

CITY OF NEBRASKA CITY, NEBRASKA
MINUTES OF CITY COUNCIL REGULAR MEETING
October 19, 2009

Pursuant to due call and notice thereof, a Regular Meeting of the City Council of the City of Nebraska City was conducted in the Council Chambers of City Hall, 1409 Central Avenue, on October 19 2009. Notice of the meeting was given in advance thereof by posting in at least three public places, the designated method for giving notice, as shown by the Certificate of Posting Notice attached to these minutes.

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

Commissioner Gay moved to approve the minutes of the October 5, 2009, City Council Regular Meeting, seconded by Commissioner Handy. Upon roll call the following voted YES: Mercer, Crunk, Handy, Gay and Mayor Hobbie. Voting NO: None. Motion adopted.

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

Mayor Hobbie announced that there will be a dedication of the Nebraska City Center for Children and Families on October 20 at 11:00 a.m.

Council approved the Mayor's appointment of Janet Palmtag, Leon Schiermeyer, Dan Swanson and Jeff Crunk as Riverview Nature Park Stewards.

Council approved the Mayor's appointment of Tanisha Patterson as a probationary member of the Nebraska City Volunteer Fire and Rescue Department.

Mayor Hobbie proclaimed the week of October 25 – 30, 2009 as "National Red Ribbon Week."

Pat Haverty, City Administrator provided budget comparisons between fiscal year 2008-2009 and fiscal year 2009-2010.

The Treasurer reported that the balance on hand on September 1, 2009 for all city funds was \$2,677,002.36, there were \$869,199.24 in revenues and \$1,063,988.95 in expenditures leaving a balance in all city funds of \$2,482,212.65 as of September 30, 2009. Barbara Hegr, Library Director provided the Council with the annual report of Morton-James Public Library. The Mayor accepted all reports and asked that they be placed on file.

Jon Casey presented the proposed fees for the 2010 Season at Wildwood Golf Course and asked that they be approved. Commissioner Crunk moved to approve the 2010 Wildwood Golf Course Fee Schedule as presented. Upon roll call the following voted YES: Handy, Mercer, Gay, Crunk and Mayor Hobbie. Voting NO: None. Motion carried.

Pat Haverty, Dan Giittinger and Leroy Frana presented information on the South 15th Street foot bridge with estimates for repairs. Mr. Frana informed the Council that Nebraska City Utilities is in preliminary stages of moving the sewer pipe located directly below the foot bridge to the 13th Street bridge since estimates to upgrade the current pipe and bridge would increase the project costs by over \$100,000.00. Mr. Giittinger stated that the condition of the bridge made it a liability to the City and that individuals were vandalizing the barricades put up to block passage. The Mayor asked that the issue be placed on the next City Council agenda for action.

Resolution 2431-09 was then introduced. Commissioner Handy moved to approve Resolution 2431-09 authorizing the Mayor to sign the supplemental agreement with the Nebraska Department of Roads amending the contract on the Central Avenue Mill and Overlay Project to include ARRA (Stimulus) Funds. A true, correct and complete copy of said resolution is as follows:

Resolution No. 2431-09

Whereas: The City of Nebraska City and Nebraska Department of Roads (NDOR) have previously executed a Project Program Agreement for a transportation project for which the Local Public Agency (LPA) would like to obtain Federal funds;

Whereas: The City of Nebraska City understands that it must strictly follow all Federal, State and local laws, rules, regulations, policies and guidelines applicable to the funding of the Federal-aid project; and

Whereas: The City of Nebraska City and NDOR wish to enter into a Supplemental Project Program Agreement setting out the various duties and funding responsibilities for the Federal-aid project.

Be It Resolved: by the City Council of The City of Nebraska City that:

Mayor Jack Hobbie is hereby authorized to sign the attached Supplemental Project Program Agreement between The City of Nebraska City and the NDOR.

The City of Nebraska City is committed to providing local funds for the project as required by the Project Program Agreement and any Supplemental Project Program Agreements.

