON DECEMBER 1, 2013; 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: Stark, Crunk, Mercer, Handy and Mayor Hobbie. Voting NO: None. The motion to suspend was adopted by three-fifths of the Council and the statutory rule was declared suspended for consideration of said ordinance.

Doug Farrar, Tim Pendrell, John Palmtag, Jeanna Stavas, Karen Houser and Phil Bocken spoke against the additional 2% occupation tax. Many stated that rooms are contracted far into the future or have annual agreements which will reduce gross profits and may create hardships on staff by causing reduction in hours. Jeanna Stavas stated that if the tax needs to be imposed, could it be delayed for 60 days. John Palmtag added that targeting the hospitality industry is not fair when all citizens should bear the tax burden equally. He said Nebraska City should look to broaden the tax base by creating new businesses and not hurt current businesses. Bill Moore addressed the Council by saying that when he travels he does not ask what the tax rate is and feels that most travelers do not take the tax rate into consideration when booking rooms. No one else spoke in support or opposition to the ordinance. Mayor Hobbie then moved to amend the ordinance to read that the occupation tax would take effect December 1, 2013 and cease November 30, 2014. The motion died for a lack of a second. Mayor Hobbie then moved to rescind his prior motion seconded by Commissioner Handy. Upon roll call the following voted YES: Mercer, Crunk, Stark, Handy and Mayor Hobbie. Voting NO: None. Mayor Hobbie

moved to amend the ordinance to read the Occupation Tax will increase to 4% effective December 1, 2013 to November 30, 2014 and return to 2% on December 1, 2014 seconded by Stark. Said ordinance was then read by title and thereafter Mayor Hobbie moved for final passage of the ordinance, which motion was seconded by Commissioner Stark. The Mayor then stated the question: "Shall Ordinance No. 2921-13 be passed and adopted?" Upon roll call the following voted YES: Stark, Crunk, Mercer and Mayor Hobbie. Voting NO: Handy. 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. 2921-13

AN ORDINANCE TO AMEND SECTION 34-75 OF THE CODE OF NEBRASKA CITY, NEBRASKA, TO LEVY AN OCCUPATION TAX OF FOUR PERCENT (4%) FROM DECEMBER 1, 2013 THROUGH NOVEMBER 30, 2014 AND REDUCE TO TWO PERCENT (2%) THEREON FOR RENTAL OF SLEEPING ROOMS AND TO DEFINE TERMS USED IN THE COLLECTION OF SUCH TAX AS PROVIDED HEREIN; TO REPEAL THE ORIGINAL SECTIONS 34-75 OF THE CODE OF NEBRASKA CITY AND ANY OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; TO PROVIDE FOR PUBLICATION; AND TO DECLARE THE EFFECTIVE DATE OF THIS ORDINANCE WHICH SHALL BE ON DECEMBER 1, 2013.

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

SECTION 1. That Section 34-75 of the Code of the City of Nebraska City, Nebraska, is hereby amended to read as follows:

"Section 34-75. Rental of Accommodations

(a) *Hotel Accommodations.* There is hereby imposed an occupation tax fee in the amount of four percent (4%) upon the total consideration charged for occupancy and use of any space furnished by any hotel in the City of Nebraska City, Nebraska from December 1, 2013 through November 30, 2014, thereafter the amount shall be imposed at two percent (2%).

(b) *Hotel, Defined.* Hotel shall mean any facility in which the public may, for a consideration, obtain sleeping accommodations. The term shall include hotels, motels, tourist homes, campgrounds, courts, lodging houses, inns, state-operated hotels, and nonprofit hotels, but hotels shall not be defined so as to include hospitals, sanitariums, nursing homes, chronic care centers, or dormitories or facilities operated by an educational institution and regularly used to house students.

(c) *Occupancy, Defined.* Occupancy shall mean the use or possession, or the right to the use or possession of any space in a hotel, if the space is one ordinarily used for sleeping accommodations and if the occupant's use, possession, or right to the use or possession is for less than a period of thirty days.

(d) *Occupant, Defined.* Occupant shall mean anyone who, for consideration, uses, possesses, or has a right to use or possess, any space in a hotel, if the space is one ordinarily used for sleeping accommodations.

