

CITY COUNCIL PROCEEDINGS

February 18, 2008

The City Council of Nebraska City met for the purpose of Public hearings on February 14, 2008 at 6:00 p.m. in the Council Chambers at City Hall. Mayor Adelung led in the Pledge of Allegiance, Mayor Adelung then opened the Public Hearing to hear the request by Michael Reed to rezone Lot 1; Yohe-Reed Roundhouse (Admin Subdivision of part of Lots 1-7 and 17-20 and part of adjacent alley in Kearney Addition; Block D; Nebraska City, Otoe County, Nebraska) from C-3 Commercial to I-2 Industrial, and on roll call the following answered present: Leon Schiermeyer, Dean Handy, Erv Friesen, Mark Mercer and Mayor Jo Dee Adelung. Scott Bovick City Administrator, presented slides and information on the request. Wayne Meyer spoke in favor of the zoning change for Mike Reed. Brian Esser said he was opposed to the rezone, his family is against an impound lot across the street from their residence. It was explained to him that changing the zoning classification does not allow an impound lot, only the Planning Commission can do that by granting a conditional use permit. No one else spoke either in support or opposition to the request. The Planning Commission approved the recommendation by an 8 – 0 vote. Commissioner Friesen moved to close the public hearing, seconded by Commissioner Schiermeyer. Upon roll call the following voted YEA: Schiermeyer, Handy, Friesen, Mercer and Mayor Adelung. Voting NAY: None. Mayor Adelung declared the public hearing closed.

Mayor Adelung then opened the Public Hearing to hear the request by Wayne Meyer to rezone Lot 2; Yohe-Reed Roundhouse (Admin Subdivision of part of Lots 1-7 and 17-20 and part of adjacent alley in Kearney Addition; Block D; Nebraska City, Otoe County, Nebraska) from C-3 Commercial to I-2 Industrial, and on roll call the following answered present: Leon Schiermeyer, Dean Handy, Erv Friesen, Mark Mercer and Mayor Jo Dee Adelung. Scott Bovick City Administrator, presented slides and information on the request. Wayne Meyer spoke in favor of the zoning change. Brian Esser said he was opposed to the rezone. No one else spoke either in support or opposition to the request. The Planning Commission approved the request by an 8 – 0 vote. Commissioner Schiermeyer moved to close the public hearing, 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 public hearing closed.

Mayor Adelung then opened the Public hearing to hear the request for approval of the Herbers-Palntag Subdivision – A Subdivision of Lot 3 in Lot 2 of Sanders Subdivision located in the Southwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$); of Section Sixteen (16); Township 8 North (T8N0; Range 14 East (T14E); of the 6th Principal Meridian, Otoe County, Nebraska. Upon roll call the following answered present: Leon Schiermeyer, Dean Handy, Erv Friesen, Mark Mercer and Mayor Jo Dee Adelung. Scott Bovick City Scott Bovick City Administrator presented slides and information on the request. No one spoke in support or opposition to the request. The Planning Commission approved the request by an 8 – 0 vote. Commissioner Friesen moved to close the public hearing, seconded by Commissioner Handy. Upon roll call the following voted YEA: Schiermeyer, Mercer, Handy, Friesen and Mayor Adelung. Voting NAY: None. Mayor Adelung declared the public hearing closed.

Mayor Adelung then called the Regular Meeting of the Nebraska City, City Council to order. Upon 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 Handy moved to approve the minutes from the February 4, 2008 meeting. Commissioner Mercer seconded the motion and on roll call the following voted YEA: Schiermeyer, Friesen, Mercer, Handy, and Mayor Adelung. Voting NAY: None. Mayor Adelung declared the motion carried.

City Administrator did not have a report this meeting but offered to answer any questions the Council might have. There were no questions.

Ryan Swinton of Midlands Financial Benefits, Inc presented the Employee Health, Dental and Life Insurance renewal which is the same as the previous year with no premium increase.

Commissioner Handy moved to approve the renewal, seconded by Commissioner Mercer. Upon roll call the following voted YEA: Schiermeyer, Friesen, Mercer, Handy and Mayor Adelung. Voting NAY: None. Mayor Adelung declared the motion passed.