NDOR Project Number – URB-6210(3),

NDOR Control Number – 12921,

Central Avenue, 11th to 6th Streets, Mill and Overlay

.Adopted this 19th day of October, 2009 at Nebraska City, Nebraska.

Resolution 2432-09 was then introduced. Commissioner Handy moved to approve Resolution 2433-09 authorizing the Mayor to sign the supplemental agreement with the Nebraska Department of Roads amending the contract on the South 11th Street Widening Project to include ARRA (Stimulus) Funds. A true, correct and complete copy of said resolution is as follows:

Resolution No. 2432-09

Whereas: The City of Nebraska City and Nebraska Department of Roads (NDOR) have previously executed a Project Program Agreement for a transportation project for which the Local Public Agency (LPA) would like to obtain Federal funds;

Whereas: The City of Nebraska City understands that it must strictly follow all Federal, State and local laws, rules, regulations, policies and guidelines applicable to the funding of the Federal-aid project; and

Whereas: The City of Nebraska City and NDOR wish to enter into a Supplemental Project Program Agreement setting out the various duties and funding responsibilities for the Federal-aid project.

Be It Resolved: by the City Council of The City of Nebraska City that:

Mayor Jack Hobbie is hereby authorized to sign the attached Supplemental Project Program Agreement between The City of Nebraska City and the NDOR.

The City of Nebraska City is committed to providing local funds for the project as required by the Project Program Agreement and any Supplemental Project Program Agreements.

NDOR Project Number – STPPP-6218(1),

NDOR Control Number – 12696,

11th Street Widening, 14th Corso to 10th Corso

Adopted this 19th day of October, 2009 at Nebraska City, Nebraska.

Resolution 2433-09 was then introduced. Commissioner Handy moved to approve Resolution 2433-09 authorizing the Mayor to sign the supplemental agreement with the Nebraska Department of Roads amending the contract on the 11th Corso Realignment Project to include ARRA (Stimulus) Funds. A true, correct and complete copy of said resolution is as follows:

Resolution No. 2433-09

Whereas: The City of Nebraska City and Nebraska Department of Roads (NDOR) have previously executed a Project Program Agreement for a transportation project for which the Local Public Agency (LPA) would like to obtain Federal funds;

Whereas: The City of Nebraska City understands that it must strictly follow all Federal, State and local laws, rules, regulations, policies and guidelines applicable to the funding of the Federal-aid project; and

Whereas: The City of Nebraska City and NDOR wish to enter into a Supplemental Project Program Agreement setting out the various duties and funding responsibilities for the Federal-aid project.

Be It Resolved: by the City Council of The City of Nebraska City that:

Mayor Jack Hobbie is hereby authorized to sign the attached Supplemental Project Program Agreement between The City of Nebraska City and the NDOR.

The City of Nebraska City is committed to providing local funds for the project as required by the Project Program Agreement and any Supplemental Project Program Agreements.

NDOR Project Number – STPAA-6204(4),

NDOR Control Number – 12784,

11th Corso Realignment, 12th Street to 10th Street

Adopted this 19th day of October, 2009 at Nebraska City, Nebraska.

Pat Haverty presented the recommendation by JEO Consulting to award a contract to T. J. Osborn Construction, Inc low bidder on the South 8th Street Storm Sewer Repair Project in the amount of \$74,295.00. Commissioner Gay moved to approve the recommendation by JEO to award the contract to T. J. Osborn Construction, Inc in the amount of \$74,295.00 and authorize the Mayor to sign. Upon roll call the following voted YES: Crunk, Mercer, Handy, Gay and Mayor Hobbie. Voting NO: None. Motion passed.

Mayor Hobbie introduced Ordinance 2785-09 entitled AN ORDINANCE TO ADD A NEW SECTION TO THE CODE OF ORDINANCES OF THE CITY OF NEBRASKA CITY, NEBRASKA; TO CREATE A POLICY TO REGULATE AND PROVIDE MINIMUM STANDARDS FOR THE DEMOLITION OF BUILDINGS; TO ESTABLISH A PROCESS TO IMPROVE COMMUNITY SAFETY; TO REPEAL ANY ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; AND TO DELCARE 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, Mercer, Crunk, Handy and Mayor Hobbie. Voting NO: None. The motion to suspend was adopted by three-fifths of the Council and the statutory rule was declared suspended for consideration of said ordinance.

