

CITY OF NEBRASKA CITY, NEBRASKA

MINUTES OF CITY COUNCIL REGULAR MEETING

July 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 July 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.

Vice-President Mark Mercer called the meeting to order at 6:00 p.m. Upon roll call the following answered present: Leon Schiermeyer, Dean Handy, and Erv Friesen. Absent: Mayor Jo Dee Adelung The following City Officials were present: City Administrator Scott Bovick, City Clerk Arnold M. Ehlers, City Attorney William Davis, and Public Properties Director/Zoning Director Dan Gittinger and Captain Lonnie Neeman.

Vice-President Mark Mercer led in the Pledge of Allegiance.

Commissioner Friesen moved to approve the minutes of the June 16, 2008 City Council Regular Meeting, seconded by Commissioner Schiermeyer. Upon roll call the following voted AYE: Schiermeyer, Handy, Friesen and Mercer. Voting NO: None. Motion adopted.

City Administrator Scott Bovick informed the Council that the Steinhart Swimming Pool would be closed for two days to repair a valve, also that JEO had completed plans for the emergency repairs on North 12th Street from 2nd Avenue to 4th Avenue and that the Council Budget Workshop would be July 31, 2008 at 2:00 p.m. in the Council Chambers. Commissioner Handy moved to accept and place on file the City Administrator's Report, the Treasurer's Report and the Wyuka Cemetery Report, seconded by Commissioner Schiermeyer. Upon roll call the following voted AYE: Friesen, Schiermeyer, Handy and Mercer. Voting NO: None. Motion passed.

Library Director Barbara Hegr reported on the completion and presented photos of the Exterior Renovation Project at the Morton James Library. Commissioner Handy moved to accept the report and place it on file, seconded by Commissioner Friesen. Upon roll call vote the following voted AYE: Schiermeyer, Friesen, Handy and Mercer. Voting NO: None. Motion passed.

Vice-President Mercer introduced Ordinance No. 2726-08 entitled:

AN ORDINANCE DIRECTING THE SALE AND CONVEYANCE OF A PORTION OF VACATED 5th STREET IN ANDERSON'S ADDITION TO NEBRASKA CITY, OTOE COUNTY, NEBRASKA, AS DESCRIBED IN SECTION ONE HEREOF TO PAMELA K. EMONS, AS PERSONAL REPRESENTATIVE OF THE ESTATE OF VIRGINIA HOLLAND, DECEASED; 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. Commissioner Friesen seconded the motion and upon roll call the following voted AYE: Schiermeyer, Handy, Friesen and Mercer. Voting NO: None. The motion to suspend the rules was adopted by three-fifths of the Board and the statutory rule was declared suspended for consideration of said ordinance.

Said ordinance was then read by title and thereafter Vice-President Mercer moved for final passage of the ordinance, which motion was seconded by Commissioner Friesen. The Vice - President stated the question – "Shall Ordinance No. 2726-08 be passed and adopted?" Upon roll call the following voted AYE: Schiermeyer, Handy, Friesen and Mercer. Voting NO: None. The passage and adoption of said ordinance having been concurred in by a majority of all members of the Board, the Vice-President declared the ordinance adopted and the Vice-President in the presence of the Board signed and approved the ordinance and the Clerk attested the passage and approval of the same and affixed his signature thereto and ordered the Ordinance to be published in pamphlet form as provided therein and be posted in three public places in the City. A true, correct and complete copy of said ordinance is as follows:

ORDINANCE NO. 2726-08

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, AS DESCRIBED IN SECTION ONE HEREOF TO PAMELA K. EMONS, AS PERSONAL REPRESENTATIVE OF THE ESTATE OF VIRGINIA HOLLAND, DECEASED; DIRECTING NOTICE OF SALE BY

PUBLICATION; AND TO PROVIDE FOR AN EFFECTIVE DATE.

WHEREAS, Pamela K. Emons, Personal Representative of the Estate of Virginia Holland, Deceased, has requested the sale and conveyance of the real estate hereinafter described and the Vice-President 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 ACTING 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 Twenty-five (\$25.00) Dollars, 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 N.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 northerly along the East line of Lot 1, Block 18, extended northerly, N01°24'21"W 52.43 feet; thence northeasterly N76°58'09"E 15.53 feet to a point; thence southeasterly S21°49'16"E 154.92 feet to a point, thence Southwesterly S19°34'08" W a distance of 33.05 feet to the North line of 14th Corso, thence along the North line of 14th Corso, 57.44 feet West to the S.E. Corner of Lot 1, Block 18, thence North 120 feet along the East line of Lot 1, Block 18, to the Point of Beginning.

and the Acting 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 Pamela K. Emons, Personal Representative of the Estate of Virginia Holland, Deceased, 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 Acting 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 July, 2008.

