



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. July 10, 2023

Pledge of Allegiance

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. Any member of the Public addressing the Council at this meeting shall provide her/his name and address unless waived pursuant to Nebraska Law.

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.

B – 1 None for this meeting

C – PRESENTATIONS and PROCLAMATIONS

C – 1 None for this meeting

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 June 12, 2023, regular City Council meeting
 - D – 2 Approval of City Financial Report.
 - D – 3 Request for attendance at meetings and/or conferences. Governor's Economic Development Summit, Kearney, NE; August 8-9 (Crystal), 2023 National Brownfields Training Conference, Detroit, MI August 8-11 (Crystal, If scholarship for flight, hotel and registration is awarded)
 - D – 4 Appointments: Planning Commission – John Billings and Eli Davidson; Library Board – Shannon Stemm and Deb Clopton
 - D – 5 City Council Meeting Date Adjustment – August Regular Meeting Monday, August 21, 2023 at 7:00 pm (Fair Conflict)
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E – PAYMENT OF CLAIMS

- E – 1 Approving Payment of Claims
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F – PUBLIC HEARINGS

- F – 1 Public Hearing on "Redevelopment Plan for the Westgate Subdivision Redevelopment Project," for redevelopment pursuant to the Community Development Law, Nebraska Revised Statutes, sections 18-2101, et seq., within a portion of the blighted and substandard "Westgate Redevelopment Area."
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G – MOTIONS

- G – 1 Council Consideration by motion for approval of DD 1 for 22-TFHP-36014 with SENDD for General Administration.
- G – 2 Council Consideration by motion for selection of engineering firm for 22-DTR-001.
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H – RESOLUTIONS

- H – 1 No. 10-23 A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF AUBURN, NEBRASKA, ADOPTING AND APPROVING A REDEVELOPMENT PLAN AMENDMENT ENTITLED, "REDEVELOPMENT PLAN FOR THE WESTGATE SUBDIVISION REDEVELOPMENT PROJECT".
- H – 2 No. 11-23 PURCHASE AGREEMENT WESTGATE ADDITION TO AUBURN, NE CONTRACT EXTENSION ADDENDUM
- H – 3 No. 12-23 MOU BETWEEN THE CITY & CRA FOR COST, MAINTENANCE, INFRASTRUCTURE, IMPROVEMENTS & REIMBURSEMENT WESTGATE ADD.
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I – ORDINANCES

- I – 1 Ordinance No. 04-23 AN ORDINANCE OF THE CITY OF AUBURN, NEMAHA COUNTY, NEBRASKA, DEFINING & REGULATING THE USE OF SHIPPING CONTAINERS WITHIN THE ZONING JURISDICTION OF THE CITY OF AUBURN, NE; PROVIDING A PENALTY PROVISION; PROVIDING A CONFLICT RESOLUTION CLAUSE; PROVIDING FOR SEVERABILITY; & PROVIDING PUBLICATION AND AN EFFECTIVE DATE FOR THE ORDINANCE. (Second Reading)
- I – 2 Ordinance No. 05-23 AN ORDINANCE OF THE CITY OF AUBURN, NEMAHA COUNTY, NEBRASKA REGULATING VACANT BUILDINGS; ESTABLISHING MONETARY PENALTIES; SETTING DEFINITIONS & PROCEDURES; PROVIDING A CONFLICT RESOLUTION CLAUSE; PROVIDING FOR SEVERABILITY; & PROVIDING PUBLICATION & AN EFFECTIVE DATE FOR THE ORDINANCE. (First Reading)
- I – 3 Ordinance No. 07- 23 AN ORDINANCE TO APPROVE BPW EMPLOYEE ADDITIONAL INCOME PAYMENTS FOR ADDITIONAL TIME, SERVICE, & DUTY RENDERED; PROVIDING FOR SEVERABILITY; & PROVIDING PUBLICATION & AN EFFECTIVE DATE FOR THE ORDINANCE.
- I – 4 Ordinance No. 08- 23 AN ORDINANCE TO APPROVE PAYMENT TO THE AUBURN COMMUNITY REDEVELOPMENT AUTHORITY (CRA) FOR COMMUNITY GROWTH & IMPROVEMENT; PROVIDING FOR SEVERABILITY; & PROVIDING PUBLICATION & AN EFFECTIVE DATE FOR THE ORDINANCE.
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J – REPORTS & RECOMMENDATIONS

- J – 1 From Dept. Heads/Boards
- a. Street Department
 - b. Fire Department
 - c. Library
 - d. Treasurer
 - e. Other Department Heads/Boards
- J – 2 From Committees
- a. Economic Development
 - b. Safety Committee
 - c. Building Committee
 - d. Housing
 - e. Other Committees & Reports
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K – REQUESTS AND REFERRALS

None at this time.

MOTION TO ADJOURN

City Council Proceedings
June 12, 2023

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 June 12, 2023, 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 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 June 9, 2023. Mayor Chris Erickson presided over the meeting and the City Clerk recorded the proceedings.

The Meeting was called to order by Mayor Chris Erickson. Upon calling the roll, the following members of the City Council were present: Katy Billings, Shawn Clark, Tom Clark, Rick Janssen, and Jeff Jeanneret. Absent: Nathan Seitz.

Mayor Erickson 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 at the City Council Chambers by the entrance door as required by law.

It was noted that with regards to Agenda Item C – Presentations and Proclamations, there are none for this meeting.

Agenda Item D – Consent Agenda

D – 1 Approving Minutes of May 8, 2023, regular City Council meeting

D – 2 Approval of City Financial Report

D – 3 Request for attendance at meetings and/or conferences

D – 4 Appointments: BPW Interim General Manager – Ray Luhring, Tree Board – Bill Genthe, Auburn Volunteer Fire Department – Samuel Ackerman

D – 5 City of Auburn Housing Study

The Mayor presented the Consent Agenda. Council Member Jeanneret moved to remove D – 4 from the Consent Agenda and to vote on the appointments separately. The motion was seconded by Council Member Billings. Upon roll call vote: 5 yeas, 0 nays, and 1 absent. The following Council Members voted "YEA": Shawn Clark, Tom Clark, Janssen, Jeanneret, and Billings. The following voted "NAY": No one. Motion: Carried. Council Member Janssen moved to approve Consent Agenda Items D – 1, D – 2, D – 3, and D – 5. The motion was seconded by Council Member Jeanneret. Upon roll call vote: 5 yeas, 0 nays, and 1 absent. The following Council Members voted "YEA": Tom Clark, Janssen, Jeanneret, Billings, and Shawn Clark. The following voted "NAY": No one. Motion: Carried. Council Member Billings moved that Bill Genthe be reappointed to the Tree Board and that Samuel Ackerman be appointed to the Auburn Volunteer Fire Department. The motion was seconded by Council Member Tom Clark. Upon roll call vote: 5 yeas, 0 nays, and 1 absent. The following Council Members voted "YEA": Janssen, Jeanneret, Billings, Shawn Clark, and Tom Clark. The following voted "NAY": No one. Appointment/Reappointment: Confirmed. Council Member Janssen moved that Ray Luhring be appointed BPW Interim General Manager. The motion was seconded by Council Member Billings. Upon roll call vote: 4 yeas, 0 nays, 1 abstaining from the vote and 1 absent. The following Council Members voted "YEA": Billings, Shawn Clark, Tom Clark, and Janssen. The following voted "NAY": No one. Council Member Jeanneret abstained from voting. Appointment: Confirmed.

Agenda Item E – Payment of Claims. The following May claims were presented before the Council for ratification: Aflac, Wh-73.80; Baird Holm LLP, Se-1,305.00; Black Hills Energy, Ut-361.71; Blue Cross-Blue Shield, Ins-7,075.91; Capital Business Systems Inc., Se-Su-341.87; Charter Communications, Se-310.26; First Concord Benefits Group, Se-13.95; Jackson Services Inc., Se-268.19; Microfilm Imaging Systems Inc., Se-138.00; Mid-American Benefits Inc., Ins-88.00; Mutual of Omaha, Ins-93.28; NE Dept. of Revenue, Sales and Use Tax-158.07; Region V Services, Se-694.38; Ryan & Sunshine Taylor, CRA Project-5,545.50; US Cellular, Se-173.34; Windstream, Se-138.39; May Payroll-59,925.08; FICA City Match-4,495.32; Pension City Match-1,934.11; PayChex Payroll Se-248.90; Auburn State Bank, Fe-19.30; Medical Claims-268.53; Guardian, Ins-606.94; Wex, Su-1,533.79. The following June claims were presented for approval: Airstream Heating and Cooling, Se-Equip-16,711.91; AKRS Equipment, Su-Se-416.29; Amazon

Capital Services, Bk-AV-750.57; Aqua-Chem, Inc., Su-3,387.88; Auburn Auto Center, Re-45.00; Auburn Family Health Center, Se-345.00; Auburn Fire Department, Reim-450.00; Auburn Memorial Library Petty Cash, Su-119.53; Auburn Newspapers, Se-499.87; Auburn Plumbing, Htg. & AC Inc., Se-286.81; Baker & Taylor, Bk-AV-423.04; Beard's Salvage Inc., Su-120.00; Bennett's Fire Protection, Se-19.50; Berwick Coop Oil Co., Su-882.75; Blackstone Publishing, Bk-AV-701.86; Boarders Inn & Suites, Ex-1,249.50; Brant Gulizia, Reim-160.00; Bulldog Auto Supply Inc., Su-194.87; Cammie Hamann, Reim-160.00; Center Point Large Print, Bk-AV-189.02; Chesterman Co., Su-1,364.64; CNA Surety, Bond-40.00; Concrete Industries Inc., Su-3,555.47; Crystal Dunekacke, Reim-119.22; Dell Marketing LP., Equip-1,940.44; Demco, Su-133.07; Eakes Office Solutions, Su-734.24; Ed M. Feld Equipment Co. Inc., Su-Se-1,207.50; Electric Pump, Equip-787.00; Fortres Grand Corporation, Lic-249.20; Frontier Cooperative, Su-175.00; Cengage Learning Inc/Gale, Bk-AV-109.62; Glenn's Corner Market, Su-348.00; Greenwade Tree Service, Se-750.00; History Nebraska, Sub-35.00; Jaidyn Glathar, Reim-160.00; JEO Consulting Group Inc., Se-66,372.50; Katie Harris, Reim-160.00; Lincoln Appraisal Group, Se-300.00; Lincoln Winwater, Su-262.00; Lynch's Hardware & Gifts, Su-178.21; Meyer Laboratory Inc., Su-98.90; Mike Unruh, Reim-91.09; Mosca Design, Su-219.00; Mr. Landscape Nursery & Garden, Trees-3,022.79; Nebraska Library Commission, Sub-151.08; Nebraska Salt & Grain Co., Su-1,965.60; Nemaha County Clerk, Fe-20.00; Nemaha County Sheriff, Se-18.50; Nichols Masonry, Se-1,985.00; OCLC Inc., Sub-132.80; Odey's Inc., Su-1,336.39; Petty Cash, Su-Reim-138.03; Rhode Island Novelty, Su-676.55; Ricoh USA Inc., Su-34.58; Sack Lumber Co., Su-467.56; Sandry Fire Supply, Se-625.50; Shalee Gyhra, Reim-566.14; Shell Speedee Mart, Su-105.78; Sheri McMillen, Reim-211.31; Summit Fire Protection, Se-392.00; The Penworthy Company, Bk-AV-295.50; Topkote, Se-Su-77,853.69; USPS, Su-126.00; Wilson Electric, Su-36.00; Yolanda Kerr, Su-Reim-797.05.

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; Ins-Insurance; Inspect-Inspection; Int-Interest; Lic-License; 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 which have not been previously approved by motion or resolution and ratify the ordinary and necessary expenses allowed in accordance with Resolution No. 7-11 that was approved February 28, 2011 with the exception of the bill from Auburn Family Health Center in the amount of \$345.00. The motion was seconded by Council Member Janssen. Upon roll call vote: 5 yeas, 0 nays, and 1 absent. The following Council Members voted "YEA": Billings, Shawn Clark, Tom Clark, Janssen, and Jeanneret. The following voted "NAY": No one. Motion: Carried.

Public hearing was held on City's proposed purchase of real estate, re: Lots 106 & 107 Crestview Addition to the City of Auburn, NE, for community growth and development. The Mayor opened the public hearing and asked for public comment. After allowing time for questions and public comment, the public hearing was closed.

Public hearing was held to consider application filed with the Nebraska Liquor Control Commission for the issuance of a Retail Liquor License Class I – Beer, Wine, Distilled Spirits, On Sale Only at Lanes End LLC dba Lanes End, 1818 Central Avenue, Auburn, Nebraska. The Mayor opened the public hearing and asked for public comment. There was no opposition. After allowing time for questions and public comment, the public hearing was closed.

Council Member Billings moved to approve the three-year fee schedule with Forvis for annual financial statement audits and authorize the execution of related documents. The motion was seconded by Council Member Janssen. Upon roll call vote: 5 yeas, 0 nays, and 1 absent. The following Council Members voted "YEA": Billings, Shawn Clark, Tom Clark, Janssen, and Jeanneret. The following voted "NAY": No one. Motion: Carried.

Council Member Janssen moved to approve the modified 2023 Holiday List. The motion was seconded by Council Member Jeanneret. Upon roll call vote: 5 yeas, 0 nays, and 1 absent. The following Council Members voted "YEA": Shawn Clark, Tom Clark, Janssen, Jeanneret, and Billings. The following voted "NAY": No one. Motion: Carried.

