

CITY OF NEBRASKA CITY, NEBRASKA
MINUTES OF CITY COUNCIL REGULAR MEETING
September 6, 2011

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 6, 2011. 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: Jeff Crunk, Dean Handy, Mark Mercer and Mayor Hobbie. Absent: Brett Gay. The following City Officials were present: City Administrator Joe Johnson, City Clerk-Treasurer Arnold M. Ehlers, City Attorney William Davis, Police Chief David Lacy, and Public Properties Director/Zoning Director Dan Giittinger.

Commissioner Handy moved to approve the minutes of the August 15, 2011 City Council Regular Meeting, seconded by Commissioner Mercer. Upon roll call the following voted Yes: Mercer, Handy and Mayor Hobbie. Voting NO: None. Abstain: Crunk. Motion adopted.

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

Mayor Hobbie moved to appoint Dan Giittinger as Nebraska City's authorized representative for federally declared disasters, seconded by Mercer. Upon roll call the following voted YES: Crunk, Handy, Mercer and Mayor Hobbie. Voting NO: None. Motion passed.

Mayor Hobbie proclaimed the week of September 11 – 17, 2011 as "National Assisted Living Week" in Nebraska City.

Mayor Hobbie opened the Public Hearing on the proposed budget for fiscal year 2011-2012. Joe Johnson stated that the budget is a zero-sum budget meaning that the proposed expenditures are no more than the estimated revenues. He continued that the City employees will only receive a 2% COLA with no anticipated step increases. Accelerated bond payoffs have resulted in less cash needed to service debt, therefore the levy for 2011-12 will decline from .399999 to .388888 per \$100. This is the seventh straight year that the City staff has maintained or lowered the tax asking. No one else spoke in support of opposition to the proposed budget. Moved by Commissioner Handy and seconded by Commissioner Crunk to close the Public Hearing. Upon roll call the following voted YES: Mercer, Crunk, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

Mayor Hobbie opened the Public Hearing to set the final tax request at a different amount than the previous year. Joe Johnson informed the Council that with the savings in debt service that the debt service asking will go from \$475,000.00 this year to \$400,000.00 for 2011-2012. The total tax asking will go from \$1,341,645.00 to \$1,300,195.00 for 2011-2012. He stated that to his knowledge Nebraska City is the only city of the first class in the state to lower its tax asking. No one else spoke in support or opposition to the tax request. Moved by Commissioner Handy and seconded by Commissioner Mercer to close the Public Hearing. Upon roll call the following voted YES: Crunk, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

Mayor Hobbie opened the Public Hearing on the proposed use of \$100,000.00 in EDRLF money to purchase a tract of land near the transfer station to be used for industrial development. Stephanie Shrader presented information showing the location and a potential occupant for part of the site. Commissioner Crunk expressed concerns that the new business might cause financial hardship for a salvage yard in Auburn or Allied Recycling & Refuse location in Nebraska City. Rick Freshman spoke in support of using the EDRLF money stating that the new business will create 8 – 10 new jobs and could eventually grow to 30 jobs. No one else spoke in support or opposition to the request. Moved by Commissioner Handy and seconded by Commissioner Mercer to close the Public Hearing. Upon roll call the following voted YES: Crunk, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

Mayor Hobbie opened the Public Hearing on the proposed use of LB840 funds to purchase property adjacent to the transfer station for an industrial site. Stephanie Shrader explained that all the information presented in the previous Public Hearing would also pertain to this Public Hearing. Rick Freshman added that there has been a problem in that Nebraska City does not have an adequate industrial site and this location gives Nebraska City the potential to recruit other new businesses to Nebraska City. Brenda Bauman stated that the first potential occupant is in the business of recycling which makes it a “green industry” which would be good for the community. No one else spoke in support or opposition to the request. Moved by Commissioner Handy and seconded by Commissioner Mercer to close the Public Hearing. Upon roll call the following voted YES: Crunk, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

Joe Johnson provided a written report updating projects, directional signage and League of Nebraska Municipalities activities. Mayor Hobbie asked that the report be placed on file.

Moved by Commissioner Mercer and seconded by Commissioner Handy to approve the 2011-2012 budget for Nebraska City Area Solid Waste Agency. Upon roll call the following voted YES: Crunk, Handy, Mercer and Mayor Hobbie. Voting NO: None. Motion passed.

