

CITY OF NEBRASKA CITY, NEBRASKA

MINUTES OF CITY COUNCIL REGULAR MEETING

April 7, 2008

Pursuant to due call and notice thereof, a Regular Meeting of the City Council of the City of Nebraska City was conducted in the Council Chambers of City Hall, 1409 Central Avenue, on April 7, 2008. Notice of the 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.

Mayor Adelung called the meeting to order at 6:00 p.m. and then led those in attendance in the Pledge of Allegiance. Upon roll call the following answered present: Leon Schiermeyer, Dean Handy, Erv Friesen, and Mark Mercer. The following City Officials were present: City Administrator Scott Bovick, City Clerk Arnold M. Ehlers, City Attorney William Davis, Public Properties Director/Zoning Director Dan Güttinger, Police Chief Dave Lacy and Building Inspector Alan Viox.

Commissioner Friesen moved to approve the minutes of the March 17, 2008 City Council Regular Meeting, seconded by Commissioner Handy. Upon roll call the following voted AYE: Schiermeyer, Handy, Friesen, Mercer and Mayor Adelung. Voting NO: None. Motion adopted.

Nathan Kelley "Student Mayor" proclaimed March 30th – April 5th as "Nebraska Home Education Week." Mayor Adelung proclaimed April as "Occupational Therapy Month" and "Sexual Assault Awareness Month." Mayor Adelung also proclaimed April 25, 2008 as Arbor Day.

Mayor Adelung then recognized the Nebraska City Utilities on their "Certificate of Safety Recognition" presented to the department at the Utilities/Public Works Annual Conference. Tom Liesemeyer and Leroy Frana were present for the recognition. Mayor Adelung also congratulated Leroy Frana on his election as 2nd Vice-President to the Utilities Section Board.

City Administrator Scott Bovick reported on the spring cleanup which will take place April 14th – 15th north of Central Avenue and April 16th – 17th south of central Avenue. Mr. Bovick also reported that the Steinhart Park Trail Project should be completed by April 15th with a ribbon cutting in May. The 10th Street and Softball Complex Asphaltic Overlay Project has started with expected completion mid-May. Mr. Bovick informed the council that the Wildwood Pro Shop is now open. Commissioner Handy moved to accept and place on file the City Administrator's Report, the Treasurer's Report beginning balance \$22,608,564.40 and month end balance \$22,854,206.99, the Wyuka Cemetery Report and the R.C.E.D.C. Quarterly Report, seconded by Commissioner Mercer. The following voted AYE: Schiermeyer, Friesen, Mercer, Handy and Mayor Adelung. Voting NO: None. Motion passed

Commissioner Schiermeyer moved to approve the request by Mike Miller to hold model boat races at the Steinhart Park Pond on May 24th from 9:00 a.m. to 3:00 p.m. seconded by Commissioner Handy. Upon roll call the following voted AYE: Mercer, Friesen, Handy, Schiermeyer and Mayor Adelung. Voting NO: None Motion passed.

Commissioner Handy moved to award the contract to Hinrichsen Const. in the amount of \$20,000.00 for the rehab of the house at 1319 So. 8th St, seconded by Commissioner Friesen. Upon roll call the following voted AYE: Mercer, Schiermeyer, Friesen, Handy and Mayor Adelung. Voting NO: None Motion passed.

Commissioner Handy moved to award the contract to McNealy Const in the amount of \$20,000.00 for the rehab of the house at 523 11th Corso, seconded by Commissioner Schiermeyer. Upon roll call the following voted AYE: Mercer, Friesen, Schiermeyer, Handy and Mayor Adelung. Voting NO: None Motion passed.

Commissioner Handy moved to award the contract to McNealy Const.. in the amount of \$20,000.00 for the rehab of the house at 414 11th Corso, seconded by Commissioner Schiermeyer, upon roll call the following voted AYE: Mercer, Friesen, Schiermeyer, Handy and Mayor Adelung. Voting NO: None Motion passed.

City Administrator gave a brief overview of the liquor license application process for Wildwood Golf Course.

Mayor Adelung introduced Ordinance 2720-08, an ordinance to amend Sec 5-10, of the Code of the City of Nebraska City, Nebraska, relating to open containers, to make it unlawful to transport or be in possession of open containers of any alcoholic liquors in motor vehicles or on public

property with exceptions as set forth in subsections (A) and (B); to provide for penalties; to repeal the original Section 5-10; 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 AYE: Mercer, Schiermeyer, Handy, Friesen and Mayor Adelung. Voting NO: 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 2720-08 be passed and adopted?" which was seconded by Commissioner Friesen. Upon roll call the following voted AYE: Mercer, Schiermeyer, Handy, Friesen and Mayor Adelung. Voting NO: 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. 2720-08

AN ORDINANCE TO AMEND SEC. 5-10, OF THE CODE OF THE CITY OF NEBRASKA CITY, RELATING TO OPEN CONTAINERS, TO MAKE IT UNLAWFUL TO TRANSPORT OR BE IN POSSESSION OF OPEN CONTAINERS OF ANY ALCOHOLIC LIQUORS IN MOTOR VEHICLES OR ON PUBLIC PROPERTY WITH EXCEPTIONS AS SET FORTH IN SUBSECTIONS (A) AND (B); TO PROVIDE FOR PENALTIES; TO REPEAL THE ORIGINAL SECTION 5-10; AND TO PROVIDE FOR AN EFFECTIVE DATE.