Council Member Shawn Clark moved to approve the Housing Management Contract with SENDD for 22-TFHP-36014. The motion was seconded by Council Member Tom Clark. Upon roll call vote: 5 yeas, 0 nays, and 1 absent. The following Council Members voted "YEA": Tom Clark, Janssen, Jeanneret, Billings, and Shawn Clark. The following voted "NAY": No one. Motion: Carried.

Council Member Billings moved to approve 22-DTR-001 Drawdown No. 1 and the payment of the related claims submitted by SENDD. The motion was seconded by Council Member Janssen. Upon roll call vote: 5 yeas, 0 nays, and 1 absent. The following Council Members voted "YEA": Janssen, Jeanneret, Billings, Shawn Clark, and Tom Clark. The following voted "NAY": No one. Motion: Carried.

Council Member Janssen moved that the application for a Retail Liquor License Class I – Beer, Wine, Distilled Spirits, On Sale Only at Lanes End LLC dba Lanes End, 1818 Central Avenue, Auburn, Nebraska be approved. The motion was seconded by Council Member Jeanneret. Upon roll call vote: 5 yeas, 0 nays, and 1 absent. The following Council Members voted "YEA": Jeanneret, Billings, Shawn Clark, Tom Clark, and Janssen. The following voted "NAY": No one. Motion: Carried.

Council Member Shawn Clark moved to approve the purchase of Property Lots 106 & 107 Crestview Addition for residential and community development by the passage and adoption of Resolution No. 06-23. The motion was seconded by Council Member Janssen. Upon roll call vote: 5 yeas, 0 nays, and 1 absent. The following Council Members voted "YEA": Billings, Shawn Clark, Tom Clark, Janssen, and Jeanneret. The following voted "NAY": No one. Motion: Carried.

Discussion was held on the bid specifications, contract and purchase of quick attack fire truck and apparatus. Following discussion, Council Member Shawn Clark moved to accept specifications, contract and purchase of quick attack fire truck and apparatus by the passage and adoption of Resolution No. 07-23 as amended. The motion was seconded by Council Member Tom Clark. Upon roll call vote: 5 yeas, 0 nays, and 1 absent. The following Council Members voted "YEA": Billings, Shawn Clark, Tom Clark, Janssen, and Jeanneret. The following voted "NAY": No one. Motion: Carried.

Council Member Janssen moved to approve Resolution No. 08-23 regarding assignment and assumption of option to purchase agreement Westgate Addition to Auburn, NE. The motion was seconded by Council Member Tom Clark. Upon roll call vote: 5 yeas, 0 nays, and 1 absent. The following Council Members voted "YEA": Shawn Clark, Tom Clark, Janssen, Jeanneret, and Billings. The following voted "NAY": No one. Motion: Carried.

Council Member Billings moved to approve the transfer of dilapidated real estate by donation agreement to the City for nuisance abatement purposes by the passage and adoption of Resolution No. 09-23. The motion was seconded by Council Member Janssen. Upon roll call vote: 5 yeas, 0 nays, and 1 absent. The following Council Members voted "YEA": Tom Clark, Janssen, Jeanneret, Billings, and Shawn Clark. The following voted "NAY": No one. Motion: Carried.

Discussion was held regarding Agenda Item I-1 Ordinance No. 04-23 AN ORDINANCE OF THE CITY OF AUBURN, NEMAHA COUNTY, NEBRASKA, DEFINING & REGULATING THE USE OF SHIPPING CONTAINERS WITHIN THE ZONING JURISDICTION OF THE CITY OF AUBURN, NE; PROVIDING A PENALTY PROVISION; PROVIDING A CONFLICT RESOLUTION CLAUSE; PROVIDING FOR SEVERABILITY; & PROVIDING PUBLICATION AND AN EFFECTIVE DATE FOR THE ORDINANCE. Proposed Ordinance No. 04-23 was presented for consideration. The Mayor announced that the introduction of the

proposed Ordinance was in order for First Reading. Council Member Billings 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 Tom Clark. Upon roll call vote: 5 yeas, 0 nays, and 1 absent. The following Council Members voted "YEA": Janssen, Jeanneret, Billings, Shawn Clark, and Tom Clark. The following voted "NAY": No one. Motion: Carried. Council Member Shawn Clark introduced and Read Ordinance No. 04-23. Council Member Shawn Clark moved that Ordinance No. 04-23 be approved on its first reading and its title agreed to. The motion was seconded by Council Member Tom Clark. Upon roll call vote: 5 yeas, 0 nays, and 1 absent. The following Council Members voted "YEA": Jeanneret, Billings, Shawn Clark, Tom Clark, and Janssen. The following voted "NAY": No one. Motion: Carried.

Discussion was held on Agenda Item I – 2 Ordinance No. 05-23 AN ORDINANCE OF THE CITY OF AUBURN, NEMAHA COUNTY, NEBRASKA REGULATING VACANT BUILDINGS; ESTABLISHING MONETARY PENALTIES; SETTING DEFINITIONS & PROCEDURES; PROVIDING A CONFLICT RESOLUTION CLAUSE; PROVIDING FOR SEVERABILITY; & PROVIDING PUBLICATION & AN EFFECTIVE DATE FOR THE ORDINANCE. Proposed Ordinance No. 05-23 was presented for consideration of second reading but the ordinance was not acted on.

Discussion was held on Agenda Item I – 3 Ordinance No. 06-23 AN AMENDMENT TO ORDINANCE NO. 01-23 OF THE CITY OF AUBURN, NEMAHA COUNTY, NEBRASKA, AMENDING FIXED COMPENSATION OF THE OFFICERS & EMPLOYEES OF THE CITY; REPEALING THE ORIGINAL ORDINANCE NO. 01-23; PRESCRIBING EFFECTIVE DATES FOR COMPENSATION; & DECLARING AN EFFECTIVE DATE FOR THIS ORDINANCE. Proposed Ordinance No. 06-23 was presented for consideration. The Mayor announced that the introduction of the proposed Ordinance was in order. Council Member Billings 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 Tom Clark. Upon roll call vote: 5 yeas, 0 nays, and 1 absent. The following Council Members voted "YEA": Billings, Shawn Clark, Tom Clark, Janssen, and Jeanneret. The following voted "NAY": No one. Motion: Carried. Council Member Billings introduced the proposed Ordinance and moved that the statutory rule requiring reading on three different days be suspended. Council Member Tom Clark seconded the motion to suspend the rules. Upon roll call vote: 5 yeas, 0 nays, and 1 absent. The following Council Members voted "YEA": Billings, Shawn Clark, Tom Clark, Janssen, and Jeanneret. The following voted "NAY": No one. Motion: Carried. The motion to suspend the rules was adopted by the Council and the statutory rule was declared suspended for consideration of said ordinance. Council Member Janssen read Ordinance No. 06-23 and moved for final passage, which motion was seconded by Council Member Tom Clark. Upon roll call vote: 5 yeas, 0 nays, and 1 absent. The following Council Members voted "YEA": Shawn Clark, Tom Clark, Janssen, Jeanneret, and Billings. The following voted "NAY": No one. Motion: Carried.

Written reports and recommendations from Dept. Heads/Boards were provided. A written financial report was provided by the Auburn Community Redevelopment Authority and a written report on law enforcement activity within the City of Auburn for May 2023 was also provided.

With regards to Agenda Item K-Requests and Referrals, there were none.

There being no further business to come before the Mayor and Council, Council Member Tom Clark moved for adjournment to meet at the call of the Mayor. The motion was seconded by Council Member Jeanneret. Upon roll call vote: 5 yeas, 0 nays, and 1 absent. The following Council Members voted "YEA": Tom Clark, Janssen, Jeanneret, Billings, and Shawn Clark. The following voted "NAY": No one. Motion: Carried.

June 12, 2023
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Mayor Erickson declared the meeting adjourned.

Sherry Heskett
City Clerk

Chris Erickson
Mayor

A complete copy of the minutes is available for inspection at city hall.

AGENDA ITEM
NO

D-1

Auburn, Nebraska
June 12, 2023

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 June 12, 2023, 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 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 June 9, 2023. Mayor Chris Erickson presided over the meeting and the City Clerk recorded the proceedings.

The Meeting was called to order by Mayor Chris Erickson. Upon calling the roll, the following members of the City Council were present: Katy Billings, Shawn Clark, Tom Clark, Rick Janssen, and Jeff Jeanneret. Absent: Nathan Seitz.

Mayor Erickson 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 at the City Council Chambers by the entrance door as required by law.

It was noted that with regards to Agenda Item C -- Presentations and Proclamations, there are none for this meeting.

Agenda Item D – Consent Agenda

D – 1 Approving Minutes of May 8, 2023, regular City Council meeting

D – 2 Approval of City Financial Report

D – 3 Request for attendance at meetings and/or conferences

D – 4 Appointments: BPW Interim General Manager – Ray Luhring, Tree Board – Bill Genthe,
Auburn Volunteer Fire Department – Samuel Ackerman

D – 5 City of Auburn Housing Study

The Mayor presented the Consent Agenda. Council Member Jeanneret moved to remove D – 4 from the Consent Agenda and to vote on the appointments separately. The motion was seconded by Council Member Billings. Upon roll call vote: 5 yeas, 0 nays, and 1 absent. The following Council Members voted "YEA": Shawn Clark, Tom Clark, Janssen, Jeanneret, and Billings. The following voted "NAY": No one. Motion: Carried. Council Member Janssen moved to approve Consent Agenda Items D – 1, D – 2, D – 3, and D – 5. The motion was seconded by Council Member Jeanneret. Upon roll call vote: 5 yeas, 0 nays, and 1 absent. The following Council Members voted "YEA": Tom Clark, Janssen, Jeanneret, Billings, and Shawn Clark. The following voted "NAY": No one. Motion: Carried. Council Member Billings moved that Bill Genthe be reappointed to the Tree Board and that Samuel Ackerman be appointed to the Auburn Volunteer Fire Department. The motion was seconded by Council Member Tom Clark. Upon roll call vote: 5 yeas, 0 nays, and 1 absent. The following Council Members voted "YEA": Janssen, Jeanneret, Billings, Shawn Clark, and Tom Clark. The following voted "NAY": No one. Appointment/Reappointment: Confirmed. Council Member Janssen moved that Ray Luhring be appointed BPW Interim General Manager. The motion was seconded by Council Member Billings. Upon roll call vote: 4 yeas, 0 nays, 1 abstaining from the vote and 1 absent. The following Council Members voted "YEA": Billings, Shawn Clark, Tom Clark, and Janssen. The following voted "NAY": No one. Council Member Jeanneret abstained from voting. Appointment: Confirmed.

Agenda Item E – Payment of Claims. The following May claims were presented before the Council for ratification: Aflac, Wh-73.80; Baird Holm LLP, Se-1,305.00; Black Hills Energy, Ut-361.71; Blue Cross-Blue Shield, Ins-7,075.91; Capital Business Systems Inc., Se-Su-341.87; Charter Communications, Se-310.26; First Concord Benefits Group, Se-13.95; Jackson Services Inc., Se-268.19; Microfilm Imaging Systems Inc., Se-138.00; Mid-American Benefits Inc., Ins-88.00; Mutual of Omaha, Ins-93.28; NE Dept. of Revenue, Sales and Use Tax-158.07; Region V Services, Se-694.38; Ryan & Sunshine Taylor, CRA Project-5,545.50; US Cellular, Se-173.34; Windstream, Se-138.39; May Payroll-59,925.08; FICA City Match-4,495.32; Pension City Match-1,934.11; PayChex Payroll Se-248.90; Auburn State Bank, Fe-19.30; Medical Claims-268.53;

Guardian, Ins-606.94; Wex, Su-1,533.79. The following June claims were presented for approval: Airstream Heating and Cooling, Se-Equip-16,711.91; AKRS Equipment, Su-Se-416.29; Amazon Capital Services, Bk-AV-750.57; Aqua-Chem, Inc., Su-3,387.88; Auburn Auto Center, Re-45.00; Auburn Family Health Center, Se-345.00; Auburn Fire Department, Reim-450.00; Auburn Memorial Library Petty Cash, Su-119.53; Auburn Newspapers, Se-499.87; Auburn Plumbing, Htg. & AC Inc., Se-286.81; Baker & Taylor, Bk-AV-423.04; Beard's Salvage Inc., Su-120.00; Bennett's Fire Protection, Se-19.50; Berwick Coop Oil Co., Su-882.75; Blackstone Publishing, Bk-AV-701.86; Boarders Inn & Suites, Ex-1,249.50; Brant Gulizia, Reim-160.00; Bulldog Auto Supply Inc., Su-194.87; Cammie Hamann, Reim-160.00; Center Point Large Print, Bk-AV-189.02; Chesterman Co., Su-1,364.64; CNA Surety, Bond-40.00; Concrete Industries Inc., Su-3,555.47; Crystal Dunekacke, Reim-119.22; Dell Marketing L.P., Equip-1,940.44; Demco, Su-133.07; Eakes Office Solutions, Su-734.24; Ed M. Feld Equipment Co. Inc., Su-Se-1,207.50; Electric Pump, Equip-787.00; Fortres Grand Corporation, Lic-249.20; Frontier Cooperative, Su-175.00; Cengage Learning Inc/Gale, Bk-AV-109.62; Glenn's Corner Market, Su-348.00; Greenwade Tree Service, Se-750.00; History Nebraska, Sub-35.00; Jaidyn Glathar, Reim-160.00; JEO Consulting Group Inc., Se-66,372.50; Katie Harris, Reim-160.00; Lincoln Appraisal Group, Se-300.00; Lincoln Winwater, Su-262.00; Lynch's Hardware & Gifts, Su-178.21; Meyer Laboratory Inc., Su-98.90; Mike Unruh, Reim-91.09; Mosca Design, Su-219.00; Mr. Landscape Nursery & Garden, Trees-3,022.79; Nebraska Library Commission, Sub-151.08; Nebraska Salt & Grain Co., Su-1,965.60; Nemaha County Clerk, Fe-20.00; Nemaha County Sheriff, Se-18.50; Nichols Masonry, Se-1,985.00; OCLC Inc., Sub-132.80; Odey's Inc., Su-1,336.39; Petty Cash, Su-Reim-138.03; Rhode Island Novelty, Su-676.55; Ricoh USA Inc., Su-34.58; Sack Lumber Co., Su-467.56; Sandry Fire Supply, Se-625.50; Shalee Gyhra, Reim-566.14; Shell Speedee Mart, Su-105.78; Sheri McMillen, Reim-211.31; Summit Fire Protection, Se-392.00; The Penworthy Company, Bk-AV-295.50; Topkote, Se-Su-77,853.69; USPS, Su-126.00; Wilson Electric, Su-36.00; Yolanda Kerr, Su-Reim-797.05.