Said ordinance was then read by title and thereafter Mayor Hobbie moved for final passage of the ordinance, which motion was seconded by Commissioner Handy. The Mayor then stated the question: “Shall Ordinance No. 2785-09 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 2785-09

AN ORDINANCE TO ADD A NEW SECTION TO THE CODE OF ORDINANCES OF THE CITY OF NEBRASKA CITY, NEBRASKA; TO CREATE A POLICY TO REGULATE AND PROVIDE MINIMUM STANDARDS FOR THE DEMOLITION OF BUILDINGS; TO ESTABLISH A PROCESS TO IMPROVE COMMUNITY SAFETY; TO REPEAL ANY ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; AND TO DELCARE AN EFFECTIVE DATE.

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

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

SECTION A. That a new Article VIII, Sections 1-5, be added to Chapter 19, Housing, of the Code of Ordinances of the City of Nebraska City, which section shall read as follows:

“Chapter 19, Article VIII. Demolition Permit, Sections 1-5.

SECTION 1. Purpose.

The purpose of this ordinance is to regulate and provide minimum standards for the demolition of buildings to protect the public health, safety and welfare of Nebraska City.

SECTION 2. Definitions.

For the purpose of this section, the word “demolish” is defined as follows: Demolish shall mean and include the razing, tearing down, or removal of all or part of a building; the removal of the outer facing of a building but leaving a skeleton or structural frame; or the removal of an upper story or stories of a building. Demolish shall also include “deconstruction” which is the whole or partial disassembly of structures for the purposes of reusing salvaged building materials.

SECTION 3. Demolition Permit.

Section 3.1 Permit required. No person shall demolish or remove a building, or part thereof, without first having obtained a permit therefore from the building inspector.

Section 3.2 Application for permit. To obtain a demolition permit the applicant shall first file an application therefore in writing on a form furnished by the building inspector. Such application shall set forth a statement of the facts necessary to fully describe the building, its use, its legal description, and

address. Provisions shall be made by the applicant for the proper abandonment of all utilities as required by this code before a demolition permit may be issued.

Section 3.4 Advisory note; safety requirements. All demolition work should be performed in conformance with "Safety Requirements for Demolition," ANSI A10.6-1990 as published by the American National Standards Institute, Inc.

Section 3.5 Liability Insurance. Whenever any building which is to be demolished has been used, or is being used, for any occupancy group except detached one- or two- family occupancies, the person applying for the demolition permit shall, as a part of the application, be required to:

1. Maintain public liability insurance coverage for all claims arising out of all work in the City of Nebraska City and within two miles of the corporate limits thereof done by or under the supervision of the demolition contractor under the provisions of this code. Such insurance shall be in the form of a commercial or comprehensive general liability policy, or an acceptable substitute policy form as permitted by the City Attorney, with a minimum combined single limit of \$1,000,000 aggregate for any one occurrence on any job for which a permit is required under this code, provided the City of Nebraska City shall be named an additional insured thereunder. The coverage required herein shall be subject to review and approval by the City Attorney for conformance with the provisions of this section.
2. At all times keep on file with the building inspector a current certificate of insurance signed by a qualified agent of an insurance company licensed to do business in the State of Nebraska and approved by the City Attorney for conformance with the provisions of this section evidencing the existence of valid and effective policies of insurance naming the city as an additional insured for the coverage required by subsection 1 of this section, the limits of each policy, the policy number, the name of the insurer, the effective date and expiration date of each policy, the policy number, the name of the insurer, the effective date and expiration date of each policy, the deductibles or self-insurance retainers of each policy, and a copy of an endorsement placed on each policy requiring thirty days notice by mail to the building inspector before the insurer may cancel the policy for any reason, and upon request of the building inspector or the City Attorney, a copy of any endorsements placed on such policies or the declarations page of such policies. Any termination, reduction, or lapse of such insurance shall automatically terminate the privilege of the demolition contractor to be issued permits under the provisions of this code, unless other insurance meeting the requirements of this section is provided and in full force and effect at the time of such termination or cancellation.

