

## CITY COUNCIL PROCEEDINGS

October 15, 2007

The City Council of Nebraska City met on October 15, 2007 at 6:00 p.m. in the Council Chambers at City Hall for the purpose of a Public Hearing. Mayor Adelung led in the Pledge of Allegiance, then opened the Public Hearing to consider a request by Henry Stratker to vacate Lot 1, K & S Subdivision located in the SE ¼ of the NW ¼ of Section 20-T8N-R14E of the 6<sup>th</sup> P.M., Otoe County, Nebraska. Upon roll call the following answered present: Leon Schiermeyer, Dean Handy, Erv Friesen, Mark Mercer and Mayor Jo Dee Adelung. Mr. Stratker presented his reasons for the vacation. No one else spoke in either support or opposition to the request. Commissioner Friesen moved to close the Public Hearing seconded by Commissioner Schiermeyer and on roll call the following voted YEA: Mercer, Handy, Schiermeyer, Friesen and Mayor Adelung.

Mayor Adelung then called the regular council 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.

Commissioner Handy moved to approve the minutes from the October 1, 2007 meeting. Commissioner Mercer seconded the motion and on roll call the following voted YEA: Schiermeyer, Friesen, Mercer, Handy, and Mayor Adelung. Voting NAY: None. Mayor Adelung declared the motion carried.

Mayor Adelung proclaimed October as “SIDS, Pregnancy and Infant Loss Awareness Month.” also proclaimed October 14<sup>th</sup> through 20<sup>th</sup> as Toastmasters Week and October 23<sup>rd</sup> through 31<sup>st</sup> as Red Ribbon Week.

Mayor Adelung introduced Ordinance No. 2707-07 an ordinance to vacate the plat of Lot 1, K & S Subdivision located in the SE¼ of the NW ¼ of Section 20-T8N-R14E of the 6<sup>th</sup> P.M., Otoe County, Nebraska and moved to authorize the Mayor and City Clerk to sign the Official Vacation Plat and declare an effective date and that the statutory rule requiring reading on three different days be suspended. Commissioner Handy seconded the motion to suspend the rules and upon roll call vote on the motion the following voted YEA: Mercer, Handy, Schiermeyer, Friesen and Mayor Adelung. The following voted NAY: None. The motion to suspend the rules was adopted by three-fourths of the Council 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 Handy. The Mayor then stated the question: “Shall Ordinance No. 2707-07 be passed and adopted?” Upon roll call vote the following voted YEA: Schiermeyer, Friesen, Mercer, Handy, and Mayor Adelung. The following voted NAY: None. The passage and adoption of said ordinance having been concurred in by a 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. 2707-07

AN ORDINANCE TO VACATE THE PLAT OF LOT 1, K 7 S SUBDIVISION, A SUBDIVISION LOCATED IN THE SE ¼ OF THE NW¼ OF SECTION TWENTY, TOWNSHIP EIGHT NORTH OF RANGE FOURTEEN, EAST OF THE 6<sup>TH</sup> P.M., OTOE COUNTY, NEBRASKA, AS MORE SPECIFICALLY DESCRIBED IN THE ATTACHED COPY OF THE OFFICIAL VACATION PLAT; TO AUTHORIZE THE MAYOR AND CITY CLERK TO SIGN THE OFFICIAL VACATION PLAT; AND TO DECLARE AN EFFECTIVE DATE.

WHEREAS, the owners of Lot 1, K & S Subdivision, as described above, have requested that the Plat of said subdivision be officially vacated, and

WHEREAS, there are no platted streets, alleys, or public grounds to be retained by the City, and

WHEREAS, the Mayor and Council of Nebraska City have determined that the vacation of such Plat will be in the best interest of the City.

NOW THEREFORE, Be It Ordained by the Mayor and Council of the City of Nebraska City, Nebraska:

Section 1. That the Plat of Lot 1, K & S Subdivision, as more specifically described in the copy of the official Vacation Plat, which is attached hereto and made part hereof by this reference, be and the same is hereby vacated.

Section 2. That the Mayor and City Clerk are hereby authorized to sign the official Vacation Plat on behalf of the City of Nebraska City.

Section 3. That this ordinance shall take effect and be in full force from and after its passage, approval and publication, as provided by law.

Passed and Approved this 15<sup>th</sup> day of October, 2007

Attest:

/s/ Arnold M. Ehlers, City Clerk-Treasurer

/s/ Jo Dee Adelung, Mayor

The City Attorney presented information regarding the lien on the Howard W. and Terri A. Sands property. Back taxes are approximately \$2,500.00 and the City's lien is approximately \$3,900.00. After a discussion Commissioner Handy moved to take no action seconded by Commissioner Mercer upon roll call the following voted YEA: Schiermeyer, Friesen, Mercer, Handy, and Mayor Adelung. Voting NAY: None. Mayor Adelung declared the motion carried.

Tim Regler with PACT presented information on LB 573 which adopts the Minor Alcoholic Liquor Liability Act and thoughts on the recent compliance check. Mr. Regler also updated the Council on activities and goals of PACT.

