

CITY OF NEBRASKA CITY, NEBRASKA  
MINUTES OF CITY COUNCIL REGULAR MEETING  
September 20, 2010

Pursuant to due call and notice thereof, a Regular Meeting of the City Council of the City of Nebraska City was conducted in the Council Chambers of City Hall, 1409 Central Avenue, on September 10, 2010. Notice of the meeting was given in advance thereof by posting in at least three public places, the designated method for giving notice, as shown by the Certificate of Posting Notice attached to these minutes.

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

Commissioner Mercer moved to approve the minutes of the September 7, 2010, City Council Regular Meeting, seconded by Commissioner Gay. Upon roll call the following voted YES: Crunk, Handy, Gay, Mercer and Mayor Hobbie. Voting NO: None. Motion adopted.

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

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

Mayor Hobbie proclaimed the week of September 19-25, 2010 as "Women of Today Week."

The City Treasurer reported a beginning balance on August 1, 2010 of \$2,626,327.95; revenues of \$182,455.18 and expenditures of \$219,558.27 leaving an ending balance on August 31, 2010 of \$2,609,224.86. Mayor Hobbie accepted the report and asked that they be placed on file.

Commissioner Handy moved to accept the Nebraska City Airport Authority's fiscal year 2010-2011 budget. Upon roll call the following voted YES: Gay, Crunk, Mercer, Handy, and Mayor Hobbie. Voting NO: None. Motion adopted.

Mayor Hobbie introduced Ordinance 2811-10 entitled, AN ORDINANCE TO AMEND CHAPTER 22, MOTOR VEHICLES, OF THE CODE OF THE CITY OF NEBRASKA CITY, NEBRASKA, BY ADDING A NEW ARTICLE VII, KEEPING OF UNREGISTERED, WRECKED OR JUNKED VEHICLES; TO PROVIDE FOR PENALTIES; TO PROVIDE FOR REPEAL OF ANY ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE, AND TO PROVIDE FOR AN EFFECTIVE DATE; and 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: Gay, 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. 2811-10 be passed and adopted?" Upon roll call the following voted YES: Gay, 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. 2811 -10  
AN ORDINANCE TO AMEND CHAPTER 22, MOTOR VEHICLES, OF THE CODE  
OF THE CITY OF NEBRASKA CITY, NEBRASKA, BY ADDING A NEW ARTICLE  
VII, KEEPING OF UNREGISTERED, WRECKED OR JUNKED VEHICLES; TO

PROVIDE FOR PENALTIES; TO PROVIDE FOR REPEAL OF ANY ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE, AND TO PROVIDE FOR AN EFFECTIVE DATE.

Whereas, the Mayor and City Commissioners have determined that it has become necessary to regulate the keeping of unregistered, wrecked, and junked vehicles in the City of Nebraska City.

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

Section 1. That Chapter 22, Motor Vehicles, be amended by adding a new Article VII, Keeping of Unregistered, Wrecked or Junked Vehicles, which shall read as follows:

“Chapter 22, MOTOR VEHICLES.

**ARTICLE VII. KEEPING OF UNREGISTERED, WRECKED OR JUNKED VEHICLES**

**Sec. 22-96. Keeping of Unregistered, Wrecked or Junked Vehicles Unlawful: Exceptions.**

It shall be unlawful for any person in charge of or in control of any property within the city of Nebraska City as owner, tenant, occupant, lessee, or otherwise, to allow any non-operating, wrecked, junked or partially dismantled vehicle to remain on such property longer than thirty (30) days. It shall be unlawful for any person in charge or control of any property within Nebraska City, whether as owner, tenant, occupant, lessee, or otherwise, to allow any motor vehicle or trailer which has been unregistered in the State of Nebraska for more than thirty days to remain on such property. This section shall not apply to a vehicle in a legally erected enclosed structure; a vehicle on the premises of a business enterprise operated in a lawful place and manner, when necessary to the lawful operation of such business enterprise; a vehicle on the premise of a farmstead as defined in Neb. Rev. Stat. SS 15-905 (1943 as amended) when necessary for the operation of the farmstead; or a vehicle in an appropriate storage place or depository maintained in a lawful place and manner; or a vehicle on the premises of a person who has obtained a hobbyist permit for the restoration of said vehicle.