Where the building inspector determines that the proposed demolition of a building involves a greater risk than normal, the building inspector may require a certificate evidencing liability coverage in excess of the minimum sum stated above.

Section 3.6 Permit fees. A fee for each demolition permit shall be paid to the building inspector as follows:

Residential building	\$50.00
Residential accessory building	\$25.00
All business or commercial buildings	\$100.00

Where work for which a permit is required by this chapter is commenced prior to obtaining said permit, the fees above specified shall be doubled. The payment of such double fee shall not relieve any person from fully complying with the requirements of this chapter in the execution of the work or from any other penalties prescribed herein.

Section 3.7 Utility disconnection. All water, sanitary sewer, natural gas and electrical services shall be disconnected and sealed. A representative of Nebraska City Utilities shall sign the demolition permit approving the disconnection and its completion.

Section 3.8 Completion of demolition work. All demolition work, including the removal of the foundation, and must be completed within 60 days from the date of the demolition permit issuance. Upon completion of the demolition work, the applicant shall clean the premises of all debris, request an inspection of the premises and then fill all excavations and grade the area with top soil or other material approved by the building inspector.

Section 3.9 Building inspector may stop demolition. The building inspector shall have the authority to stop the demolition or removal of any building or structure or part thereof, when the same is being done in a reckless or careless manner, or in violation of the provisions of this chapter or any other ordinances of the city. When such work is stopped by order of the building inspector, it shall not be resumed without approval of the building inspector.

A demolition permit may be revoked by the building inspector at any time upon a violation of the terms thereof, or upon a violation of any provision of this chapter or any other ordinance of the city.

Section 3.10 Securing the demolition site. All demolition sites shall be secured at all times during the demolition process.

Section 3.11 Expiration. All demolition permits shall expire after 60 days from issuance. The building inspector may allow an extension of 30 days due to extenuating circumstances. Demolition must be completed in accordance with Section 3.8.

SECTION 4. Historical Review.

Any building listed in or eligible for listing in the National Register of Historic Places, or which contributes to a historic district listed in or eligible for listing in the National Register of Historic Places or designated as a historic structure under state or local law shall be subject to a Historical Review prior to the issuance of a demolition permit.

1. No permit to demolish all or part of such historic property shall be granted without the following conditions being met.
2. Upon receipt of a demolition permit application involving a property meeting the criteria of a Historical Review, the Building Inspector shall notify in writing the Nebraska State Historical

Society that a demolition permit application on such historic property has been filed. The letter shall request a determination of the impact such demolition would have to such property or district.

3. The letter to the Nebraska State Historic Preservation Office will request a response within thirty (30) calendar days. Such response may include alternatives to demolition, and assistance that may be available to preserve the historic building. If no response is received in that time frame, the Building Inspector will deem that there are no comments to the demolition of the structure and may issue a demolition permit.
4. Should the Nebraska State Historical Society deem that the demolition of the property will have an effect on the designation of the property or district, a review of the Nebraska State Historical Society's comments will take place by the Building Inspector. Factors for proposed demolition, such as structural condition, economic hardship, or other considerations will be taken into account. The Building Inspector shall take into consideration these factors as well as comments of the Nebraska State Historical society but shall have the authority to make the final decision regarding the issuance of the building permit.
5. The decision of the Building Inspector is subject to appeal to the Board of Appeals in accordance with Sections 19-38 to 19-52 of the City Code.
6. The requirement for a Historical Review may be waived in emergency circumstances, which require immediate relief, repair or demolition, where the Building Inspector determines that an emergency exists.
7. A decision regarding the issuance or denial of a demolition permit shall be made within 90 calendar days from the date of application.

SECTION 5. Alternative procedures.

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

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

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

Passed and approved this 19th day of October, 2009.