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; Ins-Insurance; Inspect-Inspection; Int-Interest; Lic-License; 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 which have not been previously approved by motion or resolution and ratify the ordinary and necessary expenses allowed in accordance with Resolution No. 7-11 that was approved February 28, 2011 with the exception of the bill from Auburn Family Health Center in the amount of \$345.00. The motion was seconded by Council Member Janssen. Upon roll call vote: 5 yeas, 0 nays, and 1 absent. The following Council Members voted "YEA": Billings, Shawn Clark, Tom Clark, Janssen, and Jeanneret. The following voted "NAY": No one. Motion: Carried.

Public hearing was held on City's proposed purchase of real estate, re: Lots 106 & 107 Crestview Addition to the City of Auburn, NE, for community growth and development. The Mayor opened the public hearing and asked for public comment. After allowing time for questions and public comment, the public hearing was closed.

Public hearing was held to consider application filed with the Nebraska Liquor Control Commission for the issuance of a Retail Liquor License Class I – Beer, Wine, Distilled Spirits, On Sale Only at Lanes End LLC dba Lanes End, 1818 Central Avenue, Auburn, Nebraska. The Mayor opened the public hearing and asked for public comment. There was no opposition. After allowing time for questions and public comment, the public hearing was closed.

Council Member Billings moved to approve the three-year fee schedule with Forvis for annual financial statement audits and authorize the execution of related documents. The motion was seconded by Council Member Janssen. Upon roll call vote: 5 yeas, 0 nays, and 1 absent. The

following Council Members voted "YEA": Billings, Shawn Clark, Tom Clark, Janssen, and Jeanneret. The following voted "NAY": No one. Motion: Carried.

Council Member Janssen moved to approve the modified 2023 Holiday List. The motion was seconded by Council Member Jeanneret. Upon roll call vote: 5 yeas, 0 nays, and 1 absent. The following Council Members voted "YEA": Shawn Clark, Tom Clark, Janssen, Jeanneret, and Billings. The following voted "NAY": No one. Motion: Carried.

Council Member Shawn Clark moved to approve the Housing Management Contract with SENDD for 22-TFHP-36014. The motion was seconded by Council Member Tom Clark. Upon roll call vote: 5 yeas, 0 nays, and 1 absent. The following Council Members voted "YEA": Tom Clark, Janssen, Jeanneret, Billings, and Shawn Clark. The following voted "NAY": No one. Motion: Carried.

Council Member Billings moved to approve 22-DTR-001 Drawdown No. 1 and the payment of the related claims submitted by SENDD. The motion was seconded by Council Member Janssen. Upon roll call vote: 5 yeas, 0 nays, and 1 absent. The following Council Members voted "YEA": Janssen, Jeanneret, Billings, Shawn Clark, and Tom Clark. The following voted "NAY": No one. Motion: Carried.

Council Member Janssen moved that the application for a Retail Liquor License Class I – Beer, Wine, Distilled Spirits, On Sale Only at Lanes End LLC dba Lanes End, 1818 Central Avenue, Auburn, Nebraska be approved. The motion was seconded by Council Member Jeanneret. Upon roll call vote: 5 yeas, 0 nays, and 1 absent. The following Council Members voted "YEA": Jeanneret, Billings, Shawn Clark, Tom Clark, and Janssen. The following voted "NAY": No one. Motion: Carried.

Council Member Shawn Clark moved to approve the purchase of Property Lots 106 & 107 Crestview Addition for residential and community development by the passage and adoption of Resolution No. 06-23. The motion was seconded by Council Member Janssen. Upon roll call vote: 5 yeas, 0 nays, and 1 absent. The following Council Members voted "YEA": Billings, Shawn Clark, Tom Clark, Janssen, and Jeanneret. The following voted "NAY": No one. Motion: Carried. A copy of Resolution No. 06-23 is as follows:

RESOLUTION NO. 06-23

Of

THE CITY OF AUBURN, NEMAHA COUNTY, NEBRASKA

A RESOLUTION REGARDING THE PURCHASE OF PROPERTY LOTS 106 & 107 CRESTVIEW ADDITION TO AUBURN, NEMAHA COUNTY, NEBRASKA FOR RESIDENTIAL & COMMUNITY DEVELOPMENT.

WHEREAS, pursuant to Neb. Rev. Stat. §§ 17-953 & 17-953.01 and City Code § 92.09(C)(2), the City of Auburn, NE, entered an Option to Purchase Real Estate in fee simple in such manner, terms, and conditions as is in the best interest of the City.

WHEREAS, Neb. Rev. Stat. §§ 17-953 & 17-953.01 and City Code § 92.09(C)(2) further provide that property can be purchased below fair market value as determined by an appraisal, there is a willing seller, and the purchase price is less than \$25,000.00, when the purchase is approved by the City Council after notice and public hearing.

WHEREAS, Public Notice of Public Hearing before the City Council on this date was provided in the Nemaha County Herald as provided by Neb State Statute and City Code on June 1, 2023.

WHEREAS, this matter came before the Auburn City Council for Public Hearing and consideration on June 12, 2023.

WHEREAS, an appraisal of real property by certified appraiser within the State of Nebraska, Brett E. Raasch, was completed on Lots 106 & 107 Crestview Add to Auburn, Nemaha County, Nebraska as of May 1, 2023, with an opinion of fair market value of \$20,000.00.

NOW THEREFORE, by the Mayor and City Council, of the City of Auburn, Nebraska

Section 1. The City of Auburn, NE, hereby authorizes & approves the Option to Purchase Lots 106 & 107, Crestview Add, Nemaha County, NE, pursuant and by the attached Option to

Purchase Agreement incorporated herein by this reference, and agreement of the Seller for the purchase price of \$19,999.99, with \$800.00 previously deposited with the Seller as an escrow deposit towards purchase.

Section 2. The City Clerk/Treasurer & City Administrator are authorized to disburse the full purchase payment pursuant to the terms and agreement contained within the Option to Purchase Agreement Westgate Addition to Auburn, NE, and the approved purchase price.

Section 3. The Mayor is authorized to sign any necessary/needed documents and carry out any conduct consistent with the terms and agreement contained within the Option to Purchase Agreement for Lts 106 & 107, as well as closing documents thereto, as approved herein and any amendments or modifications thereto pursuant to the terms of this Resolution.

Section 4. This action is taken in consideration of community development and the need for additional new residential development within the Community of Auburn, NE, for the benefit and welfare of the Community and Its Residents.

Discussion was held on the bid specifications, contract and purchase of quick attack fire truck and apparatus. Following discussion, Council Member Shawn Clark moved to accept specifications, contract and purchase of quick attack fire truck and apparatus by the passage and adoption of Resolution No. 07-23 as amended. The motion was seconded by Council Member Tom Clark. Upon roll call vote: 5 yeas, 0 nays, and 1 absent. The following Council Members voted "YEA": Billings, Shawn Clark, Tom Clark, Janssen, and Jeanneret. The following voted "NAY": No one. Motion: Carried. A copy of approved Resolution No. 07-23 is attached to these minutes.

Council Member Janssen moved to approve Resolution No. 08-23 regarding assignment and assumption of option to purchase agreement Westgate Addition to Auburn, NE. The motion was seconded by Council Member Tom Clark. Upon roll call vote: 5 yeas, 0 nays, and 1 absent. The following Council Members voted "YEA": Shawn Clark, Tom Clark, Janssen, Jeanneret, and Billings. The following voted "NAY": No one. Motion: Carried. A copy of Resolution No. 08-23 is as follows:

RESOLUTION NO. 08-23
Of
THE CITY OF AUBURN, NEMAHA COUNTY, NEBRASKA

ASSIGNMENT AND ASSUMPTION OF OPTION TO PURCHASE AGREEMENT
WESTGATE ADDITION TO AUBURN, NE

THIS ASSIGNMENT AND ASSUMPTION OF OPTION TO PURCHASE AGREEMENT WESTGATE ADDITION TO AUBURN, NE ("**Assignment**"), is made by and between the CITY OF AUBURN, NEBRASKA (the "**Assignor**"), and the COMMUNITY REDEVELOPMENT AUTHORITY OF AUBURN, NEBRASKA ("**Assignee**"), as of the date fully executed by both Assignor and Assignee (the "**Effective Date**").

WHEREAS, Assignor is a party to that certain "Option to Purchase Agreement Westgate Addition to Auburn, NE" (referred to herein as the "**Agreement**"), granting Assignor with an option to purchase certain real property in Auburn, Nemaha County, Nebraska, legally described as: Westgate Addition within Sec 21-5-14, Pt of the SE1/4 NW1/4, including Lots 2 & 3, Blk 3, excluding the E. 50' of Lt 23 in BLK1 (also referred to as "parcel 20"), Westgate Addition to Auburn, Nemaha County, NE (the "**Property**"); and

WHEREAS, section 37 of the Agreement explicitly permits the assignment and assumption of the Agreement, as between Assignor and Assignee; and

WHEREAS, in accordance with the Agreement, and subject to the terms and conditions of this Assignment, Assignor wishes to assign to Assignee, and Assignee wishes to assume from Assignor, all of Assignor's rights, title, and interests in, to, and under the Agreement.

NOW, THEREFORE, in consideration of the recitals above which are incorporated below and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the undersigned parties hereto do hereby agree as follows:

1. Assignment. Effective as of the date of Effective Date, Assignor hereby grants, conveys, assigns, and transfers to Assignee, its successors and assigns, any and all right, title and interest of Assignor in and to the Agreement, for the remaining term thereunder and any extensions thereof, together with any and all rights and appurtenances thereto in any way belonging to Assignor and its successors and assigns, subject to the terms of this Assignment.

2. Acceptance and Assumption. Effective as of the Effective Date, Assignee hereby assumes all rights, obligations and liabilities of Assignor under the Agreement, and accepts and agrees to perform all of the terms, covenants and conditions of the Agreement required to be performed by Assignor, from and after the Effective Date, subject to the terms of this Assignment.

3. Indemnification. To the extent permitted by law, and subject to section 5 below, Assignee shall indemnify, defend and hold Assignor harmless from and against any and all claims, costs, demands, losses, damages, liabilities, lawsuits, actions and other proceedings in law or in equity or otherwise, judgments, awards and expenses of every kind and nature whatsoever, including without limitation, attorneys' fees, arising out of or relating to, directly or indirectly, in whole or in part, the Agreement, occurring from and after the Effective Date. To the extent permitted by law, and subject to section 5 below, Assignor shall indemnify, defend and hold Assignee harmless from and against any and all claims, costs, demands, losses, damages, liabilities, lawsuits, actions and other proceedings in law or in equity or otherwise, judgments, awards and expenses of every kind and nature whatsoever, including without limitation, attorneys' fees, arising out of or relating to, directly or indirectly, in whole or in part, the Agreement, occurring prior to the Effective Date.

4. Deposit. Subject to section 5 below, this Assignment shall also act as an assignment from Assignor to Assignee of the earnest money deposit made by Assignor under the Agreement in the amount of Fifty Thousand & no/100 Dollars (\$50,000.00) (the "**Earnest Money Deposit**"), together with all rights and entitlements associated therewith under the Agreement.

5. Funding of Purchase Price: Disposition of Funds. In addition to assignment of the Earnest Money Deposit under section 4 above, Assignor agrees to transfer funds to Assignee in the amount upto Nine Hundred-Fifty Thousand & no/100 Dollars (\$950,000.00), representing the balance of the purchase price for the Property, plus such other costs of the transaction attributable to Buyer under the Agreement (collectively, the "**Purchase Funds**"), no later than July 12, 2023.. In relation to the foregoing, the following terms and conditions shall apply:

(a) The Purchase Funds shall be used by Assignee for the sole purpose of closing the transaction under the Agreement and purchasing the Property.

(b) In the event the transaction under the Agreement fails to close and Assignee does not obtain fee simple title to the Property prior to the expiration or termination of its rights under the Agreement, Assignee shall reimburse Assignor in the amount of the Purchase Funds within thirty (30) days. Additionally, if such expiration or termination results in a refund of the Earnest Money Deposit to Buyer under the Agreement, Assignee shall also reimburse the same to Assignor within thirty (30) days following Assignee's receipt of such funds. Notwithstanding the foregoing, Assignor shall hold Assignee harmless from any other disposition of the Earnest Money Deposit under the Agreement (i.e., such funds are retained by Seller pursuant to the Agreement), and shall not be entitled to a refund thereof.

(c) In the event Assignee does proceed with the transaction under the Agreement and obtains fee simple title to the Property, Assignor shall be entitled to all proceeds, up to the aggregate amount of the Earnest Money Deposit and Purchase Funds, derived from Assignee's subsequent sale of the Property, or portion(s) thereof, as applicable. Assignee shall pay any such funds to Assignor within thirty (30) days following their receipt.