**Sec. 22-97 Penalties.**

Any person violating any of the provisions of this section shall be guilty of a misdemeanor and, upon conviction thereof, such person shall be fined in a sum not to exceed five-hundred dollars (\$500.00), except that each person so convicted shall be fined in a sum of not less than one hundred dollars (\$100.00) for the first offense, not less than two hundred dollars (\$200.00) for the second offense and not less than three hundred dollars (\$300.00) for the third offense and each offense thereafter. Each day that a violation of any of the provisions of this sections continues, shall constitute a separate offense and shall be punishable as such.”

Section 2. That all 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 20<sup>th</sup> day of September, 2010.

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

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

Mayor Hobbie introduced Ordinance 2813-10 entitled, AN ORDINANCE TO ADOPT THE BUDGET STATEMENT TO BE TERMED THE 2010-2011 ANNUAL APPROPRIATION BILL; TO APPROPRIATE SUMS FOR NECESSARY EXPENSES AND LIABILITIES; TO PROVIDE FOR AN EFFECTIVE DATE; and, moved that the statutory rule requiring reading on three different days be suspended. Commissioner Handy seconded the motion to suspend the rules and upon roll call the following voted YES: Gay, 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. 2813-10 be passed and adopted?” Upon roll call the following voted YES: Gay, 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. 2813-10**

AN ORDINANCE TO AMEND SEC. 516.12 OF THE OFFICIAL ZONING CODE OF THE CITY OF NEBRASKA CITY, NEBRASKA, TO PROVIDE THAT ALL PARKING AND DRIVEWAY SURFACES IN ALL RESIDENTIAL ZONING DISTRICTS SHALL BE CONSTRUCTED OF A MATERIAL OTHER THAN DIRT, GRASS, OR WEEDS; TO PROVIDE LIMITATIONS ON THE AMOUNT OF FRONT AND SIDE YARD SPACE USABLE TO PROVIDE OFF STREET PARKING; TO PROVIDE SPECIFIC REQUIREMENTS FOR PARKING OR DRIVE SURFACES ON THE CITY'S PARKING AREA; TO PROVIDE FOR DRIVEWAYS AND PARKING AREAS OF RESIDENTIAL DWELLINGS CONSTRUCTED AFTER OCTOBER 5, 2010; TO PROVIDE FOR THE REPEAL OF THE ORIGINAL SEC. 516.12, AND ALL OTHER ORDINANCES OR PARTS OF ORDINANCES WHICH ARE IN CONFLICT WITH THIS ORDINANCE; AND TO DECLARE AN EFFECTIVE DATE.

WHEREAS , the Mayor and City Commissioners have determined a need for the adoption of regulations to govern the off street parking of motor vehicles, including the construction and surfacing of such drives and parking spaces;

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

Section 1. That Section 516.12 of the Official Zoning Ordinance of the City of Nebraska City, Nebraska, be amended to read as follows:

**“Sec. 516.12** Parking or driveway surfaces on the city parking, as defined in Section 1-2 (14.1) of the Code of the City of Nebraska City, or interior of the lot in all residential zoning districts and all residential uses in all other zoning districts, shall be constructed of a material other than dirt, grass or weeds. All residential type dwellings shall use no more than 50% of the front yard including city right-of-way and no more than 60% of the combined side and rear yard for parking. All lots with more than one frontage i.e. corner lots, shall conform to the above 50% requirement to be determined by front yard area as defined by street address. Existing hard surfaced parking areas exceeding 50% of the front yard area and 60% of the combined side and rear yard area on October 5, 2010 shall be exempt from the percentage limitations provided they comply with the regulations set forth below:

1. Parking or drive surfaces on the interior of the property shall be composed of material other than dirt, grass or weeds, as identified below:
  - a. concrete
  - b. asphalt
  - c. bricks
  - d. concrete pavers
  - e. aggregate (but not pea gravel, sand or other aggregates symmetrical or round in nature less than 1 ½” in diameter)
  - f. fractured concrete
  - g. cinders
  - h. all of the above materials (except a and b above) shall be contained within a suitable barrier of sufficient height e.g. (landscape timber, railroad ties, landscaping blocks, lumber, but excluding tires) that retain the material, and shall conform to the abutting surface topography, sufficiently anchored to resist movement, and must retain the parking surface material from spreading into the street, alleys, or abutting vegetative areas.
  - i. No weeds, grass, or other vegetation shall be allowed within the defined area of parking or driveway surfaces.
  - j. Entire parking or driveway surface shall be evenly surfaced or covered so that at no time is the underlying dirt visible.
2. Parking or drive surfaces on the city's parking area, shall be subject to the following requirements:
  - a. The driveway entry surface or parking area shall at a minimum be constructed of a surface covering that matches the street surface in front of the lot or dwelling it serves; excepting paragraph 3 below.
  - b. Parking or driveway surface constructed of concrete or hot mix asphalt shall be a minimum of four (4) inches thick and shall include the intersecting sidewalks to the same depth.
  - c. Parking or driveway surfaces constructed of concrete or hot mix asphalt shall be placed on a minimum subsurface of two (2) inches of compacted sand or gravel material.
  - d. Parking or driveway surface shall have the curb ground or sawed out the entire width of the parking or driveway.
  - e. Exception: When proposed parking is parallel to the curb and there are two approaches or driveway curb inlet or outlet ramps.
  - f. Parking surfaces located in the parking shall be large enough to prevent vehicles from overhanging the curb or sidewalk. The minimum size of the parking stall surface shall be an eight and one-half (8 ½') by twenty (20') rectangle.

- a. Parking in the parking area shall not interfere with the intersection site triangle regulation set forth in Section 510 of this code.
  - b. Driveway surfaces shall include all of the parking right-of-way from the street back of curb to the property line.
  - c. Parking and driveway surfaces shall be excavated a minimum of four inches deeper than the surrounding terrain or unpaved surface.
  - d. Parking or driveway surfaces at the back of curb line shall be excavated and paved to the same depth as the abutting street depth, a minimum of twelve (12) inches from the street towards the property line, the entire width of the parking surface or driveway.
  - e. Proposed parking or driveway surface's property owner shall first obtain a curb cut permit.
3. Any new single family type residential dwellings built or moved onto a lot after October 5, 2010 shall have all driveways and parking areas constructed of asphalt, concrete, brick or concrete pavers.
4. All driveway entries from the paved street shall have the curb ground or removed and a drive surface installed to the front property line.”

Section 2. That the original Sec. 516.2 of the Official Zoning Ordinance of the City of Nebraska City, Nebraska, and all other Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.

Section 3. That this Ordinance shall take effect and be in full force from and after its passage, approval, and publication as provided by law.

Passed and Approved this 20<sup>th</sup> day of September, 2010.

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

Attest:

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

Mayor Hobbie introduced Ordinance 2812-10 entitled, AN ORDINANCE TO AMEND ARTICLE III, NUISANCES AND OFFENSIVE CONDITIONS, OF THE CODE OF THE CITY OF NEBRASKA CITY, NEBRASKA, BY ADDING A NEW SECTION 18-46.1 RELATING TO THE PARKING OF VEHICLES ON RESIDENTIAL LOTS; TO PROVIDE EXCEPTIONS; TO PROVIDE LIMITS ON SUCH PARKING; TO DEFINE VEHICLES, TO PROVIDE FOR THE REPEAL OF ANY ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE, AND TO PROVIDE FOR AN EFFECTIVE DATE; and, moved that the statutory rule requiring reading on three different days be suspended. Commissioner Mercer seconded the motion to suspend the rules and upon roll call the following voted YES: Gay, Crunk, Handy, Mercer, 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 Gay. The Mayor then stated the question: “Shall Ordinance No. 2812-10 be passed and adopted?” Upon roll call the following voted YES: Handy, Mercer, Gay, 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. 2812-10