Mark Mercer, Vice-President & Acting Mayor

Attest:

Arnold M. Ehlers, City Clerk-Treasurer

Vice-President Mercer introduced Ordinance No. 2727-08 entitled:

AN ORDINANCE DIRECTING THE SALE AND CONVEYANCE OF A PORTION OF THE VACATED WEST 132 FEET OF 13th CORSO BETWEEN BLOCKS TWENTY-THREE AND TWENTY-SIX, IN ANDERSON'S SECOND ADDITION TO NEBRASKA CITY, OTOE COUNTY, NEBRASKA, AS DESCRIBED IN SECTION ONE HEREOF TO PAMELA K. EMONS, AS PERSONAL REPRESENTATIVE OF THE ESTATE OF VIRGINIA HOLLAND, DECEASED; 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. Commissioner Friesen seconded the motion and upon roll call the following voted AYE: Schiermeyer, Handy, Friesen and Mercer. Voting NO: None. The motion to suspend the rules was adopted by three-fifths of the Board and the statutory rule was declared suspended for consideration of said ordinance.

Said ordinance was then read by title and thereafter Vice-President Mercer moved for final passage of the ordinance, which motion was seconded by Commissioner Friesen. The Vice - President stated the question – "Shall Ordinance No. 2727-08 be passed and adopted?" Upon roll call the following voted AYE: Schiermeyer, Handy, Friesen and Mercer. Voting NO: None. The passage and adoption of said ordinance having been concurred in by a majority of all members of the Board, the Vice-President declared the ordinance adopted and the Vice-President in the presence of the Board signed and approved the ordinance and the Clerk attested the passage and approval of the same and affixed his signature thereto and ordered the Ordinance to be

published in pamphlet form as provided therein and be posted in three public places in the City. A true, correct and complete copy of said ordinance is as follows:

ORDINANCE NO. 2727-08

AN ORDINANCE DIRECTING THE SALE AND CONVEYANCE OF A PORTION OF THE VACATED WEST 132 FEET OF 13TH CORSO BETWEEN BLOCKS TWENTY-THREE AND TWENTY-SIX, IN ANDERSON'S SECOND ADDITION TO NEBRASKA CITY, OTOE COUNTY, NEBRASKA, TO LINDA THOMAS, RESERVING A UTILITIES EASEMENT 20' IN WIDTH, AS DESCRIBED HEREIN; DIRECTING NOTICE OF SALE BY PUBLICATION; AND TO PROVIDE FOR AN EFFECTIVE DATE.

WHEREAS, Linda Thomas, 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 ACTING-MAYOR AND CITY COMMISSIONERS OF THE CITY OF NEBRASKA CITY, NEBRASKA:

Section 1. That the City of Nebraska City does hereby sell to Linda Thomas, for the consideration of One Hundred Dollars, 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:

The West 132 feet of vacated 13th Corso between Blocks Twenty-three and Twenty-six, in Anderson's Second Addition to Nebraska City, Otoe County, Nebraska, reserving a utilities easement 20 feet in width immediately adjacent to the South line of Lots 7, 8, and 9, in Block 26 of Anderson's Second Addition, as hereinafter set forth,

and the Acting 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 Linda Thomas, reserving an easement 20 feet in width as hereinafter set forth.

Section 2. That the City of Nebraska City reserves an easement 20 feet in width immediately adjacent to the South line of Lots 7, 8, and 9, in Block 26, in Anderson's Second Addition to Nebraska City, Otoe County, Nebraska, unto itself and all persons at this time, or hereafter, holding franchises, contracts, permits, or licenses heretofore granted, or hereafter to be granted by said City, to furnish electric energy, water, gas, sewer service, CATV or fiber optic service, or any other public utility to the City, or its inhabitants thereof, and to enter said easement area to lay, install, erect and maintain therein the wires, pipes, manholes or other construction necessary and incident to said purposes.

Section 3. 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 4. The Acting 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 July, 2008.

Mark Mercer, Vice-President & Acting Mayor

Attest:

Arnold M. Ehlers, City Clerk-Treasurer

Aileen Bemberger requested that the City sell her a portion of vacated 6th Street between 11th Corso and 12th Corso. Commissioner Handy moved to direct the City Attorney to draft an ordinance granting the sale to Aileen Bemberger for the sum of \$50.00 plus costs, seconded by Commissioner Friesen. Upon roll call the following voted AYE: Schiermeyer, Handy, Friesen and Mercer. Voting NO: None. Motion passed.

Commissioner Friesen moved to approve acceptance of a CDBG Grant from the State of Nebraska Department of Economic Development for Downtown Revitalization, seconded by Commissioner Handy. Upon roll call the following voted AYE: Schiermeyer, Handy, Friesen and Mercer. Voting NO: None. Motion passed.