6. Notice to Seller under Agreement. Following the Effective Date, Assignee shall notify the "Seller" and title insurance company under the Agreement of this Assignment.
7. Counterparts. This Assignment may be executed in counterparts, each of which shall be deemed to be an original, but all of which, taken together, shall constitute but one and the same agreement.
8. Construction. The language of this Assignment will be construed simply, according to its fair meaning, and not strictly for or against any party hereto. This Assignment shall be governed by the laws of the State of Nebraska.
9. Additional Acts. Assignor and Assignee each agree to execute such other documents and perform such other acts as may be necessary or desirable to effectuate this Assignment.
10. Definitions. Any capitalized term not defined herein shall have the meaning ascribed to such term in the Agreement, except as the context otherwise requires.
11. Survival. This Assignment shall survive the closing of the transaction under the Agreement and/or the expiration or termination of the Agreement, as applicable.
12. Recordation. Following the Effective Date, this Assignment may be filed in the land records of Nemaha County, Nebraska, against the Property.

Council Member Billings moved to approve the transfer of dilapidated real estate by donation agreement to the City for nuisance abatement purposes by the passage and adoption of Resolution No. 09-23. The motion was seconded by Council Member Janssen. Upon roll call vote: 5 yeas, 0 nays, and 1 absent. The following Council Members voted "YEA": Tom Clark, Janssen, Jeanneret, Billings, and Shawn Clark. The following voted "NAY": No one. Motion: Carried. A copy of Resolution No. 09-23 is as follows:

RESOLUTION NO. 09-23
Of
THE CITY OF AUBURN, NEMAHA COUNTY, NEBRASKA

A RESOLUTION FOR THE TRANSFER OF NUISANCE/DILAPIDATED REAL ESTATE TO THE CITY OF AUBURN, NEBRASKA BY DONATION AGREEMENT FOR NUISANCE ABATEMENT PURPOSES.

WHEREAS, on December 9, 2019, the City Council identified, reviewed, considered, recognized the below described real estate herein as a nuisance to the City of Auburn, NE in need of immediate rehabilitation or removal - structures upon real estate described as:

Lt 1, Blk 19, Calvert Addition to Auburn, Nemaha County, Nebraska
(2500 '0' St)

WHEREAS, the Owners & Possessors, Matthew O. & Lisa M. Nichols, of said property acknowledge the nuisance status and are requesting transfer of the real estate to the City of Auburn, NE., for nuisance abatement.

WHEREAS, the owners do not reside in the structure(s) and do not have the necessary means of removing the structures currently in disrepair/dilapidated condition.

WHEREAS, the Owners agree to clear up all tax obligations and thereafter transfer the real estate to the City of Auburn, NE, by donation, free and clear of any lien, assessment, or further obligation.

WHEREAS, there is a lien against the real estate for delinquent utility services with the Auburn Board of Public Works which the City, on acceptance, will request be removed for nuisance abatement and further transfer.

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

1. The City Council approves the transfer of the real estate identified hereinabove pursuant to Warranty Deed by Owners & Possessors of the real estate by donation for the purpose of nuisance abatement and sale of property for further improvement to the Community & Community Residence.
2. The City Council approves seeking to have lien from the BPW released for nuisance abate and to clear title for transfer of real estate.

Discussion was held regarding Agenda Item I-1 Ordinance No. 04-23 AN ORDINANCE OF THE CITY OF AUBURN, NEMAHA COUNTY, NEBRASKA, DEFINING & REGULATING THE USE OF SHIPPING CONTAINERS WITHIN THE ZONING JURISDICTION OF THE CITY OF AUBURN, NE; PROVIDING A PENALTY PROVISION; PROVIDING A CONFLICT RESOLUTION CLAUSE; PROVIDING FOR SEVERABILITY; & PROVIDING PUBLICATION AND AN EFFECTIVE DATE FOR THE ORDINANCE. Proposed Ordinance No. 04-23 was presented for consideration. The Mayor announced that the introduction of the proposed Ordinance was in order for First Reading. Council Member Billings 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 Tom Clark. Upon roll call vote: 5 yeas, 0 nays, and 1 absent. The following Council Members voted "YEA": Janssen, Jeanneret, Billings, Shawn Clark, and Tom Clark. The following voted "NAY": No one. Motion: Carried. Council Member Shawn Clark introduced and read Ordinance No. 04-23. Council Member Shawn Clark moved that Ordinance No. 04-23 be approved on its first reading and its title agreed to. The motion was seconded by Council Member Tom Clark. Upon roll call vote: 5 yeas, 0 nays, and 1 absent. The following Council Members voted "YEA": Jeanneret, Billings, Shawn Clark, Tom Clark, and Janssen. The following voted "NAY": No one. Motion: Carried.

Discussion was held on Agenda Item I – 2 Ordinance No. 05-23 AN ORDINANCE OF THE CITY OF AUBURN, NEMAHA COUNTY, NEBRASKA REGULATING VACANT BUILDINGS; ESTABLISHING MONETARY PENALTIES; SETTING DEFINITIONS & PROCEDURES; PROVIDING A CONFLICT RESOLUTION CLAUSE; PROVIDING FOR SEVERABILITY; & PROVIDING PUBLICATION & AN EFFECTIVE DATE FOR THE ORDINANCE. Proposed Ordinance No. 05-23 was presented for consideration of second reading but the ordinance was not acted on.

Discussion was held on Agenda Item I – 3 Ordinance No. 06-23 AN AMENDMENT TO ORDINANCE NO. 01-23 OF THE CITY OF AUBURN, NEMAHA COUNTY, NEBRASKA, AMENDING FIXED COMPENSATION OF THE OFFICERS & EMPLOYEES OF THE CITY; REPEALING THE ORIGINAL ORDINANCE NO. 01-23; PRESCRIBING EFFECTIVE DATES FOR COMPENSATION; & DECLARING AN EFFECTIVE DATE FOR THIS ORDINANCE. Proposed Ordinance No. 06-23 was presented for consideration. The Mayor announced that the introduction of the proposed Ordinance was in order. Council Member Billings 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 Tom Clark. Upon roll call vote: 5 yeas, 0 nays, and 1 absent. The following Council Members voted "YEA": Billings, Shawn Clark, Tom Clark, Janssen, and Jeanneret. The following voted "NAY": No one. Motion: Carried. Council Member Billings introduced the proposed Ordinance and moved that the statutory rule requiring reading on three different days be suspended. Council Member Tom Clark seconded the motion to suspend the rules. Upon roll call vote: 5 yeas, 0 nays,

and 1 absent. The following Council Members voted "YEA": Billings, Shawn Clark, Tom Clark, Janssen, and Jeanneret. The following voted "NAY": No one. Motion: Carried. The motion to suspend the rules was adopted by the Council and the statutory rule was declared suspended for consideration of said ordinance. Council Member Janssen read Ordinance No. 06-23 and moved for final passage, which motion was seconded by Council Member Tom Clark. Upon roll call vote: 5 yeas, 0 nays, and 1 absent. The following Council Members voted "YEA": Shawn Clark, Tom Clark, Janssen, Jeanneret, and Billings. The following voted "NAY": No one. Motion: Carried.

Written reports and recommendations from Dept. Heads/Boards were provided. A written financial report was provided by the Auburn Community Redevelopment Authority and a written report on law enforcement activity within the City of Auburn for May 2023 was also provided.

With regards to Agenda Item K-Requests and Referrals, there were none.

There being no further business to come before the Mayor and Council, Council Member Tom Clark moved for adjournment to meet at the call of the Mayor. The motion was seconded by Council Member Jeanneret. Upon roll call vote: 5 yeas, 0 nays, and 1 absent. The following Council Members voted "YEA": Tom Clark, Janssen, Jeanneret, Billings, and Shawn Clark. The following voted "NAY": No one. Motion: Carried.

Mayor Erickson declared the meeting adjourned.

Chris Erickson, 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 City Council on June 12, 2023; that all of the subjects included in the foregoing proceedings were contained in the agenda for this 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 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 Meetings Act is posted on the North wall of the City Council Chambers by the entrance door.

Sherry Heskett, City Clerk

TREASURER'S REPORT
CALENDAR 6/2023, FISCAL 9/2022

AGENDA ITEM
 NO

D-2

| ACCOUNT TITLE | LAST REPORT ON HAND | RECEIVED | DISBURSED | BALANCE |
|------------------------------|---------------------|-------------------|-------------------|---------------------|
| GENERAL CHECKING | 2,600,813.86 | 342,482.71 | 277,928.18 | 2,665,368.39 |
| AM RESCUE ACT FUND CHECKING | 588,307.26 | | | 588,307.26 |
| STREET CHECKING | 677,098.15 | 50,008.75 | 111,711.75 | 615,395.15 |
| STREET BOND/WARRANT CHECKING | 20,238.48 | | | 20,238.48 |
| TOTAL CHECKING: | 3,886,457.75 | 392,491.46 | 389,639.93 | 3,889,309.28 |
| TOTAL FIRE DEPT SINKING | 125,507.60 | 93.87 | .00 | 125,601.47 |
| TOTAL KENO RESERVE MMA: | 39,996.62 | 16.40 | .00 | 40,013.02 |
| TOTOL KENO CHECKING | 22,605.52 | 10.20 | .00 | 22,615.72 |
| TOTAL CDBG CHECKING | 7,060.95 | 18,689.66 | 18,689.66 | 7,060.95 |
| TOTAL CDBG DTR REUSE | 88,252.56 | 1,334.78 | 18,689.66 | 70,897.68 |
| TOTAL CDBG HD SAVINGS: | 8,805.52 | 150.59 | .00 | 8,956.11 |
| TOTAL CRA CHECKING | 1,029,097.34 | 38,590.08 | 20,083.10 | 1,047,604.32 |
| TOTAL CITY REC CHECKING | 64,543.12 | .00 | .00 | 64,543.12 |
| GENERAL CD | 101,731.65 | 268.21 | | 101,999.86 |
| TOTAL C.D.'S: | 101,731.65 | 268.21 | .00 | 101,999.86 |
| TOTAL CASH ON HAND: | 5,374,058.63 | 451,645.25 | 447,102.35 | 5,378,601.53 |

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: 7/01/2023- 7/06/2023

AGENDA ITEM
NO

E-1

| VENDOR NAME | REFERENCE | VENDOR TOTAL |
|--------------------------------|------------------------------|--------------|
| GENERAL FUND | | |
| AIRSTREAM HEATING AND COOLING | PARTS/SERVICE | 886.24 |
| ANGELO M. LIGOURI | LEGAL SERVICES | 5,626.89 |
| AUBURN NEWSPAPERS | PUBLISHING | 518.24 |
| CRYSTAL DUNEKACKE | REIMBURSEMENT | 109.25 |
| EAKES OFFICE SOLUTIONS | SUPPLIES | 468.48 |
| GLENN'S CORNER MARKET | SUPPLIES | 121.96 |
| JEO CONSULTING GROUP INC. | PROFESSIONAL SERVICES | 29,072.50 |
| MEYER LABORATORY INC | SUPPLIES | 39.95 |
| NEBRASKA.GOV | SERVICE | 382.50 |
| NEMAHA COUNTY NEBRASKA | REIM APPLIANCE DISPOSAL | 2,505.03 |
| NEMAHA COUNTY CLERK | FILING FEES | 126.00 |
| SHERRY HESKETT | REIM CONFERENCE EXPENSES | 125.84 |
| | TOTAL | 39,982.88 |
| FIRE DEPARTMENT | | |
| AUBURN FIRE DEPARTMENT | MEMBERSHIPS | 675.00 |
| SANDRY FIRE SUPPLY | EQUIPMENT | 1,522.00 |
| | FIRE DEPARTMENT TOTAL | 2,197.00 |
| PARK DEPARTMENT | | |
| AIRSTREAM HEATING AND COOLING | PARTS/SERVICES | 86.00 |
| AKRS EQUIPMENT | PARK MOWER | 28,225.00 |
| AMERICAN LAWN CARE INC. | LAWNCARE | 1,400.00 |
| AUBURN PLUMBING,HTG & AC INC. | BLDG/GROUNDS MAINT | 15.75 |
| FALLS CITY MERCANTILE CO. INC. | SUPPLIES | 51.19 |
| FRONTIER COOPERATIVE | GROUNDS MAINTENANCE SUPPLIES | 317.50 |
| GILBERT SERVICES INC | TIRE/SERVICE | 7.52 |
| MENARDS | SUPPLIES | 179.87 |
| PIONEER MANUFACTURING COMPANY | SUPPLIES | 2,687.37 |
| SACK LUMBER COMPANY | MAINTENANCE SUPPLIES | 89.46 |
| YOLANDA KERR | FLOWER GARDENING SERVICES | 500.00 |
| | PARK DEPARTMENT TOTAL | 33,559.66 |
| LIBRARY DEPARTMENT | | |
| AMAZON CAPITAL SERVICES | BKS/AVS | 797.45 |
| AUBURN MEM. LIBRARY PETTY CASH | POSTAGE/ILL | 88.05 |
| BAKER & TAYLOR | BKS/AVS | 612.65 |
| BLACKSTONE PUBLISHING | BKS/AVS | 38.94 |
| DEMCO | SUPPLIES | 189.80 |
| EAKES OFFICE SOLUTIONS | SUPPLIES | 83.09 |
| HEATHER KOENEKE | REIMBURSEMENT | 110.85 |
| OCLC INC | ILL/SUBSCRIPTION | 66.35 |
| ORIENTAL TRADING CO. INC. | SUPPLIES | 117.92 |
| OVERDRIVE, INC. | BKS/AVS | 681.31 |
| RICOH USA, INC | EQUIPMENT COPIES | 58.75 |
| THE PENWORTHY COMPANY | BKS/AVS | 382.45 |