AN ORDINANCE TO AMEND ARTICLE III, NUISANCES AND OFFENSIVE CONDITIONS, OF THE CODE OF THE CITY OF NEBRASKA CITY, NEBRASKA, BY ADDING A NEW SECTION 18-46.1 RELATING TO THE PARKING OF VEHICLES ON RESIDENTIAL LOTS; TO PROVIDE EXCEPTIONS; TO PROVIDE LIMITS ON SUCH PARKING; TO DEFINE VEHICLES, TO PROVIDE FOR THE REPEAL OF ANY ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE, AND TO PROVIDE FOR AN EFFECTIVE DATE.

Whereas, the Mayor and City Commissioners have determined that the unregulated parking of vehicles on residential lots within the City has become a public nuisance,

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

Section 1. That a new Section 18-46.1 be added to Article III, Nuisances and Offensive Conditions of the Code of the City of Nebraska City, to regulate the parking of vehicles on residential lots within the City, which Section shall read as follows:

**“ARTICLE III. NUISANCES AND OFFENSIVE CONDITIONS**

**DIVISION 1. GENERALLY**

**18-46.1 Parking of vehicles on residential lots.**

The outside parking and storage on residentially zoned property of vehicles in violation of the requirement set forth below is declared to be a public nuisance because such parking and storage obstructs views on streets and private property; creates cluttered and otherwise unsightly areas; decreases adjoining landowners and occupants enjoyment of their property and neighborhood; creates hazards related to fire and life safety; and otherwise adversely affects property values and neighborhood patterns.

- (a) It shall be unlawful for the owner or occupant of any residential property within the city, or their guests or invitees, to park or leave standing any vehicle on said residential property in a location which has not been improved for parking purposes pursuant to the provisions of Section 516.12.
- (b) It shall be unlawful for any person to park or place, or to cause to be parked or placed any vehicle upon the parking, as defined in Section 1-2 (14.1) of the Code of the City of Nebraska City, unless the owner or occupant of the real estate abutting such space shall obtain a permit to use that area for parking purposes. The construction of a parking space in the city owned parking shall conform to the provisions of Section 516.12.  
All parking spaces shall be provided on the same lot as the residential dwelling it serves is located.
- (c) It shall be unlawful for any person to park or place, or to cause to be parked or placed any vehicle on the city right-of-way along the routes of Business U.S. Highway 75 (also known as 11<sup>th</sup> Street) and Business Nebraska Highway 2 (also known as 4<sup>th</sup> Corso).
- (d) For the purposes of this section, vehicles shall be defined as every device in, upon, or by which any person or property is or may be transported or drawn upon a highway except devices moved solely by human power or used exclusively upon stationary rails or tracks (RRS 60-676, 1943, as amended).
- (e) All private vehicles which are fully enclosed within a legally constructed garage or other structure are not considered in violation of this section.

Section 2. That all 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 20<sup>th</sup> day of September, 2010.

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

Attest:

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

Mayor Hobbie introduced Ordinance 2810-10 which now came up for its second reading entitled, AN ORDINANCE OF THE CITY OF NEBRASKA CITY, NEBRASKA, TO EXTEND THE BOUNDARIES AND INCLUDE WITHIN THE CORPORATE LIMITS OF AND ANNEX TO THE CITY OF NEBRASKA CITY, NEBRASKA, CERTAIN CONTIGUOUS AND ADJACENT LANDS OUTSIDE OF THE CITY OF NEBRASKA CITY, OTOE COUNTY, NEBRASKA, AS DESCRIBED IN SECTION 2 HEREOF, AND TO PROVIDE FOR SERVICE BENEFITS THERETO, AND TO PROVIDE FOR AN EFFECTIVE DATE; said ordinance was then read by title only; thereafter Commissioner Mercer moved to approve Ordinance 2810-10 on its second reading, which motion was seconded by Commissioner Handy. Upon roll call the following voted YES: Gay, Crunk, Handy, Mercer and Mayor Hobbie. Voting NO: None. Motion carried. Whereupon the Mayor declared Ordinance 2810-10 approved on its second reading.