Commissioner Schiermeyer moved to approve a contract with Southeast Nebraska Development District to administer the CDBG Grant, seconded by Commissioner Handy. Upon roll call the following voted AYE: Friesen, Handy, Schiermeyer and Mercer. Voting NO: None. Motion passed.

Dave Taladay presented information on setting a Public Hearing for the 2008 Nebraska Affordable Housing 2nd Cycle for Owner-Occupied Housing Rehabilitation Program. Commissioner Handy moved to set the Public Hearing for July 21, 2008, 6:00 p.m. at City Hall, seconded by Commissioner Friesen. Upon roll call vote the following voted AYE: Schiermeyer, Friesen, Handy and Mercer. Voting NO: None. Motion passed.

Dave Taladay presented information on the request for Subordination of Lien by Roxanne Moyer and recommended granting the request. Commissioner Handy moved to approve the subordination request and direct to City Attorney to draft the necessary paperwork, seconded by Commissioner Schiermeyer. Upon roll call the following voted AYE: Friesen, Schiermeyer, Handy and Mercer. Voting NO: None. Motion passed.

Rose Ralstin, representing NCTC requested the use of the City Parking Lot in the 700 block of Central Avenue on August 1 & 2 for "Lemon Days" promotion. Also would like several parking spaces blocked in front of said parking lot for a "Trolley Stop." An additional request is to allow 6 non-profits to set up stands in the downtown district for the promotion. Kay Young of Nebraska City Main Street requested that businesses be allowed to use the sidewalk following the guidelines recently approved by the City Council but with expanded hours during the "Lemon Days" promotion. Commissioner Friesen moved to approve the requests, seconded by Commissioner Handy. Upon roll call the following voted AYE: Schiermeyer, Handy, Friesen and Mercer. Voting NO: None. Motion passed.

Commissioner Friesen moved to approve the recommendation by the Board of Public Works for Water Work Order 390 for a 12" water main from 10th Street to 14th Street along 14th Avenue in the amount of \$111,873.00, seconded by Commissioner Handy. Commissioner Friesen moved to approve the requests, seconded by Commissioner Handy. Upon roll call the following voted AYE: Schiermeyer, Handy, Friesen and Mercer. Voting NO: None. Motion passed.

Commissioner Friesen moved to approve the Board of Public Works recommendation to award a contract to Kerns Excavating Inc. for sewer main crossing repairs and stabilization in the amount of \$73,754.00, seconded by Commissioner Schiermeyer. Upon roll call the following voted AYE: Handy, Schiermeyer, Friesen and Mercer. Voting NO: None. Motion passed.

Sharon Enke addressed the Council expressing her concerns that the temporary easement offer of .28 cents per square foot was too low, no one has been able to show her where the center line pin is for South 11th Street, and removing the trees which are on public right-of-way will cause her utility costs to increase. She was informed that the City would ask the engineering firm to do every thing possible to save the trees. Allen Paap asked when he could expect the project to start and how long it will be closed. He was informed of the process which requires that all properties and easements be acquired before the next step can be started.

Commissioner Handy moved to direct the City Attorney to draft an ordinance selling the vacated alley to the adjoining property owners, seconded by Commissioner Schiermeyer. Upon roll call the following voted AYE: Friesen, Schiermeyer, Handy and Mercer. Voting NO: None. Motion passed.

Commissioner Schiermeyer moved to accept the recommendation by Kirkham Michael of completion of the Steinhart Park Recreational Trail, seconded by Commissioner Handy. Upon roll call the following voted AYE: Friesen, Handy, Schiermeyer and Mercer. Voting NO: None. Motion passed.

Commissioner Schiermeyer moved to approve Payment #2 and Final Payment for the Steinhart Park Recreational Trail, seconded by Commissioner Handy. Upon roll call the following voted AYE: Friesen, Handy, Schiermeyer and Mercer. Voting NO: None. Motion passed.

Commissioner Handy moved to approve the recommendation by JEO Consulting to accept the 4th Corso Viaduct Deck Repairs as complete, seconded by Commissioner Schiermeyer. Upon roll call the following voted AYE: Friesen, Schiermeyer, Handy and Mercer. Voting NO: None. Motion passed.

Commissioner Handy moved to approve Payment #1 and Final Payment for the 4th Corso Deck Repair Project, seconded by Commissioner Friesen. Upon roll call the following voted AYE: Schiermeyer, Friesen, Handy and Mercer. Voting NO: None. Motion passed.

Commissioner Handy moved to approve the request by Bill Stieren to close a portion of Park Lane for a Block Party on July 25, 2008, seconded by Commissioner Friesen. Upon roll call the following voted AYE: Schiermeyer, Friesen, Handy and Mercer. Voting NO: None. Motion passed.

