

CITY COUNCIL PROCEEDINGS

January 7, 2008

The City Council of Nebraska City met in regular session on January 7, 2008 at 6:00 p.m. in the Council Chambers at City Hall. Mayor Adelung led in the Pledge of Allegiance. Mayor Adelung then called the meeting to order and on roll call the following answered present: Leon Schiermeyer, Dean Handy, Erv Friesen, Mark Mercer and Mayor Jo Dee Adelung.

Notice of this meeting was given in advance thereof by posting in at least three public places, the designated method for giving notice, as shown by the Certificate of Posting Notice attached to these minutes. Notice of this meeting was given to the Mayor and all members of the City Council and a copy of their acknowledgement of receipt of notice and the agenda is attached to these minutes. Availability of the agenda is communicated in the advance notice to the Mayor and Council of this meeting. All proceedings hereafter shown were taken while the convened meeting was open to the attendance of the public.

Commissioner Friesen moved to approve the minutes from the December 17, 2007 meeting. Commissioner Handy seconded the motion and on roll call the following voted YEA: Mercer, Schiermeyer, Handy, Friesen and Mayor Adelung. Voting NAY: None. Mayor Adelung declared the motion carried.

City Administrator Scott Bovick updated the Council on the status of Golf Course Pro Shop Management Contract, and the grant received from Nebraska Statewide Arboretum to enhance the North Entrance Welcome Sign Project.

Pat Haverty, Executive Director of River Country Economic Development Corporation presented his organization's Quarterly Report highlighting the Entrepreneurs Program and Red Fox Run vision. Diversified Foods and Seasonings has hired 50 employees. BECA Group is still operating with eBay course popular.

Council received the monthly Treasurer's Report and the Wyuka Cemetery report.

Ryan Swinton of Midlands Financial Benefits reported to the Council that there would be no increase in employee health care premiums for the coming year.

Duane Arends representing "Relay for Life" requested use of Steinhart Park and the Legion Ballfield for the "Relay for Life" walk on June 13 & 14. Commissioner Handy moved to approve use of the park and ball field by "Relay for Life." Seconded by Commissioner Schiermeyer. Upon roll call the following voted YEA: Friesen, Mercer, Schiermeyer, Handy, and Mayor Adelung. Voting NAY: None. Mayor Adelung declared the motion carried.

ORDINANCE 2713-08

Mayor Adelung introduced Ordinance 2713-08; an Ordinance directing the sale and conveyance of a portion of vacated South 5th Street in Anderson's Addition to Nebraska City, Otoe County, Nebraska to Virginia Holland, as described in Section One hereof; directing notice of sale by publication; and to provide for an effective date and moved that the statutory rule requiring reading on three different days be suspended, seconded by Commissioner Friesen. Upon roll call the following voted YEA: Friesen, Mercer, Schiermeyer, Handy, and Mayor Adelung. Voting NAY: None. Mayor Adelung declared the motion adopted by three-fifths (3/5) vote of the Council and the Statutory Rule suspended for consideration of said ordinance.

Said ordinance was then read by title and thereafter Mayor Adelung moved for final passage of the ordinance. The Mayor stated the question: "Shall Ordinance 2713-08 be passed and adopted?" which was seconded by Commissioner Friesen. Upon roll call the following voted YEA: Schiermeyer, Handy, Friesen and Mayor Adelung. The following voted NAY: None. The passage and adoption of said ordinance having been concurred in by a majority of all members of the Council, the Mayor declared the ordinance adopted and the Mayor, in the presence of the Council, signed and approved the ordinance and the Clerk attested the passage and approval of the same and affixed his signature thereto.

A true and correct copy of said ordinance is as follows:

ORDINANCE NO. 2713-08

AN ORDINANCE DIRECTING THE SALE AND CONVEYANCE
OF A PORTION OF VACATED SOUTH 5th STREET IN
ANDERSON'S ADDITION TO NEBRASKA CITY, OTOE
COUNTY, NEBRASKA, TO VIRGINIA HOLLAND, AS

DESCRIBED IN SECTION ONE HEREOF; DIRECTING NOTICE
OF SALE BY PUBLICATION; AND TO PROVIDE FOR AN
EFFECTIVE DATE.