Mayor Hobbie introduced Resolution 2489-10 designating temporary “No Parking” along the detour route for the South 11<sup>th</sup> Street Project. Commissioner Handy moved to approve Resolution 2489-10. Upon roll call the following voted YES: Crunk, Gay, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion passed. A true, correct and complete copy of said resolution is as follows:

**RESOLUTION NO. 2489-10**

WHEREAS, South Eleventh Street in Nebraska City, Nebraska, will be closed to vehicular traffic from 6<sup>th</sup> Corso to 13<sup>th</sup> Corso during the construction of 11<sup>th</sup> Street Widening Project #STPP6218(1),CN12696, and

WHEREAS, because of said closing it is necessary to designate a detour route for vehicular traffic, and

WHEREAS, the streets designated for such detour are 13<sup>th</sup> Corso from 10<sup>th</sup> Street to 11<sup>th</sup> Street; 10<sup>th</sup> Street from 13<sup>th</sup> Corso to 11<sup>th</sup> Corso; 11<sup>th</sup> Corso from 10<sup>th</sup> Street to 9<sup>th</sup> Street; 9<sup>th</sup>

Street from 11<sup>th</sup> Corso to 7<sup>th</sup> Corso; 7<sup>th</sup> Corso from 9<sup>th</sup> Street to 9 ½ Street; 9 ½ Street from 7<sup>th</sup> Corso to 6<sup>th</sup> Corso; and 6<sup>th</sup> Corso from 9 ½ Street to South 11<sup>th</sup> Street, and

WHEREAS, because said detour route will be carrying traffic in both directions, it will be necessary to prohibit parking on both sides of said streets until said detour route is changed through a later Resolution.

NOW THEREFORE, Be It Resolved by the Mayor and City Commissioners of the City of Nebraska City, as follows:

1. That "No Parking" signs be erected on both sides of the following Streets for the regulation of traffic, and that said regulation shall be effective for twenty-four hours each day to prohibit parking on said detour route until said detour route is changed by a later Resolution.
2. That said signs be erected on both sides of the following streets, to-wit: 13<sup>th</sup> Corso from 10<sup>th</sup> Street to 11<sup>th</sup> Street; 10<sup>th</sup> Street from 13<sup>th</sup> Corso to 11<sup>th</sup> Corso; 11<sup>th</sup> Corso from 10<sup>th</sup> Street to 9<sup>th</sup> Street; 9<sup>th</sup> Street from 11<sup>th</sup> Corso to 7<sup>th</sup> Corso; 7<sup>th</sup> Corso from 9<sup>th</sup> Street to 9 ½ Street; 9 ½ Street from 7<sup>th</sup> Corso to 6<sup>th</sup> Corso; and 6<sup>th</sup> Corso from 9 ½ Street to South 11<sup>th</sup> Street.  
Passed and approved this 20<sup>th</sup> day of September, 2010.