CLAIMS REPORT
Check Range: 7/01/2023- 7/06/2023

| VENDOR NAME | REFERENCE | VENDOR TOTAL |
|-------------------------------|---------------------------|-----------------|
| | | ----- |
| | LIBRARY DEPARTMENT TOTAL | 3,227.61 |
| POOL DEPARTMENT | | |
| ADAM RADEMACHER | PEST CONTROL SERVICES | 200.00 |
| AIRSTREAM HEATING AND COOLING | PARTS/SERVICE | 781.78 |
| AQUA-CHEM, INC | SUPPLIES | 3,665.20 |
| AUBURN NEWSPAPERS | PUBLISHING POOL ADS | 139.50 |
| CHESTERMAN COMPANY | CONCESSION STAND SUPPLIES | 410.85 |
| COLE CLARK | REIM TRAINING | 150.00 |
| ELECTRIC PUMP | EQUIPMENT/MAINTENANCE | 833.46 |
| GLENN'S CORNER MARKET | SUPPLIES | 123.32 |
| MENARDS | SUPPLIES | 11.99 |
| MEYER LABORATORY INC | SUPPLIES | 168.95 |
| TONY HECTOR BACKHOE & TRENCH | SERVICE | 1,701.46 |
| | | ----- |
| | POOL DEPARTMENT TOTAL | 8,186.51 |
| | | ----- |
| | GENERAL FUND TOTAL | 87,153.66 |
| | | ----- |
| STREET FUND | | |
| AKRS EQUIPMENT | EQUIPMENT | 6,200.00 |
| ALLAN DAUGHERTY | EQUIPMENT REPAIRS | 360.00 |
| BEARD'S SALVAGE INC. | SUPPLIES/MATERIALS | 390.10 |
| BULLDOG AUTO SUPPLY INC | PARTS | 1.42 |
| CONCRETE INDUSTRIES INC. | CONCRETE MATERIALS | 2,550.52 |
| GREENWADE TREE SERVICE | TREE SERVICE | 1,500.00 |
| JEO CONSULTING GROUP INC. | PROFESSIONAL SERVICES | 3,064.00 |
| MARTIN MARIETTA MATERIALS | ROCK | 1,406.77 |
| MELLAGE TRUCK & TRACTOR | PARTS | 355.50 |
| MENARDS | SUPPLIES | 654.24 |
| | | ----- |
| | TOTAL | 16,482.55 |
| | | ----- |
| | STREET FUND TOTAL | 16,482.55 |
| | | ===== |
| | Accounts Payable Total | 103,636.21 |

CLAIMS REPORT
Check Range: 6/09/2023- 6/30/2023

AGENDA ITEM
NO

E-1

| VENDOR NAME | REFERENCE | VENDOR TOTAL |
|-------------------------------|--------------------------------|--------------|
| GENERAL FUND | | |
| AFLAC | AFLAC WH | 73.80 |
| AMERICAN RECYCLING SANITATION | GARBAGE SERVICE/RECYCLING | 245.00 |
| BCom SoLutions, LLC | WEBSITE HOSTING/DIGITAL MARKET | 1,430.00 |
| AUBURN BPW | REIMBURSEMENT | 9,740.45 |
| FIRST CONCORD BENEFITS GROUP | BENEFIT SERVICES | 13.95 |
| FIRST NATIONAL BANK OMAHA | CARD TRANSACTIONS | 826.66 |
| LAVIGNE CONSTRUCTION INC. | REAL ESTATE PURCH LOTS 106&107 | 19,060.67 |
| LEAH WEHENKEL | HOUSING PROGRAM NEW CONSTRUCT | 5,000.00 |
| MICROFILM IMAGING SYSTEMS INC | EQUIPMENT RENTAL | 138.00 |
| PINPOINT AUBURN INC | PHONE AND BROADBAND SERVICE | 258.28 |
| CHARTER COMMUNICATIONS | PHONE ACCT | 25.62 |
| US CELLULAR | CELL PHONE ACCT | 115.56 |
| WINDSTREAM NEBRASKA INC | PHONE ACCT | 16.44 |
| | TOTAL | 36,944.43 |
| POLICE DEPARTMENT | | |
| NEMAHA COUNTY NEBRASKA | LAW ENFORCEMENT | 34,650.00 |
| | POLICE DEPARTMENT TOTAL | 34,650.00 |
| FIRE DEPARTMENT | | |
| BLACK HILLS ENERGY | GAS BILL ACCT | 82.04 |
| AUBURN BPW | ELEC | 292.76 |
| FIRST NATIONAL BANK OMAHA | CARD TRANSACTIONS | 43.03 |
| REGION V SERVICES | CLEANING SERVICE | 50.00 |
| CHARTER COMMUNICATIONS | PHONE ACCT | 114.55 |
| | FIRE DEPARTMENT TOTAL | 582.38 |
| PARK DEPARTMENT | | |
| AUBURN BPW | ELEC DEMAND | 4,605.78 |
| FIRST NATIONAL BANK OMAHA | CARD TRANSACTIONS | 704.26 |
| REGION V SERVICES | CLEANING SERVICE | 360.00 |
| | PARK DEPARTMENT TOTAL | 5,670.04 |
| SR. CENTER DEPARTMENT | | |
| BLACK HILLS ENERGY | GAS BILL ACCT | 74.04 |
| AUBURN BPW | ELEC | 492.00 |
| PINPOINT AUBURN INC | PHONE AND BROADBAND SERVICE | 54.43 |
| | SR. CENTER DEPARTMENT TOTAL | 620.47 |
| LIBRARY DEPARTMENT | | |
| AMERICAN RECYCLING SANITATION | GARBAGE SERVICE/RECYCLING | 50.60 |
| AUBURN BPW | ELEC | 590.17 |
| LINDA BANTZ | CUSTODIAL SERVICE | 400.00 |
| | LIBRARY DEPARTMENT TOTAL | 1,040.77 |

CLAIMS REPORT
Check Range: 6/09/2023- 6/30/2023

| VENDOR NAME | REFERENCE | VENDOR TOTAL |
|---------------------------|--------------------------------|--------------|
| POOL DEPARTMENT | | |
| BLACK HILLS ENERGY | GAS BILL ACCT | 169.07 |
| AUBURN BPW | IRRIGATION WA | 3,387.48 |
| FIRST NATIONAL BANK OMAHA | CARD TRANSACTIONS | 3,216.29 |
| NE DEPT. OF REVENUE | SALES AND USE TAX | 935.80 |
| CHARTER COMMUNICATIONS | PHONE ACCT | 137.97 |
| | | ----- |
| | POOL DEPARTMENT TOTAL | 7,846.61 |
| | | ----- |
| | GENERAL FUND TOTAL | 87,354.70 |
| | | ----- |
| STREET FUND | | |
| BLACK HILLS ENERGY | GAS BILL ACCT | 46.60 |
| AUBURN BPW | ELEC | 645.43 |
| FIRST NATIONAL BANK OMAHA | CARD TRANSACTIONS | 166.45 |
| JACKSON SERVICES INC | UNIFORM SERVICE | 335.03 |
| MARK HARMS | LAND USE | 500.00 |
| PINPOINT AUBURN INC | PHONE AND BROADBAND SERVICE | 64.99 |
| REGION V SERVICES | CLEANING SERVICE | 52.50 |
| CHARTER COMMUNICATIONS | PHONE ACCT | 32.12 |
| US CELLULAR | CELL PHONE ACCT | 57.78 |
| | | ----- |
| | TOTAL | 1,900.90 |
| | | ----- |
| | STREET FUND TOTAL | 1,900.90 |
| | | ----- |
| CDBG GRANT FUND | | |
| REUSE DTR | | |
| RYAN & SUNSHINE TAYLOR | CDBG REUSE DTR PROGRAM PROJECT | 18,689.66 |
| | | ----- |
| | REUSE DTR TOTAL | 18,689.66 |
| | | ----- |
| | CDBG GRANT FUND TOTAL | 18,689.66 |
| | | ----- |
| COMM REDEVELOP AUTHORITY | | |
| CITY OF AUBURN | REIM WEST WATERLINE | 19,526.42 |
| RYAN & SUNSHINE TAYLOR | REDEVELOPMENT PROJECT | 556.68 |
| | | ----- |
| | TOTAL | 20,083.10 |
| | | ----- |
| | COMM REDEVELOP AUTHORITY TOTAL | 20,083.10 |
| | | ----- |
| | Accounts Payable Total | 128,028.36 |
| | | ===== |



June 30, 2023
Sherry Heskett
City of Auburn
1101 J Street
Auburn, NE 68305

RE: **Drawdown #1 Project Expenses for 22-TFHP-36014**

Dear Sherry,

Enclosed is Drawdown #1 for the New Construction program. After you have reviewed the material, please have Chris Erickson, Mayor, and Sherry Heskett, Clerk, sign the DD as noted and mail the original DD form back to SENDD for processing. Please sign all documents in "BLUE INK" and place a copy of this documentation in File #4 – Financial Management located in your grant folder.

After submittal of the Drawdown for Project **#22-TFHP-36014**, in 5 to 10 days, when the automatic transfer is received from NDED and deposited into the City's NAHTF account and following City Council action on such bills, please write the following check(s):

| | TOTAL | NAHTF | Match |
|---|-------------------|-------------------|---------------|
| (Drawdown #1). The following NAHTF Activity Code Admin bills have not yet been paid. Please mail copies of all checks to the Lincoln SENDD Office. | | | |
| SENDD Admin Expenses | \$2,000.00 | \$2,000.00 | \$0.00 |
| Totals: | \$2,000.00 | \$2,000.00 | \$0.00 |

According to the above figures, the City should make the following payment(s):

*****NAHTF FUNDS PAYMENTS*****

\$2,000 total to: **SENDD** (from Activity Code Admin)

LINCOLN OFFICE
7407 O Street
Lincoln, NE 68510
Office: 402-475-2560

www.sendd.org





**** Please include a copy of this letter and a copy of the checks with your payment****

Please feel free to give me a call at (402) 475-2560 if you have any questions.

Sincerely,

Ashley Larsen

Ashley Larsen
Housing Development Specialist

LINCOLN OFFICE
7407 O Street
Lincoln, NE 68510
Office: 402-475-2560

www.sendd.org



SENDD is an Equal Opportunity Provider and Employer



**REIMBURSEMENT REQUEST FORM FOR
NEBRASKA AFFORDABLE HOUSING TRUST FUNDS (NAHTF)
NEBRASKA DEPARTMENT OF ECONOMIC DEVELOPMENT**

| | | | | | |
|--------------------|-------------------------------|------------------------|--|----------------------------|--|
| Name of Recipient | | Mailing Address | | City State Zip | |
| City of Auburn | | 1101 J Street | | Auburn, NE 68305 | |
| NAHTF Award Number | Federal Identification Number | Payment Request Number | | DED Program Representative | |
| 22-TFHP-36014 | 47-6006083 | 1 | | Amy Kienzler | |

Part I – STATUS OF FUNDS

| | | |
|---|----------------|--|
| 1. Total of Previous Payment Requests for NAHTF funds. | \$ 0.00 | IMPORTANT Round all figures down to penny. |
|---|----------------|--|

Proceed with this payment request only if Recipient has received notification of previous payment request approval.

Part II – CASH REQUIREMENTS

| Label each column with budget activity name. | Gen. Admin | Housing Mgt | New Const. | | |
|---|------------|-------------|------------|--------|------------|
| Enter "Final" if this is Final Request | | | | | Totals |
| 1. Total Cash Requirements to Date | \$2,000.00 | | | | \$2,000.00 |
| 2. Less: Local Match (Other Funds) Applied | | | | | \$0.00 |
| 3. Less: State Trust Funds Disbursed to date (Total of this line must agree with Part I, Line 1) | \$0.00 | \$0.00 | \$0.00 | | \$0.00 |
| 4. Total of Current State Trust Funds Requested | \$2,000.00 | \$0.00 | \$0.00 | \$0.00 | \$2,000.00 |

I certify that this request for State Trust funds has been prepared in accordance with the terms and conditions of the NAHTF contract. I also certify that all data reported above is correct and that the amount of the request for State Trust Funds is not in excess of current needs.

| | | |
|--|------------------------|-----------------------------|
| Signature of Authorized Official | Chris Erickson, Mayor | Date |
| Signature of Authorized Official | Sherry Heskett, Clerk | Date |
| Person Preparing Request for NAHTF Form Name: Ashley Larsen | Organization: SENDD | Email: alarsen@sendd.org |
| DEPARTMENT OF ECONOMIC DEVELOPMENT USE | AMOUNT APPROVED: \$ | INITIALS |
| Telephone Number: 4024752560 | | DATE |

City of Auburn
RFQ Responses for 22-DTR-001
June 30, 2023

| | BG Consultants | JEO Consulting Group, Inc. |
|--|----------------|----------------------------|
| Scope of Work (15 pts) | 8.5 | 10.5 |
| Qualifications and Experience (15 pts) | 6 | 13 |
| Staffing Loads (15 pts) | 9.5 | 10.5 |
| Timeline (15 pts) | 6 | 13 |
| Total (60 pts) | 30 | 47 |

These are the cumulative results of the scoring of the proposals received by the City of Auburn for the 22-DTR-001 completed by the City's Budget and Finance Committee on 7/7/23. The recommendation would be to select JEO Consulting Group, Inc and negotiate a contract for services with them to be approved by the Council at the August 2023 meeting.