Mayor Hobbie introduced Resolution 2535-11 approving an addition 1% increase in restricted funds authority. Moved by Commissioner Mercer and seconded by Commissioner Handy to approve Resolution 2535-11. Upon roll call the following voted YES: Handy, Mercer and Mayor Hobbie. Voting NO: Crunk. Motion failed due to lack of super majority of the board as required by state statute. A true, correct and complete copy of said resolution is as follows:

Resolution 2535-11

WHEREAS, pursuant to Nebraska Revised Statute §13-519 the City of Nebraska City is limited to increasing its total of budgeted restricted funds by no more than the prior year’s total of budgeted restricted funds plus population growth plus two and one-half percent (2½%) expressed in dollars; and

WHEREAS, §13-519 authorizes the City of Nebraska City to exceed the foregoing budget limit for a fiscal year by an additional one percent (1%) increase in budgeted restricted funds upon affirmative vote of at least seventy-five (75%) of the governing body; and

WHEREAS, the Annual Budget for Fiscal Year 2011-2012 and Program for Municipal Services in the Lid Computation Fiscal year 2011-2012 supported by the detail relating to restricted revenue accounts, proposes an additional increase in budgeted restricted funds of one percent (1%) as provided by the statute; and

WHEREAS, approval of the additional one percent (1%) increase in budgeted restricted funds is prudent fiscal management, does not increase authorized expenditures and is in the best interests of the City of Nebraska City and its citizens.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND BOARD OF COMMISSIONERS OF THE CITY OF NEBRASKA CITY, NEBRASKA, that by an affirmative vote by more than seventy-five percent (75%) of the Board of Commissioners, budgeted restricted funds for Fiscal Year 2011-2012 shall be increased by an additional one percent (1%) as provided by Nebraska Revised Statute § 13-519.

PASSED and APPROVED this 6th day of September, 2011 (*Did not pass*)

Jack Hobbie, Mayor

Attest:

Arnold M. Ehlers, Clerk-Treasurer

Mayor Hobbie introduced Ordinance No. 2854-11 entitled: AN ORDINANCE TO ADOPT THE BUDGET STATEMENT TO BE TERMED THE 2011-2012 ANNUAL APPROPRIATION BILL; TO APPROPRIATE SUMS FOR NECESSARY EXPENSES AND LIABILITIES; AND 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 to suspend the rules and upon roll call the following voted YES: Crunk Mercer, Handy and Mayor Hobbie. Voting NO: None. The motion to suspend was adopted by three-fifths of the Council and the statutory rule was declared suspended for consideration of said ordinance.

Said ordinance was then read by title and thereafter Mayor Hobbie moved for final passage of the ordinance, which motion was seconded by Commissioner Handy. The Mayor then stated the question: “Shall Ordinance No. 2854-11 be passed and adopted?” Upon roll call the following voted YES: Mercer, 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. 2854-11

AN ORDINANCE TO ADOPT THE BUDGET STATEMENT TO BE TERMED THE 2011-2012 ANNUAL APPROPRIATION BILL; TO APPROPRIATE SUMS FOR NECESSARY EXPENSES AND LIABILITIES; AND 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 budget presented and set forth in the budget statement is hereby approved as the Annual Appropriation Bill for the fiscal year beginning October 1, 2011, through September 30, 2012. 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 6th day of September, 2011.

Jack Hobbie, Mayor
ATTEST:

Arnold M. Ehlers, City Clerk-Treasurer

Mayor Hobbie introduced Ordinance No. 2855-11 entitled: AN ORDINANCE TO AMEND THE EIGHT-STEP PAY SCHEDULE REFERRED TO IN SECTION 2-9 OF THE CODE OF THE CITY OF NEBRASKA CITY RELATNG TO SALARIED OFFICERS AND EMPLOYEES AND TO DECLARE AN EFFECTIVE DATE.; AND 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 to suspend the rules and upon roll call the following voted YES: Crunk, Mercer, Handy and Mayor Hobbie. Voting NO: None. The motion to suspend was adopted by three-fifths of the Council and the statutory rule was declared suspended for consideration of said ordinance.