Mayor Adelung introduced Ordinance 2717-08, an ordinance to amend the official zoning map of the City of Nebraska City, as referred to in Section 403 of Ordinance 2576-03, by changing the zoning classification of Lots 1 and 2, Yohe-Reed Roundhouse Admin Subdivision of Part of Lots 1-7 and 17-20 and Part of adjacent alley in Kearney Addition; Block D, Nebraska City, Otoe County, Nebraska, from C-3 Commercial to I-2 Industrial; to provide incorporation into the official zoning map of the city; to provide for repeal of all ordinances or parts of ordinances in conflict with this ordinance; and to provide for an effective date, and moved that the statutory rule requiring reading on three different days be suspended seconded by Commissioner Handy. Upon roll call the following voted AYE: Schiermeyer, Friesen, Mercer, 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 the 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 2717-08 be passed and adopted?" which was seconded by Commissioner Mercer. Upon roll call the following voted AYE: Schiermeyer, Handy, Mercer, Friesen and Mayor Adelung. Voting NAY: None. The passage and adoption of said ordinance having been concurred in by the 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. 2717-08

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF NEBRASKA CITY, AS REFERRED TO IN SECTION 403 OF ORDINANCE NO. 2576-03, BY CHANGING THE ZONING CLASSIFICATION OF LOTS 1 and 2, YOHE-REED ROUNDHOUSE ADMIN SUBDIVISION OF PART OF LOTS 1-7 AND 17-20 AND PART OF ADJACENT ALLEY IN KEARNEY ADDITION; BLOCK D, NEBRASKA CITY, OTOE COUNTY, NEBRASKA, FROM C-3 COMMERCIAL TO I-2 INDUSTRIAL; TO PROVIDE INCORPORATION INTO THE OFFICIAL ZONING MAP OF THE CITY; TO PROVIDE FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; AND TO PROVIDE FOR AN EFFECTIVE DATE.

Whereas, applications for a change of zoning classification have been made by Michael R. Reed and Wayne A. Meyer, and said applications have been referred to the Planning Commission for a recommendation,

Whereas, the Planning Commission held a public hearing on said applications and have recommended to the City Council approval of the requested change in zoning classification, and

Whereas, the City Council has held a public hearing on the matter, after giving due notice thereof as required by law,

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

SECTION 1. That the Official Zoning Map of the City of Nebraska City, Nebraska, as adopted by Ordinance No. 2576-03 of the City of Nebraska City, Nebraska, is hereby amended from C-3 Commercial to I-2 Industrial, insofar as the same relates to the property legally described as:

Lots 1 and 2, Yohe-Reed Roundhouse Admin Subdivision of part of Lots 1-7 and 17-20 and part of adjacent alley in Kearney Addition, Block D, Nebraska City, Otoe County, Nebraska.

SECTION 2. That the City Clerk be and is hereby authorized to amend the Official Zoning Map of the City of Nebraska City by designating the zoning classification therein as provided by this ordinance.

SECTION 3. All Ordinances or parts of Ordinances in conflict with this ordinance are hereby repealed.

SECTION 4. That this Ordinance shall take effect and be in force from and after its passage, approval, and publication, as provided by law.

Passed and approved this 18th day of February, 2008.

Jo Dee Adelung, Mayor

Attest:

Arnold M. Ehlers, City Clerk-Treasurer

Commissioner Mercer moved to approve the Herbers-Palmtag Subdivision, seconded by Commissioner Handy. Upon roll call the following voted AYE: Schiermeyer, Friesen, Mercer, Handy and Mayor Adelung. Voting NAY: None

Mayor Adelung introduced Ordinance 2718-08, an ordinance of the City of Nebraska City, Nebraska, to extend the boundaries and include within the corporate limits of and annex to the City of Nebraska City, Nebraska, certain contiguous and adjacent lands outside of the City of Nebraska City, Otoe County, Nebraska, as described in Section two thereof, and to provide for service benefits thereto, and to provide for an effective date, and moved that the statutory rule requiring reading on three different days be suspended seconded by Commissioner Handy. Upon roll call the following voted AYE: Schiermeyer, Friesen, Mercer, 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 the 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 2718-08 be passed and adopted?" which was seconded by Commissioner Friesen. Upon roll call the following voted AYE: Schiermeyer, Handy, Mercer, Friesen and Mayor Adelung. Voting NAY: None. The passage and adoption of said ordinance having been concurred in by the 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. 2718-08