(e) *Consideration, Defined.* Consideration shall mean the monetary charge for the use of space in a hotel; only if the space is one ordinarily used for sleeping accommodations and shall not include the charge for any food or beverage served or personal services rendered to the occupant of such space.

(f) *Visitor Attraction, Defined.* A Location open to the public, which location is of educational, historical, artistic, or recreational significance or provides entertainment, or in which are exhibits, displays or performance of educational, cultural, historic, artistic or entertainment value.

(g) *Exception to the Occupancy Tax.* Consideration paid for sleeping accommodations which are not subject to the hotel sales tax imposed by Neb Rev Stat 81-3715 shall not be subject to the occupation tax.

(h) *Collection.* The tax imposed by this Article shall be collected by the hotel operator from the occupant of each room to which the tax applies. The tax may be shown as an add-on to the charge for occupancy of the room and shall be collectable at the time the lodging is furnished, regardless of when the charge for occupancy is paid. The operator shall remain responsible for payments of all taxes imposed, whether or not the taxes are actually collected from the occupant.

(i) *Records.* It shall be unlawful for any hotel operator subject to this Article to fail to maintain or fail to make available to the City, within one hundred twenty (120) hours after request for such records, written records accurately and completely evidencing the number of rooms occupied, the dates the rooms were occupied, the amount of occupation tax due and/or paid under this Article, and such other information as is required by the City Administrator or City Council. Such records shall be maintained for a period of three (3) years after the occupation tax is due.

(j) *Due Date.* Notwithstanding any contrary provisions of this Section, the tax imposed by this Article shall be due and payable on the first day of each calendar month next succeeding the month during which the room was occupied. All taxes not paid by the twenty-fifth (25<sup>th</sup>) day of the month in which they are due and payable shall be deemed delinquent. The operator shall be assessed a penalty of ten percent (10%) on all delinquent amounts as well as interest of one percent (1%) per month or fraction thereof from the first of the month in which such tax becomes due and payable, until the date of payment.

(k) *Use of Occupation Tax Proceeds.* It is the intent of the City Commissioners of the City of Nebraska City that the City of Nebraska City shall use the revenue generated by the occupation tax imposed by this Article for any lawful expenditure including but not limited to community betterment purposes as defined in Neb Rev Stat 9-604, for economic development purposes as defined in Neb Rev Stat 13-315, and/or for grants to expand and improve facilities of any existing visitor attraction, acquiring or expanding exhibits for existing visitor attractions, or planning or developing such expansions, improvements or additions; grants shall be available for any visitor attraction in the City of Nebraska City owned by the public or any nonprofit organization, the primary purpose of which is to operate the visitor attraction, except that grants shall not be available for any visitor attraction where pari-mutuel wagering is conducted.

(l) *Penalty.* Any person, partnership, firm, L.L.C. or corporation violating any of the provisions of this Article shall be deemed guilty of a misdemeanor and upon conviction, shall be subject to a minimum fine of \$500.00. In addition, the City may, by action in District Court, enforce the provisions of this Article through equity and injunctive processes. Each distinct act or violation of the terms of this Article shall constitute a separate offense.

**SECTION 2.** That Ordinances or parts of Ordinances of the City of Nebraska City, in conflict herewith are repealed.

**SECTION 3.** That this Ordinance shall be in force and take effect on October 1, 2013, after its passage, approval and publication as provided by law.

PASSED and Approved this 3<sup>rd</sup> day of September, 2013.

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Jack Hobbie, Mayor

Mayor Hobbie introduced Ordinance No. 2922-13 entitled AN ORDINANCE TO AMEND SECTION 34-85 OF THE CODE OF NEBRASKA CITY, NEBRASKA, TO LEVY AN OCCUPATION TAX OF FIVE PERCENT (5%) ON THE GROSS RECEIPTS OF TELEPHONE AND TELECOMMUNICATION SERVICES IN THE CITY OF NEBRASKA CITY, NEBRASKA; TO REPEAL THE ORIGINAL SECTIONS 34-85 OF THE CODE OF NEBRASKA CITY AND ANY OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; TO PROVIDE FOR PUBLICATION; AND TO DECLARE THE EFFECTIVE DATE OF THIS ORDINANCE WHICH SHALL BE ON OCTOBER 1, 2013; 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: Stark, Crunk, Mercer, Handy and Mayor Hobbie. Voting NO: None. The motion to suspend was adopted by three-fifths of the Council and the statutory rule was declared suspended for consideration of said ordinance.

