

CITY COUNCIL PROCEEDINGS

March 17, 2008

The City Council of Nebraska City met for the purpose of a public hearing on March 17, 2008 at 6:00 p.m. in the Council Chambers at City Hall. Mayor Adelung led in the Pledge of Allegiance; upon roll call the following voted YEA: Mercer, Schiermeyer, Handy, Friesen and Mayor Adelung. Mayor Adelung then opened the Public Hearing to request \$2,000.00 of LB840 Economic Development funds to create a Museum Pass System between participating museums in the community to increase attendance. No one else spoke in support of or in opposition to the request. Commissioner Handy moved to close the public hearing seconded by Commissioner Schiermeyer. Mayor Adelung declared the hearing closed.

The City Council of Nebraska City met in regular session on March 17, 2008 immediately following the public hearing in the Council Chambers at City Hall. Mayor Adelung 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.

Melissa Turner, Heather Bakula and Tracy Juranek presented the 4th Quarter of 2007 and the 1st Quarter of 2008 report for NCTC.

Commissioner Friesen moved to approve the minutes from the March 3, 2008 meeting, the NCTC report and the City Administrator's report. Commissioner Mercer seconded the motion and on roll call the following voted YEA: Mercer, Schiermeyer, Friesen, Handy, and Mayor Adelung. Voting NAY: None. Mayor Adelung declared the motion carried.

Commissioner Handy moved to approve a Special Designated Liquor License from the Knights of Columbus for the Lourdes Event. Commissioner Schiermeyer seconded the motion and on roll call the following voted YEA: Mercer, Schiermeyer, Friesen, Handy, and Mayor Adelung. Voting NAY: None. Mayor Adelung declared the motion carried.

Gordon Anderson of the Papio Creek WWTP requested the City to renew the application of sludge from municipal waste treatment facilities. Commissioner Handy moved to approve two land applications of sludge from municipal waste treatment facilities. Commissioner Friesen seconded the motion and on roll call the following voted YEA: Mercer, Schiermeyer, Friesen, Handy, and Mayor Adelung. Voting NAY: None. Mayor Adelung declared the motion carried.

Commissioner Schiermeyer moved to authorize the Mayor to sign an agreement between The City of Nebraska City and the Civil War Veterans Museum who will act as the fiscal agent for the Museum Pass program. Commissioner Handy seconded the motion and on roll call the following voted YEA: Mercer, Schiermeyer, Friesen, Handy, and Mayor Adelung. Voting NAY: None. Mayor Adelung declared the motion carried.

Commissioner Friesen moved to approve Resolution 2353-08. Commissioner Mercer seconded the motion and on roll call the following voted YEA: Mercer, Schiermeyer, Friesen, Handy, and Mayor Adelung. Voting NAY: None. Mayor Adelung declared the motion carried.

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

RESOLUTION NO. 2353-08

**TO USE PROGRAM FUNDS FROM THE CITY OF NEBRASKA CITY
ECONOMIC DEVELOPMENT PROGRAM (LB840)**

WHEREAS, the **City of Nebraska City** has received Program Funds through the City of Nebraska City Economic Development Plan and,

WHEREAS, Program funds for Economic Development are allowed to be used for making grants for the promotion of tourism in accordance with the City of Nebraska City Economic Development Plan, program and governing regulations, and,

WHEREAS, the City of Nebraska City Economic Development Plan has previously been adopted, and,

WHEREAS, the Citizens Advisory Review Committee has recommended a project presented through application by an eligible entity for a grant of \$2,000 under specified conditions, and,

WHEREAS, the City Council of Nebraska City conducted a public hearing upon the proposed use of Economic Development Program funds,

NOW, THEREFORE, BE IT RESOLVED by the City Council of Nebraska City, that the obligation of funds is approved according to the recommendations of the Citizens Advisory Review Committee and the Mayor is hereby authorized to execute all necessary and appropriate documents on behalf of the City and the City of Nebraska City Economic Development Program to complete the grant project for the "**Civil War Veterans Museum**", contingent upon approval of the City Attorney as to form.

Passed and adopted on the 17th day of March 2008 by the City Council of Nebraska City.

Jo Dee Adelung, Mayor

ATTEST:

Mary Wallen

Deputy City Clerk-Treasurer

Commissioner Schiermeyer moved to approve Resolution 2354-08.
Commissioner Handy seconded the motion and on roll call the following voted YEA: Mercer, Schiermeyer, Friesen, Handy, and Mayor Adelung. Voting NAY: None. Mayor Adelung declared the motion carried.

