



AGENDA FOR THE REGULAR MEETING OF
THE MAYOR AND CITY COUNCIL OF THE
CITY OF AUBURN, NEMAHA COUNTY,
NEBRASKA, TO BE HELD AT 7:00 P.M.
APRIL 12, 2021

Call to Order

This is an open meeting of the Auburn City Council. The City of Auburn abides by the Open Meetings Act in conducting business. A copy of the Open Meetings Act is displayed in these City Council Chambers as required by state law.

The City Council may vote to go into Closed Session on any agenda item as allowed by state law.

Invocation

The Council may make and enforce reasonable rules and regulations regarding the conduct of persons attending its meetings and regarding their privilege to speak. The City Council is not required to allow citizens to speak at each meeting but may not forbid public participation at all meetings.

Pledge of Allegiance

Roll Call

A - SUBMITTAL OF REQUESTS FOR FUTURE ITEMS

Individuals who have appropriate items for City Council consideration should complete the Request for Future Agenda Items form located at the Information table. If the issue can be handled administratively without Council action, notification will be provided. If the item is scheduled for a meeting, notification of the date will be given.

B – RESERVE TIME TO SPEAK ON AGENDA ITEMS

This is an opportunity for individuals wishing to provide input on any of tonight's agenda items to reserve time to speak. Please come forward, state your name and address, and the Agenda topic on which you will be speaking.

C – PRESENTATIONS and PROCLAMATIONS

C - 1 Proclamation – Arbor Day (April 30, 2021)

The Consent Agenda shall be presented by the Mayor or City Clerk at the beginning of Council session. Items within the Consent Agenda may be removed by the request of any one Councilmember. Items not removed from the Consent Agenda may be adopted by general consent without further discussion or debate. Removed items may be taken up either immediately after the Consent Agenda or placed later within the Agenda at the discretion of the Council.

D – CONSENT AGENDA

D – 1 Approving Minutes of March 8, 2021 City Council Regular Meeting

D – CONSENT AGENDA (Cont'd)

- D – 2 Approval of City Financial Report
 - D – 3 Request for attendance at meetings and/or conferences.
 - D – 4 Request Approval of Special Designated Liquor License application submitted by Jeff Domino/Jeff Domino for a wedding reception at 4H Pavilion, 816 I Street on June 12, 2021.
 - D – 5 Request Approval of Special Designated Liquor Licenses application submitted by Ruth Heywood/Whiskey Run at 910 Central Avenue for a beer garden on May 1, 2021; May 29, 2021; June 4, 2021 and July 2, 2021.
 - D – 6 Reappointment – Airport Zoning Board.
 - D – 7 Appointment – Library Board.
 - D – 8 Appointments – Municipal Tree Board.
-

E – PAYMENT OF CLAIMS

- E – 1 Approving Payment of Claims
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F – PUBLIC HEARINGS - None for this meeting.

G - ORDINANCES

- G – 1 Ordinance No. 2-21: 2nd Reading on Ordinance confirming the rezoning of Lots 7 thru 13 and the East half (E1/2) of the vacated alley, BLK 37, Calvert Add. to Auburn, Nemaha County, Nebraska, address: 2720 “Q” St. from R-2 Medium Density Residential to C-R Commercial Residential upon a privacy fence being constructed and maintained by the Owners between zoning jurisdictions. (2nd Reading)
- G – 2 Ordinance No. 3-21: Council consideration of Amendment to Code Section § 99.36 of the Municipal Code of Ordinances, Control of Disposal, to add grass, grass clippings, discarded and/or worthless vegetation, to remove reference to City Police Chief, and to harmonize with State statute.
- G – 3 Ordinance No. 4-21: Council consideration to Adopt Chapter 135 Sexual Offender Residency Restriction within Title XIII; General Offenses to the Auburn City Code of Ordinances.
- G – 4 Ordinance No. 5-21 Council consideration of An Ordinance To Repeal Sections §31.072 “City Police Chief”, §31.073 “Police Officers”, §34.01 “Duties”, §34.02 “Reserve Officer Bond”, §34.03 “Arrest and Enforcement Jurisdiction”, 34.04 “Officers; Discipline or Removal from Duty”, CHAPTER 34: Police Department; §112.23 “Duty of Police to Enforce”, and §132.09 “Games, Exercises and the like upon Streets and Sidewalks” of the City Code of Ordinances; Amend Section 70.002 Police Enforcement; Street Traffic Management; Arrest Authorization of the City Code of Ordinances; and to Declare an Effective Date.
- G – 5 Ordinance No. 6-21 Council consideration of Amendment to Code Sections 74.03 & 74.04 of the Municipal Code of Ordinances, “Standing, Stopping, Where Prohibited”, and “Guest & Visitor Parking” to clarify City Code on prohibited parking on City streets.

H – RESOLUTIONS

- H – 1 Resolution No. ____ - 21 Council consideration of Interlocal Agreement with Nemaha County Fair Grounds and Agricultural Society and/or Nemaha County regarding the liability insurance/coverage and City use of Rotary Lake.
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I – REPORTS & RECOMMENDATIONS

- I – 1 From Dept. Heads/Boards
- a. Street Department
 - b. Fire Department
 - c. Library
 - d. Treasurer
 - e. Airport Report
 - f. Board of Health
- I – 2 From Committees
- a. Street Committee
 - b. Keep Auburn Beautiful
 - c. Economic Development
 - d. Safety Committee
 - e. Building Committee
 - f. Legislative
 - g. Parks and Pool Committee
 - h. Housing
 - i. Other Committees & Reports
-

J – MOTIONS, REQUESTS AND REFERRALS

None for this meeting.

ADJOURNMENT

Auburn, Nebraska
March 8, 2021

AGENDA ITEM
NO

D-1

The Mayor and Council of the City of Auburn, Nemaha County, Nebraska, were called to meet at the City Hall at 1101 "J" Street on March 8, 2021, at 7:00 o'clock P.M., in Regular Meeting, open to the general public. Advance notice of said Regular Meeting, the designated method of giving notice including the agenda for said meeting, or the availability thereof having been posted at the west front door of the City Hall, at the east door of the Nemaha County Courthouse and in the Auburn State Bank, and having been transmitted to all members of the City Council, all done on or before March 5, 2021. Mayor Dan White presided over the meeting. The City Clerk of the City of Auburn, Nemaha County, Nebraska, recorded the proceedings.

The meeting was called to order by Mayor Dan White. Upon calling the roll, the following members of the City Council were present: Billings, Shawn Clark, Tom Clark, Erickson, Janssen, and Jeanneret. Absent: No one.

Mayor White announced that the City of Auburn abides by the Open Meetings Act in conducting business and that a copy of the Open Meetings Act is displayed in the City Council Chambers (posted on the North wall of these Chambers by the entrance door) as required by state law.

There weren't any presentations or proclamations.

Council Member Jeanneret moved to dispense with the reading of the February 8, 2021, meeting's minutes and to approve the same as written. The motion was seconded by Council Member Janssen. Upon roll call vote the following Council Members voted "YEA": Shawn Clark, Tom Clark, Erickson, Janssen, Jeanneret, and Billings. The following voted "NAY": No one. Motion: Carried.

Council Member Tom Clark moved to approve the financial report. The motion was seconded by Council Member Erickson. Upon roll call vote the following Council Members voted "YEA": Tom Clark, Erickson, Janssen, Jeanneret, Billings, and Shawn Clark. The following voted "NAY": No one. Motion: Carried.

The following February claims were presented before the Council for ratification: AFLAC, Wh-73.80; American Recycling & Sanitation, Se-374.66; Auburn Arts & Events, Ex-9,950.00; Baird Holm LLP, Se-270.00; BCom Solutions, Se-980.00; BKD, CPAs & Advisors, SE-8,500.00; Black Hills Energy, Ut-576.04; Blue Cross-Blue Shield, Ins-6,618.10; Auburn Board of Public Works, Ut-Reim-7,485.12; Capital Business Systems, Se-Su-443.81; Felicia Shefferd, Local Housing Program-1,110.00; Jamie Weiss, DTR Project-3,252.22; Linda Bantz, Se-400.00; Mark Harms, Ex-500.00; Mid-American Benefits Inc., Ins-78.25; Nemaha County, Se-30,666.67; Auburn Region V Services, Se-300.00; Ruth Heywood, DTR Project-7,686.75; The Standard, Ins-372.98; Time Warner Cable, Se-700.13; Verizon Wireless, Se-52.49; Windstream, Se-16.22; Wex Bank, Su-1,752.56. February Payroll-38,941.06; City FICA Match-2,925.90; City Pension Match-1,620.32; PayChex, Payroll Se-204.10; PayChex FSA Se-87.50; Mid-American Benefits Inc., Ins-254.97. The following March claims were presented before the Council for ratification: American Recycling & Sanitation, Se-335.00; BCom Solutions Inc, Se-980.00; Auburn Board of Public Works, Ut-Reim-7,401.47; Linda Bantz, Se-400.00; Mark Harms, Ex-500.00; Nemaha County, Se-30,666.67; Wex Bank, Su-2,380.57. The following March claims were presented before the Council for approval or ratification: Airstream Heating & Cooling, Se-732.40; AKRS, Equip-2,228.97; Allan Daugherty, Se-90.00; Amazon, Bk-AV-188.76; Angelo Ligouri, Se-6,489.25; Auburn Mem. Library Petty Cash, Su-123.99; Auburn Newspapers, Se-143.82; Baker & Taylor, Bk-AV-534.07; Beard's Salvage Inc., Su-188.80; Boo Inc. dba Bobcat of Omaha, Su-11.84; Bulldog Auto Supply Inc., Su-692.52; Center Point Large Print, Bk-AV-288.07; Demco, Su-263.60; DHHS, Ex-80.00; Eakes Office Solutions, Su-223.28; Ed M. Feld Equipment Co. Inc., Equip-69,154.00; Eggers Brothers Inc., Su-200.00; First National Bank Omaha, Su-Ex-830.92; General Fire and Safety Equipment, Se-130.00; Heath Christiansen, Se-240.00; Heiman Fire Equipment, Equip-713.15; League of NE Municipalities, Reg-395.00; Lotter Tree Service, Se-750.00; Lynch's Hardware & Gifts, Su-19.83; Menards, Su-286.66; Meyer Laboratory Inc., Su-159.85; Meyer-Earp Chevrolet, Su-Se-488.63; Michael Todd & Co. Inc., Su-1,139.94; Nebraska Salt & Grain Co., Su-3,409.60; Nebraska Supreme Court, Ref-121.85; Nemaha County Clerk, Fe-10.00; OCLC Inc., Sub-62.44; OK Tire, Se-72.45; Overdrive, Inc., Bk-AV-433.98; Petty Cash,

Se-Su-Reim-42.03; Reditech, Se-33.75; Ricoh USA Inc., Su-26.84; Sandry Fire Supply, Equip-2,328.31; USPS, Su-110.00; Westover Rock & Sand Inc., 1,107.77.

Abbreviations for this legal: AV-Audio Visual; Bk-Book; CDBG-Community Development Block Grant, Contrib-Contribution; CRA-Community Redevelopment Authority; DTR-Downtown Revitalization; ED-Economic Development Investment; Equip-Equipment; Ex-Expense; Fe-Fee; FSA-Flexible Spending Acct.; Ins-Insurance; Inspect-Inspection; Int-Interest; Lic-Licenses; Maint-Maintenance; Mem-Membership; Pen-Pension; Per-Periodical; Re-Repairs; Ref-Reference Materials; Reg-Registration; Reim-Reimbursement; Se-Service; Su-Supplies, Materials & Parts; Sub-Subscription; TIF-Tax Increment Financing; Ut-Utilities; Wh-Withholding.

Council Member Billings moved to approve the claims presented which have not been previously approved by motion or resolution and ratify the ordinary and necessary expenses allowed and in accordance with Resolution No. 7-11 that was approved February 28, 2011. The motion was seconded by Council Member Janssen. Upon roll call vote the following Council Members voted "YEA": Erickson, Janssen, Jeanneret, Billings, Shawn Clark, and Tom Clark. The following voted "NAY": No one. Motion: Carried.

Public hearing was held regarding Notice of Intent to Discontinue CDBG-Economic Development Revolving Loan Fund Program (CDBG-EDRLF) ceasing and discontinuing further economic development activities. The remaining funds from Auburn's Economic Development Reuse Fund were committed to Mondocat, LLC in December 2019 and the funds were granted to Southeast Nebraska Development, Inc., who loaned the funds to the business. To formally discontinue the Reuse Account, a public hearing must be held with final approval from the City Council and approval of a resolution. Once Mondocat meets the national objective of jobs created, the City of Auburn will not need to submit program income reports to Nebraska Department of Economic Development. The Mayor opened the public hearing and asked for public comment. There wasn't any public comment given. After allowing time for comments the public hearing was closed.

Public hearing was held to allow public comment on proposed rezoning request for real estate addressed: 2720 Q Street to change the zoning R-2 Medium Density Residential to C-R Commercial Residential. Property is legally described as Calvert Addition to Auburn, Block 37, Lots 7 thru 13 & E ½ vacated alley. Request was made by owner Dan Emshoff. The Mayor opened the public hearing and asked for public comment. Planning Commission Chairman Dave Davis reported on Planning Commission action. The request was approved by the Planning Commission following public hearing on February 16, 2021. There wasn't any public opposition given. After allowing time for comments the public hearing was closed.

Proposed Ordinance No. 2-21, confirming the rezoning of Lots 7 thru 13 and the East half (E1/2) of the vacated alley, Blk 37, Calvert Addition (address 2720 Q Street) from R-2 Medium Density Residential to C-R Commercial Residential upon a privacy fence being constructed and maintained by the Owners between zoning jurisdictions, was presented for consideration. Public hearing on the request for rezoning having been held, the Mayor announced that the introduction of the proposed Ordinance was in order. Council Member Erickson moved that the minutes of the proceedings be kept in a separate and distinct volume known as the Ordinance Record of the City of Auburn, Nemaha County, Nebraska" and that said volume be made part of these proceedings the same as though it were spread at large herein, which motion was seconded by Council Member Jeanneret. Upon calling the roll, the following Council Members voted "YEA": Janssen, Jeanneret, Billings, Shawn Clark, Tom Clark, and Erickson. The following voted "NAY": No one. Motion: Carried. Council Member Billings introduced and read Ordinance No. 2-21. Council Member Erickson moved the Ordinance No. 2-21 be approved on its first reading and its title agreed to; Seconded by Council Member Janssen. Upon calling the roll, the following Council Members voted "YEA": Jeanneret, Billings, Shawn Clark, Tom Clark, Erickson, and Janssen. The following voted "NAY": No one. Motion carried and Ordinance No. 2-21 was approved for first reading and its title agreed to.