Said ordinance was then read by title and thereafter Mayor Hobbie moved for final passage of the ordinance, which motion was seconded by Commissioner Handy. The Mayor then stated the question: "Shall Ordinance No. 2855-11 be passed and adopted?" Upon roll call the following voted YES: Crunk, Mercer, Handy and Mayor Hobbie. Voting NO: None. The passage and adoption of said ordinance having been concurred in by a majority of all members of the Council, the Mayor declared the ordinance adopted and the Mayor, in the presence of the Council, signed and approved the ordinance and the Clerk attested the passage and approval of the same and affixed his signature thereto. A true and correct copy of said ordinance is as follows:

ORDINANCE No. 2855-11

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

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

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

SECTION 2. The rates of pay as provided for by the Pay Schedule shall be effective from the first day of October 2011.

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

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

Passed and approved this 6th day of September 2011.

Jack Hobbie, Mayor
ATTEST:

Arnold M. Ehlers, City Clerk-Treasurer

Mayor Hobbie introduced Resolution 2536-11 setting the property tax request for fiscal year 2011-2012. Moved by Commissioner Handy and seconded by Commissioner Mercer to approve Resolution 2536-11. Upon roll call the following voted YES: Crunk, Mercer, Handy and Mayor

Hobbie. Voting NO: None. Motion passed and adopted. A true, correct and complete copy of said resolution is as follows:

RESOLUTION NO.2536-11

WHEREAS, Nebraska Revised Statute 77-1601.02 provides that the property tax request for the prior year shall be the property tax request for the current year for the purpose of setting the levy by the County Board of Equalization unless the Governing Body of the City passes by a majority vote a resolution or ordinance setting the tax request at a different amount; and

WHEREAS, a special public hearing was held as required by law to hear and consider comments concerning the property tax request; and

WHEREAS, it is in the best interests of the City that the property tax request for the current year be a different amount than the property tax request for the prior year,

NOW, THEREFORE, THE MAYOR AND CITY COMMISSIONERS OF THE CITY OF NEBRASKA CITY, NEBRASKA, BY A MAJORITY VOTE, RESOLVE THAT:

1. The property tax request for the fiscal year beginning October 1, 2011, be set at the following amounts:

General Fund	\$ 900195.00
Bonded Indebtedness Fund	\$ 400,000.00

2. The City Clerk-Treasurer shall certify and forward a copy of this resolution to the County Clerk prior to October 10, 2011.

Passed and approved this 6th day of September, 2011.

Jack Hobbie, Mayor

ATTEST:

Arnold M. Ehlers, City Clerk-Treasurer

Jim Kuhn addressed the Council on his donating his labor to do improvements to the stone building located in the northwest corner of Steinhart Park. Moved by Commissioner Crunk and seconded by Commissioner Handy to approve Mr. Kuhn’s request to do improvements to the stone building. Upon roll call the following voted YES: Mercer, Handy, Crunk and Mayor Hobbie. Voting NO: None. Motion passed.

Mayor Hobbie introduced Resolution 2537-11 approving the use of LB840 funds to purchase industrial site. Moved by Commissioner Handy and seconded by Commissioner Mercer to approve Resolution 2537-11. Upon roll call the following voted YES: Mercer, Handy and Mayor Hobbie. Voting NO: Crunk. Motion passed and adopted. A true, correct and complete copy of said resolution is as follows:

RESOLUTION NO. 2537-11

TO USE PROGRAM FUNDS FROM THE CITY OF NEBRASKA CITY ECONOMIC DEVELOPMENT PROGRAM (LB840)

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

WHEREAS, Program funds for Economic Development are allowed to be used for making loans to eligible businesses in accordance with the City of Nebraska City Economic Development Plan, program and governing regulations, and,

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

WHEREAS, the Citizens Advisory Review Committee has recommended a project presented through application by an eligible business for a loan of \$190,000 under specified conditions, and,

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of Nebraska City, that the obligation of funds is approved according to the recommendations of the Citizens Advisory Review Committee and the Mayor is hereby authorized to execute all necessary and appropriate documents on behalf of the City and the City of Nebraska City Economic Development Program to complete the loan for “**Nebraska City Economic Development Foundation, INC.**”, contingent upon approval of the City Attorney as to form.