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

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

Mayor Hobbie introduced Ordinance 2807-10 entitled, AN ORDINANCE TO AMEND SEC. 34-80 OF THE CODE OF THE CITY OF NEBRASKA CITY, TO PROVIDE FOR AN OCCUPATION TAX OF \$25.00 PER YEAR FROM HOME BASED BUSINESSES; TO REPEAL THE ORIGINAL SEC. 34-80 OF THE CODE AND ANY AND ALL ORDINANCES OR PARTS OF ORDINANCES WHICH ARE IN CONFLICT WITH THIS ORDINANCE; AND TO DECLARE AN EFFECTIVE DATE; and, moved that the statutory rule requiring reading on three different days be suspended. Commissioner Handy seconded the motion to suspend the rules and upon roll call the following voted YES: Gay, 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. 2807-10 be passed and adopted?" Upon roll call the following voted YES: Mercer, Handy and Mayor Hobbie. Voting NO: Gay and 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. 2807-10

AN ORDINANCE TO AMEND SEC. 34-80 OF THE CODE OF THE CITY OF NEBRASKA CITY, TO PROVIDE FOR AN OCCUPATION TAX OF \$25.00 PER YEAR FROM HOME BASED BUSINESSES; TO REPEAL THE ORIGINAL SEC. 34-80 OF THE CODE AND ANY AND ALL ORDINANCES OR PARTS OF ORDINANCES WHICH ARE IN CONFLICT WITH THIS ORDINANCE; AND TO DECLARE AN EFFECTIVE DATE.

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

Section 1. That Section 34-80, to Chapter 34, Article III of the Code of the City of Nebraska City, Nebraska is hereby amended to read as follows:

"Section 34-80. Home Based Business. There is hereby levied and imposed upon each Home Based Business doing business within the city limits of the City of Nebraska City, Nebraska, an occupation tax as follows:

Per year \$ 10.00  
which tax shall be credited to the general fund of the City of Nebraska City."

Section 2. That the original Sec. 34-80 and all ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

Section 3. This Ordinance shall be effective from and after its passage, approval, and publication as provided by law.

PASSED and APPROVED, this 2<sup>nd</sup> day of August, 2010.

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

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

Mayor Hobbie introduced Resolution 2490-10 adopting an amendment to the General Employees' Pension Plan. Commissioner Handy moved to approve Resolution 2490-10 and authorize the Mayor to sign all documents. Upon roll call the following voted YES: Crunk, Gay, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion carried. A true, correct and complete copy of said resolution is as follows:

**Certificate of Adopting Resolution 2490-10**

The undersigned authorized representative of the City of Nebraska City, Nebraska (the Employer) hereby certifies that the following resolution(s) were duly adopted by Employer on September 20, 2010, and that such resolution(s) have not been modified or rescinded as of the date hereof;

**RESOLVED**, the HEART/WRERA Amendment to Nebraska City General City Employees' Pension Plan (the Amendment) is hereby approved and adopted and that an authorized representative of the Employer is hereby authorized and directed to execute and deliver to the Administrator of the Plan one or more counterparts of the amendment.

The undersigned further certifies the attached hereto is a copy of the Amendment approved and adopted in the foregoing resolution.

Passed and approved this 20<sup>th</sup> day of September 2010.

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Jack Hobbie, Mayor

Mayor Hobbie introduced Resolution 2491-10 adopting an amendment to the Firefighters Retirement Plan. Commissioner Handy moved to approve Resolution 2491-10 and authorize the Mayor to sign all documents. Upon roll call the following voted YES: Crunk, Gay, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion carried. A true, correct and complete copy of said resolution is as follows:

**Certificate of Adopting Resolution 2491-10**

The undersigned authorized representative of the City of Nebraska City, Nebraska (the Employer) hereby certifies that the following resolution(s) were duly adopted by Employer on September 20, 2010, and that such resolution(s) have not been modified or rescinded as of the date hereof;

**RESOLVED**, the HEART/WRERA Amendment to City of Nebraska City Firefighters Retirement Plan (the Amendment) is hereby approved and adopted and that an authorized representative of the Employer is hereby authorized and directed to execute and deliver to the Administrator of the Plan one or more counterparts of the amendment.

The undersigned further certifies the attached hereto is a copy of the Amendment approved and adopted in the foregoing resolution.

Passed and approved this 20<sup>th</sup> day of September 2010.