Proposed Ordinance No. 3-21, confirming the transfer of city-owned real estate pursuant to nuisance abatement and providing an effective date, regarding 2020 M Street purchased by Judd Remmers, was presented for consideration. The Mayor announced that the proposed Ordinance was in order. Council Member Erickson moved that these proceedings be kept in a separate and distinct volume known as the "Ordinance Record of the City of Auburn, Nemaha County, Nebraska" and that said volume be made part of these proceedings the same as though it were spread at large herein, which motion was seconded by Council Member Billings. Upon calling the roll call vote, the following Council Members voted "YEA": Billings, Shawn Clark, Tom Clark, Erickson, Janssen, and Jeanneret. The following voted "NAY": No one. Motion: Carried. Council Member Erickson introduced the proposed Ordinance and moved that the statutory rule requiring reading on three different days be suspended. Council Member Billings seconded the motion to suspend the rules and upon roll call vote, the following Council Members voted "YEA": Shawn Clark, Tom Clark, Erickson, Janssen, Jeanneret, and Billings. The following voted "NAY": No one. The motion to suspend the rules was adopted by three-fourths of the Council and the statutory rule was declared suspended for consideration of said ordinance. Council Member Erickson read Ordinance No. 3-21 and moved for final passage of the ordinance, which motion was seconded by Council Member Billings. Upon roll call vote, the following Council Members voted "YEA": Tom Clark, Erickson, Janssen, Jeanneret, Billings, and Shawn Clark. The following voted "NAY": No one. Motion: Carried.

Proposed Resolution No. 3-21, for discontinuous of further CDBG-Economic Development Program Income Reuse Loan Financing, was presented for consideration. Public hearing having been held, Council Member Billings moved to approve Resolution No. 3-21. The motion was seconded by Council Member Erickson. Upon roll call vote the following Council Members voted "YEA": Erickson, Janssen, Jeanneret, Billings, Shawn Clark, and Tom Clark. The following voted "NAY": No one. Motion: Carried. A true and correct copy of said resolution is as follows:

RESOLUTION NO. 3-21
Of
THE CITY OF AUBURN, NEMAHA COUNTY, NEBRASKA

A RESOLUTION FOR THE CITY OF AUBURN, NEBRASKA, DISCONTINUING THE COMMUNITY DEVELOPMENT BLOCK GRANT, ECONOMIC DEVELOPMENT REVOLVING LOAN FUND PROGRAM (CDBG - EDRLF).

WHEREAS, Public Notice was published for Public Hearing before the City Council in consideration of ceasing and discontinuing further economic development activities through the Community Development Block Grant – Economic Development Revolving Loan Fund (CDBG – EDRLF) under the previously approved economic development plan of the City of Auburn, NE;

WHEREAS, Public Hearing was heard on this evening at 7:00 p.m. or shortly thereafter in which all interested persons were able to attend in be heard regarding the proposed action as published in the Public Notice.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF AUBURN, NEMAHA COUNTY, NE, that:

1. Upon consideration of the proposed request and after opportunity from the Public to come before the City Council and be heard at Public Meeting, the Community Development Block Grant – Economic Development Revolving Loan Fund (CDBG – EDRLF) under the approved Economic Development plan for the City of Auburn, NE is ceased and discontinued.

Written reports from department heads/boards and committees were given. It was also reported that the Senior Center convection oven needs to be replaced, there are plans to paint the bandshell and that the city administrator/economic developer position is being posted as suggested. Written reports were also provided by the Auburn Community Redevelopment Authority and the Nemaha County Sheriff.

Motions and requests were presented. There were no requests made to attend meetings or conferences.

Request from Auburn Development Council for a letter of support to be submitted with the NPPD 2021 Site Readiness Assistance Program was presented. Following presentation of request, Council Member Erickson moved to approve the Mayor to sign a letter of support to be submitted with the 2021 Site Readiness Assistance Program application. The motion was seconded by Council Member Jeanneret. Upon roll call vote the following Council Members voted "YEA": Janssen, Jeanneret, Billings, Shawn Clark, Tom Clark, and Erickson. The following voted "NAY": No one. Motion: Carried.

Following discussion, City Attorney Ligouri was instructed to prepare an agreement between the City and Nemaha County Ag Society regarding insurance and operation of the lake at the fairgrounds to be consideration at a future meeting.

Request was presented by Tracy Betts/Southside Saloon for approval of a Special Designated Liquor License application for Auburn Arts and Events (Community Celebration/Live Music) to be held in Legion Park on May 1, 2021.

Request was presented by Tracy Betts/Southside Saloon for approval of a Special Designated Liquor License application for Auburn Arts and Events Summer Concert Series/Live Music to be held in Legion Park on June 4, 2021.

Council Member Janssen moved to approve the requests by Tracy Betts/Southside Saloon for approval of a Special Designated Liquor License application for Auburn Arts and Events Community Celebration/Live Music to be held in Legion Park on May 1, 2021 and approval of a Special Designated Liquor License application for Auburn Arts and Events Summer Concert Series/Live Music to be held in Legion Park on June 4, 2021. The motion was seconded by Council Member Tom Clark. Upon roll call vote the following Council Members voted "YEA": Jeanneret, Billings, Shawn Clark, Tom Clark, Erickson, and Janssen. The following voted "NAY": No one. Motion; Carried.

Request by ESU 4 to use the city street for a community 5K event was reviewed. Council Member Tom Clark moved to approve the request by ESU 4 to use the city street(s) for a community 5K event with the following route beginning in the ESU 4 Learning Center parking lot at 1109 R Street, proceeding to S Street, then heading north to 6th Street and taking 6th Street to the Wellness Center and then returning following the same route. The motion was seconded by Council Member Erickson. Upon roll call vote the following Council Members voted "YEA": Billings, Shawn Clark, Tom Clark, Erickson, Janssen, and Jeanneret. The following voted "NAY": No one. Motion: Carried.

There being no further business to come before the Mayor and Council, Council Member Erickson moved for adjournment. The motion was seconded by Council Member Tom Clark. Upon roll call vote the following Council Members voted "YEA": Shawn Clark, Tom Clark, Erickson, Janssen, Jeanneret, and Billings. The following voted "NAY": No one. Motion: Carried.

Mayor White declared the meeting adjourned.

Dan White, Mayor

ATTEST:

Sherry Heskett, City Clerk

STATE OF NEBRASKA)
COUNTY OF NEMAHA) ss.
CITY OF AUBURN)

I, the undersigned City Clerk for the City of Auburn, Nebraska, hereby certify that the foregoing is a true and correct copy of proceedings had and done by the Mayor and Council on March 8, 2021; that all of the subjects included in the foregoing proceedings were contained in the agenda for the meeting, kept continually current and readily available for public inspection at the office of the City Clerk; that such agenda items were sufficiently descriptive to give the public reasonable notice of the matters to be considered at the meeting; 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 said minutes 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 the meeting and the subjects to be discussed at said meeting; and that a current copy of the Nebraska Open Meeting Act is posted on the North wall of the City Council Chambers at the entrance door.

Sherry Heskett, City Clerk

City Council Proceedings
March 8, 2021

AGENDA ITEM
NO

D-1

The Mayor and Council of the City of Auburn, Nemaha County, Nebraska, were called to meet at the City Hall at 1101 "J" Street on March 8, 2021, at 7:00 o'clock P.M., in Regular Meeting, open to the general public. Advance notice of said Regular Meeting, the designated method of giving notice including the agenda for said meeting, or the availability thereof having been posted at the west front door of the City Hall, at the east door of the Nemaha County Courthouse and in the Auburn State Bank, and having been transmitted to all members of the City Council, all done on or before March 5, 2021. Mayor Dan White presided over the meeting and the City Clerk recorded the proceedings.

The meeting was called to order by Mayor Dan White. Upon calling the roll, the following members of the City Council were present: Billings, Shawn Clark, Tom Clark, Erickson, Janssen, and Jeanneret. Absent: No one.

Mayor White announced that the City of Auburn abides by the Open Meetings Act in conducting business and that a copy of the Open Meetings Act is displayed in the City Council Chambers (posted on the North wall of these Chambers by the entrance door) as required by state law.

There weren't any presentations or proclamations.

Council Member Jeanneret moved to dispense with the reading of the February 8, 2021, meeting's minutes and to approve the same as written. The motion was seconded by Council Member Janssen. Upon roll call vote the following Council Members voted "YEA" Shawn Clark, Tom Clark, Erickson, Janssen, Jeanneret, and Billings. The following voted "NAY": no one. Motion: Carried.

Council Member Tom Clark moved to approve the financial report. The motion was seconded by Council Member Erickson. Upon roll call vote the following Council Members voted "YEA": Tom Clark, Erickson, Janssen, Jeanneret, Billings, and Shawn Clark. The following voted "NAY": No one. Motion: Carried.

The following February claims were presented before the Council for ratification: AFLAC, Wh-73.80; American Recycling & Sanitation, Se-374.66; Auburn Arts & Events, Ex-9,950.00; Baird Holm LLP, Se-270.00; BCom Solutions, Se-980.00; BKD, CPAs & Advisors, SE-8,500.00; Black Hills Energy, Ut-576.04; Blue Cross-Blue Shield, Ins-6,618.10; Auburn Board of Public Works, Ut-Reim-7,485.12; Capital Business Systems, Se-Su-443.81; Felicia Shefferd, Local Housing Program-1,110.00; Jamie Weiss, DTR Project-3,252.22; Linda Bantz, Se-400.00; Mark Harms, Ex-500.00; Mid-American Benefits Inc., Ins-78.25; Nemaha County, Se-30,666.67; Auburn Region V Services, Se-300.00; Ruth Heywood, DTR Project-7,686.75; The Standard, Ins-372.98; Time Warner Cable, Se-700.13; Verizon Wireless, Se-52.49; Windstream, Se-16.22; Wex Bank, Su-1,752.56. February Payroll-38,941.06; City FICA Match-2,925.90; City Pension Match-1,620.32; PayChex, Payroll Se-204.10; PayChex FSA Se-87.50; Mid-American Benefits Inc., Ins-254.97. The following March claims were presented before the Council for ratification: American Recycling & Sanitation, Se-335.00; BCom Solutions Inc, Se-980.00; Auburn Board of Public Works, Ut-Reim-7,401.47; Linda Bantz, Se-400.00; Mark Harms, Ex-500.00; Nemaha County, Se-30,666.67; Wex Bank, Su-2,380.57. The following March claims were presented before the Council for approval or ratification: Airstream Heating & Cooling, Se-732.40; AKRS, Equip-2,228.97; Allan Daugherty, Se-90.00; Amazon, Bk-AV-188.76; Angelo Ligouri, Se-6,489.25; Auburn Mem. Library Petty Cash, Su-123.99; Auburn Newspapers, Se-143.82; Baker & Taylor, Bk-AV-534.07; Beard's Salvage Inc., Su-188.80; Boo Inc. dba Bobcat of Omaha, Su-11.84; Bulldog Auto Supply Inc., Su-692.52; Center Point Large Print, Bk-AV-288.07; Demco, Su-263.60; DHHS, Ex-80.00; Eakes Office Solutions, Su-223.28; Ed M. Feld Equipment Co. Inc., Equip-69,154.00; Eggers Brothers Inc., Su-200.00; First National Bank Omaha, Su-Ex-830.92; General Fire and Safety Equipment, Se-130.00; Heath Christiansen, Se-240.00; Heiman Fire Equipment, Equip-713.15; League of NE Municipalities, Reg-395.00; Lotter Tree Service, Se-750.00; Lynch's Hardware & Gifts, Su-19.83; Menards, Su-286.66; Meyer Laboratory Inc., Su-159.85; Meyer-Earp Chevrolet, Su-Se-488.63; Michael Todd & Co. Inc., Su-1,139.94; Nebraska Salt & Grain Co., Su-3,409.60; Nebraska Supreme Court, Ref-121.85; Nemaha County Clerk, Fe-10.00; OCLC Inc., Sub-62.44; OK Tire, Se-72.45; Overdrive, Inc., Bk-AV-433.98; Petty Cash,

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Council Member Billings moved to approve the claims presented which have not been previously approved by motion or resolution and ratify the ordinary and necessary expenses allowed and in accordance with Resolution No. 7-11 that was approved February 28, 2011. The motion was seconded by Council Member Janssen. Upon roll call vote the following Council Members voted "YEA": Erickson, Janssen, Jeanneret, Billings, Shawn Clark, and Tom Clark. The following voted "NAY": No one. Motion: Carried.

Public hearing was held regarding Notice of Intent to Discontinue CDBG-Economic Development Revolving Loan Fund Program (CDBG-EDRLF) ceasing and discontinuing further economic development activities. There wasn't any public comment given. After allowing time for comments the public hearing was closed.

Public hearing was held to allow public comment on proposed rezoning request for real estate addressed: 2720 Q Street to change the zoning R-2 Medium Density Residential to C-R Commercial Residential. The request was approved by the Planning Commission following public hearing on February 16, 2021. There wasn't any public opposition given. After allowing time for comments the public hearing was closed.