RESOLUTION NO. 10-23

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF AUBURN, NEBRASKA, ADOPTING AND APPROVING A REDEVELOPMENT PLAN AMENDMENT ENTITLED, "REDEVELOPMENT PLAN FOR THE WESTGATE SUBDIVISION REDEVELOPMENT PROJECT".

WHEREAS, pursuant to the Nebraska Community Development Law, Nebraska Revised Statutes Sections 18-2101 et. seq. (the "Act"), the Mayor and City Council of the City of Auburn, Nebraska (the "City"), designated a portion of the City commonly referred to as the "Westgate Redevelopment Area" (the "Redevelopment Area"), as a blighted and substandard community redevelopment area under the Act; and

WHEREAS, the Mayor and City Council finds based on substantial evidence in the record of this proceeding that redevelopment of the Redevelopment Area will result in the elimination and prevention of blight and aligns with the purposes of the Act and the City's comprehensive plan for land use and development (the "Comprehensive Plan"); and

WHEREAS, attached hereto as Exhibit "A" is a tax-increment financing redevelopment plan amendment for redevelopment within the Redevelopment Area entitled, "Redevelopment Plan for the Westgate Subdivision Redevelopment Project" (the "Redevelopment Plan"), which sets forth a specific redevelopment project within a portion of the Redevelopment Area (the "Redevelopment Project"); and

WHEREAS, the Redevelopment Plan will amend and replace, in its entirety, that certain redevelopment plan previously adopted by the Mayor and City Council, entitled, "Redevelopment Plan for the Westgate Subdivision Redevelopment Project"; and

WHEREAS, in conformance with the Act, the Planning Commission of the City held a duly noticed public hearing on the Redevelopment Plan on June 20, 2023, and provided written findings on and recommended the Mayor and City Council's adoption and approval of the Redevelopment Plan; and

WHEREAS, in conformance with the Act, the Community Redevelopment Authority of the City previously provided written findings on and recommended the Mayor and City Council's adoption and approval of the Redevelopment Plan; and

WHEREAS, on July 10, 2023, the Mayor and City Council held a duly noticed public hearing on the Redevelopment Plan, in conformance with the Act; and

WHEREAS, after public hearing and review of the Redevelopment Plan, the Mayor and City Council determined that the Redevelopment Plan complies with the Comprehensive Plan of the City and will result in the elimination and prevention of blight; and

WHEREAS, after public hearing and review of the Redevelopment Plan, the Mayor and City Council determined that the Redevelopment Project contemplated in the Redevelopment Plan would not occur and would not be economically feasible without the use of tax-increment financing.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY:

Section 1. The Redevelopment Plan attached as Exhibit "A" complies with the Comprehensive Plan of the City.

Section 2. Based on the substantial evidence in the record of this proceeding, the Mayor and City Council finds as follows:

(a) The proposed land uses and building requirements for the Redevelopment Project as described in the Redevelopment Plan are designed with the general purpose of accomplishing, in conformance with the City's Comprehensive Plan, a coordinated, adjusted and harmonious development of the City and its environs which will, in accordance with the present and future needs, promote health, safety, morals, order, convenience, prosperity and the general welfare, as well as efficiency and economy in the process of development; that under the Redevelopment Plan adequate provision is made for traffic, vehicular parking, the promotion of safety from fire, panic and other dangers, adequate provision for light and air, the promotion of the healthful and convenient distribution of populations, the provision of adequate transportation, water, sewage and other public utilities, schools, parks, recreational and community facilities and other public requirements, the promotion of sound design and arrangement, the wise and efficient expenditure of public funds and the elimination of, or prevention of the recurrence of, insanitary or unsafe dwelling accommodations or conditions of blight.

(b) The Redevelopment Plan contains a satisfactory statement of the proposed method and estimated cost of acquisition and preparation for the Redevelopment Project; that no public improvements are required to be provided except as set forth in the Redevelopment Plan with respect to the Redevelopment Project; that the Redevelopment Plan sets forth the estimated proceeds and/or revenue expected to be obtained by the City from disposal of property in relation to the Redevelopment Project; that the Redevelopment Plan sets forth a satisfactory method of financing for the Redevelopment Project consisting of direct payment for public improvements or grant assistance via the issuance by the Community Redevelopment Authority of its tax increment revenue bond(s) to provide funds to pay for the costs of certain eligible improvements; and that there

are no families or businesses within the Redevelopment Project site, as set forth in the Redevelopment Plan, which are currently expected to be displaced from such area as a direct result of the Redevelopment Project.

(c) The cost-benefit analysis prepared in conjunction with the Redevelopment Plan and attached thereto sets forth the factors required under section 18-2113 of the Act and supports the Mayor and City Council's adoption and approval of the Redevelopment Plan.

Section 3. The Redevelopment Project set forth in the Redevelopment Plan would not be economically feasible without the use of tax-increment financing; would not occur in the redevelopment area described in the Redevelopment Plan without the use of tax-increment financing; and the costs and benefits of the Redevelopment Plan, including costs and benefits to other affected political subdivisions, the economy of the community, and the demand for public and private services have been analyzed by the Mayor and City Council and have been found to be in the long-term best interest of all those impacted by the Redevelopment Project and Redevelopment Plan.

Section 4. The Redevelopment Plan shall amend and replace, in its entirety, that certain redevelopment plan previously adopted by the Mayor and City Council entitled, "Redevelopment Plan for the Westgate Subdivision Redevelopment Project".

Section 5. Based on the foregoing and substantial evidence in the record of this proceeding, the Mayor and City Council hereby approves and adopts the Redevelopment Plan.

INTRODUCED BY COUNCIL MEMBER _____

PASSED AND ADOPTED THIS 10TH DAY OF JULY, 2023.

MAYOR

ATTEST:

CITY CLERK

EXHIBIT "A"
Redevelopment Plan

(See attached)

RESOLUTION NO. 11-23
Of
THE CITY OF AUBURN, NEMAHA COUNTY, NEBRASKA
PURCHASE AGREEMENT WESTGATE ADDITION TO AUBURN, NE
CONTRACT EXTENSION ADDENDUM

This Contract Extension Addendum to the Option to Purchase Agreement for Westgate Addition to Auburn, NE (this "*Addendum*") is made & entered into as of this ____ day of July 2023, by & between The Wheeler Family Revocable Living Trust dated November 28, 2007, Dennis L. Wheeler & Carol J. Wheeler, Co-Trustees, Auburn, NE. 68305, each an "*SELLER*" & collectively, together with their respective heirs, permitted assigns and/or designee(s), "*SELLER*", and the COMMUNITY REDEVELOPMENT AUTHORITY OF AUBURN, NE ("*CRA*"), "*BUYER*" herein, hereby agree to the extension of the OPTION TO PURCHASE WESTGATE ADDITION TO AUBURN, NE, as follows .

A. REAL ESTATE DISCRIPTION:

Westgate Addition within Sec 21-5-14, Pt of the SE1/4 NW1/4, including Lots 2 & 3, Blk 3, excluding parcel 20, Westgate Add to Auburn, Nemaha County, NE.

B. CLOSING DATE. The closing date for the real estate purchase on the property described herein shall be extended to on or before 22^{ne} day of August 2023, 5 O'clock p.m. The closing date on this contract extension addendum supersedes the closing date agreed upon by both parties on the original Option to Purchase Agreement Westgate Addition to Auburn, NE, dated March 16, 2023, as is now assigned to the *BUYER* herein.

C. MUTUAL CONSIDERATION. The *SELLER* & *BUYER* hereby agree that the *BUYER* shall provide an additional \$450,000.00, paid to the *SELLER*, as further option payment towards purchase pursuant to the terms of the Option to Purchase previously signed. Further, at closing the real estate taxes assessed on the property shall be prorated as of the original date of closing, July 14, 2023. During the extension period the *SELLER's shall* continue to pay utilities and maintain property insurance on the real estate. The mowing and maintenance upon the real estate will continue as scheduled by the *SELLER*.

[Signatures on following pages]

SELLER:

Dated this ____ day of July 2023.

Dennis L. Wheeler, Co-Trustee
Wheeler Family Revocable Living Trust
Dated November 28, 2007.

Dated this ____ day of July 2023.

Carol J. Wheeler, Co-Trustee
Wheeler Family Revocable Living Trust
Dated November 28, 2007.

BUYER:

Dated this _____ day of July 2023.

City of Auburn, NE.,
by Mayor, Chris Erickson

ATTEST:

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

(Seal)

CITY OF AUBURN, NE:

Dated this _____ day of July 2023.

Katy Billings, Chairperson

ATTEST:

Sherry Heskett, Secretary

(Seal)

STATE OF NEBRASKA)
) ss.
COUNTY OF NEMAHA)

On this ___ day of July 2023, before me, the undersigned Notary Public, duly commissioned and qualified for and residing in said county, personally came Dennis L. Wheeler & Carol J. Wheeler, Co-Trustees & authorized representatives of The Wheeler Family Revocable Living Trust dated November 28, 2007, to me known to be the identical persons whose names are affixed to the foregoing Contract Extension Addendum for Option Agreement as SELLER and acknowledged the same to be her & his voluntary act and deed on behalf and under the authority as Co-Trustees of The Wheeler Family Revocable Living Trust dated November 28, 2007.

Witness my hand and Notarial Seal the day and year last above written.

Notary Public

My commission expires:

STATE OF NEBRASKA)
) ss.
COUNTY OF NEMAHA)

On this ____ day of July 2023, before me, the undersigned Notary Public, duly commissioned and qualified for and residing in said county, personally came Chris Erickson, Mayor, Katy Billings Chairperson, and Sherry Heskett, Clerk & Secretary, to me known to be the identical persons whose names are affixed to the foregoing Contract Extension Addendum for Option Agreement as City of Auburn & *BUYER* and acknowledged the same to be her & his voluntary act and deed on behalf and under the authority of their respective positions.

Witness my hand and Notarial Seal the day and year last above written.

Notary Public

My commission expires:

RESOLUTION NO. 12 -23
Of
THE CITY OF AUBURN, NEMAHA COUNTY, NEBRASKA
MEMORANDUM OF UNDERSTANDING
Between
CITY OF AUBURN, NE, A MUNICIPAL CORPORATION
&
THE COMMUNITY REDEVELOPMENT AUTHORITY
OF AUBURN, NE.

I. PURPOSE

This Memorandum of Understanding (MOU) establishes an agreement between the City of Auburn, NE, a municipal corporation of the State of Nebraska (CITY) and The Community Redevelopment Authority of Auburn, NE (CRA) on CITY Res. No. 08-23, for the assignment & assumption of the OPTION TO PURCHASE AGREEMENT WESTGATE ADDITION TO AUBURN, NE. approved by the City (Jun 12, 2023) and CRA (June 13, 2023), and incorporated herein by this reference.

II. REAL ESTATE DISCRIPTION:

Westgate Addition within Sec 21-5-14, Pt of the SE1/4 NW1/4, including Lots 2 & 3, Blk 3, excluding parcel 20, Westgate Add to Auburn, Nemaha County, NE. (the "Property" herein)

(legal description may be made more definite at closing on real estate pursuant to agreement of parties)

III. MUTUAL INTEREESTS & OBJECTIVE

The CITY & CRA both seek development of the Property consistent with the approved Comprehensive Plan of the City and the need/desire for community growth and progression. A recognized need within the City limits is an area for housing development as well as additional connecting point(s) between "P" & "U" Streets on the south side of the CITY.

IV. CONTRIBUTIONS OF THE PARTIES

The CITY:

- a. Shall maintain and be responsible for cost of maintenance, taxes (if any), & insurance.
- b. Shall incur cost of infrastructure and improvements. All improvements shall be approved by the City prior to incurring cost.
- c. Responsibilities and obligations within Res. No. 08-23, approved by the City on June 12, 2023, and any amendments thereto. Res. No. 08-23 and amendments therefor incorporated herein by this reference.

The CRA:

- a. Shall reimburse funds to the CITY by proceeds obtained (minus cost) through and upon the sale of real estate; and tax increment financing.
- d. Responsibilities and duties within Res. No. 08-23, approved by the CRA on June 13, 2023, and any amendments thereto. Res. No. 08-23 and amendments therefor incorporated herein by this reference.

V. PUBLICITY

The Parties hereto will coordinate all public statements and other disclosures with regard to the MOU. No Party to the MOU may enter into any publicity regarding the MOU unless the Parties consult with each other in advance on the form, timing, and contents of any such publicity, announcement, or disclosure.

VI. EFFECTIVE DATE & DURATION OF THE MEMORANDUM OF UNDERSTANDING

This MOU will not become effective until it has been executed by all Parties hereto. When this MOU has been so executed, it will become effective as of the latest signature date on this MOU, and will remain in place until terminated by mutual agreement of the Parties or otherwise by law.

VII. AMENDMENTS, TERMINATION, OR CANCELLATION

Amendments to this MOU must be agreed to in writing by all Parties to be effective. Amendments may be introduced by any Party at any time; however, after all agreed upon activities set forth above have been performed with respect to the Purpose and incorporated documents hereto, the Parties agree to review the agreed upon activities outlined herein and make any adjustments to the language necessary to reflect actual experience or purposeful intent. Amendments may address additional considerations or parties not considered at the time the MOU became effective.

VIII. STATEMENT OF INTENT & OBLIGATION

This MOU is an expression of intent only. Each of the Parties will act as an independent party with respect to the performance of the its respective agreed upon activities, duties, and obligations under this MOU. Any future transfer of funds or obligation to undertake certain duties not stated herein must be confirmed by the Parties by appropriate action prior to being effective. This MOU does not give any third party any benefit, legal or equitable right, remedy, or claim under this MOU.