Jack Hobbie, Mayor

ATTEST:

Arnold M. Ehlers, City Clerk-Treasurer

Mayor Hobbie introduced Ordinance 2784-09 entitled AN ORDINANCE TO AMEND SECTION 33-74 OF THE CODE OF NEBRASKA CITY, NEBRASKA; TO PROVIDE FOR AN EXCEPTION TO THE REQUIREMENT OF OBTAINING A SIDEWALK OBSTRUCTION PERMIT; TO REPEAL ANY ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; AND TO DECLARE AN EFFECTIVE DATE.; and moved that the statutory rule requiring reading on three different days be suspended. Commissioner Handy seconded the motion to suspend the rules and upon roll call the following voted YES: Gay, Mercer, Crunk, Handy and Mayor Hobbie. Voting NO: None. The motion to suspend was adopted by three-fifths of the Council and the statutory rule was declared suspended for consideration of said ordinance.

Said ordinance was then read by title and thereafter Mayor Hobbie moved for final passage of the ordinance, which motion was seconded by Commissioner Handy. The Mayor then stated the question: "Shall Ordinance No. 2784-09 be passed and adopted?" Upon roll call the following voted YES: Crunk, Handy and Mayor Hobbie. Voting NO: Mercer, Gay. 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. 2784-09

AN ORDINANCE TO AMEND SECTION 33-74 OF THE CODE OF NEBRASKA CITY, NEBRASKA; TO PROVIDE FOR AN EXCEPTION TO THE REQUIREMENT OF OBTAINING A SIDEWALK OBSTRUCTION PERMIT; TO REPEAL ANY ORDINANCES OR PARTS OF ORDINANCES 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:

SECTION 1. That Section 33-74 of the Code of the City of Nebraska City, Nebraska, is hereby amended to read as follows:

"Section 33-74. Exceptions.

The requirement for the issuance of the permit required by section 33-64, may be waived by the mayor and commissioners, where an appropriate request for waiver is filed describing the purpose or function for which the request for waiver is made, together with the date or dates involved.

The commercial property owners in the C-2, Central Business District, may be granted an exception to the permit required by section 33-64. Property owners and tenants may place items in a designated area of the sidewalk and shall not be required to obtain a permit if the following conditions are met:

- (a) A minimum of 5 (five) feet of clear walk way zone shall be maintained. The clear walk way zone shall be measured from back of the curb towards the front of the building or from any permanent obstructions.
- (b) The portion of the sidewalk between the front of the building and the clear walk way zone shall be the designated area where conforming items may be placed.
- (c) Items expressly manufactured for outside use including but not limited to, flower planters, benches and ash receptacles may be allowed in the designated area.
- (d) Benches shall be constructed of a solid material and shall have a minimum length of 4 (four) feet.
- (e) Ash receptacles shall be designed specifically for that purpose. Buckets and other items not designed for this purpose shall not qualify as a permitted exception.
- (f) Removable signs may be placed in the designated area, provided that each sign face does not exceed 10 (ten) square feet. One removable sign shall be allowed for each 24 (twenty-four) feet of building frontage. Such signs shall not be permanently affixed to the sidewalk.
- (g) No offensive or abusive language shall be allowed on signage in the designated area.
- (h) No merchandise or items for sale may be placed in the designated area unless authorized by the mayor and commissioners in conjunction with the approval of a downtown sidewalk sale.
- (i) Plant material in planter boxes shall be maintained during the growing season and dead plant material removed at the end of the season.
- (j) The area in front of the property shall be cleaned daily. Trash, debris and other material shall be removed.
- (k) The application to obtain approval of the exception of obtaining a permit required by section 33-64 shall be made at the city hall on a form provided by the city clerk-treasurer and shall contain:
 - a. A completed application.
 - b. A diagram of the sidewalk area to be used including the dimension thereof, and a description of the items and materials to be used.
 - c. A certificate of insurance showing the applicant has acquired public liability, and property damage insurance in the sum of not less than five hundred thousand dollars (\$500,000.00) combined single limit, which insurance may not be cancelled without providing thirty (30) days written notice to the city.
- (l) Such applicant shall also agree, in consideration of the issuance of such exception, to indemnify the City of Nebraska City, its elected officials, and employees, for any claims for damage to property, or injury to persons, which may occur in connection with any activity carried on under the terms of this exception.
- (m) The Building Maintenance, Occupancy and Style Committee shall review all applications for compliance with the above criteria and shall recommend approval or denial to the city council, which shall then approve or deny each application.
- (n) A decision regarding the approval or denial of the application shall be made within 60 days from the date of application.