Proposed Ordinance No. 2-21, confirming the rezoning of Lots 7 thru 13 and the East half (E1/2) of the vacated alley, Blk 37, Calvert Addition (address 2720 Q Street) from R-2 Medium Density Residential to C-R Commercial Residential upon a privacy fence being constructed and maintained by the Owners between zoning jurisdictions, was presented for consideration. Public hearing on the request for rezoning having been held, the Mayor announced that the introduction of the proposed Ordinance was in order. Council Member Erickson moved that these proceedings be kept in a separate and distinct volume known as the "Ordinance Record of the City of Auburn, Nemaha County, Nebraska" and that said volume be made part of these proceedings the same as though it were spread at large herein, which motion was seconded by Council Member Jeanneret. Upon calling the roll, the following Council Members voted "YEA": Janssen, Jeanneret, Billings, Shawn Clark, Tom Clark, and Erickson. The following voted "NAY": No one. Motion: Carried. Council Member Billings introduced and read Ordinance No. 2-21. Council Member Erickson moved the Ordinance No. 2-21 be approved on its first reading and its title agreed to; Seconded by Council Member Janssen. Upon calling the roll, the following Council Members voted "YEA": Jeanneret, Billings, Shawn Clark, Tom Clark, Erickson, and Janssen. The following voted "NAY": No one. Motion carried and Ordinance No. 2-21 was approved for first reading.

Proposed Ordinance No. 3-21, confirming the transfer of city-owned real estate pursuant to nuisance abatement and providing an effective date, regarding 2020 M Street purchased by Judd Remmers, was presented for consideration. The Mayor announced that the proposed Ordinance was in order. Council Member Erickson moved that these proceedings be kept in a separate and distinct volume known as the "Ordinance Record of the City of Auburn, Nemaha County, Nebraska" and that said volume be made part of these proceedings the same as though it were spread at large herein, which motion was seconded by Council Member Billings. Upon calling the roll call vote, the following Council Members voted "YEA": Billings, Shawn Clark, Tom Clark, Erickson, Janssen, and Jeanneret. The following voted "NAY": No one. Motion: Carried. Council Member Erickson introduced the proposed Ordinance and moved that the statutory rule requiring reading on three different days be suspended. Council Member Billings seconded the motion to suspend the rules and upon roll call vote, the following Council Members voted "YEA": Shawn Clark, Tom Clark, Erickson, Janssen, Jeanneret, and Billings. The following voted "NAY": No one. The motion to suspend the rules was adopted by three-fourths of the Council and the statutory rule was declared suspended for consideration of said ordinance. Council Member

Erickson read Ordinance No. 3-21 and moved for final passage of the ordinance, which motion was seconded by Council Member Billings. Upon roll call vote, the following Council Members voted "YEA": Tom Clark, Erickson, Janssen, Jeanneret, Billings, and Shawn Clark. The following voted "NAY": No one. Motion: Carried.

Proposed Resolution No. 3-21, for discontinuous of further CDBG-Economic Development Program Income Reuse Loan Financing, was presented for consideration. Public hearing having been held, Council Member Billings moved to approve Resolution No. 3-21. The motion was seconded by Council Member Erickson. Upon roll call vote the following Council Members voted "YEA": Erickson, Janssen, Jeanneret, Billings, Shawn Clark, and Tom Clark. The following voted "NAY": No one. Motion: Carried.

Reports from department heads/boards and committees were given.

Motions and requests were presented. There were no requests made to attend meetings or conferences.

Request from Auburn Development Council for a letter of support to be submitted with the NPPD 2021 Site Readiness Assistance Program was presented. Following presentation of request, Council Member Erickson moved to approve the Mayor to sign a letter of support to be submitted with the 2021 Site Readiness Assistance Program application. The motion was seconded by Council Member Jeanneret. Upon roll call vote the following Council Members voted "YEA": Janssen, Jeanneret, Billings, Shawn Clark, Tom Clark, and Erickson. The following voted "NAY": No one. Motion: Carried.

Following discussion, City Attorney Ligouri was instructed to prepare an agreement between the City and Nemaha County Ag Society regarding insurance and operation of the lake at the fairgrounds to be considered at a future meeting.

Request was presented by Tracy Betts/Southside Saloon for approval of a Special Designated Liquor License application for Auburn Arts and Events (Community Celebration/Live Music) to be held in Legion Park on May 1, 2021.

Request was presented by Tracy Betts/Southside Saloon for approval of a Special Designated Liquor License application for Auburn Arts and Events Summer Concert Series/Live Music to be held in Legion Park on June 4, 2021.

Council Member Janssen moved; Seconded by Tom Clark to approve the requests by Tracy Betts/Southside Saloon for approval of a Special Designated Liquor License application for Auburn Arts and Events Community Celebration/Live Music to be held in Legion Park on May 1, 2021 and approval of a Special Designated Liquor License application for Auburn Arts and Events Summer Concert Series/Live Music to be held in Legion Park on June 4, 2021. The motion was seconded by Council Member Tom Clark. Upon roll call vote the following Council Members voted "YEA": Jeanneret, Billings, Shawn Clark, Tom Clark, Erickson, and Janssen. The following voted "NAY": No one. Motion: Carried.

Request by ESU 4 to use the city street for a community 5K event was reviewed. Council Member Tom Clark moved to approve the request by ESU 4 to use the city street(s) for a community 5K event with the following route beginning in the ESU 4 Learning Center parking lot at 1109 R Street, proceeding to S Street, then heading north to 6th Street and taking 6th Street to the Wellness Center and then returning following the same route. The motion was seconded by Council Member Erickson. Upon roll call vote the following Council Members voted "YEA": Billings, Shawn Clark, Tom Clark, Erickson, Janssen, and Jeanneret. The following voted "NAY": No one. Motion: Carried.

There being no further business to come before the Mayor and Council, Council Member Erickson moved for adjournment. The motion was seconded by Council Member Tom Clark. Upon roll call vote the following Council Members voted "YEA": Shawn Clark, Tom Clark, Erickson, Janssen, Jeanneret, and Billings. The following voted "NAY": No one. Motion: Carried.

Mayor White declared the meeting adjourned.

Sherry Heskett
City Clerk

Dan White
Mayor

A complete copy of the minutes is available for inspection at City Hall.

TREASURER'S REPORT
CALENDAR 3/2021, FISCAL 6/2020

AGENDA ITEM
 NO

D-2

ACCOUNT TITLE	LAST REPORT ON HAND	RECEIVED	DISBURSED	BALANCE
GENERAL CHECKING	1,341,553.99	148,128.67	157,632.47	1,332,050.19
STREET CHECKING	432,457.97	45,926.43	34,742.87	443,641.53
STREET BOND/WARRANT CHECKING	16,809.90			16,809.90
TOTAL CHECKING:	1,790,821.86	194,055.10	192,375.34	1,792,501.62
TOTAL FIRE DEPT SINKING	75,215.45	21.33	.00	75,236.78
TOTAL KENO RESERVE MMA:	33,898.86	798.20	2,307.02	32,390.04
TOTAL KENO CHECKING	21,579.61	1,642.39	.00	23,222.00
TOTAL CDBG CHECKING	7,030.95	6,971.17	6,971.17	7,030.95
TOTAL CDBG DTR REUSE	68,163.39	1,214.58	.00	69,377.97
TOTAL CDBG HD SAVINGS:	6,583.84	1,859.25	.00	8,443.09
TOTAL CRA CHECKING	727,414.97	19,340.04	3,886.76	742,868.25
TOTAL CITY REC CHECKING	44,976.12	.00	.00	44,976.12
GENERAL CD	100,500.14			100,500.14
TOTAL C.D.'S:	100,500.14	.00	.00	100,500.14
TOTAL CASH ON HAND:	2,876,185.19	225,902.06	205,540.29	2,896,546.96

D-4

**Special Designated License
Local Recommendation (Form 200)**

Applications must be entered on the portal after local approval – no exceptions
Late applications are non-refundable and will be rejected

EAGLES FRAT ORDER AUBURN 3767

Retail Liquor License Name or *Non-Profit Organization (*Must include Form #201 as Page 2)

1017 CENTRAL AVE AUBURN, NE 68305

Retail Liquor License Address or Non-Profit Business Address

005751

Retail License Number or Non-Profit Federal ID #

Consecutive Dates only

Event Date(s):

6/12/2021

6/13/2021

Event Start Time(s):

Noon

Midnight

Event End Time(s):

Midnight

1am

Alternate Date: _____

Alternate Location Building & Address: _____

Event Building Name: 4H Pavillion

Event Street Address/City: 816 I St, Auburn Ne 68305

Indoor area to be licensed in length & width: 10 x 40

Outdoor area to be licensed in length & width: 110 x 90 (Diagram Form #109 must be attached)

Type of Event: Wedding Reception **Estimate # of attendees:** 200

Type of alcohol to be served: Beer Wine Distilled Spirits
(If not marked, you will not be able to serve this type of alcohol)

Event Contact Name: Jeff Domino **Event Contact Phone Number:** _____

Event Contact Email: _____

***Signature Authorized Representative:**  **Printed Name** Jeffrey Domino

I declare that I am the authorized representative of the above named license applicant and that the statements made on this application are true to the best of my knowledge and belief. I also consent to an investigation of my background including all records of every kind including police records. I agree to waive any rights or causes of action against the Nebraska Liquor Control Commission, the Nebraska State Patrol or any other individual releasing said information to the Liquor Control Commission or the Nebraska State Patrol. I further declare that the license applied for will not be used by any other person, group, organization or corporation for profit or not for profit and that the event will be supervised by persons directly responsible to the holder of this Special Designated License.

***Retail licensee – Must be signed by a member listed on permanent license**

***Non-Profit Organization – Must be signed by a Corporate Officer**

Local Governing Body completes below:

The local governing body for the City/Village of _____ **OR** County of _____ approves the issuance of a Special Designated License as requested above. (Only one should be written above)

Local Governing Body Authorized Signature

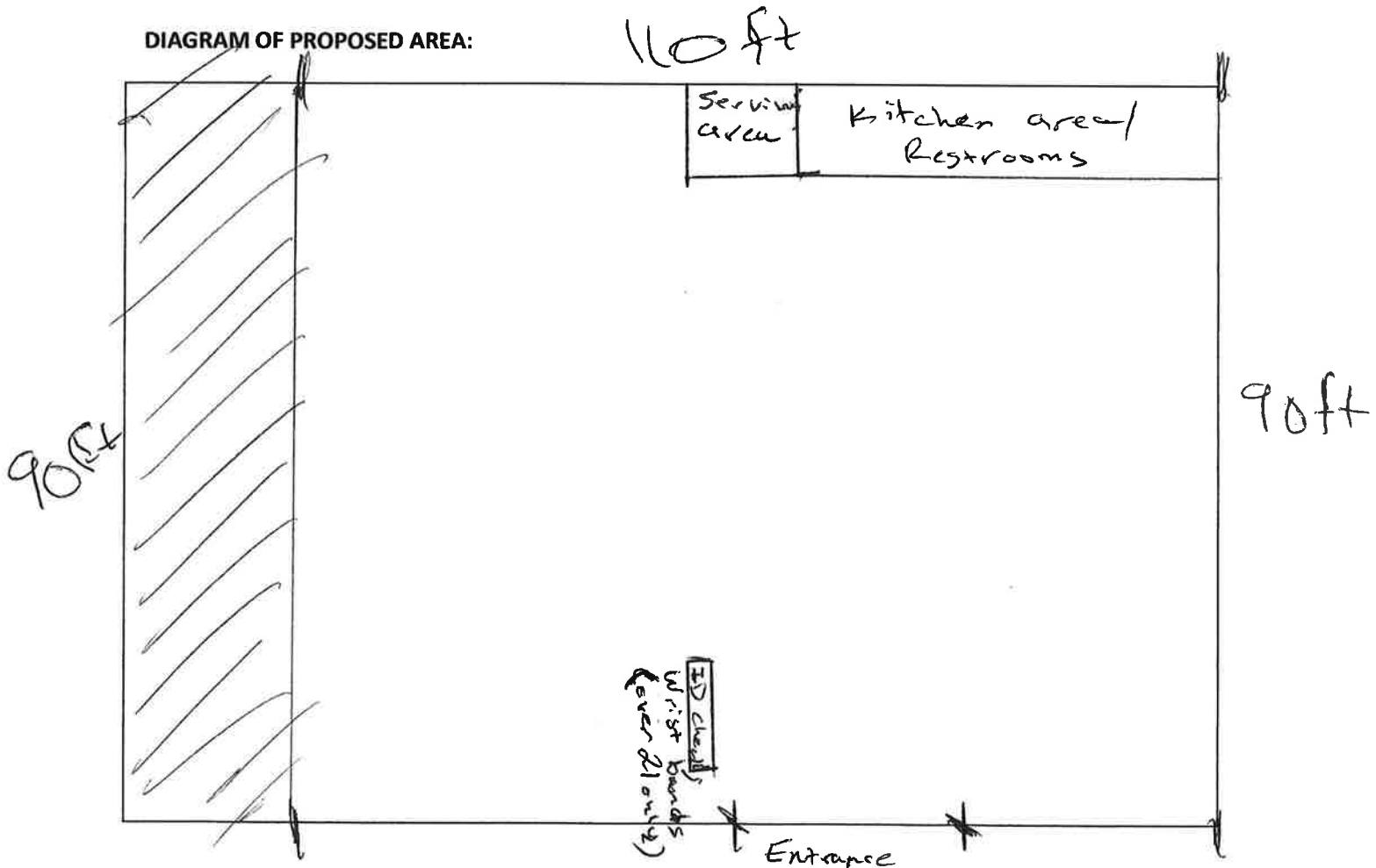
Date

OUTDOOR AREA DIAGRAM

HOW AREA WILL BE PATROLLED Monitored by personnel from the Auburn Eagles Club.