Passed and adopted on the 6th day of September, 2011 by the City Council of Nebraska City.

Jack Hobbie, Mayor

ATTEST:_____

Arnold M. Ehlers, City Clerk

Mayor Hobbie introduced Resolution 2538-11 approving use of EDRLF money to purchase industrial site. Moved by Commissioner Handy and seconded by Commissioner Mercer to approve Resolution 2538-11. Upon roll call the following voted YES: Crunk, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion passed and adopted. A true, correct and complete copy of said resolution is as follows:

**RESOLUTION NO. 2538-11
TO USE PROGRAM INCOME FROM A PREVIOUS
COMMUNITY DEVELOPMENT BLOCK GRANT**

WHEREAS, the Nebraska **City/Otoe County Regional Economic Development Loan Fund** has received Community Development Block Grants for Economic Development and,
WHEREAS, Program Income (Reuse) funds for Economic Development are to be used for making loans to private businesses in accordance with the Regional Economic Development Plan, program and governing regulations, and,

WHEREAS, a Reuse Plan has previously been adopted, and,

WHEREAS, the Application Review Board has recommended a reuse project presented through application by an eligible organization for a loan up to \$100,000 under specified conditions, and,

WHEREAS, the City Council of Nebraska City has conducted a public hearing upon the proposed use of Program Income funds,

NOW, THEREFORE, BE IT RESOLVED by the City Council of Nebraska City, that the obligation of funds is approved according to the recommendations of the Application Review Board and the Mayor is hereby authorized to execute all necessary and appropriate documents on behalf of the City and the Regional Economic Development Loan Fund to complete the loan project for **“Nebraska City Economic Development Foundation, INC.”**, contingent upon approval of the City Attorney as to form.

Passed and adopted on the 6th day of September, 2011 by the City Council of Nebraska City, Nebraska.

Jack Hobbie, Mayor

ATTEST: _____
Arnold M. Ehlers, City Clerk-Treasurer

Moved by Commissioner Handy and seconded by Commissioner Mercer to approve the proposed 2011-2012 Nebraska City Airport Authority budget as recommended by the Airport Authority Board. Upon roll call the following voted YES: Crunk Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

Moved by Commissioner Mercer and seconded by Commissioner Handy to approve the request by Dee Norstadt to allow 21st Street between 2nd and 3rd Avenue be closed for a block party on October 1, 2011 from 6:00 to 11:00 p.m. Upon roll call the following voted YES: Handy, Mercer and Mayor Hobbie. Voting NO: None. Abstain: Crunk. Motion passed.

Council read a request from Harry Swim to block a portion of Central Avenue from 4th to 5th Street on September 17th. Rose Ralstin provided information on the activities being planned near that location. Moved by Commissioner Handy and seconded by Commissioner Mercer to approve the request to block a portion of Central Avenue from 4th to 5th Street on September 17th. Upon roll call the following voted YES: Crunk, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

Mayor Hobbie introduced Ordinance No. 2856-11 entitled: AN ORDINANCE TO VACATE THAT PORTION OF 14TH CORSO ADJACENT TO LOTS 6, 7, & 8, IN BLOCK 83, KEARNEY CITY ADDITION TO NEBRASKA CITY, OTOE COUNTY, NEBRASKA, WITH RESERVATIONS, 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: 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 Handy. The Mayor then stated the question: “Shall Ordinance No. 2856-11 be passed and adopted?” Upon roll call the following voted YES: Crunk, Mercer, Handy and Mayor Hobbie. Voting NO: None. The passage and adoption of said ordinance having been concurred in by a majority of all members of the Council, the Mayor declared the ordinance adopted and the Mayor, in the presence of the Council, signed and approved the ordinance and the Clerk attested the passage and approval of the same and affixed his signature thereto. A true and correct copy of said ordinance is as follows:

ORDINANCE NO. 2856-11

AN ORDINANCE TO VACATE THAT PORTION OF 14TH CORSO
ADJACENT TO LOTS 6, 7, & 8, IN BLOCK 83, KEARNEY CITY
ADDITION TO NEBRASKA CITY, OTOE COUNTY, NEBRASKA,
WITH RESERVATIONS, AND TO DECLARE AN EFFECTIVE
DATE.