Said ordinance was then read by title and thereafter Mayor Hobbie moved for final passage of the ordinance, which motion was seconded by Commissioner Stark. The Mayor then stated the question: "Shall Ordinance No. 2922-13 be passed and adopted?" Upon roll call the following voted YES: Crunk, Mercer, Handy, Stark, 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. 2922-13

AN ORDINANCE TO AMEND SECTION 34-85 OF THE CODE OF NEBRASKA CITY, NEBRASKA, TO LEVY AN OCCUPATION TAX OF FIVE PERCENT (5%) ON THE GROSS RECEIPTS OF TELEPHONE AND TELECOMMUNICATION SERVICES IN THE CITY OF NEBRASKA CITY, NEBRASKA; TO REPEAL THE ORIGINAL SECTIONS 34-85 OF THE CODE OF NEBRASKA CITY AND ANY OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; TO PROVIDE FOR PUBLICATION; AND TO DECLARE THE EFFECTIVE DATE OF THIS ORDINANCE WHICH SHALL BE ON OCTOBER 1, 2013.

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

**SECTION 1.** That Section 34-85 of the Code of the City of Nebraska City, Nebraska, is hereby amended to read as follows:

**“Section 34-85. Telephone and Telecommunication Companies.**

There is hereby levied upon every person, firm, partnership, corporation, or association engaged in the business of offering or providing telephone or telecommunication services to the public for hire in the City of Nebraska City, Nebraska, an occupation tax as follows:

(a) Five percent (5%) on the gross receipts resulting from any toll services and charges on basic exchange services; inter-exchange services; mobile services; and other telecommunication services as follows:

1) Basic local exchange services shall include the access and transmission of two-way switched communications within the city, including local telephone and telecommunication services;

2) Inter-exchange services shall mean the access and transmission of communications between two or more local exchange areas, provided that such inter-exchange service either (a) originates from an end user within the city or (b) terminates with an end user within the city, and is charged to a service address within the city regardless of where the charges are actually paid;

3) Mobile services shall include any radio or similar communication services provided pursuant to license or authority granted by the Federal Communications Commission, charged to a service address within the city regardless of where the charges are actually paid, including cellular, radio paging, and mobile radio services; and

4) Any other similar telecommunication services involving any electronic or electromagnetic transmission of messages originating and terminating in the State of Nebraska and charged to a service address in the City of Nebraska City, regardless of where the charges are actually paid.

(b) Gross receipts shall not include any toll services and charges as follows:

1) For interstate telecommunications between persons in this city and persons outside of this State;

2) For local carrier access charges, transmission facilities and switching services provided to telecommunications companies;

3) From accounts charged to the United States government or any of its departments, or the State of Nebraska, or any of its agencies, subdivisions, or departments.

(c) No part or portion of the tax provided for in this chapter shall be levied upon or assessed against or taken from any such gross receipts so excepted from the provisions hereof.”

**SECTION 2.** That the original sections 34-85, 34-36, and 34-38, of the Code of Nebraska City, Nebraska, and all other ordinances or parts of ordinances in conflict herewith, be, and the same are hereby repealed.

**SECTION 3.** This ordinance shall be in full force and effect from and after its passage, approval, and publication, as required by law, on October 1, 2013.

PASSED and APPROVED this 3<sup>rd</sup> day of September, 2013.

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Jack Hobbie, Mayor

A ‘Special Services Amendment’ to the original “Professional Service/Consultant Agreement” For #13-CIS-003 with SENDD was provided to the Council. The Amendment covers additional services including Neighborhood Advisory Committee, Identify Key Stakeholders, Needs Assessment Survey, Neighborhood Inventory and at least seven meetings. Moved by Commissioner Handy and seconded by Stark to approve the Special Services Contract with

SEND for CDBG Grant #13-CIS-003. Upon roll call the following voted YES: Mercer, Crunk, Stark, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

Consideration of retaining membership in Southeast Nebraska Development District (SEND). Moved by Commissioner Handy and seconded by Mercer to approve retaining membership in SEND. Upon roll call the following voted YES: Crunk, Stark, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

Consider the 'Request for Dues' from SEND for Voluntary Housing services. Moved by Commissioner Handy and seconded by Stark to approve the dues request of \$4,500.00 from SEND for Voluntary Housing support. Upon roll call the following voted YES: Mercer, Crunk, Stark, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

Kathy Davenport addressed the Council on behalf of the Eagles Club requesting approval of their Special Designated Liquor License to sell beverages at the Friday and Saturday night street dances in front of the Eagles Club. Moved by Stark and seconded by Commissioner Handy to approve the SDL application by the Eagles Club. Upon roll call the following voted YES: Crunk, Mercer, Handy, Stark and Mayor Hobbie. Voting NO: None. Motion passed.