- IF APPLICABLE, OUTDOOR AREA MUST BE CONNECTED TO INDOOR AREA IF INDOOR AREA IS TO LICENSED
- MEASUREMENT OF OUTER WALLS OF AREA TO BE LICENSED MUST INCLUDED LENGTH & WIDTH IN FEET
- DOUBLE FENCING IS REQUIRED FOR ALL NON-PROFIT ORGANIZATIONS UNLESS FORM #140 IS FILED WITH THIS FORM AND IS APPROVED BY THE COMMISSION
- RETAILER LIQUOR LICENSE HOLDERS ARE NOT REQUIRED TO DOUBLE FENCE, ALTHOUGH MEASURES NEED TO BE TAKEN TO SECURE THE AREA

DIAGRAM OF PROPOSED AREA:



**Special Designated License
Local Recommendation (Form 200)**
Applications must be entered on the portal after local approval - no exceptions
Late applications are non-refundable and will be rejected

5TH STREET POST

Retail Liquor License Name or *Non-Profit Organization (*Must include Form #201 as Page 2)
721 5TH STREET - PERU, NE 68421

Retail Liquor License Address or Non-Profit Business Address
121898

Retail License Number or Non-Profit Federal ID #

Consecutive Dates only

Event Date(s):

5/1/21

Event Start Time(s):

2 PM

Event End Time(s):

1 AM

Alternate Date: **N/A**

Alternate Location Building & Address: **N/A**

Event Building Name: **WHISKEY RUN**

Event Street Address/City: **910 CENTRAL AVE AUBURN, NE 68305**

Indoor area to be licensed in length & width: X

Outdoor area to be licensed in length & width: **40** X **25** (Diagram Form #109 must be attached)

Type of Event: **SUMMER 2021 CELEBRATIONS** Estimate # of attendees: **50-75**

Type of alcohol to be served: Beer Wine Distilled Spirits
(ON + OFF SALE) (If not marked, you will not be able to serve this type of alcohol)

Event Contact Name: **Ruth Heywood** Event Contact Phone Number: _____

Event Contact Email: _____

*Signature Authorized Representative:  Printed Name **RUTH HEYWOOD**

I declare that I am the authorized representative of the above named license applicant and that the statements made on this application are true to the best of my knowledge and belief. I also consent to an investigation of my background including all records of every kind including police records. I agree to waive any rights or causes of action against the Nebraska Liquor Control Commission, the Nebraska State Patrol or any other individual releasing said information to the Liquor Control Commission or the Nebraska State Patrol. I further declare that the license applied for will not be used by any other person, group, organization or corporation for profit or not for profit and that the event will be supervised by persons directly responsible to the holder of this Special Designated License.

*Retail licensee - Must be signed by a member listed on permanent license
*Non-Profit Organization - Must be signed by a Corporate Officer

Local Governing Body completes below:

The local governing body for the City/Village of _____ OR County of _____ approves
the issuance of a Special Designated License as requested above. (Only one should be written above)

Local Governing Body Authorized Signature _____

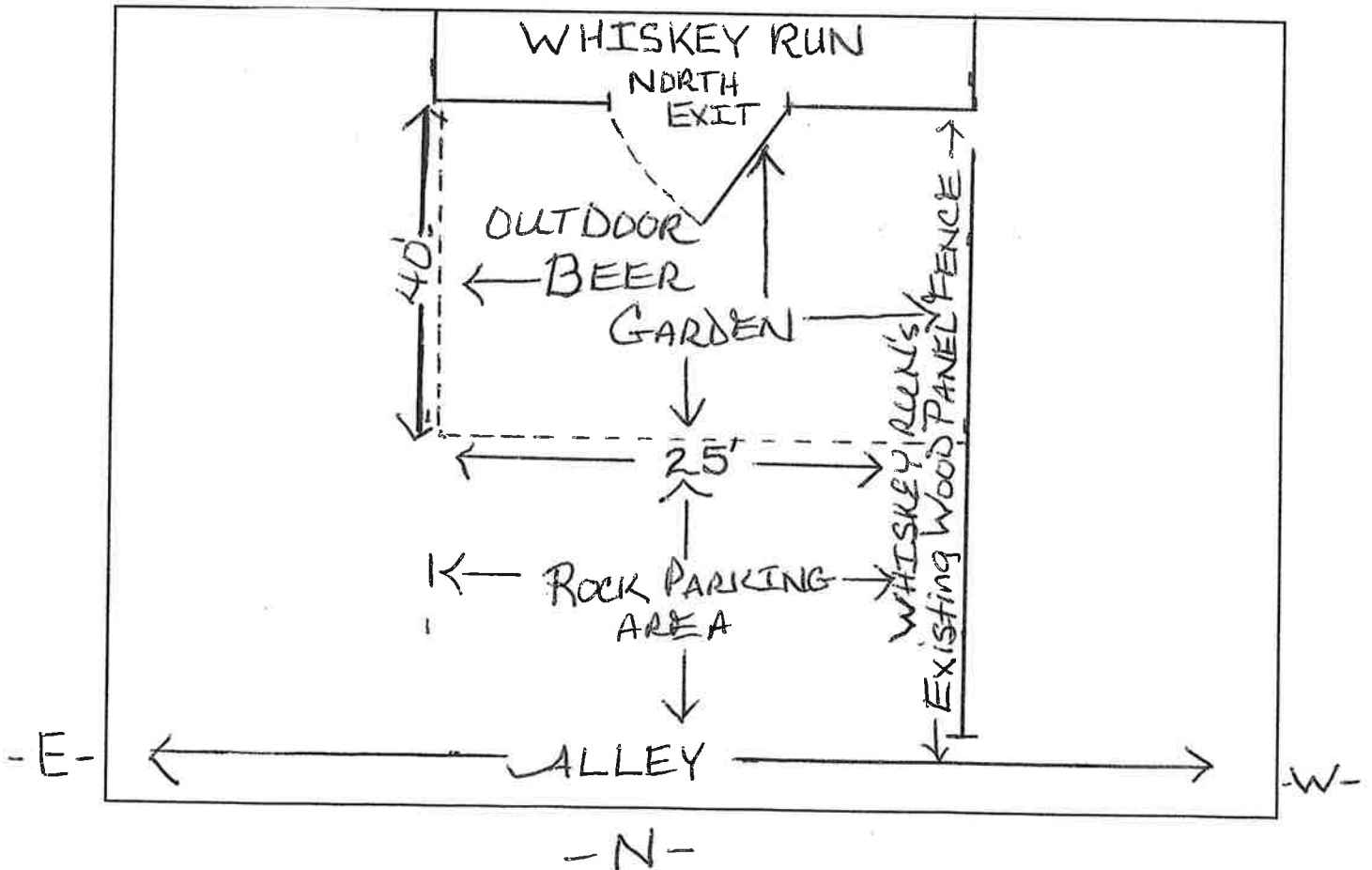
Date _____

OUTDOOR AREA DIAGRAM

HOW AREA WILL BE PATROLLED Whiskey Run Staff

- IF APPLICABLE, OUTDOOR AREA MUST BE CONNECTED TO INDOOR AREA IF INDOOR AREA IS TO LICENSED
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- RETAILER LIQUOR LICENSE HOLDERS ARE NOT REQUIRED TO DOUBLE FENCE, ALTHOUGH MEASURES NEED TO BE TAKEN TO SECURE THE AREA

DIAGRAM OF PROPOSED AREA:



**Special Designated License
Local Recommendation (Form 200)**
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5TH STREET POST

Retail Liquor License Name or *Non-Profit Organization (*Must include Form #201 as Page 2)
721 5TH STREET - PERU, NE 68421

Retail Liquor License Address or Non-Profit Business Address
121898

Retail License Number or Non-Profit Federal ID #

Consecutive Dates only

Event Date(s): **5/29/21**

Event Start Time(s): **2 PM**

Event End Time(s): **1 AM**

Alternate Date: **N/A**

Alternate Location Building & Address: **N/A**

Event Building Name: **WHISKEY RUN**

Event Street Address/City: **910 CENTRAL AVE AUBURN, NE 68305**

Indoor area to be licensed in length & width: X


Outdoor area to be licensed in length & width: **40** X **25** (Diagram Form #109 must be attached)

Type of Event: **SUMMER 2021 CELEBRATIONS** Estimate # of attendees: **50-75**

Type of alcohol to be served: Beer Wine Distilled Spirits
(ON-OFF SALE) (If not marked, you will not be able to serve this type of alcohol)

Event Contact Name: **Ruth Heywood** Event Contact Phone Number: _____

Event Contact Email: _____

*Signature Authorized Representative:  Printed Name **RUTH HEYWOOD**

I declare that I am the authorized representative of the above named license applicant and that the statements made on this application are true to the best of my knowledge and belief. I also consent to an investigation of my background including all records of every kind including police records. I agree to waive any rights or causes of action against the Nebraska Liquor Control Commission, the Nebraska State Patrol or any other individual releasing said information to the Liquor Control Commission or the Nebraska State Patrol. I further declare that the license applied for will not be used by any other person, group, organization or corporation for profit or not for profit and that the event will be supervised by persons directly responsible to the holder of this Special Designated License.

*Retail licensee – Must be signed by a member listed on permanent license
*Non-Profit Organization – Must be signed by a Corporate Officer

Local Governing Body completes below:

The local governing body for the City/Village of _____ OR County of _____ approves
the issuance of a Special Designated License as requested above. (Only one should be written above)

Local Governing Body Authorized Signature _____

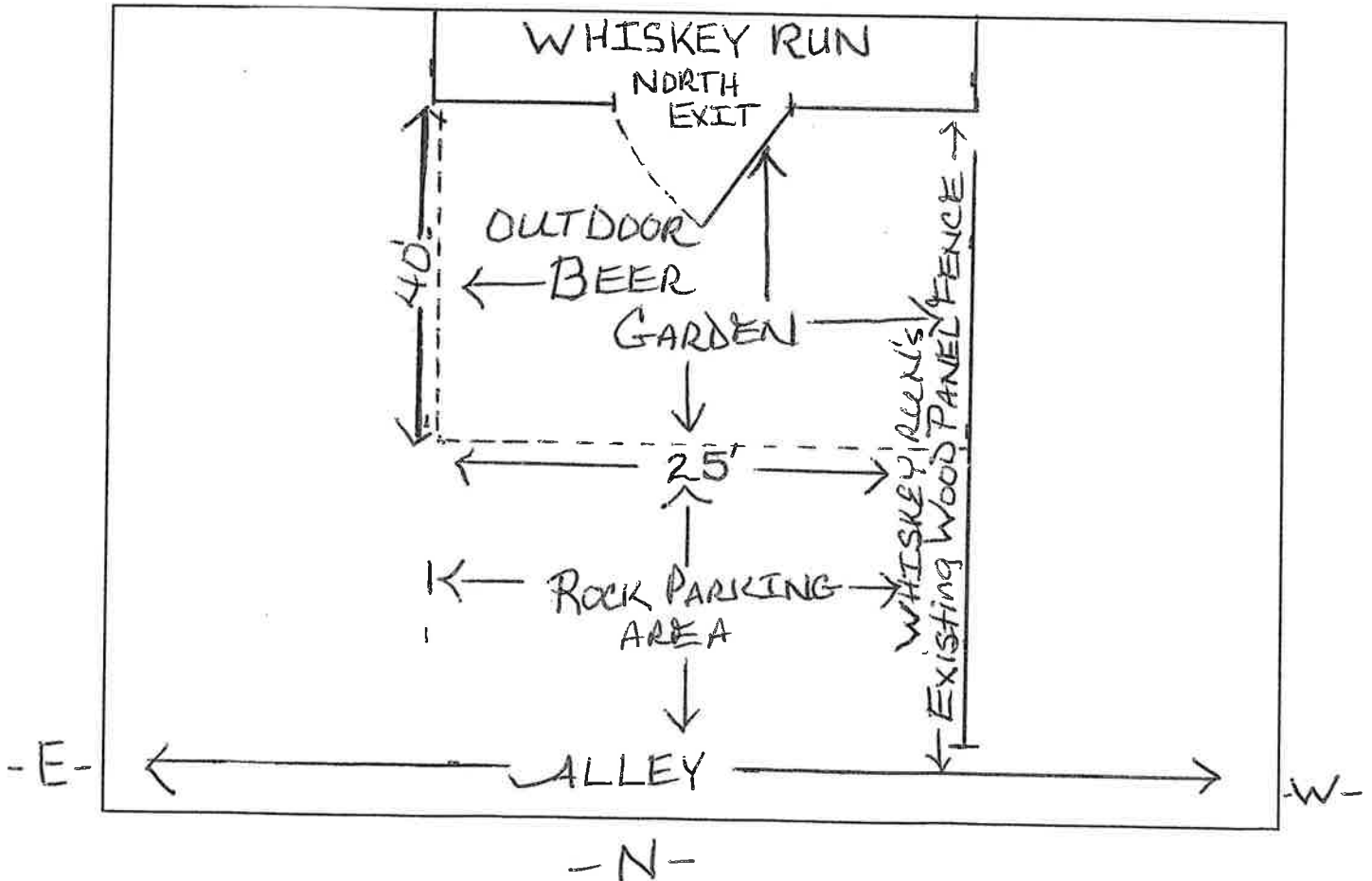
Date _____

OUTDOOR AREA DIAGRAM

HOW AREA WILL BE PATROLLED Whiskey Run Staff

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DIAGRAM OF PROPOSED AREA:

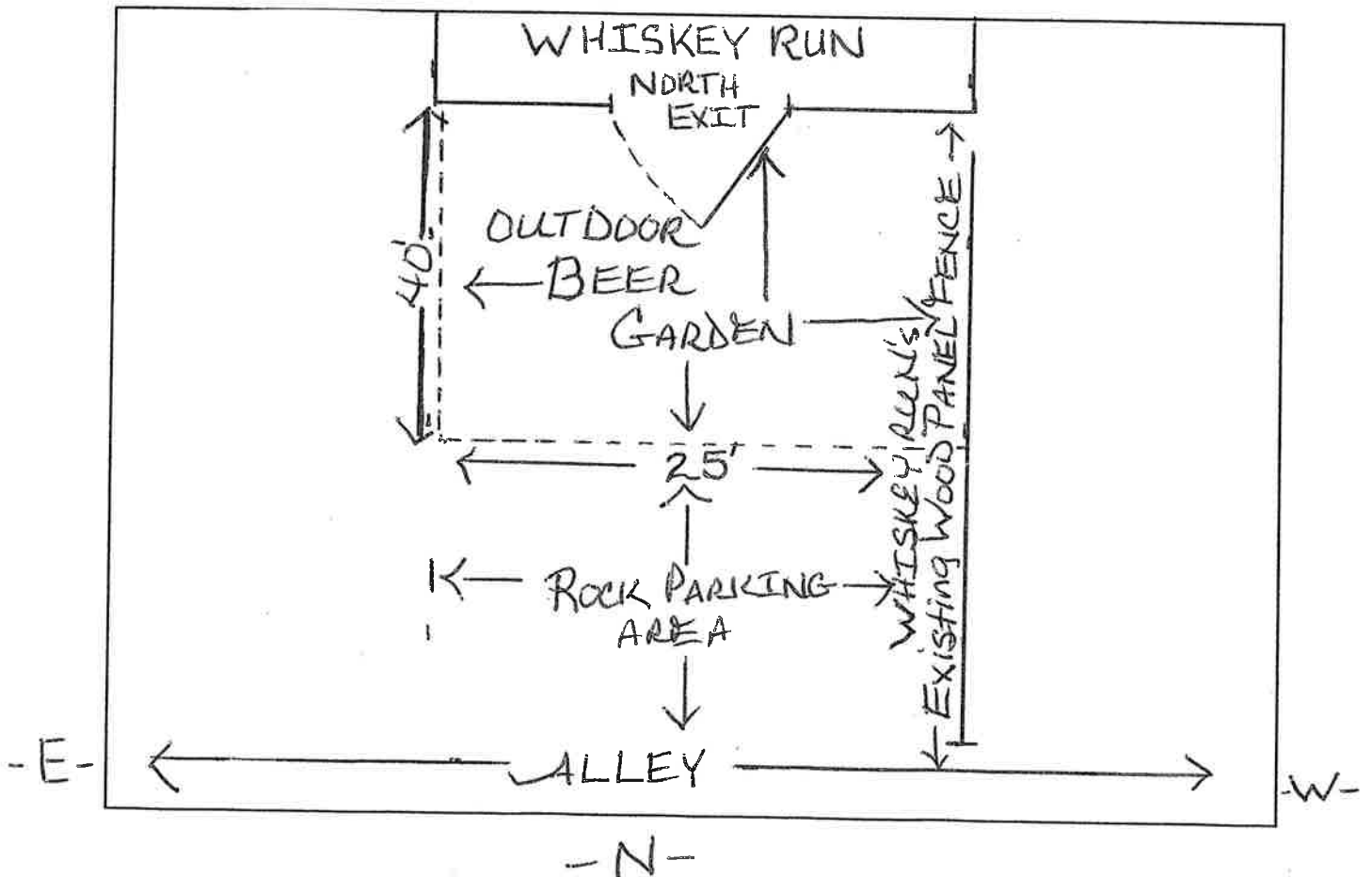


OUTDOOR AREA DIAGRAM

HOW AREA WILL BE PATROLLED Whiskey Run Staff

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DIAGRAM OF PROPOSED AREA:

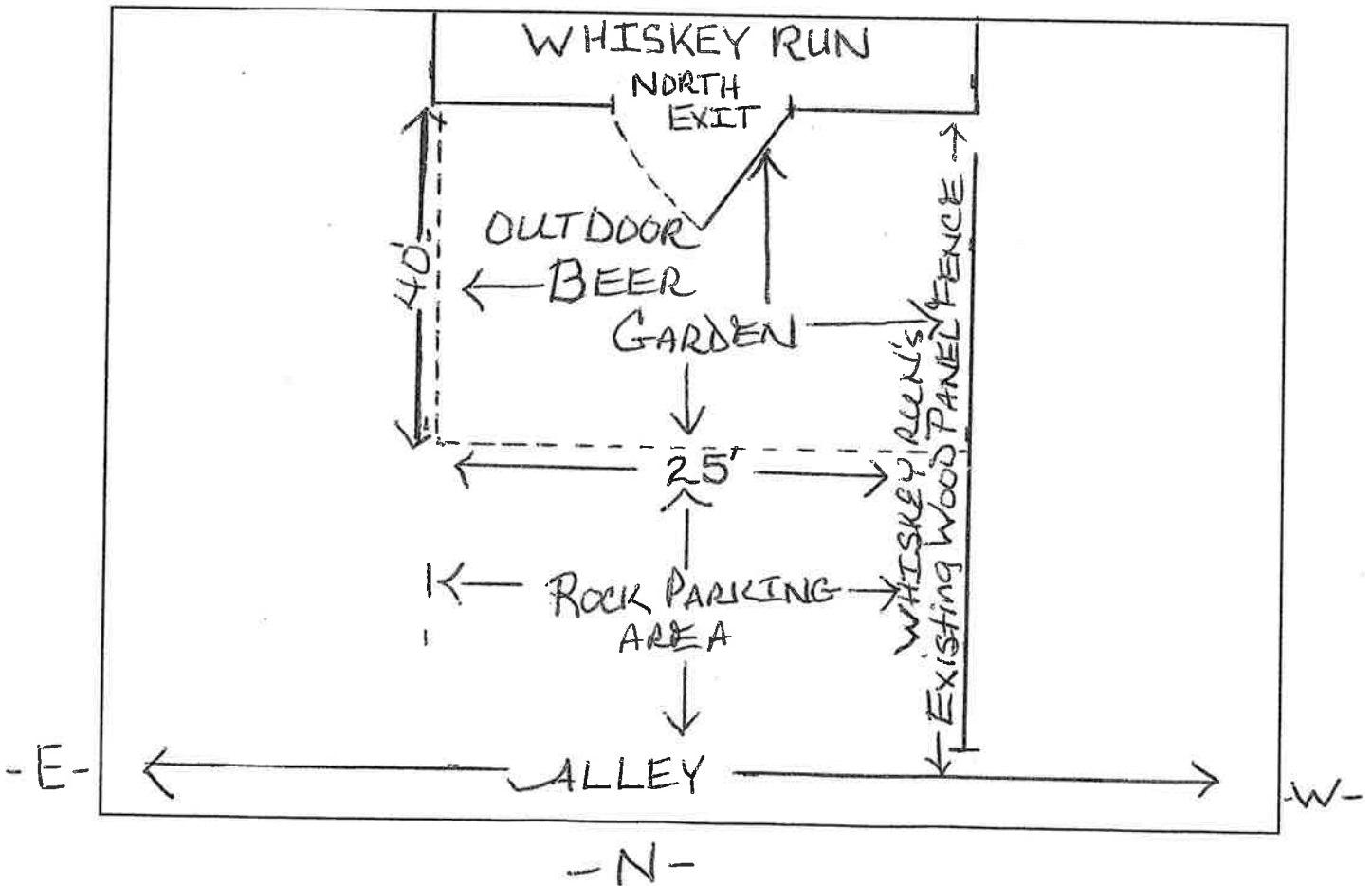


OUTDOOR AREA DIAGRAM

HOW AREA WILL BE PATROLLED Whiskey Run Staff

- IF APPLICABLE, OUTDOOR AREA MUST BE CONNECTED TO INDOOR AREA IF INDOOR AREA IS TO LICENSED
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DIAGRAM OF PROPOSED AREA:



AGENDA ITEM NO. E - 1

REPORT NOTATION: Please remember that the "Reference" field of this report is not large enough to print a description of each invoice being paid to the Vendor. Examples include but are not limited to: Board of Public Works. For a full description, please contact me.

Sherry Heskett

CLAIMS REPORT
 Check Range: 3/05/2021- 3/31/2021

AGENDA ITEM
 NO

E-1

VENDOR NAME	REFERENCE	
GENERAL FUND		
ADMIN		
AFLAC	AFLAC WH	73.80
AMBER & BRIAN KINNAMAN	NEW CONSTRUCTION HOUSING GRANT	5,000.00
BLUE CROSS-BLUE SHIELD	HEALTH INSURANCE	3,079.51
CAPITAL BUSINESS SYSTEMS	COPIER LEASE/SUPPLIES	316.21
MID-AMERICAN BENEFITS INC	HEALTH INSURANCE	30.25
AUBURN REGION V SERVICES	CLEANING SERVICE	125.00
TIME WARNER CABLE	PHONE ACCT	432.07
WINDSTREAM NEBRASKA INC	PHONE ACCT	16.44
	ADMIN TOTAL	9,073.28
FIRE DEPARTMENT		
BLACK HILLS ENERGY	GAS BILL ACCT	464.25
AUBURN REGION V SERVICES	CLEANING SERVICE	50.00
TIME WARNER CABLE	PHONE ACCT	106.76
	FIRE DEPARTMENT TOTAL	621.01
SR. CENTER DEPARTMENT		
BLACK HILLS ENERGY	GAS BILL ACCT	62.61
AUBURN REGION V SERVICES	CLEANING SERVICE	125.00
	SR. CENTER DEPARTMENT TOTAL	187.61
LIBRARY DEPARTMENT		
BLUE CROSS-BLUE SHIELD	HEALTH INSURANCE	1,025.57
MID-AMERICAN BENEFITS INC	HEALTH INSURANCE	12.00
WINDSTREAM NEBRASKA INC	PHONE ACCT	264.92
	LIBRARY DEPARTMENT TOTAL	1,302.49
POOL DEPARTMENT		
BLACK HILLS ENERGY	GAS BILL ACCT	31.10
TIME WARNER CABLE	PHONE ACCT	126.97
	POOL DEPARTMENT TOTAL	158.07
	GENERAL FUND TOTAL	11,342.46
STREET FUND		
BLACK HILLS ENERGY	GAS BILL ACCT	143.88
BLUE CROSS-BLUE SHIELD	HEALTH INSURANCE	2,513.02
MID-AMERICAN BENEFITS INC	HEALTH INSURANCE	36.00
TIME WARNER CABLE	PHONE ACCT	34.33
VERIZON WIRELESS	PHONE ACCT	51.98
	TOTAL	2,779.21

CLAIMS REPORT
 Check Range: 3/05/2021- 3/31/2021

VENDOR NAME	REFERENCE	VENDOR TOTAL
	STREET FUND TOTAL	----- 2,779.21
CDBG GRANT FUND		
BANTZ QUALITY BUILDERS	CDBG 18-HO-36067	640.00
SOUTHEAST NE DEVELOPMENT DIST.	CDBG 18-HO-36067	6,331.17
	TOTAL	----- 6,971.17
	CDBG GRANT FUND TOTAL	----- 6,971.17
	Accounts Payable Total	=====
		21,092.84

CLAIMS REPORT
Check Range: 4/01/2021- 4/07/2021

AGENDA ITEM
NO

E-1

VENDOR NAME	REFERENCE	
GENERAL FUND		
ADMIN		
AMERICAN RECYCLING SANITATION	RECYCLING LOT MONTHLY	335.00
AUBURN NEWSPAPERS	PUBLISHING	249.66
BCom Solutions, LLC	WEBSITE HOSTING/DIGITAL MARKET	980.00
BERNARD REAL ESTATE	INSPECTION	75.00
BLUE RIVERS AAA	SUPPORT OF SERVICES-TRANSPORT	1,500.00
AUBURN BPW	ELEC	481.31
CAPITAL BUSINESS SYSTEMS	COPIER LEASE/SUPPLIES	350.01
EAKES OFFICE SOLUTIONS	SUPPLIES	401.63
FIRST NATIONAL BANK OMAHA	CARD TRANSACTIONS	173.47
GLENN'S CORNER MARKET	SUPPLIES	27.42
HAUG COMMUNICATIONS INC.	MAINTENANCE	1,647.50
LYNCH'S HARDWARE & GIFTS	SUPPLIES	30.98
MARTIN'S FLAG COMPANY LLC	FLAGS	72.11
MENARDS	SUPPLIES	83.76
MEYER LABORATORY INC	SUPPLIES	58.95
MICROFILM IMAGING SYSTEMS INC	SCANNER RENT	138.00
NEMAHA COUNTY CLERK	FILING FEES	150.00
NEMAHA COUNTY SHERIFF	SERVICE OF SUMMONS	18.50
SOUTHEAST AREA CLERK'S ASSOC.	MEMBERSHIPS	20.00
THE LEAGUE OF KANSAS MUNICIPAL	CLASSIFIED AD JOB POSTING	130.00
TIME WARNER CABLE	PHONE ACCT	25.11
	ADMIN TOTAL	----- 6,948.41
POLICE DEPARTMENT		
NEMAHA COUNTY	LAW/CODE ENFORCEMENT	30,666.67
	POLICE DEPARTMENT TOTAL	----- 30,666.67
FIRE DEPARTMENT		
AUBURN BPW	ELEC	337.77
HEIMAN INC	BUNKER GEAR	5,957.10
WEX BANK	FUEL EXPENSE	12.88
	FIRE DEPARTMENT TOTAL	----- 6,307.75
PARK DEPARTMENT		
AUBURN PLUMBING,HTG & AC INC.	BUILDING/GROUNDS MAINTENANCE	120.41
AUBURN BPW	ELEC DEMAND	2,433.46
BULLDOG AUTO SUPPLY INC	PARTS/SUPPLIES	227.28
DIAMOND VOGEL	PAINT SUPPLIES	281.72
FIRST NATIONAL BANK OMAHA	CARD TRANSACTIONS	101.82
LYNCH'S HARDWARE & GIFTS	SUPPLIES	96.66
MARTIN MARIETTA MATERIALS	ROCK	1,605.73
MARTIN'S FLAG COMPANY LLC	FLAGS	64.70
MENARDS	SUPPLIES	174.35
MEYER LABORATORY INC	SUPPLIES	58.95
PET PICK-UPS	SUPPLIES	239.03
PIIONEER MANUFACTURING COMPANY	SUPPLIES	1,612.50
SACK LUMBER COMPANY	SUPPLIES/MATERIALS	212.49
TONY HECTOR BACKHOE & TRENCH	WORK AT REC COMPLEX	4,225.66
WEX BANK	FUEL EXPENSE	150.43