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

RESOLUTION NO. 2354-08

Whereas, the local municipal government must provide leadership for improving community and economic development efforts; and

Whereas, community and economic development needs can best be determined and solved through a cooperative effort between elected officials and the citizens they represent; and

Whereas, the Nebraska Community Improvement Program, administered by the Nebraska Department of Economic Development, has been reviewed and found to be a means to improve our community; and

Whereas, the City Council of Nebraska City do herewith pledge their full support, endorsement, and cooperation in carrying out the requirements of the NCIP;

Now Therefore Be It Resolved,

That the City of Nebraska City urges its citizens to join this effort and hereby declares this city to be an official entrant in the NCIP for the year of 2008.

PASSED AND APPROVED THIS 17TH DAY OF MARCH 2008

ATTEST:
Mary Wallen
Deputy City Clerk-Treasurer

Jo Dee Adelung
Mayor

Commissioner Handy moved to approve Resolution 2355-08. Commissioner Mercer seconded the motion and on roll call the following voted YEA: Mercer, Schiermeyer, Friesen, Handy, and Mayor Adelung. Voting NAY: None. Mayor Adelung declared the motion carried.

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

RESOLUTION 2355-08

WHEREAS, on the 11th day of May, 1993, the voters of the City of Nebraska City, Nebraska, approved the adoption of an economic development plan under LB840, and

WHEREAS, an economic development fund was also created to receive the bond proceeds generated to fund such economic development program, and

WHEREAS, said economic development program was completed in 2004, and there are funds on hand which must be transferred to the general fund of the City, and

WHEREAS, Resolution 2245 already directed the City Council to transfer the funds from the economic development fund to the general fund.

NOW THEREFORE, Be It Resolved by the Mayor and the City Commissioners that there will be \$273,296.38 on hand on March 28, 2008 in the LB840 Economic Development Fund created in 1993 and that such funds should be and are hereby directed to be transferred from the economic development fund to the general fund of the City of Nebraska City, to be considered cash reserves.

Passed and approved this 17th day of March 2008

ATTEST:
Mary Wallen
Deputy City Clerk-Treasurer

Jo Dee Adelung
Mayor

Commissioner Schiermeyer moved to approve the job description for “Golf Course Professional.” Commissioner Handy seconded the motion and on roll call the following voted YEA: Mercer, Schiermeyer, Friesen, Handy, and Mayor Adelung. Voting NAY: None. Mayor Adelung declared the motion carried.

Mayor Adelung introduced Ordinance No. 2719-08 an ordinance to amend the eight-step pay schedule and moved that the Statutory Rule requiring reading on three different days be suspended. Commissioner Friesen seconded the motion and on roll call the following voted YEA: Schiermeyer, Handy, Friesen, Mercer 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.

Mayor Adelung read the ordinance by title only and moved for final passage of Ordinance No. 2719-08. Commissioner Schiermeyer seconded the motion. Mayor Adelung asked, “Shall Ordinance No 2719-08 be passed and adopted?” and on roll call the following voted YEA: Schiermeyer, Handy, Friesen, Mercer and Mayor Adelung. Voting NAY: none. Mayor Adelung declared Ordinance No. 2719-08 adopted and signed same in the presence of the council and the Clerk who attests to same.

ORDINANCE NO. 2719-08

AN ORDINANCE TO AMEND THE EIGHT STEP PAY SCHEDULE REFERRED TO IN SECTION 2-9 OF THE CODE OF THE CITY OF NEBRASKA CITY RELATING TO SALARIES OF OFFICERS AND EMPLOYEES AND TO DECLARE AN EFFECTIVE DATE.

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

SECTION 1. That an eight-step Pay Schedule is hereby adopted for the position of Golf Course Professional for the City of Nebraska City, Nebraska.

SECTION 2. The following rates of pay schedule shall be effective from the 1st day of April, 2008:

Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8
\$45,000	\$46,350	\$47,741	\$49,173	\$50,648	\$52,168	\$53,733	\$55,345

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

SECTION 4. This ordinance shall take effect and be in force from and after its passage, approval and publication as required by law.

Passed and approved this 17th day of March 2008.

ATTEST:
Mary Wallen
Deputy City Clerk-Treasurer

Jo Dee Adelung
Mayor

The Council discussed applying for a beer only license to be able to sell beer at the golf course. Police Chief Lacy said he would like definite boundaries established between the golf course and Wildwood and Stienhart Parks. Also discussed, was amending the city ordinance that bans alcoholic beverages on city property. Bill Davis, City Attorney pointed out that a public roadway passes through the golf course and that an open container on a public roadway is a violation of state law.

Commissioner Schiermeyer moved to direct city staff to complete an application for a liquor license. Commissioner Handy seconded the motion and on roll call the following voted YEA: Mercer, Schiermeyer, Friesen, Handy, and Mayor Adelung. Voting NAY: None. Mayor Adelung declared the motion carried.