IX. COORDINATION & INFORMATION SHARING

The Parties agree to coordinate when necessary on all matters relating to the party's contributions listed in paragraph IV above.

To the extent information is shared between the Parties for purposes of any responsibilities or duties under this MOU, a new written agreement or amendment to this MOU will be executed to ensure that relevant Privacy Act, Freedom of Information, and public disclosure requirements are followed and achieved.

IN WITNESS WHEREOF, the parties hereto have entered into this MOU effective as identified herein.

THE CITY OF AUBURN, NEBRASKA

By: _____
Chris Erickson, Mayor

Date: _____

ATTEST:

Sherry Heskett, City Clerk

STATE OF NEBRASKA)
) ss.
COUNTY OF NEMAHA)

The foregoing instrument was acknowledged before me this ____ day of _____, 2023, by Chris Erickson, Mayor, and Sherry Heskett, City Clerk, of the City of Auburn, Nebraska on behalf of the city.

Notary Public

(CRA Signature on the following page)

THE COMMUNITY REDEVELOPMENT
AUTHORITY OF THE CITY OF AUBURN,
NEBRASKA (CRA)

By: _____
Katy Billings, Chairperson

Date: _____

ATTEST:

Sherry Heskett, Secretary

STATE OF NEBRASKA)
) ss.
COUNTY OF NEMAHA)

The foregoing instrument was acknowledged before me this ____ day of _____, 2023, by Katy Billings, Chairperson, and Sherry Heskett, Secretary, of the Community Redevelopment Authority of the City of Auburn, Nebraska on behalf of the authority.

Notary Public

ORDINANCE NO. 04 - 23
OF
THE CITY OF AUBURN, NEMAHA COUNTY, NEBRASKA

AN ORDINANCE OF THE CITY OF AUBURN, NEMAHA COUNTY, NEBRASKA, DEFINING & REGULATING THE USE OF SHIPPING CONTAINERS WITHIN THE ZONING JURISDICTION OF THE CITY OF AUBURN, NE; PROVIDING A PENALTY PROVISION; PROVIDING A CONFLICT RESOLUTION CLAUSE; PROVIDING FOR SEVERABILITY; & PROVIDING PUBLICATION AND AN EFFECTIVE DATE FOR THE ORDINANCE.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUBURN, NEBRASKA:

SECTION 1. A new "Section: *Shipping Containers*" shall be added to Chapter 150 "*Building Regulations; Construction*" to the City of Auburn, Nebraska, Code of Ordinances as follows:

150.70 Definition. A "shipping container" is a six-sided steel unit originally constructed as a general cargo container used for the transportation of goods and materials and includes Portable on Demand Storage (PODS). The maximum dimensions are fifty-three (53') in length by eight feet (8') in width by eight feet (8') in height. Shipping containers do not include similar structures such as railroad cars, recreational vehicles, bus bodies, semi-trailers, and similar prefabricated items.

150.71. Permit Required. It shall be unlawful to place, use, allow, or maintain a shipping container on any property within the jurisdiction of the City of Auburn, NE, without a permit approved by the City Building Inspector/Code Enforcement Officer ("CBICEO" herein). Applications for permits will be available at Auburn City Hall. Completed applications and the application fee shall be submitted to the City Clerk/Deputy Clerk at the Auburn City Hall. The CBICEO or City Administrator may require supplementary information, such as a site plan or inspection, prior to the approval of any permit.

150.72. Residential, Commercial, and Mixed-Use Districts.

- (a) **Residential:** Shipping containers are not authorized for use on any property within Residential Districts (R-1, R-2, R-3, & R-4).
- (b) **Commercial & Mixed-Use Districts:** Shipping containers are not authorized for Commercial, Commercial Residential (C-R), or Agricultural Residential (AGR) Zoning Districts without a permit. Applicants may request an annual use or temporary use permit. Temporary uses are limited to the following:
 1. One (1) temporary Portable on Demand Storage (PODS) container for a period not to exceed 30 days for the limited purpose of temporarily loading and unloading household contents and related items. The size of the approved POD shall not exceed the available hard surface area on which it

will be placed, such as driveway or parking pad, and it shall not encroach upon sidewalks or be placed upon a public street.

2. A licensed contractor may use a shipping container for the temporary location of an office or for the storage of equipment and/or materials during construction which is taking place on the property where the shipping container is located, provided the construction is authorized pursuant to a building permit. Such

- i. temporary shipping containers must be removed within two (2) weeks of completion of construction.

150.73. Industrial District ("M"). Shipping containers may be authorized for temporary or annual use on any property within an Industrial District. A permit, approved by the CBICEO shall be required for temporary or annual use of shipping containers on any property within and Industrial District. The application for a permit shall include a site plan showing lot lines and setbacks and a description of the purpose for the proposed use and length of time of use.

150.74 Regulations. Unless specifically waived by permit, the following regulations shall apply to all shipping containers placed, used, allowed, or maintained within the zoning jurisdiction and extraterritorial zoning jurisdiction of the City of Auburn, NE.

- (a) Shipping containers must be securely anchored to the ground.
- (b) Shipping containers shall be placed on a hard surface, such as concrete, asphalt, or gravel pad, and shall not exceed the size of the hard surface area.
- (c) Shipping containers shall comply with all applicable setbacks for permanent structures and shall not be placed in a manner that impedes access to public rights-of-way, public utility or drainage, easements, or adjacent structures and buildings.
- (d) Shipping containers shall not be used for human habitation.
- (e) Shipping containers shall not be used to store hazardous materials in violation of any local, state, or federal law.
- (f) No signage shall be allowed on any permanent shipping container, and all permanent shipping containers shall be painted a non-reflective neutral color that is compatible with the primary structure or to blend in with the surrounding environment.
- (g) Shipping containers shall not be stacked on top of each other or on another structure.
- (h) All shipping containers shall be structurally sound, operated in a safe manner, and maintained in good repair. No shipping container may contain any holes, peeling paint, rust, damage, or structural modifications.
- (i) Shipping containers used for long-term storage shall not be visible from the portion of any public or private street that abuts the property. Acceptable screening features for a shipping container include landscaping, fencing, terrain, existing structure, or a combination of these features as is necessary.

- (j) Shipping containers used for temporary storage must be placed at the rear of the property where and when possible.

150.75. UNSAFE BUILDING/STRUCTURE, NUISANCE. Any shipping container placed, used, allowed, or maintained in violation of the provisions of this Article is hereby declared a nuisance and shall be subject to abatement and assessment under the procedures set forth in Ch. 99: *Health & Sanitation*, and Ch. 150: § 150.03, *Unsafe Buildings: special assessments*.”

150.76. PENALTY. Any violation of §150.70 through §150.75 herein shall be a violation of the City of Auburn, Nebraska Code of Ordinances pursuant to §10.99.

SECTION 2. Any conflicting provisions in the City of Auburn Code of Ordinances are hereby repealed. All other provisions within shall remain in full force and effect except as revised herein.

SECTION 3. This ordinance shall be published in book or pamphlet form and posted in three (3) public locations in the City of Auburn, NE. This Ordinance shall take effect and be in full force from and after its passage, approval, and publication as provided by law.

SUSPEND
READINGS _____
(3/4 VOTE)

FIRST READING _____

SECOND READING _____

THIRD READING _____

ORDINANCE NO. 05-23
OF
THE CITY OF AUBURN, NEMAHA COUNTY, NEBRASKA

AN ORDINANCE OF THE CITY OF AUBURN, NEMAHA COUNTY, NEBRASKA REGULATING VACANT COMMERCIAL BUILDINGS; ESTABLISHING MONETARY PENALTIES; SETTING DEFINITIONS & PROCEDURES; PROVIDING A CONFLICT RESOLUTION CLAUSE; PROVIDING FOR SEVERABILITY; & PROVIDING PUBLICATION & AN EFFECTIVE DATE FOR THE ORDINANCE.

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

SECTION 1. A new "Section: "*Vacant Commercial Building Registration*" shall be added to Chapter 150 "*Building Regulations: Construction*" to the City of Auburn, Nebraska, Code of Ordinances as follows:

150.80. Purpose. Recognizing that vacant commercial buildings and properties contribute to blight within commercial districts, discourage economic development, hinder appreciation of property values, depress the appearance of the City of Auburn, decrease municipal revenue and taxable value of surrounding properties, endanger public health and safety, attract criminal activity, and create fire hazards, it is the responsibility of owners to prevent buildings from becoming a burden to the neighborhood and community and a threat to the public health, safety, and welfare. Maintenance of the public health, safety and welfare thus requires the City to maintain an accurate registration of all vacant buildings and properties.

150. 81. Definitions.

- A. Building means a building, accessory structure, or other structure adapted to permanent occupancy for commercial use within the C-1 Commercial Districts & CR Commercial Residential Districts.
- B. City means the City of Auburn, Nemaha County, Nebraska.
- C. Chronic Vacancy means any building vacant and unregistered one (1) year or longer.
- D. Commercial means any structure classified as a commercial structure under the zoning ordinances of the City of Auburn, NE, within the C-1 Commercial Districts & CR Commercial Residential Districts
- E. Owner means the person, persons, or entity identified as the owner or owners on the last deed of record for the property.
- F. Unsecured means that access to the building may be obtained through open, unlocked, broken, or missing doors or windows of such building.
- G. Vacant Building means a building identified herein, that is unattended or unoccupied and is not actively used as a place of business, or the buildings primary use or intention as commercial is not being developed or utilized; or without active

and routine development towards retail business use/occupation, or the building is frequently open or unsecured so that unauthorized admittance may be gained without damaging any portion of the property, or the building is primarily being used for storage. A commercial building or property will be considered vacant when found to be in the above condition for more than six (6) months and subject to the registration requirements found in this Ordinance.

- H. Good Faith shall be defined as being advertised at a price no more than 125% of the assessed value as listed for the most recent year posted by the Nemaha County Assessor unless a higher market value is established by a certified realtor or licensed appraiser. The owner shall accept any bona fide offer for that amount or more.

150.82. Registration and Maintenance Requirements; Fees.

- A. The owner of a vacant building shall register the building with the City Building Inspector/Code Enforcement Officer ("CBICEO" herein) within one hundred and eight (180) days of written notice provided to the owner or the owner's resident agent of the vacant building unless the vacancy is corrected and approved by the CBICEO. Such notice shall be served on the owner or resident agent by personal service or by certified mail, return receipt requested. If the owner is a resident, such notice shall be personally served or sent by certified mail, return receipt requested. If the owner is a non-resident, such notice shall be personally served or sent by certified mail, return receipt requested, to the last known address of the owner.
- B. The City shall also accept notifications to owners by mail or electronic transmissions of a building that meets the definition of a Vacant Building as defined in this Ordinance and shall pursue registration of said building in accordance herewith.
- C. The required registration shall be submitted on the form provided by the City and available on the City's website, which form shall include the name, current mailing address, phone number, current email, and any other contact information of the owner; the names and addresses of all known lien holders and all other parties/LLC/Corporation/Business with a legal or equitable ownership interest in the building; the common address of the building, as well as the parcel identification and sale or rental price. The form shall also include the period of time the vacant building is expected to remain vacant, and a plan and timetable for either:
1. Returning the vacant building to appropriate occupancy or use, including compliance with the minimum maintenance standard of this Ordinance; or
 2. Marketing the property in good faith.
- D. Pursuant to the registration requirements of this subsection, for every subsequent 6-month period a building remains vacant beyond the initial registration, the owner of the vacant building must:
1. Re-register the building or property, including appropriate fees, and
 2. Submit an updated plan for either returning the vacant building to appropriate occupancy or use, or marketing thereof.

- E. If the owner of the vacant building does not reside in Nemaha County for at least six (6) months a year, then they shall provide information for a resident agent with authority to act with respect to the property, such resident agent residing in Nemaha County at least six (6) months per year, including name, current mailing address, phone number, current email address, and any other contact information of the owners agent. Failure to identify a resident agent is grounds for rejection of the registration application without refund of the application fee as well as the penalties herein.
- F. Any subsequent owner of a vacant building must register or re-register the building with the City within the thirty (30) days of any transfer of any ownership interest in the vacant building.
- G. The owner of a vacant building must keep the building and any adjoining property secure, safe, and maintained in compliance with all Federal, State, and local ordinances and regulations.
- H. One hundred & eighty days after registration, a registration fee of Five Hundred Dollars (\$500.00) per building shall be collected by the City Clerk/Treasurer at the time of registration. A re-registration fee of One-Thousand Dollars (\$1,000.00) per building shall be collected, thereafter the re-registration fee will increase by five-hundred (\$500.00) dollars, with a maximum supplemental registration fee of ten (10) the initial registration fee amount. Registration fees may be refundable for the year preceding the date on which the property is no longer vacant upon approval by the City Council.
- I. A vacant building shall be exempt from the registration and fee requirements herein if it is advertised in good faith (as identified herein) for sale or lease.
- J. This Ordinance shall be subject to and include the requirements of Neb. Rev. Stat. § 19-5407, of the Vacant Property Registration Act.

150.83. Inspections; Minimum Maintenance Standards; Ongoing Obligation.

- A. Upon the request of the CBICEO, an owner shall provide access to all interior portions of any vacant building or suspected vacant building to permit a complete inspection of the same by a representative of the City of Auburn, NE.
- B. No registration application under this chapter shall be accepted unless the vacant building meets a minimum maintenance standard as assessed by the City's designated officer, with or without the advice and assistance of any third party professional(s) with specialized knowledge necessary to conduct such assessment, including structural integrity, a roof in adequate condition to repeal moisture and the elements, intact walls, windows and doors which allow for securing the building or property such that it will not deteriorate, attract pests, or pose a safety risk to the public.
- C. The owner of a vacant building will make the property available for an initial inspection within seven (7) days of submitting the registration application, and again within fourteen (14) days of the City's request of subsequent inspections in

order to ascertain the ongoing condition of the building and compliance with this Ordinance, as well as the City's Building Codes/Ordinances. Such inspections shall take place at reasonable times during business hours. Failure to permit an inspection hereunder is grounds for rejection of the registration application without refund of the application fee as well as the penalties identified herein.