CLAIMS REPORT
 Check Range: 4/01/2021- 4/07/2021

VENDOR NAME	REFERENCE	VENDOR TOTAL
	PARK DEPARTMENT TOTAL	11,605.19
SR. CENTER DEPARTMENT		
A BETTER HOOD CLEANING LLC	KITCHEN HOOD INSPECT/CLEANING	600.00
AUBURN BPW	ELEC	575.03
	SR. CENTER DEPARTMENT TOTAL	1,175.03
LIBRARY DEPARTMENT		
AMAZON	BOOKS/AVS	207.33
AMERICAN RECYCLING SANITATION	GARBAGE SERVICE/RECYCLING	39.66
AUBURN HIGH SCHOOL	2020-2021 YEARBOOKS	100.00
AUBURN MEM. LIBRARY PETTY CASH	POSTAGE/ILL	80.51
BAKER & TAYLOR	BOOKS/AVS	256.43
BLACKSTONE PUBLISHING	BOOKS/AVS	734.25
AUBURN BPW	ELEC	989.47
CENTER POINT LARGE PRINT	BOOKS/AVS	288.77
DEMCO	SUPPLIES	169.46
HISTORY NEBRASKA	SUBSCRIPTION	35.00
LINDA BANTZ	CUSTODIAL SERVICE	400.00
OCLC INC	ILL/SUBSCRIPTION	62.44
OVERDRIVE, INC.	BOOKS/AVS	353.97
RICOH USA, INC	EQUIPMENT COPIES	9.89
VERIZON WIRELESS	PHONE ACCT	80.02
	LIBRARY DEPARTMENT TOTAL	3,807.20
POOL DEPARTMENT		
AUBURN BPW	ELEC	779.88
	POOL DEPARTMENT TOTAL	779.88
	GENERAL FUND TOTAL	61,290.13
STREET FUND		
AUTO AIR & REPAIR	PARTS/LABOR	416.75
BENNETT'S FIRE PROTECTION	MOUNTING BRACKET	68.50
AUBURN BPW	ELEC	731.53
BOO INC DBA BOBCAT OF OMAHA	PARTS	142.16
BULLDOG AUTO SUPPLY INC	PARTS/SUPPLIES	1,374.46
EGGERS BROTHERS INC	PARTS/SUPPLIES	6.53
FILTER CARE	FILTERS	32.93
FIRST NATIONAL BANK OMAHA	PARTS	233.20
GLENN'S CORNER MARKET	SUPPLIES	19.90
LYNCH'S HARDWARE & GIFTS	SUPPLIES	6.23
MARK HARMS	LAND USE	500.00
MARTIN MARIETTA MATERIALS	ROCK	2,813.42
MENARDS	SUPPLIES	272.17
NEBRASKA DEPT OF TRANSPORTATIO	MAINTENANCE AGREEMENT	5,413.10
SACK LUMBER COMPANY	SUPPLIES/MATERIALS	171.64

CLAIMS REPORT
Check Range: 4/01/2021- 4/07/2021

VENDOR NAME	REFERENCE	VENDOR TOTAL
WEX BANK	FUEL EXPENSE	1,021.86
	TOTAL	----- 13,224.38
	STREET FUND TOTAL	----- 13,224.38
	Accounts Payable Total	=====
		74,514.51

ORDINANCE NO. 02-21

OF THE CITY OF AUBURN, NEMAHA COUNTY, NEBRASKA

AN ORDINANCE OF THE CITY OF AUBURN, NEMAHA COUNTY, NEBRASKA, TO AMEND SECTION 152.015 OF THE AUBURN CITY CODE, INCORPORATING SECTION 11-101, ADOPTED: APRIL 24, 1995, BY ORDINANCE 2-95; TO REZONE AND RECLASSIFY THE FOLLOWING DESCRIBED REAL ESTATE, TO-WIT:

LOTS 7 thru 13, IN BLOCK 37, CALVERT'S ADDITION TO AUBURN, NEMAHA COUNTY, NEBRASKA AND THE EAST HALF OF THE VACATED ALLEY ADJOINING SAID LOTS.

FROM THE PRESENT ZONING CLASSIFICATION OF "R-2 MEDIUM DENSITY RESIDENTIAL" TO "C-R COMMERCIAL/RESIDENTIAL"; TO AMEND THE OFFICIAL ZONING MAP WHICH HAS BEEN ADOPTED AND MADE A PART OF SAID SECTION 152.015 BY ORDINANCE 2-95 TO SHOW SAID RECLASSIFICATION; TO REPEAL ALL ORDINANCES AND RESOLUTIONS OR PARTS THEREOF IN CONFLICT HERewith; AND TO PROVIDE FOR THE EFFECTIVE DATE.

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

SECTION I. The Mayor and City Council of the City of Auburn, Nemaha County, Nebraska, hereby find and determine that it appears from the records and all the evidence on file that all parties in interest and citizens of Auburn, Nebraska, have been duly notified of the hearings held for the purpose of rezoning and reclassifying the following described real estate, to-wit:

LOTS 7 thru 13, IN BLOCK 37, CALVERT'S ADDITION TO AUBURN, NEMAHA COUNTY, NEBRASKA AND THE EAST HALF OF THE VACATED ALLEY ADJOINING SAID LOTS.

and to amend the map which has been adopted and made a part of Auburn City Code Section 152.015 by Section 11-101 of the Auburn Municipal Code as enacted by Ordinance 2-95 of the City of Auburn, to show said rezoning and reclassification as provided by law.

SECTION II. The Mayor and Council of the City of Auburn, Nebraska, hereby find and determine that the Planning Commission and City Council with the Mayor have held separate hearings thereon and have heard all persons appearing at such hearings, and in consideration of the evidence and of the premises hereby find and determine that said rezoning will be for the public good and general welfare and will provide for the proper, appropriate, and best use of said real estate.

SECTION III. That the Official Zoning Map for the City of Auburn, Nebraska, as the same is referenced in Section 152.015 of the Auburn City Code, as originally enacted by Ordinance 2-95

of the City of Auburn, be and the same is hereby amended to show that the following real estate, to-wit:

LOTS 7 thru 13, IN BLOCK 37, CALVERT'S ADDITION
TO AUBURN, NEMAHA COUNTY, NEBRASKA AND THE EAST
HALF OF THE VACATED ALLEY ADJOINING SAID LOTS.

has been rezoned from the present zoning classification of "R-2 Medium Density Residential" to "C-R Commercial/Residential" pursuant to Section 152.015, Subsection (C) & (D).

SECTION IV. That all Ordinances and Resolutions or parts thereof in conflict herewith be and the same are hereby repealed.

SECTION V. That this Ordinance shall be in full force and effect from and after its passage, approval, and publication according to law.

Passed and approved this day of 2021.

R. Daniel White, Mayor of the
City of Auburn, Nebraska

ATTEST:

Sherry Heskett, Municipal Clerk
of the City of Auburn, Nebraska

(Seal)

Approved as to Form:

Angelo M. Ligouri, City Atty.

ORDINANCE NO. 03 - 21
OF

THE CITY OF AUBURN, NEMAHA COUNTY, NEBRASKA

AN ORDINANCE TO AMEND THE ORIGINAL SECTION 99.36 OF THE CITY OF AUBURN, NEBRASKA, CODE OF ORDINANCES, CONTROL OF DISPOSAL, TO ADD GRASS, GRASS CLIPPINGS, DISGARDED AND/OR WORTHLESS VEGETATION, TO REMOVE REFERENCE TO CITY POLICE CHIEF, & TO HARMONIZE WITH STATE STATUTE; TO REPEAL THE ORIGINAL SECTIONS 99.36 OF SAID CITY CODE AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; AND TO DECLARE AN EFFECTIVE DATE FOR THIS ORDINANCE.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF AUBURN, NEMAHA COUNTY, NEBRASKA:

SECTION 1. Section 99.36 of the City of Auburn, Nebraska, Code of Ordinances is amended, consistent with Code § 35.10, to read as follows:

"§ 99.36 CONTROL OF DISPOSAL.

(A) It shall be unlawful for any person to keep in, on, or about any dwelling, building, premise, or any other place in the City, the following:

(1) Decayed animal or vegetative substance, garbage, or refuse matter of any kind that may be injurious to the health of the public or offensive to the residents of the city. The same must be kept in galvanized iron, plastic, or rubber trash receptacles, as near airtight, as practical.

(B) It shall be unlawful to throw or sweep into streets, alleys, parks, or other public grounds, any dirt, grass, grass clippings, discarded and/or worthless vegetation, paper, nails, pieces of glass, refuse, waste, or rubbish of any kind.

(C) It shall be unlawful for any person to allow or permit for the collection of garbage, rubbish, waste, or refuse to collect, and the same shall be removed within 24 hours after being notified of the same by the City/representative thereof.

(D) All persons residing within the corporate limits and all residential property owners owning real estate within corporate city limits shall have his/her/their garbage transferred, collected, or hauled to a transfer station or licensed landfill by a licensed hauler operating a garbage collection service in contract or for the benefit of the City of Auburn, NE. All occupants, landlord of occupants, and/or owners are required to obtain and maintain garbage service during the

entire occupancy of the residential property within corporate city limits.

(Prior Code, § 4-304)

(Ord. No. 9-97, passed 6-2-1997)

Statutory reference:

Related provisions, see Neb. RS 17-121. Health and sanitation, rules and regulations; board of health; members; powers."

SECTION 2. That original City Code Section 99.36 of the City of Auburn, Nemaha County, Nebraska, and any other Ordinances, Resolutions, or parts thereof passed and approved prior to the passage, approval and publication or posting of this Ordinance that are in conflict herewith, are hereby repealed.

SECTION 3. That these Ordinances shall be in full force and effect from and after passage, approval, and publication according to law (Code §§ 35.07, 35.08, & 35.09).

Passed and Approved this _____ day of _____, 2021.

R. Daniel White, Mayor of
the City of Auburn, Nebraska

ATTEST:

Sherry Heskett, Municipal Clerk
of the City of Auburn, Nebraska
(Seal)

ORDINANCE NO. 04-21
OF THE CITY OF AUBURN, NEMAHA COUNTY, NEBRASKA

AN ORDINANCE TO ADOPT CHAPTER 135: SEXUAL OFFENDER RESIDENCY RESTRICTION WITHIN TITLE XIII: GENERAL OFFENSES TO THE AUBURN CITY CODE OF ORDINANCES; TO REPEAL ALL ORDINANCES AND RESOLUTIONS OR PARTS THEREOF IN CONFLICT HEREWITH; AND TO PROVIDE FOR AN EFFECTIVE DATE.

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

SECTION I. Section 135 within Title XIII of the City of Auburn, Nebraska, Code of Ordinances shall be adopted to read as follows:

§ 135.01 Findings and Intent.

- (A) The Nebraska Legislature, pursuant to Neb. Rev. Stat. § 29-4002, has found that certain sex offenders present a high risk to commit repeat offenses.
- (B) Repeat sex offenders who use physical violence and prey on children are sexual perpetrators who present an extreme threat to public safety. Certain sex offenders are extremely likely to use physical violence or to repeat their offenses. These offenders commit many offenses, have many more victims than are ever reported, and are prosecuted for only a fraction of their crimes. This makes the cost of sex offender victimization to society at large, while incalculable, extremely exorbitant.
- (C) It is intent of this chapter to serve the City's compelling interest to promote, protect, and improve the health, safety, and welfare of the citizens of the City by creating certain areas around locations where children regularly congregate in concentrated numbers where certain sex offenders cannot reside.

§ 135.02 Definitions.

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

CHILD-CARE FACILITY

A place with a license issued under the Nebraska Child-Case Licensing Act, Sections 71-1908 to 71-1923, as currently existing or hereafter amended. It shall include licensed places both inside and outside of the corporate limits of the City.

RESIDENCE

A place where a person regularly sleeps, where a person has established his or her home, and where he or she is habitually present, and to which, when he or she departs, he or she intends to return. A residence may include more than one location and may be mobile or transitory. Temporarily domiciled means a place at which a person actually lives or stays on a temporary basis, even though he or she may plan to return to his or her permanent address or to another temporary address. For purposes of this chapter, a temporary domicile means any place at which the person actually lives or stays for a period of at least five working days. Residency may be shown by, among other evidence, receipt of mail at the premises or identification of the premises as a residence on a driver's license, vehicle registration or other document.

SCHOOL

A public, private, denominational, or parochial school which meets the requirements for accreditation or approval prescribed in Neb. Rev. Stat. § 79 et seq.

SEX OFFENDER

Anyone defined in the Sex Offender Registration Act (Sections 29-4001 to 29-4013, inclusive, Neb. Rev. Stat.) or any amendments thereto, or any person convicted under the law of another state if, at the time of the conviction under the law of such other state, the offense for which the person was convicted would have required registration under the Nebraska Sex Offender Registration Act if the conviction occurred in Nebraska.

SEXUAL PREDATOR

Any individual who is required to register under the Nebraska Sex Offender Registration Act, or any person required to register under a similar law of another state, who has a high risk of recidivism as determined by the Nebraska State Patrol under Neb. Rev. Stat. § 29-4013, and who has victimized a person 18 years of age or younger.

§ 135.03. Sex offender residence prohibitions; penalties and exceptions.

- (A) Prohibited location of residence. It is unlawful for any person who is subject to the Nebraska Sex Offender Registration Act, classified as a sexual predator as herein defined, or similar requirement or law of any other state, to reside within 500 feet of any child-care facility or school as defined herein.
- (B) Measurement of distance. For purposes of determining the minimum distance separation, the requirement shall be measured by following a straight line from the outer property line of the permanent residence or temporary residence to the nearest outer boundary line of a public or nonpublic elementary or secondary school or a child-care facility.
- (C) Penalties. A person who violates this section shall be punished to a fine not exceeding \$500 or six months in jail, or both.
- (D) Exceptions. A person residing within 500 feet of any child-care facility or school does not commit a violation of this section if any of the following apply:
 - (1) Resides within a prison or a correctional or treatment facility operated by the state or a political subdivision;
 - (2) Established a residence before July 1, 2006, and had not moved from that residence;
 - (3) Established a residence after July 1, 2006, and the school or child-care facility triggering the restriction was established after the initial date of the sexual predator's residence at the location; or
 - (4) The person who becomes in violation of this chapter because of annexation into the City.

§ 135.04. Ordinance copies provided.