WHEREAS, Virginia Holland, has requested the sale and conveyance of the real estate hereinafter described and the Mayor and City Commissioners of the City of Nebraska City, Nebraska, have approved said sale for the consideration hereinafter stated:

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

Section 1. That the City of Nebraska City does hereby sell for the consideration of One Dollar, plus all expenses involved in this sale, including legal expenses, advertising charges and filing fees, and subject to existing taxes and special assessments, if any, and also subject to any existing easements, the following described property:

Commencing at the S.E. Corner of Lot 1, Block 18, Anderson's Addition to Nebraska City, Otoe County, Nebraska, said point being the True Point of Beginning, thence Easterly along the South Lot line 57.44' to a point; thence N19°34'08"E 33.05' to a point; thence N21°49'16"W 94.65' to a point; thence Westerly 36.25' to the N.E. Corner of Block 18; thence Southerly along the West line of Lot 1, 120', more or less, to the True Point of Beginning.

and the Mayor is hereby directed to execute and acknowledge for and in the name of the City of Nebraska City, a deed of conveyance to be attested by the City Clerk-Treasurer, with the seal of the City affixed, conveying said real estate to Virginia Holland, as herein described.

Section 2. The City Clerk-Treasurer is hereby directed to publish in the Nebraska City News Press, a newspaper published and of general circulation in the City of Nebraska City, immediately after the passage and publication of this ordinance, a notice of said sale for three consecutive weeks.

Section 3. The Mayor and City Clerk-Treasurer are hereby directed to deliver said deed to said purchaser of said real estate, after the publication of said notice as hereinbefore provided and after thirty days from the passage and publication of this ordinance, and upon payment by the purchaser of said consideration in cash.

This ordinance shall take effect and be in force from and after its passage, approval and publication.

PASSED and APPROVED this 7th day of January, 2008.

Jo Dee Adelung, Mayor

Attest:

Arnold M. Ehlers, City Clerk-Treasurer

ORDINANCE 2714-08

Mayor Adelung introduced the first reading of Ordinance 2714-08 which was read by title only. An Ordinance to amend Section 34-85 of the Code of Nebraska City, Nebraska, to levy an occupation tax of three percent on the gross receipts of telephone and telecommunication services in the City of Nebraska City, Nebraska; to amend Section 34-36 of the Code of the City of Nebraska City to set forth when such occupation taxes shall be due and payable; to amend Section 34-88 of the Code of the City of Nebraska City to provide for payment of such occupation taxes to the City Clerk-Treasurer; to repeal the original Sections 34-85, 34-36, and 34-38 of the Code of the City of Nebraska City and any other ordinances or parts of ordinances in conflict herewith; to provide for publication; and to declare the effective date of this ordinance which shall be on March 1, 2008.

Commissioner Friesen moved to authorize the City Attorney to prepare an Ordinance to provide a 3% transfer fee from gross revenues of the Electric and Natural Gas revenues generated within the corporate limits of Nebraska City to the City of Nebraska City to be paid quarterly, seconded by Commissioner Handy. Upon roll call the following voted YEA: Mercer, Schiermeyer, Handy, Friesen, and Mayor Adelung. Voting NAY: None. Mayor Adelung declared the motion carried.

Scott Bovick, City Administrator presented a Request for Proposal for engineering firms to provide engineering services for a federal-aid mill and overlay project in downtown Nebraska City. Moved by Commissioner Handy to approve the RFP as presented, seconded by Commissioner Schiermeyer. Upon roll call the following voted YEA: Friesen, Mercer, Schiermeyer, Handy and Mayor Adelung. Voting NAY: None. Mayor Adelung declared the motion carried.

Scott Bovick, City Administrator presented Progress Estimate #1 from CYC Construction for the Steinhart Park Trail Project in the amount of \$105,702.80. Commissioner Mercer moved to approve payment of the estimate, seconded by Commissioner Friesen. Upon roll call the following voted YEA: Schiermeyer, Handy, Friesen, Mercer and Mayor Adelung. Voting NAY: None. Mayor Adelung declared the motion carried.

Commissioner Handy moved to approve electrician's permits as approved by the City Attorney, seconded by Commissioner Schiermeyer. Upon roll call the following voted YEA; Friesen, Mercer, Schiermeyer, Handy and Mayor Adelung. Voting NAY: None. Mayor Adelung declared the motion carried.

Commissioner Friesen moved to approve plumber's permits as approved by the City Attorney, seconded by Commissioner Handy. Upon roll call the following voted YEA: Mercer, Schiermeyer, Handy, Friesen and Mayor Adelung. Voting NAY: None. Mayor Adelung declared the motion carried.

Commissioner Mercer moved to pay all claims except for Claim # 7250J, seconded by Commissioner Handy. Upon roll call the following voted YEA: Schiermeyer, Handy, Friesen, Mercer and Mayor Adelung. Voting NAY: None. Mayor Adelung declared the motion carried.