WHEREAS, Mr. Phillip Hauptman has requested vacation of that portion of 14th Corso adjacent to Lots 6, 7, & 8, Block 83, Kearney City Addition to Nebraska City, Otoe County, Nebraska, as the same is no longer needed for Street right-of-way purposes, and

WHEREAS, the Mayor and City Commissioners of Nebraska City find and determine that since such street has never been opened and used as a public street, and since such vacation would benefit the owners of adjacent property, that the vacation of 14th Corso adjacent to Lots 6, 7, & 8, Block 83, Kearney

Addition to Nebraska City, as requested, will be in the best interests of Nebraska City, and the request should be approved.

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

SECTION 1. That subject to the reservations set forth in Section 2, the City of Nebraska does hereby vacate the portion of 14th Corso lying adjacent to Lots 6, 7, & 8, Block 83, Kearney City Addition to Nebraska City, Otoe County, Nebraska..

SECTION 2. That the City of Nebraska City reserves an easement along said vacated portion of 14th Corso to itself and to all persons hereafter granted franchises, licenses, contracts, or permits, to furnish electric energy, water, gas, sewer service, cable television service and any other public utility services to said City or its inhabitants, to enter said easement area to lay, install, erect, maintain and remove therein the lines, poles, wires, pipes, manholes or other construction necessary and incident to said purposes.

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

Passed and Approved this 6th day of September, 2011.

Jack Hobbie, Mayor

Attest:

Arnold M. Ehlers, City Clerk-Treasurer

Mayor Hobbie introduced Ordinance No. 2857-11 entitled: AN ORDINANCE TO VACATE A TRIANGULAR PORTION OF NORTH 11TH STREET, BEING PART OF LOTS 7, 8 & 9, BLOCK, 42, GREGGSPORT ADDITION TO NEBRASKA CITY, OTOE COUNTY, AS DESCRIBED IN SECTION 1, WITH RESERVATIONS, 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: 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 Handy. The Mayor then stated the question: "Shall Ordinance No. 2857-11 be passed and adopted?" Upon roll call the following voted YES: Crunk, Mercer, Handy and Mayor Hobbie. Voting NO: None. The passage and adoption of said ordinance having been concurred in by a majority of all members of the Council, the Mayor declared the ordinance adopted and the Mayor, in the presence of the Council, signed and approved the ordinance and the Clerk attested the passage and approval of the same and affixed his signature thereto. A true and correct copy of said ordinance is as follows:

ORDINANCE NO. 2857-11

AN ORDINANCE TO VACATE A TRIANGULAR PORTION OF NORTH 11TH STREET, BEING PART OF LOTS 7, 8 & 9, BLOCK, 42, GREGGSPORT ADDITION TO NEBRASKA CITY, OTOE COUNTY, AS DESCRIBED IN SECTION 1, WITH RESERVATIONS, AND TO DECLARE AN EFFECTIVE DATE.

WHEREAS, Freddie A. Bishop and Rita s. Bishop, Trustees of the Rita S. Bishop Living Trust, have requested vacation of a triangular portion of North 11th Street, being part of Lots 7, 8, & 9, Block 42, GreggSPORT Addition to Nebraska City, Otoe County, Nebraska, as described in Section 1 hereof, as the same is no longer needed for Street right-of-way purposes, and

WHEREAS, the Mayor and City Commissioners of Nebraska City find and determine that the vacation of said area will be in the best interests of Nebraska City, and that the request should be approved.

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

SECTION 1. That subject to the reservations set forth in Section 2, the City of Nebraska does hereby vacate a triangular portion of North 11th Street described as follows: Commencing at the NW corner of Lot 7, Block 42, GreggSPORT Addition to Nebraska City, Otoe County, Nebraska, thence South along the West line of said Lot 7, a distance of 29.11 feet to the North Right-of-way line of the Union Pacific Railroad, thence Northwesterly along said North Right-of-way line to its intersection with the North line of Lot 7 extended, thence East along said North line of Lot 7 extended, a distance of 56.02 feet to the Point of Beginning.