Any person subject to the Nebraska Sex Offender Registration Act shall, upon making request to the Law Enforcement for the City.

§ 135.05. Severability.

If any provision of this chapter or its application to any person or circumstances shall be held invalid, the remainder of the chapter, or the application of the provisions to other persons or circumstances, shall not be affected.

SECTION II. That all Ordinances and Resolutions or parts thereof in conflict herewith be and the same are hereby repealed.

SECTION III. That this Ordinance shall be in full force and effect from and after its passage, approval, and publication according to law.

Passed and Approved this ___th day of _____,
2021.

R. Daniel White, Mayor of
City of Auburn, Nebraska

ATTEST:

Sherry Heskett, Municipal Clerk
of City of Auburn, Nebraska

(Seal)

Approved as to Form & Legality:

City Attorney

ORDINANCE NO. 5 - 21
OF

THE CITY OF AUBURN, NEMAHA COUNTY, NEBRASKA

AN ORDINANCE TO REPEAL SECTIONS §31.072 "CITY POLICE CHIEF", §31.073 "POLICE OFFICERS", §34.01 "DUTIES", §34.02 "RESERVE OFFICER BOND", §34.03 ARREST AND ENFORCEMENT JURISDICTION", §34.04 "OFFICERS; DISCIPLINE OR REMOVAL FROM DUTY"; CHAPTER 34: POLICE DEPARTMENT, §112.23 "DUTY OF POLICE TO ENFORCE", AND §132.09 "GAMES, EXERCISES AND THE LIKE UPON STREETS AND SIDEWALKS" OF THE CITY CODE OF ORDINANCES; AMEND SECTION 70.002 POLICE ENFORCEMENT; STREET TRAFFIC MANAGEMENT; ARREST AUTHORIZATION OF THE CITY CODE OF ORDINANCES; AND TO DECLARE AN EFFECTIVE DATE FOR THIS ORDINANCE.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF AUBURN, NEMAHA COUNTY, NEBRASKA:

SECTION 1: Repeal City of Auburn, Nebraska, Code of Ordinances Sections §31.072 "City Police Chief", §31.073 "Police Officers", §34.01 "Duties", §34.02 "Reserve Officer Bond", §34.03 Arrest and Enforcement Jurisdiction", §34.04 "Officers; Discipline or Removal from Duty", CHAPTER 34: Police Department; §112.23 "Duty of Police to Enforce", AND §132.09 "Games, Exercises and the Like upon Streets and Sidewalks" of the City Code of Ordinances; attached hereto for reference herein.

SECTION 2: Amend City of Auburn, Nebraska, Code of Ordinances Section 70.002, consistent with Code §35.10, to read as follows:

"§ 70.002 LAW ENFORCEMENT; STREET TRAFFIC MANAGEMENT; ARREST AUTHORIZATION

(A) Law Enforcement/Nemaha County Sheriff/Deputies are hereby authorized, empowered and ordered to exercise all powers and duties with relation to the management of street traffic and to direct, control, stop, restrict, and regulate, when necessary, temporarily divert or exclude, in the interest of public safety, health and convenience the movement of pedestrian, animal and vehicular traffic of any kind in streets, parks and on bridges.

(B) Law Enforcement/Nemaha County Sheriff/Deputies are hereby authorized, empowered and ordered to undertake the enforcement of the ordinances of this title and are

hereby particularly empowered to arrest persons for the violation of the ordinances of this title.

(Prior Code, §5-201)

SECTION 3: That original City Code Section 70.002 of the City of Auburn, Nemaha County, Nebraska, and any other Ordinances, Resolutions, or parts thereof passed and approved prior to the passage, approval and publication or posting of this Ordinance that are in conflict herewith, are hereby repealed.

SECTION 4: If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

SECTION 5: That this Ordinance shall be in full force and effect from and after passage, approval, and publication according to law (Code §§ 35.07, 35.08, & 35.09).

Passed and Approved this _____ day of _____, 2021.

R. Daniel White, Mayor of
the City of Auburn, Nebraska

ATTEST:

Sherry Heskett, Municipal Clerk
of the City of Auburn, Nebraska
(Seal)

§ 31.072 CITY POLICE CHIEF.

A City Police Chief shall be appointed who shall direct the police work of the city and shall be responsible for the maintenance of law and order. The City Police Chief shall perform the duties and have the powers as are provided for that office by ordinance or by the laws of the state, including, but not limited to, Neb. RS 17-118 and 17-121, as amended or superseded. He or she shall file the necessary complaints in cases arising out of violations of city ordinances and shall make all necessary reports required by ordinance and by the laws of the state. In the event that no person is appointed to serve in the capacity of City Health Inspector or of City Building Inspector, the City Police Chief shall act in those capacities and shall perform the duties and have the powers as are provided for those offices by ordinance and by the laws of the state.

(Prior Code, § 1-209)

Statutory reference:

Related provisions, see Neb. RS 17-107, 17-118, 17-121

§ 31.073 POLICE OFFICERS.

The Mayor, by and with the consent of the City Council, shall appoint a number of regular police officers as may be necessary and may also appoint special police officers from time to time as exigencies arise. The City Police, whether regular or special, shall perform the duties and have the powers as are provided for by ordinance or by the laws of the state, including, but not limited to, Neb. RS 17-118, as amended or superseded. The City Police shall, in the discharge of their official duties, provide proper identification of their official capacity which the identification shall be otherwise legally required, have authority pursuant to this chapter to enter into any building, structure or premises under their jurisdiction for the purpose of making the searches and seizures as are legally permissible under the circumstances. The City Police shall have full power and authority to call upon any person, whenever necessary, to assist them in performing public duties and any person who willingly falls, neglects or refuses to render the assistance shall be guilty of a crime and shall, upon conviction thereof, be punished by a fine not exceeding \$100. Every city police officer shall be expected to be conversant and knowledgeable with the city and state laws. City police officers shall have the duty to file the complaints and reports as may be required by ordinance and by the laws of the state. Any city police officer who shall willfully fail, neglect or refuse to make an arrest or who shall willfully fail, neglect or refuse to make a complaint after an arrest is made shall be guilty of a crime and shall, upon conviction thereof, be punished by a fine not exceeding \$100. It shall be the duty of every city police officer making a lawful arrest to search all persons in the presence of some other person, whenever possible and to carefully keep and produce to the proper judicial official, upon trial, everything found upon the person or the prisoners. All personal effects thus taken from the prisoners shall be restored to them upon their release from custody following the disposition of the charges against them. Suitable uniforms and badges shall be furnished to the City Police by the city and any city police officer who shall lose or destroy the same shall be required to pay the replacement cost of the equipment. The City Council may, from time to time, provide the City Police with the uniforms, equipment and transportation as may be essential in the performance of their official duties. It shall be unlawful for the City Council to retain any city police officer in that position after he or she shall have been duly convicted of the willful violation of any law of the United States, the state or any ordinance of the city, except minor traffic violations. All city police officers appointed by the Mayor and the City Council shall be subject to removal as provided by the laws of the state, including, but not limited to, Neb. RS 17-107 and 25-21,147, as amended or superseded. See §§ 31.053 and 31.065 regarding the appointment and removal of police officers. In the event that any officer shall leave the City Police, he or she shall immediately deliver his or her badge to the City Police Chief.

(Prior Code, § 1-210)

Statutory reference:

Related provisions, see Neb. RS 17-107, 17-118, 17-124

CHAPTER 34: POLICE DEPARTMENT

Section

- 34.01 Duties
- 34.02 Reserve officer bond
- 34.03 Arrest and enforcement jurisdiction
- 34.04 Officers; discipline or removal from duty

Cross-reference:

Removal of police officers, see §§ 31.053, 31.065 and 31.073

§ 34.01 DUTIES.

The Police Department shall consist of the City Police Chief and such further number of regular police officers as may be duly ordered by resolution of the City Council. The City Police Chief shall, subject to the direction of the City Council, have control and management of all matters relating to the Police Department, its officers and members and shall have the custody and control of all property and books belonging to the Police Department. The City Police Chief shall devote his or her full time to the city affairs, interests of the city and to the preservation of the peace, order, safety and cleanliness thereof. The Police Department shall execute and enforce all laws and all lawful orders of the City Council. It shall be the duty of the Police Department to protect the rights of persons and property. There shall be a proper police force at all fires. The Police Department shall take notice of all nuisances, impediments obstructions and defects in the streets, alleys, business places and residences of the city. The Police Department shall execute or cause to be executed, the processes issues and shall cause all persons arrested to be brought before the proper court for trial as speedily as possible. The City Police Chief and all regular and special police officers shall be expected to be conversant and knowledgeable with the city and state laws.

(Prior Code, § 3-401)

Statutory reference:

Related provisions, see Neb. RS 17-107, 17-118, 17-124

§ 34.02 RESERVE OFFICER BOND.

No appointment of a law enforcement reserve officer shall be valid until a bond in the amount of \$2,000, payable to the city, has been filed with the City Clerk by the individual appointed or a blanket surety bond arranged and paid for by the City Council and bonding all such officers of the City Council has been filed. The bonds shall be subject to the provisions of Neb. RS Ch. 11, Art. 11.

(Prior Code, § 3-402)

Statutory reference:

Related provisions, see Neb. RS 81-1444

§ 34.03 ARREST AND ENFORCEMENT JURISDICTION.

(A) Every city law enforcement officer has the power and authority to enforce the laws of the state and the city or otherwise perform the functions of that office anywhere within his or her primary jurisdiction. Primary

jurisdiction means the geographic area within territorial limits of the city.

(B) Any city law enforcement officer who is within this state, but beyond his or her primary jurisdiction, has the power and authority to enforce the laws of this state or any legal ordinance of any city or incorporated village or otherwise perform the functions of his or her office, including the authority to arrest and detain suspects, as if enforcing the laws or performing the functions within his or her primary jurisdiction in the following cases:

(1) Any city law enforcement officer, if in a fresh attempt to apprehend a person suspected of committing a felony, may follow the person into any other jurisdiction in this state and there arrest and detain the person and return the person to the officer's primary jurisdiction;

(2) Any city law enforcement officer, if in a fresh attempt to apprehend a person suspected of committing a misdemeanor or a traffic infraction, may follow the person anywhere in an area within 25 miles of the boundaries of the officer's primary jurisdiction and there arrest and detain the person and return the person to the officer's primary jurisdiction;

(3) Any city law enforcement officer has such enforcement and arrest and detention authority when responding to a call in which a local, state or federal law enforcement officer is in need of assistance. A law enforcement officer in need of assistance shall mean:

(a) A law enforcement officer whose life is in danger; or

(b) A law enforcement officer who needs assistance in making an arrest and the suspect:

1. Will not be apprehended unless immediately arrested;

2. May cause injury to himself or herself or others or damage to property unless

immediately arrested; or

3. May destroy or conceal evidence of the commission of a crime; and

(4) If the city, under the provisions of the Interlocal Cooperation Act or the Joint Public Agency Act, enters into a contract with any other city or county for law enforcement services or joint law enforcement services, law enforcement personnel may have the enforcement authority within the jurisdiction of each of the participating political subdivisions if provided for in the agreement. Unless otherwise provided in the agreement, the city shall provide liability insurance coverage for its own law enforcement personnel as provided in Neb. RS 13-1802.

(C) When probable cause exists to believe that a person is operating or in the actual physical control of any motor vehicle, motorboat or aircraft while under the influence of alcoholic liquor or of any drug or otherwise in violation of Neb. RS 28-1465, 28-1466, 28-1472, 37-1254.01, 37-1254.02, 60-4,163, 60-4,164, 60-6,196, 60-6,197, 60-6,211.01 or 60-6,211.02, a city law enforcement officer has the power and authority to do any of the following or any combination thereof:

(1) Transport the person to a facility outside of the law enforcement officer's primary jurisdiction for appropriate chemical testing of the person;

(2) Administer outside of the law enforcement officer's primary jurisdiction any post-arrest test advisement to the person; or

(3) With respect to the person, perform other procedures or functions outside of the law enforcement officer's primary jurisdiction which are directly and solely related to enforcing the laws that concern a person operating or being in the actual physical control of any motor vehicle, motorboat or aircraft while under the influence of alcoholic liquor or of any other drug or otherwise in violation of Neb. RS 28-1465, 28-1466, 28-1472, 37-1254.01, 37-1254.02, 60-4,163; 60-4,164, 60-6,196, 60-6,197, 60-6,211.01 or 60-6,211.02.

(D) If city law enforcement personnel are rendering aid in their law enforcement capacity outside the limits of the: city in the event of disaster, emergency or civil defense emergency or in connection with any program of

practice or training for the disaster, emergency or civil defense emergency when such program is conducted or participated in by the State Emergency Management Agency or with any other related training program, the law enforcement personnel have the power and authority to enforce the laws of the state or any legal ordinances or resolutions of the local government where they are rendering aid or otherwise perform the functions of their office, including the authority to arrest and detain suspects, as if enforcing the laws or performing the functions within their primary jurisdiction. The city shall self-insure or contract for insurance against any liability for personal injuries or property damage that may be incurred by it or by its personnel as the result of any movement made pursuant to this section.

(Prior Code, § 3-403) (Ord. 1-04, passed 4-12-2004)

Statutory reference:

Related provisions, see Neb. RS 29-215

§ 34.04 OFFICERS; DISCIPLINE OR REMOVAL FROM DUTY.

(A) (1) The City Council shall by ordinance adopt rules and regulations governing the removal or discipline of any police officer, including the Chief of Police. The ordinance shall include a procedure for making application for an appeal, specifications on the period of time within which such application shall be made, and provisions on the manner in which the appeals hearing shall be conducted.

(2) Both the police officer and the individual imposing the disciplinary action shall have the right at the hearing to be heard and to present evidence to the Council for its consideration.

(3) Not later than 30 days following the adjournment of the meeting at which the hearing was held, the Council shall vote to uphold, reverse, or modify the removal or disciplinary action. The failure of the Council to act within 30 days or the failure of a majority of the elected Council members to vote to reverse or modify the removal or disciplinary action shall be construed as a vote to uphold the removal or disciplinary action. The decision of the Council shall be based upon its determination that, under the facts and evidence presented at the hearing, the challenged removal or disciplinary action was necessary for the proper management and the effective operation of the Police Department in the performance of its duties under the statutes of the state.