Dan Gittinger, Public Properties Director reported on a lease for golf carts for the golf course. He said he was having difficulties reaching an agreement between the city and the vendor concerning the language on the lease. Bill Davis said the lease is confusing and requires the city to use a bank in Kearney and he didn't think it was necessary to use an out of town bank.

Commissioner Schiermeyer moved to approve a request from the Historic Preservation Society of Nebraska City Volunteer Fire Department to close Central Avenue for an hour from 13th St to 14th St on April 5th and 11:00 am and to keep all vehicles parked on the north side of the street. Commissioner Handy seconded the motion and on roll call the following voted YEA: Mercer, Schiermeyer, Friesen, Handy, and Mayor Adelung. Voting NAY: None. Mayor Adelung declared the motion carried.

Commissioner Handy moved to approve a property lease for the cemetery hay ground for three (3) years with Greg Stuckenholtz at \$1500 per year as recommended by the Cemetery Advisory Board. Commissioner Friesen seconded the motion and on roll call the following voted YEA: Mercer, Schiermeyer, Friesen, Handy, and Mayor Adelung. Voting NAY: None. Mayor Adelung declared the motion carried.

Commissioner Friesen moved to approve an update to the Wyuka Cemetery Fee Schedule as recommended by the Cemetery Advisory Board. Commissioner Schiermeyer seconded the motion and on roll call the following voted YEA: YEA: Mercer, Schiermeyer, Friesen, Handy, and Mayor Adelung. Voting NAY: None. Mayor Adelung declared the motion carried.

Commissioner Schiermeyer moved to approve the pool rates for the 2008 season. Commissioner Handy seconded the motion and on roll call the following voted YEA: Mercer, Schiermeyer, Friesen, Handy, and Mayor Adelung. Voting NAY: None. Mayor Adelung declared the motion carried.

Michael Piernicky, an Olsson Associates consultant spoke to the Council about the Central Avenue Mill and Overlay Project. He said a traffic study could determine whether the stoplights could be removed at the intersections.

Commissioner Mercer moved to approve a contract with Olsson Associates to provide engineering services for the Central Avenue Mill and Overlay Project and to authorize the Mayor to sign once the city attorney has granted approval and the Department of Roads has concurred. Commissioner Handy seconded the motion and on roll call the following voted YEA: Mercer, Schiermeyer, Friesen, Handy, and Mayor Adelung. Voting NAY: None. Mayor Adelung declared the motion carried.

Commissioner Schiermeyer moved to approve an agency agreement with the Nebraska Department of Aeronautics for a New Airport Layout Plan. Commissioner Friesen seconded the motion and on roll call the following voted YEA: Mercer, Schiermeyer, Friesen, Handy, and Mayor Adelung. Voting NAY: None. Mayor Adelung declared the motion carried.

Commissioner Friesen moved to approve Resolution 2352-08. Commissioner Schiermeyer seconded the motion and on roll call the following voted YEA: Mercer, Schiermeyer, Friesen, Handy, and Mayor Adelung. Voting NAY: None. Mayor Adelung declared the motion carried.

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

RESOLUTION 2352-08

A RESOLUTION ADOPTING AND APPROVING THE EXECUTION OF AN AGENCY AGREEMENT WITH THE DEPARTMENT OF AERONAUTICS OF THE STATE OF NEBRASKA FOR PROJECT NO. P01 TO BE SUBMITTED BY THE DEPARTMENT TO THE FEDERAL AVIATION ADMINISTRATION TO OBTAIN FEDERAL ASSISTANCE FOR THE DEVELOPMENT OF THE AIRPORT:

Be it resolved by the Mayor and Clerk of the City of Nebraska City, Nebraska, that;

1. The City of Nebraska City shall enter into an Agency Agreement with the Department of Aeronautics for Project No. P01 for the purpose of obtaining Federal assistance in the development of the Airport and that such agreement Shall be set forth herein below.
2. The Mayor of the City of Nebraska City is hereby authorized and directed to execute said Agency Agreement on behalf of the City of Nebraska City, and the Clerk is hereby authorized to attest said execution.
3. The said agreement, referred to hereinabove, is inserted in full and attached Herewith, and made part hereof as Exhibit "O".

Passed and approved on March 17, 2008.

ATTEST:
 Mary Wallen
 Deputy City Clerk-Treasurer

Jo Dee Adelung
 Mayor

Commissioner Handy moved to approve a plumber's license for Terry Hultquist of Palmyra, NE. Commissioner Mercer seconded the motion and on roll call the following voted YEA: Mercer, Schiermeyer, Friesen, Handy, and Mayor Adelung. Voting NAY: None. Mayor Adelung declared the motion carried.