Jim Kuhn asked for permission for the Leadership Nebraska City Class #8 to hold a fund raiser on the City sidewalk in front of Memorial Way. Moved by Stark and seconded by Crunk to approve the request by LNC#8 to use the sidewalk in front of Memorial Way for a fund raiser on September 22, 2013. Upon roll call the following voted YES: Mercer, Handy, Crunk, Stark and Mayor Hobbie. Voting NO: None. Motion passed.

M. Rasmussen requested permission to place 'Testimonial Signs' in the bumpouts over the Apple Jack Weekend. Moved by Stark and seconded by Commissioner Handy to approve the temporary placement of signage in bumpouts on September 21 & 22, 2013 with the assurance that they will be removed on the evening of the 22<sup>nd</sup>. Upon roll call the following voted YES: Crunk, Mercer, Handy, Stark and Mayor Hobbie. Voting NO: None. Motion passed.

A request was received from Wildwood Star Party to allow parking on Steinhart Park Road south of 4<sup>th</sup> Corso for an astronomy demonstration on September 7, at 8:00 p.m. Moved by Crunk and seconded by Commissioner Handy to approve the request to allow parking on Steinhart park Road between 4<sup>th</sup> Corso and Industrial Road. Upon roll call the following voted YES: Stark, Mercer, Handy, Crunk and Mayor Hobbie. Voting NO: None. Motion passed.

The Council received a request by Ruth Weddle to hold a Block Party on 5<sup>th</sup> Avenue, 15<sup>th</sup> to 16<sup>th</sup> Streets from 5:00 p.m. to midnight on September 21, 2013 and use barricades which they will pick up from 1<sup>st</sup> Avenue. Moved by Commissioner Handy and seconded by Mercer to approve the request by Ruth Weddle to hold a Block Party on 5<sup>th</sup> Avenue, 15<sup>th</sup> to 16<sup>th</sup> on September 21, 2013 and use two barricades. Upon roll call the following voted YES: Crunk, Stark, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

Members of the Student Council of Lourdes High School requested use of City streets for a 5K Fun Run on November 2, 2013 starting at 8:00 a.m. Moved by Stark and seconded by Commissioner Handy to approve the request for a 5K Fun Run on City streets on November 2, 2013. Upon roll call the following voted YES: Crunk, Mercer, Handy, Stark and Mayor Hobbie. Voting NO: None. Motion passed.

Arnold Ehlers presented a contract amendment for online services for City employees provided by Continuum Employee Assistance Program at a cost of \$100.00 per year. Moved by Commissioner Handy and seconded by Mercer to approve the contract amendment with Continuum for EAP service. Upon roll call the following voted YES: Crunk, Stark, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

An amendment to the current Verizon lease for the tower site in Steinhart Park was introduced. Verizon wishes to improve the facility to 4G and needs additional space. They have agreed to increase the monthly rent by \$200.00 per month. Moved by Stark and seconded by Mercer to postpone approval of the amendment so that he could see if additional rent could be obtained. Upon roll call the following voted YES: Crunk, Handy, Mercer, Stark and Mayor Hobbie. Voting NO: None. Motion passed.

The revised Interlocal Agreement between Nebraska City and Otoe County for joint office space, equipment and staff was presented. Moved by Mercer and seconded by Handy to approve the revised Interlocal Agreement. Upon roll call the following voted YES: Stark, Handy, Mercer and Mayor Hobbie. Voting NO: None. Abstain: Crunk. Motion passed.