(4) Nothing in this section shall be construed to prevent the pre-emptory suspension or immediate removal from duty of an officer by the appropriate authority, pending the hearing authorized by this division, in cases of gross misconduct, neglect of duty, or disobedience of orders.

(Neb. RS 17-107)

(B) (1) Except as provided otherwise in an ordinance adopted by the Council, the procedures specified in this division (B) shall constitute the rules and regulations required by Neb. RS 17-107.

(2) No police officer, including the Chief of Police, shall be disciplined, suspended, demoted, removed, or discharged except upon written notice stating the reasons for such disciplinary action, suspension, demotion, removal, or discharge. Such notice shall also contain a statement informing the police officer of his or her right to a hearing before the City Council.

(3) Any police officer so disciplined, suspended, demoted, removed, or discharged may, within ten days after being notified of such disciplinary action, suspension, demotion, removal, or discharge, file with the City Clerk a written demand for a hearing before the City Council. The Council shall set the matter for hearing not less than ten nor more than 20 days after the filing of the written demand for a hearing. The Council shall give the police officer written notice of the hearing not less than seven days prior to the hearing.

(4) At the hearing, the police officer shall have the right to:

- (a) Respond in person to the charges and to present witnesses and documentary evidence;
- (b) Confront and cross-examine available adverse witnesses; and

(c) To be represented by counsel.

§ 112.23 DUTY OF POLICE TO ENFORCE.

It shall be the duty of the city police to examine all places of business and persons within the jurisdiction of the city subject to the foregoing provisions of this subchapter and to enforce the provisions against any person, firm, partnership, corporation, association, receiver or trustee found to be violating the same.

(Prior Code, § 10-109)

Statutory reference:

Related provisions, see Neb. RS 17-134

§ 132.09 GAMES, EXERCISES AND THE LIKE UPON STREETS AND SIDEWALKS.

It shall be unlawful for any person or persons to play catch with any items including, but not by enumeration limited to, a baseball, a football, a basketball and a frisbee, or to kick or bat any item or to engage in any game, exercise or sport upon the city streets and sidewalks; provided, however, that, nothing herein shall be construed to prohibit or prevent the City Council from authorizing, from time to time, that certain streets and sidewalks be blocked off for the purpose of providing a café area in which to engage in a game, exercise or sport.

(Prior Code, § 6-338) Penalty, see § 10.99

ORDINANCE NO. 6 - 21
OF
THE CITY OF AUBURN, NEMAHA COUNTY, NEBRASKA

AN ORDINANCE TO AMEND THE ORIGINAL SECTIONS 74.03 & 74.04 OF THE CITY OF AUBURN, NEBRASKA, CODE OF ORDINANCES, STANDING, STOPPING; WHERE PROHIBITED & GUEST AND VISITOR PARKING, TO CLARIFY & HARMONIZE CITY CODE TO REMOVE REFERENCE TO POLICE, TO REPEAL THE ORIGINAL SECTIONS 74.03 & 74.04 OF SAID CITY CODE AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; AND TO DECLARE AN EFFECTIVE DATE FOR THIS ORDINANCE.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF AUBURN, NEMAHA COUNTY, NEBRASKA:

SECTION 1. Sections 74.03 & 74.04 of the City of Auburn, Nebraska, Code of Ordinances are amended, consistent with Code § 35.10, to read as follows:

"§ 74.03 ON-STREET PARKING PROHIBITED.

(A) Except where designated by sign, designated parking spaces or markings authorized by the City Council, on-street parking within the City corporate limits is prohibited.

Penalty Section 74.99"

(Prior Code § 5-303)

"§ 74.04 GUEST AND VISITOR PARKING.

(A) Bona fide guests and visitors of residents of the City may park a vehicle at the curb fronting upon the residence or other premise being visited for up to 24-hrs without penalty or Code violation. The guests and visitors may seek permission to park for a longer period by making application to Law Enforcement. Law Enforcement may refuse the grant of permission if to do so would likely impede the normal flow of traffic or be a hazard to other vehicles and/or pedestrians.

Penalty Section 74.99"

(Prior Code § 5-304)

SECTION 2. That original City Code Sections 74.03 and 74.04 of the City of Auburn, Nemaha County, Nebraska, and any other Ordinances, Resolutions, or parts thereof passed and approved prior to the passage, approval and publication or posting of this Ordinance that are in conflict herewith, are hereby repealed.

SECTION 3. If any section, provision, or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

SECTION 4. That these Ordinances shall be in full force and effect from and after passage, approval, and publication according to law (Code §§ 35.07, 35.08, & 35.09).

Passed and Approved this _____ day of _____, 2021.

R. Daniel White, Mayor of
the City of Auburn, Nebraska

ATTEST:

Sherry Heskett, Municipal Clerk
of the City of Auburn, Nebraska
(Seal)

RESOLUTION NO. ____-21

Of

THE CITY OF AUBURN, NEMAHA COUNTY, NEBRASKA

A RESOLUTION FOR THE CITY OF AUBURN, NEBRASKA, TO ADOPT THE TERMS OF THE INTERLOCAL COOPERATION AGREEMENT BY AND BETWEEN THE CITY OF AUBURN, NEBRASKA, AND THE NEMAHA COUNTY AGRICULTURAL SOCIETY, NEMAHA COUNTY, NEBRASKA.

WHEREAS, The City of Auburn, NE, (referred to as "City") and the Nemaha County Agricultural Society (referred to as "Ag Society") have mutually maintained the Rotary Park area, including Rotary Lake for the benefit of the Community of Auburn, NE;

WHEREAS, The Rotary Park/Rotary Lake area has always been maintained for public use for the enjoyment and benefit of the residents and visitors of Auburn, NE;

WHEREAS, The City of Auburn, NE, has entered into Agreement with the Nemaha County Agricultural Society, Nemaha County, Nebraska attached hereto and incorporated herein by this reference);

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF AUBURN, NEMAHA COUNTY, NE that:

The Interlocal Cooperation Agreement by and between the City of Auburn, NE, (therein referred to as "City") and the Nemaha County Agricultural Society, Nemaha County, Nebraska, (therein referred to as "Ag Society") attached hereto and incorporated herein, is hereby be ADOPTED AND AGREED TO pursuant to the terms and consideration therein.

PASSED and APPROVED, this ____ day of _____, 2021.

R. Daniel White, Mayor of
City of Auburn, Nebraska

ATTEST:

Sherry Heskett, Clerk
City of Auburn, Nebraska

(Seal)

INTERLOCAL COOPERATION AGREEMENT
By and Between
THE CITY OF AUBURN, NEBRASKA
&

NEMAHA COUNTY AGRICULTURAL SOCIETY, NEMAHA COUNTY, NEBRASKA

THIS AGREEMENT is made and entered into this _____ day of _____, 2021, by and between the City of Auburn, Nebraska, a Municipal Corporation, hereinafter referred to as the "City", and the Nemaha County Agricultural Society, a Nonprofit Domestic Corporation, SOS Acct. No. 0748501 of the State of Nebraska, hereinafter referred to as the "Ag Society".

WHEREAS, the City desires to contract with the Ag Society to for use and enjoyment of Optimist Lake/Rotary Island and its surrounding area in Auburn, Nemaha County, Nebraska.

WHEREAS, such contracts are legally authorized by the Interlocal Cooperation Act, Neb. Rev. Stat. §§ 13-801 – 13-827;

WHEREAS, the City and the Ag Society are agreeable to provide use, maintenance, consideration, and service by contract with and for the benefit of the City and Ag Society pursuant to the terms and conditions set forth herein;

NOW, THEREFORE BE IT RESOLVED in consideration of the mutual covenants contained herein, the City and Ag Society agree as follows:

1. **DURATION**. The term of this Agreement shall commence on the date of its execution and continue to remain in full force and effect pursuant to the provisions herein, unless otherwise terminated pursuant to terms herein and/or by Nebraska Law.
2. **SERVICES & CONSIDERATION**. The Ag Society is title owner and in possession of Optimist Lake/Rotary Island in Auburn, Nemaha County, Nebraska. Optimist Lake/Rotary Island is for public use within the City for the peaceful enjoyment and benefit of the City and Its residents/visitors. The City benefits from the public use of the lake and surrounding park area and generally provides maintenance of the area for the benefit and welfare of the Community. The City agrees to maintain liability insurance within the City's policy for Optimist Lake/Rotary Island, Auburn, NE., in consideration of its open access and use by and for the Public and the Community.
3. **INSURANCE INDEMNIFICATION/HOLD HARMLESS**. The City shall, at its own expense, provide liability insurance to indemnify itself in the event it becomes liable for the payment of a judgment based on the acts or omissions of City personnel or representatives and in the enforcement of City Ordinance or State Statute. The Ag Society will indemnify and hold the City harmless from any claims for causes of action resulting from the intentional or negligent acts of the Ag Society, Its employees, agents, and/or representatives in regard to activities or conduct undertaken specifically by or through the authority of the Ag Society.
4. **NO SEPARATE ENTITY**. This Interlocal Agreement does not create a new or separate legal entity and its powers are limited to those granted by this Interlocal Agreement and by the provisions of the Nebraska Interlocal Cooperation Act. For purposes of this Agreement, the City shall be considered the Administrator pursuant to Neb. Rev. Stat. § 13-801, *et seq.*
5. **NO PROPERTY**. There shall be no property acquired pursuant to this Agreement.

6. TAXATION. As a result of this Agreement, no tax authorized under Nebraska Revised Statutes Sections 13-318 to 13-326 or 13-2813 to 13-2816 shall be levied or collected.

7. TERMINATION. Either Party herein shall have the right to terminate this Agreement upon one-hundred twenty (120) days written notice by the Party. Notices provided to the City and Ag Society shall be hand delivered or mailed by first class mail, postage prepaid,
to the City at: Auburn City Clerk, 1101 J Street, Auburn, Nebraska 68305;
to the Ag Society at: Nemaha County Agricultural Society, Registered agent: Theresa Shelton, 72522 640 Ave, Auburn, NE 68305.

8. HEADINGS. Headings in this Interlocal Cooperation Agreement are for convenience only and shall not be used to interpret or construe its provisions.

9. GOVERNING LAW. This Interlocal Cooperation Agreement shall be construed in accordance with and governed by the laws of the State of Nebraska.

The City of Auburn, State of Nebraska, by Resolution passed and approved by City Council has caused this Interlocal Agreement hereinabove to be signed by its Mayor and attested by the City Clerk. The Nemaha County Agricultural Society, Nemaha County, Nebraska, by Resolution of its Board of Directors, has caused this Agreement to be signed by Its President of the Board/Chairman and Attested by Its Secretary.

IN WITNESS WHEREOF, the parties hereto have executed the foregoing Interlocal Agreement the day and year first above written. This Agreement may be executed in counterparts, with each counterpart deemed an original hereof and all such executed counterparts shall together be one and the same with the original Agreement.

City of Auburn, Nebraska, A Municipal Corporation.

Date: _____ By: _____
R. Daniel White, Mayor

ATTEST:

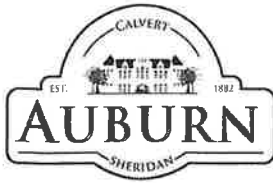
Sherry Heskett, Auburn City Clerk (Seal)

**Nemaha County Agricultural Society, Nemaha County, Nebraska,
a Nonprofit Domestic Corporation of the State of Nebraska.**

Date: _____ By: _____
Jason DeBuhr, President

ATTEST:

Theresa Shelton, Secretary



City of Auburn

1101 J Street
Auburn, Nebraska 68305

402-274-3420
402-274-4154 fax
www.auburn.ne.gov

MAYOR

Dan White

COUNCIL MEMBERS

Katy Billings

Shawn Clark

Tom Clark

Chris Erickson

Rick Janssen

Jeff Jeanneret

AGENDA ITEM
NO

I-1(a)

April 12, 2021

Street Department Activity Report (March 2021)

- Appliance and Furniture Recycle Lot – 4 times
- Brush Lot – 4 time
- Burned brush lot – 1 time
- Worked on equipment at city shop
- Garbage run at Parks/Rec Complex/business area monthly
- Cleaned storm drains
- Filled potholes around town
- Picked up branches in the parks
- Helped get restrooms open
- Laid out soccer fields and paint lines
- Put up all soccer nets
- Hauled rock to parking lot at Rec Complex
- Stock piled rock at county yard and used their truck to haul
- Rebuilt water hydrants 1 thru 12 at RV Park

Harry Bridgmon
Street Commissioner



EQUAL HOUSING OPPORTUNITY

AGENDA ITEM
NO

I-1(c)

Auburn Memorial Library

1810 Courthouse Ave
Auburn, NE 68305

City Council Report April 2021

- April is National Poetry Month. We have a poem station set up for people to make silly poems.
- April 4 – 10 was National Library Week. We had guessing games for the kids and drawings for the adults.
- April 24th at 10:00 am, author Jeff Barnes will be presenting "Marking Nebraska: Our (Mostly) Hidden Historical Monuments." Everyone is invited to attend.
- In conjunction with Auburn's birthday celebration, we will be handing out party hat crafts for ages 12 and under April 26 – 30.

Statistical Report:

<u>Date:</u>	<u>Circulation:</u>	<u>Patrons:</u>
Feb 2021	2,040	928
OverDrive	<u>446</u>	<u>76</u>
	2,486	1,004
March 2021	2,324	1,280
OverDrive	<u>536</u>	<u>73</u>
	2,860	1,353

MONTHLY LAW ENFORCEMENT REPORT TO THE
MAYOR AND CITY COUNCIL OF THE CITY OF
AUBURN

FOR THE MONTH OF MARCH 2021

Total Number of Calls within the City of Auburn	124
Total Number of Ordinance/Animal Calls	10
Total Number of Actual Criminal Cases Reported/Initiated	12

Respectfully submitted,



Brent Lottman
Sheriff