SECTION 2. That the City of Nebraska City reserves an easement to itself and to all persons hereafter granted franchises, licenses, contracts, or permits, to furnish electric energy, water, gas, sewer service, cable television service and any other public utility services to said City or its inhabitants, to enter said easement area to lay, install, erect, maintain and remove therein the lines, poles, wires, pipes, manholes or other construction necessary and incident to said purposes.

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

Passed and Approved this 6th day of September, 2011.

Jack Hobbie, Mayor

Attest:

Arnold M. Ehlers, City Clerk-Treasurer

Moved by Commissioner Mercer and seconded by Commissioner Handy to approve amending CDBG #08-DTR-108 to allow the use of unobligated funds in the amount of \$13,163.00 for Memorial Way. Upon roll call the following voted YES: Crunk, Handy, Mercer and Mayor Hobbie. Voting NO: None. Motion passed.

Mayor Hobbie presented a Disaster Declaration for Council consideration and approval. Moved by Commissioner Handy and seconded by Commissioner Mercer to approve Mayor Hobbies' disaster declaration. Upon roll call the following voted YES: Crunk, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion passed. A true and correct copy of said declaration is as follows:

DISASTER DECLARATION for NEBRASKA CITY

The City of Nebraska City located in Otoe County has suffered a disastrous flooding event that occurred beginning in June 2011 causing severe damage to public and private property, disruption of service, and endangerment of health and safety of the citizens of Nebraska City within the disaster area.

Anticipated loses include preparations for flood, damages to Nebraska City Dock, and possible damages to city streets to be determined once flood water recede. Assistance required along with cost estimates will be available after inspections can be made.

Therefore the Mayor of Nebraska City declared a state of emergency as authorized under Nebraska State Statute R.R.S. 81-829.50 on behalf of Nebraska City, and will execute for and on behalf of Nebraska City, the expenditure of emergency funds from all available sources, the invoking of mutual aid agreements, and the applying to the State of Nebraska for assistance from the Governor's Emergency Fund and any other resources he deems necessary in the fulfillment of his duties.

Jack Hobbie, Mayor of Nebraska City

Witness my hand and the seal of my office this 6th day of September, in the year 2011.

The lease of a portion of City Hall parking lot by Kregel Windmill Factory Museum was presented for final approval by the Council. Moved by Commissioner Mercer and seconded by Commissioner Handy to approve the lease and authorize the Mayor to sign. Upon roll call the following voted YES: Handy, Mercer and Mayor Hobbie. Voting NO: Crunk. Motion passed.

Building Inspector Alan Viox appeared before the Council requesting approval of a formal notification to the owner of a structure located at 1612 3rd Corso to repair or demolish and clear the site of a life safety issue. Moved by Commissioner Mercer and seconded by Commissioner Handy to approve the building inspector's request to notify the property owner to repair or demolish and clear site of debris. Upon roll call the following voted YES: Crunk, Handy, Mercer and Mayor Hobbie. Voting NO: None. Motion passed.

Building Inspector Alan Viox appeared before the Council requesting approval of a formal notification to a property owner and tenant of the structure located at 702 11th Corso to repair or demolish and clear the site of a life safety issue. Moved by Commissioner Mercer and seconded by Commissioner Handy to approve the building inspector's request to notify the property owner to repair or demolish and clear site of debris. Upon roll call the following voted YES: Crunk, Handy, Mercer and Mayor Hobbie. Voting NO: None. Motion passed.

Moved by Commissioner Handy and seconded by Commissioner Mercer to sell City owned property located at 110 N. 6th to the Nebraska City Knights, Inc in the amount of \$6,513.00. Upon roll call the following voted YES: Crunk, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

A-1 Locksmith	20	Rep	McCown, V	25	Refund
Acco	723.5	Supp	MD Aquatics	1168	Cont
Action Tech	400	Cont	Mead Lbr	1170.42	Rep
Aflac	56	Ins	Mellage Trk	940.68	Rep
Alamar	576.8	Unif	Midwest Custom	200	Equip
Allied Ins	200	Bond	Midwest Service	26912.95	Equip
Allied Refuse	414.25	Garbage	Miller-Monroe	9051	Ins
Anderson Ford	1391.46	Rep	Minderman, T	25	Refund
Arbor Mart	4556.73	Fuel	Moore Wallace	101.69	Supp
Assoc Fire	2008.5	Equip	Mullenax Auto	197.44	Parts
AVAC	750.62	Cont	No. Amer. Direct	220	Adv