AN ORDINANCE OF THE CITY OF NEBRASKA CITY, NEBRASKA, TO EXTEND THE BOUNDARIES AND INCLUDE WITHIN THE CORPORATE LIMITS OF AND ANNEX TO THE CITY OF NEBRASKA CITY, NEBRASKA, CERTAIN CONTIGUOUS AND ADJACENT LANDS OUTSIDE OF THE CITY OF NEBRASKA CITY, OTOE COUNTY, NEBRASKA, AS DESCRIBED IN SECTION 2 HEREOF, AND TO PROVIDE FOR SERVICE BENEFITS THERETO, AND TO PROVIDE FOR AN EFFECTIVE DATE.

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

SECTION 1. It is hereby found and determined by the Mayor and City Commissioners of the City of Nebraska City, Nebraska:

- a) That the owner of the property described in Section 2 hereof, has filed a Petition requesting the annexation of said property into the corporate limits of the City of Nebraska City, Nebraska;
- b) The tract of land described in Section 2 hereof, is urban and suburban in character and is contiguous and adjacent to the corporate limits of the City of Nebraska City, Nebraska;
- c) Police, fire and snow removal benefits will be immediately available as well as other City Services, as provided by law;
- d) Within the areas considered for annexation, the users of the City's utility

services will have the benefits or rates applicable to users of such service within the City;

- e) There is a unity of interest in the use of such tracts with the use of lots and tracts in such City, and the community of convenience and welfare and the interest of such City will be enhanced through incorporating such lots and tracts and streets within the limits of such City.

SECTION 2. That the boundaries of the City of Nebraska City, Nebraska, be and hereby are extended to include within the corporate limits of such City the adjacent and contiguous lands located outside of the City of Nebraska City, Otoe County, Nebraska, and known as Lots 3a and 3b of Herbers-Palmtag Subdivision, which is more particularly described as follows:

Commencing at the N.W. Corner of the said S.W. 1/4 of the S.E. 1/4 of said Section 16, said point being the True Point of Beginning; thence easterly along the said North line S89°16'25"E 1318.0 feet to a point; thence southerly along the East line of said Lot #3 (also being the East line of S.W. 1/4 of the S.E. 1/4) S00°19'35"E 333.01 feet to a point on the Northerly right-of-way line of Nebraska Highway #2; thence southwesterly along the said Northerly line S70°44'15"W 258.79 feet to a point; thence westerly N89°58'40"W 242.65 feet to a point; thence continuing southwesterly along said right-of-way line S61°35'09"W 344.81 feet to a point; thence westerly S84°11'52"W 472.65 feet to a point; thence continuing northwesterly along said right-of-way line N14°00'27"W 245.17 feet to a point on the West line of the said S.W. 1/4 of the S.E. 1/4; thence continuing northerly along said West line N00°00'00"E 408.97 feet to the True Point of Beginning.

SECTION 3. That a certified copy of this ordinance, together with a plat of such lands, shall be filed of record in the office of the Register of Deeds of Otoe County, Nebraska.

SECTION 4. That the land described in Section 2 hereof is hereby annexed to the City of Nebraska City, Otoe County, Nebraska.

SECTION 5. That upon the taking effect of this ordinance, the police, fire, and snow removal services of such City shall be furnished to the lands hereinbefore annexed, and other City services will be available as provided by law. The City rates for utility services furnished by the Nebraska City Utilities shall apply to such lots.

SECTION 6. This ordinance shall take effect and be in full force from and after fifteen days after its passage, approval, and publication as required by law, in its entirety or in pamphlet form, as the case may be, the authority for this annexation being Nebraska Revised Statutes Section 16-117, et seq. Reissue of 2007.