SECTION 2. That all ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

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

PASSED and APPROVED this 19th day of October, 2009.

Jack Hobbie, Mayor
Attest:

Arnold M. Ehlers, City Clerk-Treasurer

Mayor Hobbie introduced Ordinance 2786-09 entitled AN ORDINANCE VACATING THE ALLEY IN BLOCK TWENTY-FIVE (25), BELMONT ADDITION TO THE CITY OF NEBRASKA CITY, OTOE COUNTY, NEBRASKA; AND DECLARING 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, Mercer, Crunk, Handy and Mayor Hobbie. Voting NO: None. The motion to suspend was adopted by three-fifths of the Council and the statutory rule was declared suspended for consideration of said ordinance.

Said ordinance was then read by title and thereafter Mayor Hobbie moved for final passage of the ordinance, which motion was seconded by Commissioner Handy. The Mayor then stated the question: "Shall Ordinance No. 2786-09 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. 2786-09

AN ORDINANCE VACATING THE ALLEY IN BLOCK TWENTY-FIVE (25), BELMONT ADDITION TO THE CITY OF NEBRASKA CITY, OTOE COUNTY, NEBRASKA; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the owners of the property adjacent to the alley in Block Twenty-five (25), Belmont Addition to the City of Nebraska City, Nebraska, have requested that said alley be vacated, and

WHEREAS, because of the surrounding circumstances the Mayor and City Commissioners of the City of Nebraska City, Nebraska, find the City no longer has a need for the alley in Block Twenty-five (25), Belmont Addition, to the City of Nebraska City, Nebraska, and the request of the applicants should be approved.

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

SECTION 1. That the alley in Block Twenty-five (15), Belmont Addition to the City of Nebraska City, Nebraska, be and the same is hereby vacated, and title to such property shall vest in the owners of the abutting property and become a part of such property, one-half on each side thereof.

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

Passed and Approved this 19th day of October, 2009.

Jack Hobbie, Mayor

Attest:

Arnold M. Ehlers, City Clerk-Treasurer

Mayor Hobbie introduced Ordinance 2787-09 entitled AN ORDINANCE TO AMEND SECTION 35-39(a), OF THE CODE OF THE CITY OF NEBRASKA CITY, NEBRASKA, RELATING TO THE REPORTING OF MOTOR VEHICLE ACCIDENTS TO THE CHIEF OF POLICE WITHIN TEN DAYS; TO REPEAL THE ORIGINAL SECTION 35-39(a) OF THE CODE OF NEBRASKA CITY, AND ALL ORDINANCES OR 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: Gay, Mercer, Crunk, Handy and Mayor Hobbie. Voting NO: None. The motion to suspend was adopted by three-fifths of the Council and the statutory rule was declared suspended for consideration of said ordinance.

Said ordinance was then read by title and thereafter Mayor Hobbie moved for final passage of the ordinance, which motion was seconded by Commissioner Handy. The Mayor then stated the question: "Shall Ordinance No. 2787-09 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. 2787-09

AN ORDINANCE TO AMEND SECTION 35-39(a), OF THE CODE OF THE CITY OF NEBRASKA CITY, NEBRASKA, RELATING TO THE REPORTING OF MOTOR VEHICLE ACCIDENTS TO THE CHIEF OF POLICE WITHIN TEN DAYS; TO REPEAL THE ORIGINAL SECTION 35-39(a) OF THE CODE OF NEBRASKA CITY, AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH, AND TO DECLARE AN EFFECTIVE DATE.

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

Section 1. That Section 35-39(a) of the Code of Nebraska City, Nebraska, be amended to read as follows:

"Sec. 35-39 Report accident to chief of police..