Commissioner Friesen moved to approve Claim #7250J, seconded by Commissioner Schiermeyer. Upon roll call the following voted YEA: Schiermeyer, Handy, Friesen and Mayor Adelung. Voting NAY: None. Abstain: Mercer. Mayor Adelung declared the motion carried.

CLAIMS LIST

January 7, 2008

	A-1 Locksmith	104.00	Maint		NC News Press	862.75	Ad
	Action Tech	400.00	Comp		NCTC	5,312.50	Tourism
	Alamar Uniforms	249.60	Unif		NE Clerk Institute	570.00	Train
	Alltel	197.47	Tele		NE Comm Found	47,291.67	Loan
	Ameritas	2,496.24	Ins		Ne Conc	190.00	Train
	Arbor Mart	3,606.64	Fuel		NE Dept of Rev	5,294.55	W/H
	Arbor Valley Ani Cl	354.50	Ani Exp		NE Public Health	77.00	Inv Exp
	BC/BS	34,680.74	Ins		NE Salt & Grain	3,732.91	Supp
	Bohl Plmbg & Heat	2.72	Rep		NE Supreme Ct	38.20	Supp
	BSN Sports	168.18	Supp		NebraskaLand	100.00	Dues
	Casey's	486.00	Fuel		NEXTEL	226.26	Tele
	Century Lumber	371.54	Rep		NPZA	460.00	Train
	Cintas Corp	174.61	Supp		Omaha Stand.	519.25	Rep
	Citizen Printing	75.00	Supp		Orscheln	857.53	Rep
	Conseco	71.45	Ins		Otoe Cnty Clerk	673.50	Contr
	Data Tech	177.35	Comp		Otoe Dist Crt	972.00	Garnish
	Douglas Tire Co.	15.00	Rep		Otoe Cnty Court	1,028.50	Crt Exp
	EMC Ins Co	774.00	Ins		Otoe Reg of De	25.00	Legal
	Fire Protection	127.50	Maint		Pamida	63.50	Supp
	Food Pride	17.49	Supp		Pella Auto	100.00	Rep
	Gittinger, D	34.92	Mileage		Petty Cash	50.17	Reimb
	Hart, A	400.00	Contr		Prestige Flag	258.23	Supp
	Heartland	80.36	Ad		Profess. Ch	120.61	Garnish
	Hopkins	607.98	Rep		R.C.E.D.C.	6,130.83	Contr
	JEO Consulting	6,900.29	Consult		RDg Planning	2,800.00	Consult
	Jim Koenig Rep	41.00	Rep		Richard Bennett	4,486.23	Supp
	Johnny's Cycle	145.80	Rep		Sec. of State	30.00	Commiss.
	Larson Motors	112.35	Rep		SEND D	1,712.94	Contr
	LaRue Coffee	61.02	Supp		Shell	16.98	Fuel
	Law Enforce. Sys.	84.00	Supp		Sicard	135.11	Rep
	Marty Bohlen	6,973.92	Contr		Teten, J	57.13	Unif
	McNeilly	1,172.00	Rep		Tri-State Office	596.35	Supp
	Mellage	177.27	Rep		Tri-State Pmp	1,050.00	Contr
	Mercer's	101.01	Supp		United Way	4.00	W/H
	Michael Todd & Co	76.17	Supp		Unum	1,069.82	Ins
	Midland Equipment	555.87	Rep		USPS	123.00	Postage
	Midwest Machine	199.64	Rep		Vander Haag's	250.00	Rep
	Midwest Svc	14,849.55	Maint		Viox, A	159.57	Mileage
	Mullenax	310.95	Supp		Wage & Benefits	142,195.12	Payroll

	Murphy Tractor	3,162.79	Rep		Watkins	641.39	Supp
	NAA 2008	320.00	Train		Wenzl Hardware	27.60	Rep
	Nationwide	17,337.71	Pension		Windstream	22.06	Tele
	NC Airport Auth	3,750.00	Contr				

Mayor Adelung moved to appoint Karen DeHart to the Nebraska City Housing Authority Board for a term to expire December 17, 2012, seconded by Commissioner Handy. Upon roll call the following voted YEA; Friesen, Mercer, Schiermeyer, Handy and Mayor Adelung. Voting NAY: None. Mayor Adelung declared the motion carried.

Bill Moore addressed the Council to encourage the Council to get information out to senior citizens so that they have opportunity to provide input on future of Memorial Building.

Commissioner Friesen moved to adjourn, seconded by Commissioner Schiermeyer. Mayor Adelung declared the meeting adjourned at 6:52 p.m..

City Clerk-Treasurer

APPROVED:

Jo Dee Adelung, Mayor

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

City Clerk-Treasurer