SECTION 7. The provisions of this ordinance are separable, and the invalidity of any phrase, clause or part of this ordinance shall not affect the validity or effectiveness of the remainder of the ordinance.

PASSED and APPROVED this 18th day of February, 2008.

Jo Dee Adelung, Mayor

ATTEST:

Arnold M. Ehlers, City Clerk Treasurer

Barry Schloss of the Lewis & Clark Boy Scout Camp, Tabor, South Dakota requested permission for their troop to stay overnight at Riverview Park. All appropriate signatures for approval were affixed to the application. Commissioner Friesen moved to approve the application for overnight stay, seconded by Commissioner Schiermeyer. Upon roll call the following voted YEA: Mercer, Handy, Schiermeyer, Friesen, and Mayor Adelung. Voting NAY: None. Mayor Adelung declared the motion passed.

Arnold Ehlers Clerk – Treasurer presented a revised “Consent and Transfer of Title” for Wyuka Cemetery. City attorney Bill Davis had reviewed and approved the revisions. Commissioner Mercer moved to approve the revised form, seconded by Commissioner Handy. Upon roll call the following voted YEA: Schiermeyer, Friesen, Handy, Mercer and Mayor Adelung. Voting NAY: None. Mayor Adelung declared the motion passed.

Mayor Adelung introduced Ordinance 2716-08, an ordinance to amend section 2-31 of the Code of the City of Nebraska City, Nebraska, to change the edition of Robert's rules of Order which govern the City Commission in its deliberations, to repeal any ordinances or parts of ordinances in conflict with this ordinance and; to declare an effective date, and moved that the statutory rule requiring reading on three different days be suspended seconded by Commissioner Handy. Upon roll call the following voted AYE: Schiermeyer, Mercer, Friesen , 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 the 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 2716-08 be passed and adopted?" which was seconded by Commissioner Friesen. Upon roll call the following voted AYE: Schiermeyer, Handy, Mercer, Friesen and Mayor Adelung. Voting NAY: None. The passage and adoption of said ordinance having been concurred in by the 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 2716-08

AN ORDINANCE TO AMEND SECTION 2-31 OF THE CODE OF THE CITY OF NEBRASKA CITY, NEBRASKA, TO CHANGE THE EDITION OF ROBERTS RULES OF ORDER WHICH GOVERN THE CITY COMMISSION IN ITS DELIBERATIONS, TO REPEAL ANY ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE AND; TO DECLARE AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF NEBRASKA CITY, OTOE COUNTY, NEBRASKA:

SECTION 1. That section 2-31 of the Code of the City of Nebraska City is hereby amended to read as follows:

Robert's Rules of Order, Newly Revised, 10th Edition, shall govern the city commission in its deliberation in cases not otherwise provided for by statute, ordinance, rule or regulation.

SECTION 2. That the original Section 2-31 and all ordinances and parts of ordinances in conflict with this ordinance, are hereby repealed.

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

Passed and approved the __ day of _____, 2008

Mayor

Attest:

City Clerk-Treasurer

Barbara Hegr Library Director presented the bid from McGill Restoration for the Nebraska City Morton-James Public Library Historic Restoration Project. Commissioner Handy moved to accept the bid of \$79,500.00 from McGill Restoration, have the City Attorney draw up a contract and authorize the Mayor to sign said contract. Seconded by Commissioner Schiermeyer. Upon roll call the following voted YEA: Mercer, Friesen, Schiermeyer, Handy and Mayor Adelung. Voting NAY: None. Mayor Adelung declared the motion passed.

Dan Giittinger Public Properties Director recommended awarding the bid for an "Articulating Rotary PTO Mower" to Midwest Turf and Irrigation in the amount of \$14,500.00. Commissioner Schiermeyer moved to approve the awarding of the bid to Midwest Turf and Irrigation, seconded by Commissioner Mercer. Upon roll call the following voted YEA: Handy, Friesen, Mercer, Schiermeyer and Mayor Adelung. Voting NAY: None. Mayor Adelung declared the motion passed.