(a) The driver of any vehicle involved in an accident resulting in injury or death to any person, or property damage to an apparent extent of one thousand five hundred dollars (\$1,500.00) or more, shall, within ten (10) days after said accident, make a report of such accident to the chief of police of the city."

Section 2. That the original section 35-39(a) 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. That this Ordinance shall be effective from and after its adoption, approval, and publication, as provided by law.

PASSED and APPROVED, this 19th day of October, 2009.

Jack Hobbie, Mayor

Attest:

Mayor Hobbie introduced Ordinance 2788-09 entitled AN ORDINANCE TO AMEND SECTION 9-54, OF THE CODE OF THE CITY OF NEBRASKA CITY, NEBRASKA, RELATING TO FEES CHARGED FOR MOVING STRUCTURES WITHIN THE CITY LIMITS; TO REPEAL THE ORIGINAL SECTION 9-54 OF THE CODE OF NEBRASKA CITY, AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND TO DECLARE AN EFFECTIVE; 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, Mercer, Crunk, Handy and Mayor Hobbie. Voting NO: None. The motion to suspend was adopted by three-fifths of the Council and the statutory rule was declared suspended for consideration of said ordinance.

Said ordinance was then read by title and thereafter Mayor Hobbie moved for final passage of the ordinance, which motion was seconded by Commissioner Handy. The Mayor then stated the question: "Shall Ordinance No. 2788-09 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. 2788-09

AN ORDINANCE TO AMEND SECTION 9-54, OF THE CODE OF THE CITY OF NEBRASKA CITY, NEBRASKA, RELATING TO FEES CHARGED FOR MOVING STRUCTURES WITHIN THE CITY LIMITS; TO REPEAL THE ORIGINAL SECTION 9-54 OF THE CODE OF NEBRASKA CITY, AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND TO DECLARE AN EFFECTIVE DATE.

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

Section 1. That Section 9-54 of the Code of Nebraska City, Nebraska, be amended to read as follows:

"Sec. 9-54. Fee.

The applicant for a permit required by this division shall pay a fee to the city clerk-treasurer therefore as follows:

- (a) For the moving of a small building having a floor space of one hundred (100) square feet or less \$ 25.00
- (b) For the moving of any building or other structure larger than one hundred (100) square feet but less than four hundred (400) square feet \$100.00
- (c) For the moving of any building or other structure larger than four hundred (400) square feet \$200.00"

Section 2. That the original section 9-54 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. That this Ordinance shall be effective from and after its adoption, approval, and publication, as provided by law.

PASSED and APPROVED, this 19th day of October, 2009.

Jack Hobbie, Mayor
Attest:

Arnold M. Ehlers, City Clerk-Treasurer

Fire Chief Alan Viox provided the Council with plans and specifications for a new "Heavy Equipment" truck to replace the current 16 year-old truck. Commissioner Gay moved to approve the truck specifications and directed staff to solicit bids. Upon roll call the following voted YES: Crunk, Handy, Mercer, Gay and Mayor Hobbie.

A-1 Locksmith	21.40	Supp	Michael Todd &	110.00	Msde
Adkins Signs	101.00	Unif	Mid-Amer. Termit	43.48	Pest Cn
ADT Security	115.11	Security	Midwest Co-op	336.90	Rep
Alamar Uniforms	177.97	Unif	Midwest Machine	6.30	Maint
Alco	14.28	Rep	Midwest ROW	2048.00	ROW
Allied Insurance	100.00	Bond	Miller-Monroe	76070.00	Ins
Allied Recycling	319.49	Garbage	Miracle Mudjack	165.00	Maint
America's Fence	177.60	Maint	Moore Medical	651.44	Supp
Anthens, J.	40.00	Rec	Morrow, S.	372.00	EMT