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

Section 1. That Section 5-10 of the Ordinances of the City of Nebraska City, Nebraska, is hereby amended to read as follows:

"Sec. 5-10. Open Containers.

(A) Transportation. It shall be unlawful for any person to transport any alcoholic liquor in an opened container in a motor vehicle upon any street, highway, road, municipal parking area, or upon property owned by any governmental subdivision, unless the package or container is locked in the trunk or rear compartment of the vehicle while the vehicle is in motion. An opened container shall include any package or container where the original seal of the package or container has been broken. For the purpose of interpreting this section, a motorized golf cart shall not be deemed to be a motor vehicle when operated by persons playing golf at the Wildwood Municipal Golf Course in Nebraska City, and within the designated road crossings and boundaries of said golf course.

(B) Possession. It shall be unlawful for any person to have in his or her possession alcoholic liquor in an opened container on any public street, highway, alley, road, municipal parking area and upon any property owned by any governmental subdivision of the State of Nebraska, except for designated road crossings within the boundaries of Wildwood Municipal Golf Course in Nebraska City, where golfers of legal age may lawfully possess such open containers.

It shall also be unlawful for any person to have in his or her possession alcoholic liquor in an open container while on a privately owned parking lot and other semi-public places where the owners or operators have made a written request to the City for the regulation of traffic, public use and conduct of invitees upon such privately owned property.

(C) Penalty for Violation. Any person violating the provisions of subsections (a) or (b) of this section shall be guilty of a misdemeanor and upon conviction thereof:

(1) For a first offense such person shall be fined in any sum not less than twenty-five dollars (\$25.00) and not more than one hundred dollars (\$100.00) or may be confined in the county jail for a period of not to exceed thirty (30) days, or both such fine and imprisonment.

- (1) For a second or subsequent such offense such person shall be fined in any sum not less than fifty dollars (\$50.00) and not more than one hundred dollars (\$100.00) or may be confined in the county jail for a period of not to exceed thirty (30) days, or both such fine and imprisonment.

Section 2. That the original Sec. 5-10 of the Ordinances of the City of Nebraska City, Nebraska, be and the same is hereby repealed.

Section 3. That this Ordinance shall be effective from and after its passage, approval and publication, as required by law.

Passed and Approved this 7th day of April, 2008.

Jo Dee Adelung, Mayor

Attest:

Arnold M. Ehlers, City Clerk

Commissioner Friesen moved to approve the request of Nebraska City Tourism and Commerce to: 1) reserve shelters for community BBQ Friday April 25th at 5:30 p.m.; 2) close and provide traffic control for the Run/Walk 8:00 a.m. Saturday April 26th; 3) place temporary signage throughout Nebraska City; 4) close and prohibit parking on Central Avenue and cross streets from 11:00 a.m. to 3:30 p.m., seconded by Commissioner Mercer. Upon roll call the following voted AYE: Schiermeyer, Handy, Mercer, Friesen, and Mayor Adelung. Voting NO: None. Motion passed.

Commissioner Friesen moved to grant the use of two parking spaces in front of 707 Central Avenue for promotional use by "The Art of Music," seconded by Commissioner Mercer. Upon roll call the following voted AYE: Schiermeyer, Handy, Mercer, Friesen, and Mayor Adelung. Voting NO: None. Motion passed.

Commissioner Mercer moved to declare the structure at 203 9th Corso as unsafe and have the Building Inspector notify the owner to remedy the unsafe condition or demolish the structure, seconded by Commissioner Handy. Upon roll call the following voted AYE: Schiermeyer, Friesen, Handy, Mercer and Mayor Adelung. Voting NO: None. Motion passed.

Commissioner Schiermeyer moved to accept the "Riverview Park Enhancement Project" plans as presented by Grant Boden, seconded by Commissioner Handy. Upon roll call the following voted AYE: Mercer, Friesen, Handy, Schiermeyer and Mayor Adelung. Voting NO: None. Motion passed.

Mayor Adelung moved to approve Sarah Lacy as a probationary member of the Nebraska City Volunteer Fire department, seconded by Commissioner Friesen. Upon roll call the following voted AYE: Schiermeyer, Handy, Mercer, Friesen, and Mayor Adelung. Voting NO: None. Motion passed.

Commissioner Mercer moved to pay all claims, seconded by Commissioner Friesen, Upon roll call the following voted AYE: Schiermeyer, Handy, Friesen, Mercer and Mayor Adelung. Voting NO: None. Motion passed.

