

CITY OF NEBRASKA CITY, NEBRASKA

MINUTES OF CITY COUNCIL REGULAR MEETING

May 19, 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 May 19, 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. 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, and Public Properties Director/Zoning Administrator, Dan Giittinger, Building Inspector Alan Viox and Police Chief Dave Lacy

Mayor Adelung led in the Pledge of Allegiance.

Commissioner Friesen moved to approve the minutes of the May 5, 2008 City Council Regular Meeting, seconded by Commissioner Handy. Upon roll call the following voted AYE: Mercer, Schiermeyer, Handy, Friesen, and Mayor Adelung. Voting NO: None. Motion adopted.

Mayor Adelung opened the Public Hearing to consider any written objections to 2008-01 Street Improvement District. No written objections were received. Commissioner Schiermeyer moved to close the Public Hearing, seconded by Commissioner Friesen. Upon roll call vote the following voted AYE: Mercer, Handy, Friesen, Schiermeyer, and Mayor Adelung. Voting NO: None. Motion passed.

Mayor Adelung opened the Public Hearing to consider the Class "T" Liquor License application by FARBKE LLC dba FARBKE Lanes. Anne M. Neumeister answered questions concerning policy that will be adhered to at FARBKE Lanes. No one else spoke in opposition or support of the application. Commissioner Schiermeyer moved to close the Public Hearing, seconded by Commissioner Friesen. Upon roll call vote the following voted AYE: Mercer, Handy, Friesen, Schiermeyer, and Mayor Adelung. Voting NO: None. Motion passed.

Mayor Adelung proclaimed May 17th as Walt and Rita Wenzl Day.

City Administrator Scott Bovick, updated Council on the Softball access and 10th Street Mill and Overlay; plans for this years budget workshop; Library Exterior progress; Riverview Terrace Parking and Driveway Project; and the 4th Corso Viaduct repair project. Commissioner Friesen moved to accept the report, seconded by Commissioner Mercer. Upon roll call vote the following voted AYE: Schiermeyer, Handy, Mercer, Friesen and Mayor Adelung. Voting NO: None. Motion passed

Mayor Adelung introduced Resolution 2362-08. Commissioner Friesen moved to approve the liquor license application for FARBKE LLC dba FARBKE Lanes and Anne M. Neumeister as manager with the stipulation that management and staff take alcohol server training, seconded by Commissioner Handy. Upon roll call vote the following voted AYE: Schiermeyer, Handy, Friesen and Mayor Adelung. Voting NO: Mercer. Motion passed.

There being no written objections to the 2008-01 Street Improvement District no action was taken.

Commissioner Schiermeyer moved to approve the "Intent to Apply" Form to the Nebraska Department of Roads for Phase II of the Steinhart Park Trail, seconded by Commissioner Handy. Upon roll call vote the following voted AYE: Mercer, Handy, Friesen, Schiermeyer and Mayor Adelung. Voting NO: None. Motion passed.

Commissioner Friesen moved to approve the request by Rose Ralstin of Nebraska City Tourism and Commerce to allow the Farmers Market to use the Memorial Building Parking Lot this year on Thursdays, seconded by Commissioner Handy. Upon roll call vote the following voted AYE: Schiermeyer, Mercer, Handy, Friesen and Mayor Adelung. Voting NO: None. Motion passed.

Commissioner Handy moved to approve the request by the Nebraska City Jaycees to hold their annual "Road Block" fund raiser for the July 4th Fireworks Display, seconded by Commissioner

Schiermeyer. Upon roll call vote the following voted AYE: Friesen, Mercer, Schiermeyer, Handy, and Mayor Adelung. Voting NO: None. Motion passed.

Commissioner Friesen moved to approve the recommendation from the Public Safety Task Force to approve **hgm Associates Inc** for engineering and architectural services for the Rowe Memorial Public Safety Complex, seconded by Commissioner Schiermeyer. Upon roll call vote the following voted AYE: Mercer, Schiermeyer, Handy, Friesen and Mayor Adelung. Voting NO: None. Motion passed.