Battery Zone	205.3	Supp	NC NewsPress	591.17	Adv
BC/BS	78.76	Ins	NC Upholstery	106.71	Supp
Beck, D	25	Refund	NCTC	5417	Dues
Behrends, A	25	Refund	NE Comm Found	2291.67	
Bell, L	25	Refund	NE Dept of Ag	150	Insp
Bob's Welding	1193.66	Rep	NE ED Dev	1127.55	Dues
Ameritas	56375	Bond	NE Envir Prod	452.55	Equip
Bound Tree	196.02	Med	NE Golf & Turf	61.86	Parts
Buchholz, K.	100	Refund	NE Life	245	Adv
Callaway	188.27	Mdse	NE Turf Prod	455.4	Chem
CDBG 6033	45761	Loans	Omaha Tractor	149.62	Parts
Cintas	60.32	Supp	O'Reilly Auto	83.01	Parts
CLIA Lab	150	Dues	Orscheln	148.61	Supp
Cntr Ed	254.95	Mdse	Otoe Co. Clk	907	Permit
Cowles, E	25	Refund	Paper Tiger	70	Office
D&D Comm	240	Serv	Payroll	202434.88	Payroll
Data Tech	571.87	Trng	Pepsi	341.9	Pop
Dietze Music	400	Equip	Petty Cash	98.06	Misc
Douglas Tire	93.85	Rep	Phys Network	107	Med
EMS Billing	3583.3	Acctg	Ray Allen Mfg	220.14	Supp
Eppler's Cng	155	Rep	Roofers Inc	27700	Rep
Fastenal	464.67	Supp	S Systems	779	Equip
Fire Protection	25.25	Maint	Scharp, K.	25	Refund
Food Pride	129.48	Supp	Schendel	176	Pest Cntl
Fort Outfitters	449.94	Unif	Schneider Elec	844.7	Rep
Galls	24.99	Unif	SE Dept Health	36	Misc
Giittinger, D	90.47	Mileage	St. Mary's	93	Med
Hemmer Garage	991.39	Rep	Thiessen, E	594.6	Misc
Henry Motors	12802	Loans	Tielke's	40.44	Food
Hickey, A	13.32	Mileage	Tim Engel	200	Rep
Holman, J	31.75	Trng	Tom's Radio	900	Comm
Hornungs	48.34	Mdse	Tree City Tees	314	Unif
JEO	1636.3	Eng	Tri-State	1149.39	Office
Jerry's Landscape	210	Mowing	Two Sisters	225	Cng
K&Z Dist	86	Bev	UNL	165	Trng
Konica	230	Office	Van Wall Eq	163.66	Supp
Konica Premier	15	Office	Verizon	709.82	Tel
Kreifels Elec	65	Rep	Viox, A	315.8	Mileage
Landis	520.65	Rep	Warner & Sons	5362.75	Rep
Larson Motors	2863.43	Rep	Watkins	348.7	Supp
LaRue	223.03	Supp	Wenzl	35.38	Supp
LoNM	11154	Dues	Wigington, N	171.92	Trng
Linweld	157.58	Oxy	Windstream	2304.47	Tel
Loveland	153.45	Seed	WPS Med	557.63	Refund
Martin Marietta	1246.75	Gravel	Wurtele Dist	519.63	Bev

Meeting adjourned at 8:02 p.m.

Arnold M. Ehlers, City Clerk - Treasurer

AFFIDAVIT

I, the undersigned City Clerk for the City of Nebraska City, Nebraska, hereby certify that the foregoing is a true and correct copy of proceedings had and done by the Mayor and Board of Commissioners, that all of the subjects included in the foregoing proceedings were contained in the agenda for the meeting, kept continually current and available for public inspection at the office of the City Clerk; that such subjects were contained in said agenda for at least twenty-four hours prior to said meeting; that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by members of the public; that the said minutes from which the foregoing proceedings have been extracted were in written form and available for public inspection within ten working days and prior to the next convened meeting of said body; that all news media requesting notification concerning meetings of said body were provided advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.

Arnold M. Ehlers, City Clerk-Treasurer