City Attorney David Partsch provided the City Council with the information requested at the August 19, 2013 meeting concerning the request by Gary Graham to purchase or rent 11<sup>th</sup> Street Right-of-Way. Mr. Partsch informed the Council that they could not legally allow Mr. Graham to occupy 11<sup>th</sup> Street R-O-W. Richard Hoch, representing Mr. Graham expressed dismay at the news and stated the his client felt that the City had encouraged him to locate his business at that location. Mercer stated that he would form a committee comprised of himself, Stark and Rick Freshman to see if there is an acceptable location for Mr. Graham’s salvage business. Mr. Paul Stevenson addressed the Council on his concern that Mr. Graham took scrap metal from Mr. Stevenson’s farm and has not paid him for it and will not answer phone calls or letters written to Mr. Graham. No action was taken on the request by Mr. Graham.

Moved by Mayor Hobbie and seconded by Commissioner Handy to go into closed session to protect the needless injury to a person’s reputation. Mayor Hobbie asked that the City Attorney, City Administrator and City Clerk – Treasurer remain for the session. Upon roll call the following voted YES: Mercer, Stark, Crunk, Handy and Mayor Hobbie. Voting NO: None. Council went into closed session at 7:57 p.m.

Moved by Mayor Hobbie and seconded by Commissioner Handy to come out of closed session at 8:07 p.m. Upon roll call the following voted YES: Mercer, Stark, Crunk, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

The discussion from the beginning of the meeting concerning the budget was continued. Commissioner Handy asked were the extra \$10,000.00 for NCTC came from. Mercer and Stark informed him that that information had been shared via email and since he did not have a computer he was not informed of the change. Mercer asked for a more detailed history of administration payroll and wanted to leave.

Action Tech Serv	Contr	553.96	Lowe, B	Rfnd	225.00
Adkins Signs	Sup	40.00	Mama's Diner	Rfnd	15.00
Arbor Day Farm	Trng	228.98	Martin Marietta	Sup	371.19
Arbor Mart, Inc	Fuel	3282.90	Mather, A	Rfnd	25.00
AVAC	Contr	618.45	Matheson Tri-Gas	Sup	123.74
Assoc Fire Protection	Rep	2160.00	MD Aquatics, LLP	Contr	1178.00
Big Jim's Nuts	Rfnd	80.00	Mead Lumber	Sup	277.78
Bohl Plumbing	Rep	353.25	Michael Todd	Equip	6422.69
Bound Tree Medical	Sup	274.41	Mullenax	Sup	26.87
Brown's Shoe Fit	Postage	25.50	Nationwide	Inv	17997.58
Cede and Co.	Bond	54475.00	NC Clerk - Treasurer	Misc	57.95
CLIA Lab Program	Dues	150.00	NC Museum Assoc	Contr	2406.25
Concrete Industries	Sup	1946.13	NCTC	Contr	5416.67
Continuum	Dues	100.00	Nebraska Golf	Rep	102.68
D & D Comm	Rep	198.00	NE Statewide Arbor	Dues	130.00
Dippin' Dots	Rfnd	70.00	NSVFA	Dues	860.00
Double Eagle	Bev	210.65	O'Reilly Auto	Sup	109.04
Douglas Tire Co.	Rep	712.00	Omaha Tractor	Sup	141.12
Fareway Stores	Conc	114.49	Orscheln	Sup	53.89
Food Pride	Conc	9.85	Otoe County Clerk	Contr	749.50
Hartnett, E	Rfnd	605.21	Payroll	Payroll	163074.32
Holen One Farms	Rfnd	30.00	Pepsi-Cola	Bev	296.50
Hotsy Equipment	Maint	136.88	SEND D	Contr	1958.97
Jebro Inc.	Sup	966.21	Shiplee Flooring	Rep	466.75
JEO Consulting	Contr	2805.00	Smokestack Bar-B-Q	Rfnd	100.00
Johnson, J	Trng	302.69	Tielke's	Conc	23.80
K & Z Distributing	Bev	58.70	Tom's Radio	Contr	900.00
Konica Minolta	Sup	245.00	Tree City Tees	Unif	71.98
Kreifels Electric	Rep	420.00	Tri-State Office	Sup	411.22
Kuhn, J	Misc	1506.63	Verizon	Tele	448.84
Landis	Equip	344.16	Watkins	Sup	183.08

Meeting adjourned at 8:14 p.m.

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Arnold M. Ehlers, City Clerk - Treasurer