Commissioner Schiermeyer moved to approve the Cooperative Agreement with Nemaha Natural Resources District for the Wildwood Entrance and Trail Project, seconded by Commissioner Handy. Upon roll call vote the following voted AYE: Mercer, Friesen, Handy, Schiermeyer and Mayor Adelung. Voting NO: None. Motion passed.

Bill Aultz, 1233 N 14th; Pat Wehling, 1239 N 14th; and Vern McGowen, 1203 N. 14th addressed the Council about their concerns with the drainage way in their backyards with the prospects of the new school construction and potential new residential construction nearby worsening an already bad situation. Scott Bovick stated that the City has the authority to regulate the runoff and has the obligation to take action to prevent any additional runoff. Tom Farrell, President of the Nebraska City School Board stated that the School District has an engineering study and design that will install a water retention system that will be large enough to handle a 100 year storm event and that there will be less water flowing through the drainage way after the school is built. Mayor Adelung then clarified that statement that the School Board is not only solving the school's water runoff problem but also potentially helping properties down stream. Mr. Farrell agreed to the Mayor's statement. City will explore getting an engineering study of the concerns.

Tom Farrell, President of the Nebraska City School Board accompanied by Keith Rohwer, School Superintendent, Bernadette Shanholtz, Haeven Pedersen and Richard Hoch, addressed the Council on points to be revised in the proposed "Interlocal Cooperation Agreement." For reference and education of the Council, Mr. Farrell brought to the attention of the Council a subdivision agreement that the city entered into with a private developer (Tincher).

Mr. Farrell indicated that the School Board is concerned that by splitting the project there will be economies of scale lost, thereby increasing the cost of the project, and also having more than one project supervisor will be confusing. The agreed upon verbiage shall read: *School District will be responsible for hiring an engineer who is registered with the State of Nebraska to oversee the development of the bid specifications, contractor will contract directly with the school district to do the work, school district will hire a competent engineer to oversee construction, and coordinate with city's engineer to ensure that city standards are followed and school district engineer will certify that all infrastructure is built to city standards and specifications and city reserves the right to have the city engineer review certifications and completions at the cost of the school district.* Mr. Farrell said that was acceptable to the School District. Commissioner Mercer asked if there could be a traffic study, including a round-a-bout, to make sure that the best option for traffic flow along 14th Avenue will be chosen. Commissioner Mercer also wanted to have a clause included in the agreement to have the School District pay the City's legal fees if there is any type of breach and, that the School District will not protest the assessment anytime in the future.

Commissioner Mercer moved to pay all claims except Claim # 7250N, seconded by Commissioner Friesen. Upon roll call vote the following voted AYE: Handy, Schiermeyer, Friesen, Mercer and Mayor Adelung. Voting NO: None. Motion passed.

Commissioner Friesen moved to pay Claim # 7250N, seconded by Commissioner Schiermeyer. Upon roll call vote the following voted AYE: Handy, Schiermeyer, Friesen and Mayor Adelung. Voting NO: None. Abstain: Mercer. Motion passed.

ACCO	2,305.00	Supp		League of NE. Muni	95.00	Dues
Adams Golf	157.47	Merch		Mead Lumber	530.93	Misc
Adkins Signs	252.00	Unif		Mercer's	388.44	Misc
Alamar Uniforms	187.96	Unif		Mid Con Systems	625.11	Misc
Alco Store	35.34	Supp		Midlands Bus. Journal	120.00	Meals
Allied Insurance	250.00	Bond		Midlands Fin Benefit	875.00	Contr
Allied Rec & Ref	430.13	Garbage		Midwest ROW Svc	9,702.00	Eng
Ambassador Rehab	125.00	Med		Midwest Turf & Irrig	59.61	Misc
Arbor Mart	3,359.80	Fuel		Miller Monroe Farrell	17.00	Ins
Arbor Outdoor Power	9.60	Supp		Momentum Mrktg	29.99	Ad
Arbor Valley Ani Cl	100.99	K-9		Muni Emergency Svc	175.39	Misc
Assoc Supply Co	471.23	Supp		NC Med Clinic	275.00	Med
Atchison Cnty Mail	75.00	Ads		NC Utilities	6,893.65	Util