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

ACCO	1,509.85	Chem		L'Heureux, Jerry	550.00	ROW
Action Tech Svc	400.00	Maint		Lincoln Jrnal-Star	200.00	Ads
Adkins Signs	383.50	Signs		Martin Marietta Mat	2,243.34	Gravel
ADT Security Systems	424.00	Cap Exp		McNealy Const.	20,000.00	Contr
Alamar Uniforms	826.07	Uniform		Mead Lumber	4,234.53	Supp
Alco	156.11	Supp		Mellage Trck & Trctr	40.00	Rep
Arbor Mart	4,029.28	Fuel		Metal Culverts	780.16	Trail Eng
Arbor Outdoor Power	36.57	Supp		Mid Con Systems	261.43	Chem
Arbor Valley Ani Clc	741.50	Ani Exp		Midwest Farmers Coop	644.15	Chem
B & D Diamond Pro,	4,320.00	Dugouts		Midwest Striping	7,000.00	St Paint
Barco Muni Prod	216.12	Misc		Mullenax Auto	203.40	Rep
Benefiel Truck Rep	65.00	Tow		Murphy Distributing	103.20	Beverage
Bill Walters & Son	404.43	Rep		NC Airport Auth	3,750.00	Contr
Bob's Welding	83.75	Rep		NC Clerk	22.21	Misc
Bohl Plmbg & Htg	1,681.32	Rep		NC Med Clinic	281.00	Med
Book Clinic	35.90	Misc		NC Rotary Club	375.00	Dues
Callaway Golf Co	785.36	Msde		NCTC	5,312.50	Tourism
Casey, J	390.00	Misc		NE Comm Found	2,291.67	Contr
Casey's Gen Stores	520.26	Fuel		NE Life Magazine	205.00	Ads
Century Lumber	1.10	Rep		NE Muni Power	95.00	Dues
Christensen Bros, Inc	55,234.90	Eng		NE Pub Health Environ	234.00	Inv Exp
Church of Christ of N.C.	2,207.00	ROW		NEXTEL	226.26	Tele
Citizen Printing	157.80	Supp		Olsson Assoc	1,054.36	Eng
City of Nebraska City	450.00	Bond Int		OMB's Exp Police	145.95	Supp
Concrete Ind	602.00	Concrete		Orscheln	98.68	Supp
Cottam, Kent	155.75	Inv Exp		Otoe Cnty Clerk	1,117.70	Contr
CYC Construction	54,842.86	Trail Eng		Otoe Cnty Reg Deeds	52.00	Deeds
Danko Emerg Equip	743.22	Supp		Otoe Cnty Title Co	15,800.00	Loan
Douglas Tire Co.	191.95	Rep		Patton, Michael	300.00	ROW
Eacret, Richard & Debra	270.00	ROW		Physio-Control, Inc	508.94	Misc
Ehlers, A	296.73	Mileage		Pitney Bowes	79.48	Supp
EMC Ins Co	634.50	Ins		R.C.E.D.C.	9,742.11	Contr
Emshoff, P	9.08	Meals		Roto Snake	237.50	Rep
Food Pride	262.76	Groc		Schendel Pest Cntrl	109.00	Pest Ctrl
Galeton Gloves	96.00	Gloves		Schneider Elec & Ref	445.46	Rep
GALLS	203.59	Uniform		SEND D	6,517.61	Contr
GE Capital	74.67	Tele		Shiplely Flooring	1,300.00	Misc
Gittinger, D	78.60	Mileage		Southard's Auto Body	14,363.73	ROW
Great Am Outdoor	172.43	Rep		State Chem Manuf	129.10	Supp
Hart, A	400.00	Contr		Syracuse Med Center	85.00	Med
Heartland Class Svc	28.73	Ads		Tielke's Sandwich	47.50	Groc
HGM Assoc Inc	17,500.00	Eng		Tilton, June	50.00	Refund
Hinrichsen Constr.	8,000.00	Contr		Town & Country Rx	12.95	Med
Holiday Inn Kearney	66.95	Lodge		Tree City Tees	22.00	Misc
Hopkins Auto Inc.	252.72	Supp		Tri-State Off Prod	703.32	Supp
In the Swim	66.92	Supp		Viox, A	450.46	Mileage
Jebro Inc.	1,545.50	Asphalt		Wage & Benefits	232,068.99	Payroll
JEO Consulting	1,185.00	Eng		Wenzl Hardware	434.40	Supp
Jerry's Landscpg Co.	2,030.37	Mowing		Wood Fam Fuel	451.79	Fuel
John P. Engler	350.00	Med		Wright, Leon Sr. & Zola	620.00	ROW
Landis Engine	719.43	Rep		Wurtele Distributing	506.15	Beverage
Larson Motors	173.44	Rep		Wurtele, G	104.45	Maint
LaRue Coffee	167.97	Supp		Yost, Brad	110.00	Rep
Lesco	200.82	Chem		Zimco Supp Co.	1,636.80	Chem

Meeting adjourned at 7:22 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