150.84. Penalties; Procedures.

A. Penalties

1. Any owner who fails to register a vacant building under this article shall be liable for a civil penalty of five hundred dollars (\$500.00) per 24-hour period that said vacant building is unregistered.
2. If the building continues to meet the definition of a vacant building for a period of thirty (30) calendar days beyond the required re-registration date, and the owner fails to re-register such building, the City Clerk shall assess a penalty of five hundred dollars (\$500.00) for each thirty (30) calendar day period the building continues to be un-reregistered.
3. If a building or property is vacant and unregistered more than one (1) year and remains unregistered it shall be classified as a chronic vacancy, and as a chronic vacancy a building shall be subject to a fee of \$5,000.00 per year of chronic vacancy with a 10% annual increase.
4. All penalties and fees assessed shall be payable directly to the City of Auburn, NE. Funds derived from said fee shall be used to offset the City's costs of annual inspections as provided in this Ordinance.
5. Any and all civil penalties assessed under this section shall be billed to the owner or other responsible party. Failure or refusal to pay any and all such penalties permits the City to pursue any and all available legal remedies for the enforcement and collection of such penalties; including but not limited to, civil actions being filed in any court of competent jurisdiction, abatement of nuisances maintained in violation of this chapter, institution of injunction, mandamus, or other appropriate action or proceedings to enforce the penalty provisions of this chapter.
6. When penalties assessed under this Ordinance have gone unpaid for one (1) year, they shall be added to the county's tax rolls as special assessments.

B. Procedures.

1. Upon failure to register a vacant building a Notice of Registration Penalty shall be issued to the owner(s).
2. A separate Notice of Registration Penalty shall be issued for each subsequent penalty that may be assessed.
3. The Notice of Registration Penalty shall be served upon the owner by certified mail, personal service, mail, or email, as is accessible to the City and the owners.

4. This chapter in no way limits the penalties, actions or abatement procedures which may be taken by the city for violation of any other ordinance of the city or statute of the state of Nebraska.

SECTION 2. Any conflicting provisions in the City of Auburn Code of Ordinances are hereby repealed All other provisions within shall remain in full force and effect except as revised herein.

SECTION 3. This ordinance shall be published in book or pamphlet form and posted in three (3) public locations in the City of Auburn, NE. This Ordinance shall take effect and be in full force from and after its passage, approval, and publication in accordance with City Code § 35.07 and Nebraska Law.

SUSPEND
READINGS _____
(3/4 VOTE)

FIRST READING _____

SECOND READING _____

THIRD READING _____

PASSED AND APPROVED THIS 10TH DAY OF July 2023 AS FOLLOWS:

Tom Clark (Ward 1) Aye:_____ Nay:_____ Absent:_____ Abstain:_____

Shawn Clark (Ward 1) Aye:_____ Nay:_____ Absent:_____ Abstain:_____

Katy Billings (Ward 2) Aye:_____ Nay:_____ Absent:_____ Abstain:_____

Rick Janssen (Ward 2) Aye:_____ Nay:_____ Absent:_____ Abstain:_____

Nathan Seitz (Ward 3) Aye:_____ Nay:_____ Absent:_____ Abstain:_____

Jeff Jeanneret (Ward 3) Aye:_____ Nay:_____ Absent:_____ Abstain:_____

Chris Erickson, Mayor
(Tiebreaker vote) Aye:_____ Nay:_____

*(Mayor votes as Council only
As needed on a tiebreaker)*

Chris Erickson, Mayor
City of Auburn, Nebraska

ATTESTED:

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

ORDINANCE NO. 07- 23
OF
THE CITY OF AUBURN, NEMAHA COUNTY, NEBRASKA

AN ORDINANCE TO APPROVE BPW EMPLOYEE ADDITIONAL INCOME PAYMENTS FOR ADDITIONAL TIME, SERVICE, & DUTY RENDERED; PROVIDING FOR SEVERABILITY; & PROVIDING PUBLICATION & AN EFFECTIVE DATE FOR THE ORDINANCE.

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

SECTION 1. The Auburn Board of Public Works (herein "BPW") on June 21, 2023, at a regularly scheduled and posted meeting, approved additional income payments to three (3) BPW employees in consideration of additional hours spent, duties incurred & performed, and services rendered due to leave of employment and resignation of the previous BPW General Manger until an interim General Manager was able to assume General Manager duties. The approved compensation was incurred to protect the BPW, customers served by the BPW, and the City of Auburn, NE, and its residents by adding additional necessary services and duties to three (3) department managers during the time period that the BPW was temporarily without an acting General Manager (GM).

The City Council hereby approves additional income compensation over and above previously approved salaries and pay rates, to BPW Accounting and Finance Manager, Tamara Westhart in the amount of \$10,000.00; to BPW Water Manager, Alan Slater in the amount of \$2,000.00, and to BPW Electric Operations Manager, Kevin Kuhlman in the amount of \$2,000.00. Said increased income is reasonable and appropriate, in direct correlation with the increased time, duties, obligations, & responsibilities of each of the department managers to assure that BPW services and activities continued to run effectively and efficiently and for services rendered on a temporary basis while an interim General Manager position was being reviewed by the Board of Directors.

SECTION 2. Any conflicting provisions in the City of Auburn Code of Ordinances are hereby repealed. All other provisions within shall remain in full force and effect except as revised herein.

SECTION 3. Provisions Severable. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of the Ordinance are hereby declared to be severable.

SECTION 4. This ordinance shall be published in book or pamphlet form and posted in three (3) public locations in the City of Auburn, NE. This Ordinance shall take effect and be in full force from and after its passage, approval, and publication in accordance with City Code § 35.07 and Nebraska Law.

SUSPEND
READINGS _____
(3/4 VOTE)

FIRST READING _____
SECOND READING _____
THIRD READING _____

PASSED AND APPROVED THIS 10TH DAY OF JULY 2023 AS FOLLOWS:

Tom Clark (Ward 1) Aye: _____ Nay: _____ Absent: _____ Abstain: _____
Shawn Clark (Ward 1) Aye: _____ Nay: _____ Absent: _____ Abstain: _____
Katy Billings (Ward 2) Aye: _____ Nay: _____ Absent: _____ Abstain: _____
Rick Janssen (Ward 2) Aye: _____ Nay: _____ Absent: _____ Abstain: _____
Nathan Seitz (Ward 3) Aye: _____ Nay: _____ Absent: _____ Abstain: _____
Jeff Jeanneret (Ward 3) Aye: _____ Nay: _____ Absent: _____ Abstain: _____
Chris Erickson, Mayor
(Tiebreaker vote) Aye: _____ Nay: _____
*(Mayor votes as Council only
As needed on a tiebreaker)*

Chris Erickson, Mayor
City of Auburn, Nebraska

ATTESTED:

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

APPROVED AS TO FORM & LEGALITY:

City Attorney Date

ORDINANCE NO. 08- 23
OF
THE CITY OF AUBURN, NEMAHA COUNTY, NEBRASKA

AN ORDINANCE TO APPROVE PAYMENT TO THE AUBURN COMMUNITY REDEVELOPMENT AUTHORITY (CRA) FOR COMMUNITY GROWTH & IMPROVEMENT; PROVIDING FOR SEVERABILITY; & PROVIDING PUBLICATION & AN EFFECTIVE DATE FOR THE ORDINANCE.

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

SECTION 1. Pursuant to Res No. 03-23, approved on the 13th day of March, 2023 approving the option to purchase Westgate Addition to Auburn, Nemaha County, Nebraska, the extension thereto approved on this date, and Res. No. 08-23 Assignment & Assumption of Option to Purchase approved on June 12, 2023, the City Council approves and directs the transfer up to \$950,000.00, to the CRA for the growth and improvement of the Community.

SECTION 2. Any conflicting provisions in the City of Auburn Code of Ordinances are hereby repealed. All other provisions within shall remain in full force and effect except as revised herein.

SECTION 3. Provisions Severable. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of the Ordinance are hereby declared to be severable.

SECTION 4. This ordinance shall be published in book or pamphlet form and posted in three (3) public locations in the City of Auburn, NE. This Ordinance shall take effect and be in full force from and after its passage, approval, and publication in accordance with City Code § 35.07 and Nebraska Law.

SUSPEND
READINGS _____
(3/4 VOTE)

FIRST READING _____

SECOND READING _____

THIRD READING _____

PASSED AND APPROVED THIS 10TH DAY OF JULY 2023 AS FOLLOWS:

Tom Clark (Ward 1) Aye: _____ Nay: _____ Absent: _____ Abstain: _____

Shawn Clark (Ward 1) Aye: _____ Nay: _____ Absent: _____ Abstain: _____

Katy Billings (Ward 2) Aye: _____ Nay: _____ Absent: _____ Abstain: _____

Rick Janssen (Ward 2) Aye: _____ Nay: _____ Absent: _____ Abstain: _____

Nathan Seitz (Ward 3) Aye: _____ Nay: _____ Absent: _____ Abstain: _____

Jeff Jeanneret (Ward 3) Aye: _____ Nay: _____ Absent: _____ Abstain: _____

Chris Erickson, Mayor
(Tiebreaker vote) Aye: _____ Nay: _____
*(Mayor votes as Council only
As needed on a tiebreaker)*

Chris Erickson, Mayor
City of Auburn, Nebraska

ATTESTED:

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

APPROVED AS TO FORM & LEGALITY:

City Attorney

Date

NOTICE OF PUBLICATION
OF ORDINANCE NO. 08-23
IN PAMPHLET FORM

Public notice is hereby given that at a meeting of the Mayor and City Council of the City of Auburn, Nebraska held at Auburn City Hall, 1101 "J" St, Auburn, NE, starting at 7:00 p.m. on the 10th day of July 2023, there was passed and adopted Ordinance No. 08-23 entitled:

AN ORDINANCE TO APPROVE PAYMENT TO THE AUBURN COMMUNITY REDEVELOPMENT AUTHORITY (CRA) FOR COMMUNITY GROWTH & IMPROVEMENT; PROVIDING FOR SEVERABILITY; & PROVIDING PUBLICATION & AN EFFECTIVE DATE FOR THE ORDINANCE.

Said Ordinance was published in pamphlet form. Copies of said Ordinance as published in pamphlet form are available for inspection and distribution at Auburn City Hall, 1101 "J" St, Auburn, NE, 68205 and upon the City website at auburn.ne.gov.

Sherry Heskett, Municipal Clerk
City of Auburn, Nebraska

Publish One (1) Time: _____

Street Department Activity Report
(June 2023)

- Milled off curb at 23rd and R St.
- Put out woodchips throughout the legion park.
- Put up the boundary fence at the legion park for the beer garden.
- Cut trees at Rotary Island.
- Mowed the ditches at 6th St, and on P St.
- Milled off curb on 14th St.
- Tore out concrete at 17th St and set up to pore.
- Set up temporary fencing at the complex.
- Worked on the irrigation system for the fields.
- Washed and cleaned up equipment.
- Swept rock up on the chipseal streets on East side of town.
- Tore out concrete at 2317 R St and set up to pore.
- Fixed broken toilet at the complex.
- Watered down horse arena for the horse show.
- Installed pitcher mound plugs on the black field.
- Worked on the pump for the wading pool.
- Sprayed weeds throughout the downtown area.
- Spot patched throughout different parts of town.
- Graded out alleys with the motor grader.
- Trimmed trees at 9th M St, 8th M St.
- Fixed broken light on #11 dump truck.
- Tore out concrete at 26th T St, 22nd P St, 24th N St and set up to pore.
- Spread copper sulfate at rotary lake for algae.
- Cleaned up lot north of the Dollar Tree.

Blake Goering
Street Commissioner

Auburn Memorial Library

1810 Courthouse Ave
Auburn, NE 68305

July 2023

- 2's and 3's Storytime had a total attendance of 93 for its five sessions.
- We had 154 people attend the presentation from Wildlife Encounters on June 10th.
- We had 122 people attend our Rock Painting event on June 20th.
- We currently have 206 kids age 4 - grade 5 signed up for Summer Reading; 42 kids, 6th - 12th grade, signed up for the Youth Reading Adventure; and 68 adults signed up for the Adult Reading Program.
- We hosted a Scholastic Book Fair from June 12th - 23rd. The library receives a percentage of the sales to purchase books with. It was such a success that we received 50%!
- Sand Art events - Thursday, July 6th.

Statistical Report:

| <u>Date:</u> | <u>Circulation:</u> | <u>Patrons:</u> |
|--------------|---------------------|-----------------|
| May 2023 | 2,444 | 1,591 |
| OverDrive | <u>760</u> | <u>121</u> |
| | 3,204 | 1,712 |
| June 2023 | 3,817 | 2,685 |
| OverDrive | <u>825</u> | <u>132</u> |
| | 4,642 | 2,817 |

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

FOR THE MONTH OF JUNE 2023

| | |
|--|-----|
| Total Number of Calls within the City of Auburn | 118 |
| Total Number of Ordinance/Animal Calls | 15 |
| Total Number of Actual Criminal Cases Reported/Initiated | 18 |

Respectfully submitted,



Brent Lottman
Sheriff