A-1 Locksmith	30.00	Keys	Martin Marietta Mat	981.24	Gravel
Action Tech Svc	400.00	Maint	Mead Lumber	442.38	Rep
Adkins Signs	165.00	Signs	Medical & Safety Svc	68.65	Misc
Alamar Uniforms	82.73	Unif	Mellage Truck & Trac	69.00	Rep
Alan Viox Const	51.96	Rep	Midland Telecom	115.00	Pagers
Alco	79.99	Tele	Midwest Svc & Sales	464.00	Posts
Alltel	241.84	Tele	Midwest Turf & Irrig	14,500.00	Contr
Arbor Mart	3,561.63	Fuel	Mullenax Auto Supp	440.13	Rep
Arbor Valley Ani Cl	133.00	Animal Ex	Nausler, Benjamin	605.50	ROW
Asphalt & Conc Mat	352.07	Cold Mix	NC Airport Auth	3,750.00	Contr
Bennett, L	84.71	Meals	NC City Clerk-Treas	271.55	Misc
Bennett, Richard D. Jr.	1,653.76	Sand	NC News Press	301.38	Ads
Bergfeld Rec, Inc	10,313.00	Equip	NC Rotary Club	375.00	Dues
Blue Valley Nursery	697.00	Trees	NCTC	5,312.50	Tourism
Bohl Plmbg & Htg	11.27	Rep	NE Community Found	2,291.67	Contr

Bovick, S	98.98	Mileage	NE Law Enforce	20.00	Training
Casey's General Stores	167.59	Fuel	NE Pub Health Envir	156.00	Invest
Century Lumber	1,580.79	Rep	Nebraska Golf & Turf	27,600.00	Golf
Citizen Printing	255.00	Misc	Nebraska Liq Contr	45.00	Liq Lic
Concrete Ind, Inc.	554.78	Conc	Nebraska Salt & Grain	978.08	Salt
Daniels, Donna H.	60.00	ROW	Nebraska State Patrol	38.00	Misc
Dick's Body & Pnt	1,207.42	Rep	NEXTEL	221.66	Tele
Douglas Tire	35.00	Tire Rep	Odey's Inc.	1,941.00	Supp
Ed. M. Feld Equip.	114.00	Air Pak	O'Reilly Auto Parts	53.94	Misc
Ehlers, A	218.65	Mileage	Orscheln	718.27	Supp
FOE #968	1,344.00	Banquet	Otoe Cnty Clerk	2,355.75	Contr
Food Pride	3.46	Misc	Otoe Cnty Mutual Aid	20.00	Dues
Fremont Cnty M/A	30.00	Dues	Reg of Deeds	17.00	Ord
Garlipp, Wes	171.00	Rep	Pepsi-Cola	562.80	Contr
GE Capital	88.45	Tele	Quill Corp	241.78	Supp
Giittinger, D	115.65	Mileage	R.C.E.D.C.	4,333.33	Ind Dev
Gress, Harold	60.00	ROW	Schendel Pest Cont	87.00	Pest C
Growth Products	879.43	Chem	Schmitz Land Survey	202.50	Misc
Harding & Shultz P.C.	251.33	Litigation	Schreiner, Allen	25.00	Refund
Harland Tech Svc	2,824.00	Comp	SE Area Clerks Asso	100.00	Meals
Harris Auto Repair	106.95	Rep	SE NE Appliance	587.99	Equip
Hart, Anna	400.00	Contr	SENDD	1,842.82	Contr
Heartland Classified	107.56	Ads	Shell	2,457.21	Fuel
Hockenbergs	1,531.52	Rep	Shipleys Flooring	3,342.14	Rep
Holiday Inn of Kearney	435.81	Lodging	Starner, Betty	2,047.00	ROW
Hopkins Auto Inc.	577.61	Misc	Starner, Bobbi	2,000.00	ROW
Hydraulic Equip Service	4,410.02	Rep	Stubbendick Imp Co.	3,775.55	Rep
JEO Consult Group	2,781.32	Eng	THT Designs, Inc	208.49	Supp
John E. Reid & Assoc	595.00	Train	Thurman Bike & Sport	13.49	Rep
Jones Auto, Inc.	1,822.44	Rep	Tri-State Office Prod	194.45	Supp
KNCY AM-FM	119.12	Ad	Tri-State Pmpg & Ex	225.00	Contr
KonicaMinolta	180.75	Copier	Universal Publications	120.00	Ads
Kreifels Electric	156.50	Maint	Viox, A	372.19	Mileage
Landis Engine	579.20	Rep	Wages & Benefits	123,144.72	Payroll
Larson Motors	5.98	Rep	Walford, Randy	200.00	ROW
LaRue Coffee	299.20	Supp	Wallen, M	167.53	Mileage
Lesco	175.33	Misc	Watkins True Value	321.27	Rep
Liesemeyer, Arnold	45.00	ROW	Wenzl Hardware	14.08	Supp
Liesemeyer, June	45.00	ROW	Williams, Larry	6,030.00	ROW
Lynn Peavey Co	44.94	Misc	Windstream	82.97	Tele
Malzer, Frank	1,477.25	ROW			

Meeting adjourned at 7:30 p.m.

Jo Dee Adelung, Mayor

Attest:

Arnold M. Ehlers, Clerk-Treasurer

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.

Arnold M. Ehlers, Clerk-Treasurer