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Jack Hobbie, Mayor

Mayor Hobbie introduced Resolution 2492-10 adopting an amendment to the General Employees' Pension Plan. Commissioner Handy moved to approve Resolution 2492-10 and authorize the Mayor to sign all documents. Upon roll call the following voted YES: Crunk, Gay, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion carried. A true, correct and complete copy of said resolution is as follows:

**Certificate of Adopting Resolution 2492-10**

The undersigned authorized representative of the City of Nebraska City, Nebraska (the Employer) hereby certifies that the following resolution(s) were duly adopted by Employer on September 20, 2010, and that such resolution(s) have not been modified or rescinded as of the date hereof;

**RESOLVED**, the HEART/WRERA Amendment to City of Nebraska City Police Officers Retirement Plan (the Amendment) is hereby approved and adopted and that an authorized

representative of the Employer is hereby authorized and directed to execute and deliver to the Administrator of the Plan one or more counterparts of the amendment.

The undersigned further certifies the attached hereto is a copy of the Amendment approved and adopted in the foregoing resolution.

Passed and approved this 20<sup>th</sup> day of September 2010.

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

Arbor Mart	2,488.87	Fuel	Martin Marietta	2,136.24	Contr
Arbor Outdoor	45.68	Equip	Mead Lumber	559.43	Rep
Bennett, R	453.60	Contr	Mercer's	187.11	Supp
Bill Me Later	77.20	Supp	Mid-Amer Termite	43.48	Pest Cont
Blue Cross	254.35	Misc	Mid-Con System	121.68	Chem
Brown Glass	1,140.70	Rep	Midwest Service	195.60	Supp
Burr Farms	500.00	Equip	Moore Wallace	147.31	Supp
Callaway	223.58	Msde	Mr. Landscape	150.00	Supp
Cintas	55.00	Contr	Nationwide	10,385.59	Ins
Concrete Ind	229.50	Maint	NC Newspress	64.00	Dues
Don's Johns	80.00	Contr	NC Utilities	16,988.32	Util
Douglas Tire	172.95	Rep	NE Dept Rev	1,536.74	Sales Tax
Earl May	38.97	Seed	NE Exp Econ Dev	375.00	Dues
EMS Billing	7,840.40	Contr	OMB's Express	908.00	Supp
Engel Const	126.00	Rep	Otoe Co Clerk	5,072.64	Contr
F & B Const	36,385.00	ROW	Pavers, Inc.	21,589.18	ROW
Food Pride	150.82	Conc	Payroll	88,172.99	Payroll
Galeton Gloves	216.85	Supp	Pepsi-Cola	581.80	Conc
Galls	182.58	Unif	Pitney Bowes	562.47	Postage
Giittinger, D	192.00	Mileage	Presto-X	75.00	Pest Con
Heartland Class	34.92	Advert	Schneider Elec	8,068.36	Rep
HireRight Sol	75.00	Med	Shell	2,395.83	Fuel
Hopkins Auto	6.43	Rep	Shelter Home	234.00	Rep
Inland Truck	491.38	Rep	St. Mary's Hosp	93.00	Med
Jones Auto	352.00	Equip	Sysco	104.19	Conc
Kreifels Plmbg	560.94	Bldg	Tom's Radio	900.00	Dues
Kreikemeier, A	39.99	Unif	VISA	499.50	Dues
Landis Engine	1,109.40	Equip	Walgreens	239.92	Med
Larson Motors	224.78	Equip	Warner, R	5,280.00	Rep
League NE Muni	806.00	Dues	Watkins	210.06	Supp
Lesco	63.78	Seed	Wildwood Artists	1,206.32	Contr
Lifeguard Auto	659.08	Equip	Windstream	2,153.62	Tele
Linweld	150.15	Med	Wood Family Fuel	56.00	Fuel
Login	500.00	Dues			

Meeting adjourned 7:00 p.m.

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Arnold M. Ehlers, City Clerk-Treasurer