Arbor Mart	1750.41	Fuel	Mullenax Auto	2285.46	Equip
Beatrice Hosp	226.00	Med	National Entert.	360.00	Conc
Bernhardson, N.	120.00	EMT	Nationwide	6835.37	Benefits
Best Buy	35.96	Supp	NC NewsPress	437.00	Advert
Bishop Plmbg	82.35	Rep	NC Utilities	8190.63	Util
Bob's Welding	137.50	Equip	NE Dept Rev	553.08	Sales
Boehm, B.	36.00	EMT	NE Dept Rev	915.12	Sales
Bohl Plumbing	428.50	Rep	NE Expressways	375.00	Dues
Bound Tree Med	242.06	Med	NE Public Health	84.00	Misc
Bray, C.	320.00	EMT	NE Salt & Grain	2894.06	Maint
Brown's Shoe	202.35	Unif	NE State His Soc	160.00	Misc
Carritt, K.	250.00	EMT	NE Statewide Arb	130.00	Dues
Casey's	159.02	Fuel	NE Workforce De	418.00	Payroll
Century Lumber	40.12	Supp	NEXTEL	220.91	Tele
Cintas	120.50	Supp	Nichols, Jim	201.00	Rec
City of NC Payroll	61128.42	Payroll	Nichols, Linda	177.00	Rec
City Tire	30.94	Equip	NMC/CAT	706.88	Equip
Columbus Teleg	114.00	Advert	Olsson Assoc	4711.10	ROW
Concrete Ind.	5.95	Maint	Omaha Tractor	166.00	Equip
Conz, G.	100.00	EMT	O'Reilly Auto	254.34	Equip
Curtis, W.	36.00	EMT	Orschelin	1056.93	Rep
Debra Griebe	150.00	Refund	Otoe Cnty Clerk	2590.86	Contr
Devorss, T.	88.00	Rec	Pamida	117.31	Supp
Dick's Paint	805.20	Rep	Pitney Bowes	249.00	Contr
Don's Johns	104.00	Msde	Police Off. Assoc	150.00	Dues
Douglas Tire	153.90	Equip	R&R Products	238.47	Equip
EMS Billing	4796.03	Med	Radiology Assoc	52.00	Med
Farmers Bank W/h	18457.53	Payroll	Rakes, Audrey	88.00	Rec
Fastenal Co.	30.78	Supp	R. McGuire	50.00	Refund
File of Life	748.11	Misc	Recreation Creat	4188.35	Supp
Food Pride	89.87	Conc	Richard Bennett	174.89	Freight
Fouraker, H.	250.00	EMT	Schemmer	5100.00	ROW
GALLS	184.97	Unif	Schneider Elec	150.00	Rep
GFOA	70.00	Misc	SE NE Dev Dist	3109.72	ROW
Giittinger, D.	87.45	Mileage	Shell (Police)	2274.28	Fuel
Goebel, G.	166.12	Freight	Shell (Street)	190.22	Fuel
Haverty, P.	642.52	Mileage	Sleuth Software	767.55	Sftwre
HireRight	100.00	Med	Snodgrass, A.	100.00	EMT
Hogan Jr., W.	822.00	EMT	Thurman Bike	715.50	Rec
Hopkins Auto	308.74	Equip	Tielke's	16.80	Conc
Ideal Pure Water	30.80	Water	Titan Machinery	530.48	Equip
Jones Auto	31.80	Equip	Tom's Radio	59.00	Equip
Jones, N.	1000.00	EMT	Tri-State	398.12	Msde
Konica Minolta	139.57	Contr	Two Sisters	200.00	Contr
Konica Minolta	15.00	Lease	United Healthcar	107.10	Refund
Landis Engine	367.96	Equip	VISA	70.28	Supp
Leggio, Jr., W.	500.00	EMT	Watkins	1454.23	Maint
Lesco	608.21	Supp	Weible, B.	180.00	EMT
Linweld	159.15	Supp	Wick's Omaha	137.75	Equip
Lyman-Richey	737.37	Maint	Wielechowski, W.	36.00	EMT
Marion, J.	750.00	EMT	Windstream NE	2335.12	Tele
Mead Lumber	134.04	Maint	Wood Family	141.35	Fuel
Mercer's	207.11	Maint			

Meeting adjourned at 7: 47.

Arnold M. Ehlers, Clerk - Treasurer