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

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

A-1 Locksmith	30.00	Maint	Jordan-McVay, K	10.53	Supp
Action Tech Svc	189.38	Comp	Landis Engine	84.79	Rep
Alamar Uniforms	66.99	Uniform	LaRue Coffee	188.89	Supp
Alco	28.58	Misc	League of NE Municipal	362.00	Train
All Makes Office Equip	48.22	Supp	Martin Marietta Mat.	492.32	Gravel
Allied Ins	100.00	Bond	Mead Lumber	321.54	Rep
Allied Recyc & Ref	300.80	Garbage	Menards	54.73	Supp
Ambassador Rehab	75.00	Med	Mercer's	218.49	Supp
Am. Chamber of Com	280.00	Off Supp	Midland Equip	826.84	Rep
Anthens, G	132.00	Ref	Midlands Fin. Benefits	875.00	Consult
Arbor Mart	2,162.27	Fuel	Miller Monroe Farrell	481.00	Ins
Auburn Newspapers	72.00	Ad	Mullenax Auto Supply	746.29	Supp
Barrett Constr Co.	2,587.50	Rep	NC News Press	144.00	Ad
Bishop Plmb & Htg	55.00	Rep	NC Utilities	9,075.93	Util
Bohl Plmb and Htg	63.00	Rep	NCMA-Lincoln Conf	75.00	Train
Bovick, S	46.97	Mileage	NE Dept. of Rev	141.07	Sales Tax
Casey's Gen. Stores	594.21	Fuel	NE Dept. of Roads	261.44	Comp
Century Lumber	212.16	Rep	NE Salt & Grain Co.	1,835.41	Salt
Cintas Corp	178.68	Supp	NEXTEL	220.07	Tele
Citizen Printing	215.34	Supp	O'Reilly Auto Parts	13.28	Rep
City of NC	4,570.00	Interest	Otoe County Clerk	2,487.22	Contr
Conner, A	135.00	Ref	Otoe Cnty Reg of Deeds	5.50	Ord
DeVorss, N	135.00	Ref	Our Designs	97.45	Misc
Dixon, A	135.00	Ref	Palmtag, S	138.00	Ref
Douglas Tire	15.00	Rep	Paper Tiger Shred	35.00	Misc
Ed. M. Feld Equip Co.	125,152.00	Air Paks	Prof. Choice Recovery	201.84	Garn
Farmers Bank	15,999.06	W/H	Safety-Kleen	313.30	Chem
Farris, M	138.00	Ref	Schneider Elec & Refrig	440.29	Rep
Farris, P	135.00	Ref	Shell	2,563.02	Fuel
Fire Protection Svc	226.50	Maint	Stutheit Imp. Co.	5,993.00	Gator
Fireguard	403.38	Rep	Thurman Bike & Sport	31.00	Supp
GE Capital	74.67	Tele	Tri-State Office	716.03	Supp
Giittinger, D	55.34	Mileage	Tri-State Pmp & Excav.	525.00	Contr
Great American Outdoor	26.01	Rep	Turfwerks	46.58	Rep
Griepenstroh, Pat	1,247.85	Salt	USIS Comm Svc	75.00	Med
Harding & Shultz P.C.	300.00	Litigation	Vock, B	132.00	Ref
Heartland Class. Svc	20.08	Ad	Wages & Benefits	48,612.97	Payroll
Hopkins Automotive Inc.	187.71	Rep	Watkins True Value	431.06	Rep
Hotsy Equip Co	30.20	Supp	Wick's	182.89	Rep
Ideal Pure Water	40.92	Water	Windstream	1,801.88	Tele
JEO Consulting	2,300.00	Consult	Wood Family Fuel	155.40	Fuel

No one addressed the Council concerning the Memorial Building.

Mayor Adelung appointed Julie Oakes to the Nebraska City Housing Authority Board. Commissioner handy seconded the appointment. . Upon roll call the following voted YEA: Schiermeyer, Friesen, Mercer, Handy, and Mayor Adelung. Voting NAY: None. Mayor Adelung declared the motion passed.

Commissioner Friesen moved to adjourn the meeting seconded by Commissioner Mercer. Mayor Adelung declared the meeting adjourned at 7:06 p.m.

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