

CITY OF NEBRASKA CITY, NEBRASKA

MINUTES OF CITY COUNCIL REGULAR MEETING

August 4, 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 August 4, 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, Chief David Lacy and Public Properties Director/Zoning Director Dan Giittinger.

Mayor Adelung led in the Pledge of Allegiance.

Commissioner Friesen moved to approve the minutes of the July 21, 2008 City Council Regular Meeting, seconded by Commissioner Schiermeyer. 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 a \$15,000.00 loan to FARBKE LLC dba Farbke Lanes. Pat Haverty, Executive Director of River Country Economic Development Corporation presented information on the necessity of the loan. No one else spoke in support or opposition of the loan. Commissioner Handy moved to close the hearing, seconded by Commissioner Mercer. Upon roll call the following voted AYE: Friesen, Schiermeyer, Mercer, Handy and Mayor Adelung. Voting NO: None. Motion passed.

Joe Miller of Miller-Monroe-Farrell presented a dividend check to the City representing a refund based on low work comp claims for the past year.

Commissioner Handy moved to accept and place on file the Treasurer's which showed revenues of \$690,110.18; expenditures of \$1,055,639.18 and an ending balance of \$3,617,061.70 in City funds and an ending balance of \$18,614,626.37 in Utility Department Funds also Wyuka Cemetery which took in \$7,702.50 in July, seconded by Commissioner Mercer. Upon roll call the following voted AYE: Friesen, Schiermeyer, Mercer, Handy and Mayor Adelung. Voting NO: None. Motion passed.

After an informational presentation by Pat Haverty, Executive Director of R.C.E.D.C. Commissioner Friesen moved for passage of Resolution 2368-08 declaring Nebraska City as an official applicant in the Building Entrepreneurial Communities Act grant program and authorize the Mayor to execute the necessary documents, seconded by Commissioner Schiermeyer. Upon roll call the following voted AYE: Handy, Mercer, Schiermeyer, Friesen and Mayor Adelung. Voting NO: None. Motion passed. A true, correct and complete copy of said resolution is as follows:

RESOLUTION NO.2368-08

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

Whereas, a group of Southeast Nebraska communities are collaborating to apply for a Building Entrepreneurial Communities Act grant to address issues of population recruitment and the expansion of an entrepreneurial development program; and

Whereas, the Building Entrepreneurial Communities Act program is administered through the Nebraska Department of Economic Development by the Rural Development Commission, and has been reviewed and found to be a means to improve our community; and

Whereas, the City Council of Nebraska City does herewith pledge their full support, endorsement, and cooperation in carrying out the requirements of the Building Entrepreneurial Communities Act grant program;

Now Therefore Be It Resolved,

That the City Council of Nebraska City urges its citizens to join this effort and hereby declares this city to be an official applicant in the Building Entrepreneurial Communities Act grant application and the Mayor is hereby authorized to execute the necessary documents for the August, 2008 grant cycle.

PASSED AND APPROVED THIS 4th DAY OF AUGUST, 2008

Jo Dee Adelung, Mayor

Attest:

City Clerk-Treasurer

Commissioner Handy moved for passage of Resolution 2369-08 authorizing the Mayor to sign any documents necessary to complete the loan for "FARBKE LLC, dba Farbke Lanes", seconded by Commissioner Mercer. Upon roll call the following voted AYE: Schiermeyer, Friesen, Mercer, Handy and Mayor Adelung. Voting NO: None. Motion passed. A true, correct and complete copy of said resolution is as follows:

RESOLUTION NO. 2369-08

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 loans to eligible businesses 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 business for a loan of \$15,000 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 loan for "**Farbke, LLC dba Farbke Lanes**", contingent upon approval of the City Attorney as to form.

Passed and adopted on the 4th day of August, 2008 by the City Council of Nebraska City.

Jo Dee Adelung, Mayor

ATTEST: _____

Arnold M. Ehlers, City Clerk

Mayor Adelung introduced Ordinance No. 2729-08:

AN ORDINANCE DIRECTING THE SALE AND CONVEYANCE OF THE NORTH 120 FEET OF THE WEST 23 FEET OF THE EAST 33 FEET OF VACATED SIXTH STREET LYING BETWEEN BLOCK 10 AND BLOCK 11, ANDERSON'S ADDITION TO NEBRASKA CITY, OTOE COUNTY, NEBRASKA, TO AILEEN BEMBERGER, AS DESCRIBED HEREIN; 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 Mercer seconded the motion and upon roll call the following voted AYE: Schiermeyer, Handy, Friesen, Mercer, and Mayor Adelung. 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 Mayor Adelung moved for final passage of the ordinance, which motion was seconded by Commissioner Friesen. The Mayor stated the question – "Shall Ordinance No. 2729-08 be passed and adopted?" Upon roll call the following voted AYE: Schiermeyer, Mercer, Handy, Friesen and Mayor Adelung. Voting NO: None. The passage and adoption of said ordinance having been concurred in by a majority of all members of the Board, the Mayor declared the ordinance adopted and the Mayor 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. A true, correct and complete copy of said ordinance is as follows:

ORDINANCE NO. 2729-08

AN ORDINANCE DIRECTING THE SALE AND CONVEYANCE OF THE NORTH 120 FEET OF THE WEST 23 FEET OF THE EAST 33 FEET OF VACATED SIXTH STREET LYING BETWEEN BLOCK 10 AND BLOCK 11, ANDERSON'S ADDITION TO NEBRASKA CITY, OTOE COUNTY, NEBRASKA, TO AILEEN BEMBERGER, AS DESCRIBED HEREIN;

DIRECTING NOTICE OF SALE BY PUBLICATION; AND TO PROVIDE FOR AN EFFECTIVE DATE.

WHEREAS, Aileen Bemberger, 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 MAYOR AND CITY COMMISSIONERS OF THE CITY OF NEBRASKA CITY, NEBRASKA:

Section 1. That the City of Nebraska City does hereby sell to Aileen Bemberger, for the consideration of Fifty 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 North 120 feet of the West 23 feet of the East 33 feet of vacated 6th Street, between Blocks Ten and Eleven, in Anderson's Second Addition to Nebraska City, Otoe County, Nebraska, as hereinafter set forth,

and the 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 Aileen Bemberger.

Section 2. That 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 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 4th day of August, 2008.

Jo Dee Adelung, Mayor

Attest:

Arnold M. Ehlers, City Clerk-Treasurer

Commissioner Friesen moved to approve the request by Paula McVay to block 2 parking spaces in front of LaReese's on Aug 7th from 4:00 to 9:00 p.m., seconded by Commissioner Handy. Upon roll call the following voted AYE: Mercer, Schiermeyer, Handy, Friesen, and Mayor Adelung. Voting NO: None. Motion adopted.

Commissioner Handy moved to approve the request by Rachel Lynn and Laura Andersen to close the 1100 block of Terrace Drive for a Block Party on August 14th from 6:00 to 10:00 p.m., seconded by Commissioner Schiermeyer. Upon roll call the following voted AYE: Mercer, Friesen, Schiermeyer, Handy and Mayor Adelung. Voting NO: None. Motion adopted.

Commissioner Friesen moved to continue participation in Nebraska Expressways for Economic Development, seconded by Commissioner Mercer. Upon roll call the following voted AYE: Handy, Schiermeyer, Mercer, Friesen and Mayor Adelung. Voting NO: None. Motion passed.

Commissioner Friesen moved to approve the requests by Rose Ralstin of Nebraska City Tourism and Commerce for street closures, signage and use of picnic tables for Apple Jack Weekend Sept 20 and 21, seconded by Commissioner Handy. Upon roll call the following voted AYE: Mercer, Schiermeyer, Handy, Friesen, and Mayor Adelung. Voting NO: None. Motion adopted.

Commissioner Friesen moved to approve the recommendation by the Board of Public Works to approve Work Order #140 in the amount of \$30,784.98, seconded by Commissioner Mercer. Upon roll call the following voted AYE: Handy, Schiermeyer, Mercer, Friesen and Mayor Adelung. Voting NO: None. Motion passed.

Commissioner Friesen moved to approve the recommendation by the Board of Public Works to accept the low bid of \$160,000.00 by Ericksen Construction Company, Inc for the 2008 Water Treatment Facility Upflow "B" Rehabilitation project, seconded by Commissioner Schiermeyer. Upon roll call the following voted AYE: Handy, Mercer, Schiermeyer, Friesen and Mayor Adelung. Voting NO: None. Motion passed.

Commissioner Handy moved to reject the bids for the 10th Corso Bridge Removal Project, seconded by Commissioner Schiermeyer. Upon roll call the following voted AYE: Mercer, Friesen, Schiermeyer, Handy and Mayor Adelung. Voting NO: None. Motion adopted.

Commissioner Handy moved to award the bid to Western Engineering Company, Inc., the low bidder in the amount of \$47,686.00, for the 2008 Emergency Street Repairs N. 12th Street, seconded by Commissioner Mercer. Upon roll call the following voted AYE: Schiermeyer, Friesen, Mercer, Handy and Mayor Adlung. Voting NO: None. Motion passed.

Commissioner Schiermeyer moved to direct the City Attorney to draft an ordinance for the annexation of the Northside School property, seconded by Commissioner Handy. Upon roll call the following voted AYE: Friesen, Mercer, Handy, Schiermeyer and Mayor Adlung. Voting NO: None. Motion passed.