Commissioner Mercer moved to approve all claims except Claim No. 2750L. Commissioner Friesen seconded the motion and on roll call the following voted YEA: Mercer, Schiermeyer, Handy, and Mayor Adelung. Abstain: Friesen. Voting NAY: None. Mayor Adelung declared the motion carried.

Commissioner Friesen moved to approve Claim No. 2750L. Commissioner Handy seconded the motion and on roll call the following voted YEA: Friesen, Schiermeyer, Handy, and Mayor Adelung. Abstain: Mercer. Voting NAY: none. Mayor Adelung declared the motion carried.

CLAIMS LIST

March 17, 2008

Alamar Uniforms	207.04	Unif	Maybe Rentals LLC	80.00	Eng
Alco Store	59.94	Supp	Mead Lumber	28.91	Rep
Allied Recy & Ref	300.80	Garbage	Mercer's	70.73	Supp
Anthens, G	121.00	Ref	Midlands Fin Ben	875.00	Contr
Arbor Mart	1,731.78	Fuel	Midwest Farmers Coop	385.45	Misc
Asphalt & Conc Mat	188.57	Supp	Midwest Machine	400.16	Rep
Bando, M	13.72	Meals	Midwest ROW Svc	408.00	Eng
Bishop Plmbg & Htg	144.15	Rep	Miller Monroe Farrell	70,257.00	Ins
Bohl Plmbg & Htg	40.00	Rep	Mullenax Auto Supply	980.80	Misc
Brown Glass Co	142.00	Misc	Municipal Toy Co.	49.00	Supp
Card Svc	85.00	Misc	NC News Press	377.75	Ad
Casey's Gen Stores	334.50	Fuel	NC Utilities	9,163.73	Util
Cintas Corp	119.12	Supp	NCTC	15.00	Misc
Cliff's Classics	210.30	Rep	NE Dept. of Rev	219.76	Sales Tax
Conner, A	67.50	Ref	NE Salt & Grain Co.	1,823.33	Misc
CP Recovery	139.08	Comp	NE Trails Conf	65.00	Dues
Danko Emergency Equip	152.85	Maint	NECommunity Foundation	30.00	Dues
DeVorss, N	56.25	Ref	Omaha Standard Dist	447.38	Rep
Dick's Body & Paint	6,448.82	Rep	Omaha Tractor	1,293.29	Rep
Douglas Tire	742.54	Rep	Otoe Cnty Clerk	2,487.22	Contr
eBattery, inc	99.00	Comp	Otoe Cnty Reg of Deeds	5.50	Misc
Ed Roehr Safety	187.28	Misc	Otoe County Title Co	11,400.00	Loan
EDM Equip Co.	177.93	Rep	Palmtag, S	69.00	Ref
EMC Ins Co	679.50	Ins	Pamida	88.92	Misc
Farris, M	69.00	Ref	Pitney Bowes	418.99	Postage
Farris, P	56.25	Ref	Porter, Seth	500.00	Misc
Fireguard	225.49	Unif	Prof Choice Recovery	121.74	Garnish
Food Pride	17.44	Misc	Pummel, J	121.74	Misc
Friends of the Library	2,000.00	Donation	Pummel, Jeanene	121.74	Misc
Friesen, E	32.00	Meals	R.C.E.D.C.	3,373.68	Contr
Great Am Outdoor	648.00	Rep	Schneider Elec & Refr.	413.38	Maint
Hans, S	18.13	Misc	SEND D	6,412.35	Contr
Harding & Shultz P.C.	153.61	Legal	Shell	2,617.41	Fuel
Heartland Classified Services	188.01	Ad	Stuteit, C	25.00	Eng
HGM Assoc Inc	2,500.00	Eng	Tantillo Family	9,264.00	Eng
Hopkins Auto Inc.	143.84	Rep	Tee's Plus	533.42	Supp
HWS Consult Group	2,062.37	Eng	Tri-State Office Prod	626.69	Supp
Ideal Pure Water	54.42	Misc	Viox, A	283.81	Mileage
J.H. Stuckey	8.40	Rep	Vock, B	44.00	Ref
JoJo's Dig Imagery	124.10	Misc	Wages & Benefits	65,186.46	Payroll
KonicaMinolta	180.75	Contr	Wal-Mart	886.11	Ammo

Landis Engine	909.00	Rep	Wampler, D & D	200	Eng
Larson Motors	7,549.00	Truck	Watkins True Value	194.63	Misc
Larson Motors	200.68	Rep	Web.com	191.40	Misc
Leag of NE Muni	19.00	Meals	Windstream	1,836.95	Tele
Marriott Hotels	654.00	Lodge	Wood Family Fuel	20.10	Fuel
Martin Marietta Mat	969.55	Gravel			

There being no further business to come before the Council at this time, on motion duly made and seconded, the Council adjourned at 8:53 pm.

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