Beelner Services	380.00	Maint		NE Dept. of Rev	1,087.16	Sales Tax
Bennett, Richard D. Jr.	94.68	Misc		Nickent Golf	1,588.62	Merch
Bob's Welding Shop	65.00	Rep		Norman's IGA	3.95	Groc
Bohl Plmbg & Htg	64.20	Rep		O'Reilly Auto Parts	23.44	Rep
Brown Glass Co	146.16	Rep		Otoe Cnty Clerk	2,487.22	Contr
Callaway Golf Co	1,764.74	Access		Reg of Deed	37.50	Deeds
Card Services	93.43	Fuel		Pamida, Inc.	16.97	Misc
Casey, J	195.04	Groc		Paper Tiger Shred	35.00	Shred
Casey's Gen Stores	653.95	Fuel		Pepsi Cola	809.20	Misc
Century Lumber	12.94	Rep		Petty Cash	75.00	Pool
Cintas Corp	120.81	Supp		Pine Acres Nursury	629.82	Plants
City of NC Wildwood	125.00	Rep		Pitney Bowes	249.00	Postage
CMC Golf	67.49	Access		Plantman Nursery	197.53	Plants
Concrete Ind	4,311.58	Dugouts		Presto-X Co	75.00	Misc
D & K Products	5,181.88	Chem		Quality Inn & Suites	194.85	Lodging
Daktronics	568.59	Rep		R.C.E.D.C.	2,388.75	Contr
Dick's Body & Paint	980.00	Rep		Rakes, Muriel	25.00	Refund
Douglas Tire	216.50	Rep		Rose Equip Inc.	624.50	Supp
Drywaller for Hire	3,847.68	Contr		Safety-Kleen	112.45	Supp
Galeton Gloves	56.15	Supp		SENDD	3,626.10	Loan
Giittinger, D	216.65	Mileage		Shell	2,234.88	Fuel
Harding & Shultz P.C.	4.32	Legal		Stukenholtz, B	193.91	Mileage
Heartland Class Svc	104.74	Ads		The Car Wash Inc	19,633.00	ROW
Hopkins Automotive	417.29	Supp		Columbus Telegram	108.00	Ads
Hornung's Golf Prod	196.99	Merch		Thiele Geotech	281.00	Trail Eng
ICC	100.00	Dues		Titleist	492.83	Merch
Ideal Pure Water	86.00	Water		Tom's Radio	330.00	Rent
Integrated Resources	290.00	ROW		USIS Comm Svc	125.00	Med
J. Marcel Ent	464.17	Misc		W.M. Smith & Associ	2,336.54	Supp
Keim Farm Equip	123.53	Misc		Wages & Benefits	74,559.69	Payroll
KNCY AM-FM	586.27	Ads		Watkins True Value	783.79	Supp
KonicaMinolta	195.00	Rep		Wenzl Hardware	8.25	Rep
Kreifels Electric	508.50	Rep		Windstream	2,230.90	Tele
Landis Engine	519.94	Rep		Wright, A	1,154.00	ROW
Larson Motors	321.56	Rep		Wurtele, G	37.56	Meals
LaRue Coffee	656.73	Supp				

Mayor Adelung re-appointed John Hogeland to the Board of Public Works for a 5 year term, seconded by Commissioner Friesen. Upon roll call vote the following voted AYE: Handy, Schiermeyer, Mercer, Friesen and Mayor Adelung. Voting NO: None. Motion passed.

Meeting adjourned at 8:36 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