Commissioner Schiermeyer moved to declare as surplus property three riding mowers at the Parks Shop, seconded by Commissioner Handy. Upon roll call the following voted AYE: Friesen, Mercer, Handy, Schiermeyer and Mayor Adlung. Voting NO: None. Motion passed.

Commissioner Handy moved to approve the “Lead Paint Lead Hazard Clearance Examination” contract with Southeast Nebraska Development District, seconded by Commissioner Mercer. Upon roll call the following voted AYE: Schiermeyer, Friesen, Mercer, Handy and Mayor Adlung. 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 Adlung. Voting NO: None. Motion passed.

A-1 Locksmith	39	Rep	Man on a Bike LLC	100,000.00	Loan
ACCO	2,217.40	Chem	Martin Marietta Mat	715.82	Gravel
Action Tech Svc	400	Maint	McBattas Pkg & Prntg	252.5	Ads
ADT Security Svc	404.59	Contr	McNealy Const	18,919.00	Contr
Alltel	515.5	Tele	Medical & Safety Svc	68.7	Supp
AlmostGolf	230.39	Msde	Mellage Truck & Trctr	329.89	Supp
Arbor Mart	3,781.26	Fuel	Menards	96.68	Supp
Arbor Valley Ani Cl	286.5	Ani Exp	Mid Con Sys	264.87	Supp
Bennett, Richard Jr.	600.82	Sand	Midwest Machine	217.63	Rep
Bohl Plbg & Htg	525.76	Rep	Midwest Tur & Irrig	421.24	Rep
Brown's Shoe	104	Uni	Miller Monroe Farrell	376	Ins
BSN Sports	39.99	Misc	Missoula Children's	2,600.00	Misc
Callaway Golf Co	188.4	Msde	NC Airport Auth	3,750.00	Contr
CDW Government	350.62	Maint	NCTC	5,000.00	Grant
D & D Comm	816	Comm	NCTC	5,312.50	Tourism
Douglas Tire	59.9	Rep	NE Comm Found	2,291.67	Contr
Earl May Seed & Nsry	72	Supp	NE Dept of Labor	72	Rep
Ehlers, A	194.39	Mileage	NE Dept. of Rev	2,544.91	Sales Tax
Emergency Rep Svc	225.2	Rep	NE Humanities Concl	50	Dues
Food Pride	230.01	Supp	NE Law Enforcement	75	Supp
GALLS	70.98	Uni	NE Public Health Env	234	Invest
Gittinger, D	176.67	Mileage	Neeman, L	36.95	Meals
Hart, Anna	400	Contr	NEXTEL	225.91	Tele
Heartland Class Svc	31.94	Ads	Omaha Tractor	230.3	Rep
HGM Assoc Inc	46,750.00	Eng	Orscheln	351.19	Misc
Hinrichsen Constr.	12,000.00	Contr	Otoe County Clerk	2,947.48	Bldg Per
IACP	500	Dues	Petty Cash	56.84	Postage
In the Swim	58.93	Supp	Polk City Direct	210	Supp
JEO Consult Group	400	Eng	R.C.E.D.C.	4,333.33	Ind Dev
Jerry's Landscaping	175	C Cmp	SENDD	1,296.07	Contr
Kirkham Michael	1,698.80	Eng	Stutheit Imp Co	287.85	Rep
KonicaMinolta	180.75	Contr	Tielke's Sandwiches	16.5	Groc
Kreifels Electric	359.35	Rep	University of Nebraska	25.00	Dues
Kustom Signals	6,085.00	Supp	Viox, A	646.43	Mileage
Landis Engine	168.78	Rep	Vogel West	1,271.25	Misc
Larson Motors	817.45	Rep	Wage & Benefits	169,373.04	Payroll
League of NE Muni	9,619.00	Dues	Wenzl Hardware	63.18	Supp
Lesco	1,398.79	Supp	Winn Inc	163.74	Acces
Loveland Lawns	434.22	Chem	Wurtele Distributing	137.25	Supp

Mayor Adelung moved to appoint Fran Casey to the Tree Board, term to expire July 1, 2011, seconded by Commissioner Schiermeyer. Upon roll call the following voted AYE: Mercer, Friesen, Handy, Schiermeyer and Mayor Adelung. Voting NO: None. Motion passed.

Mayor Adelung moved to appoint Becky Claussen to the Library Board, term to expire July 1, 2012, seconded by Commissioner Friesen. Upon roll call the following voted AYE: Mercer, Schiermeyer, Handy, Friesen and Mayor Adelung. Voting NO: None. Motion passed.

Mayor Adelung moved to appoint Rose Ralstin to the Board of Appeals, term to expire August 1, 2012. Upon roll call the following voted AYE: Mercer, Schiermeyer, Handy, Friesen and Mayor Adelung. Voting NO: None. Motion passed.

Meeting adjourned at 6:50 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