City Administrator, Scott Bovick presented the results of the bid letting for the Steinhart Trail Project and recommended council approval of the low bid by CYC Construction for \$169,029.82. Moved by Commissioner Handy to approve the bid of CYC Construction to do first phase of the trail for \$163,029.83 and authorize the Mayor to sign, contingent upon Nebraska Game & Parks Commission approval. Upon roll call vote the following voted YEA: Schiermeyer, Friesen, Mercer, Handy, and Mayor Adelung. Voting NAY: None. Mayor Adelung declared the motion carried.

Jim Johnston and Rose Ralstin representing Nebraska City Tourism and Commerce request partial closing of Central Avenue, 1st Corso, 10<sup>th</sup> Street and 6<sup>th</sup> Street on December 8<sup>th</sup> from 5:00 p.m. to 7:30 p.m. After discussion Commissioner Friesen moved to approve the request of NCTC for the Jingle Bell Run on December 8<sup>th</sup> from 5:00 p.m. to 7:30 p.m. seconded by Commissioner Schiermeyer. Upon roll call vote the following voted YEA: Schiermeyer, Friesen, Mercer, Handy, and Mayor Adelung. Voting NAY: None. Mayor Adelung declared the motion carried.

Commissioner Handy moved to approve the Electricians Certificate for Brian Allison pending approval by the City Attorney seconded by Commissioner Friesen. Upon roll call vote the following voted YEA: Mercer, Schiermeyer, Friesen, Handy, and Mayor Adelung. Voting NAY: None. Mayor Adelung declared the motion carried.

Mayor Adelung read a statement concerning the previous meeting and the ability to address and process information not known to the Council prior to the meeting. Larry Rawlings then addressed the Council requesting the Council extend the Pro Shop Contract for one (1) more year until a definite plan is in place. Kevin Cappen answered questions. Hugh Kipper and Dennis Bintner also spoke in support of keeping the current Pro Shop manager.

Commissioner Mercer moved to pay all claims except 7250H seconded by Commissioner Friesen. Upon roll call vote the following voted YEA: Mercer, Schiermeyer, Friesen, Handy, and Mayor Adlung. Voting NAY: None. Mayor Adlung declared the motion carried.

Commissioner Friesen moved to pay claim 7250H seconded by Commissioner Handy. Upon roll call vote the following voted YEA: Schiermeyer, Friesen, Handy, and Mayor Adlung. Voting NAY: None. Abstain: Mercer. Mayor Adlung declared the motion carried.

A-1 Locksmith	7.50	Misc	KNCY	140.28	Ads
ADT Sec Svc.	103.42	Misc	KonicaMinolta	174.78	Copier
Alco Store #155	11.57	Misc	Kreifels Electric	97.00	Rep
Allied Recycling	317.47	Gar	Landis Engine	64.50	Supp
Alltel	20.15	Tele	Larson Motors	583.98	Rep
Arbor Mart, Inc	3,487.71	Fuel	LaRue Coffee	129.22	Misc
Arbor Outdoor	1,049.97	Rep	Lubrication Eng	1,420.62	Rep
A-Relief Serv	760.00	Misc	Mead Lumber	84.93	Supp
Atchison County	50.00	Ads	Mellage	518.92	Rep
Barone Sec	300.00	Sec	Mercer's	345.65	Misc
Battery Zone	71.50	Comm	Midland Equip	720.18	Rep
Bennett, Richard	829.68	Misc	Midlands Financial	495.00	Cons
Bill Walters &	207.80	Rep	Midwest Farmers	14.01	Chem
Bohl Plumbing	91.11	Rep	Midwest ROW	3,910.00	Eng
Bovick, S	47.53	Milag	Miller Monroe	125.00	Bond
Cappen, K	1,285.77	Cont	Mullenax Auto	243.79	Rep
Casey's	827.56	Fuel	Nat'l Patent	22.99	Misc
Century Lumber	15.62	Rep	NC Med Clinic	83.00	Med
Cintas Corp	218.02	Misc	NC News Press	381.75	Ads
Citizen Printing	1,421.84	Ads	NC Rotary Club	375.00	Dues
City of NC	1,695.82	Comm	NCTC	5,312.50	Tour
Wages & Benefits	65,330.31	Payroll	NC Utilities	8,668.37	Util
City of N.C.	200.00	Trng	NE Dept of Rev	1,197.05	Tax
Columbus Tele	172.00	Ads	Nebraska Tire	456.88	Rep
Concrete Ind.	223.63	Conc	Nichols, J	99.00	Ref
Crook, Laura	58.20	Mlg	Nichols, L	87.00	Ref
Data Tech	50.00	Trng	Omaha W-H	493.22	Ads
Days Inn	150.00	Lodg	O'Reilly Auto	43.55	Misc
DeBuhr, J	44.00	Ref	Organic Nutrient	1,303.35	Chem
Don's Johns	80.00	Misc	Otoe County Cl	2,487.22	Disp
Douglas Tire	1,892.35	Rep	Pitney Bowes	418.99	Post
Eagle One	212.69	Supp	Potter, K	66.00	Ref
Earhart, C	44.00	Ref	R.C.E.D.C.	927.03	Misc
Estes, Inc	675.73	Chem	Recker, L	207.38	Mlg
Farris, M	67.50	Ref	Safety-Kleen	223.89	Misc
Farris, P	66.00	Ref	SA-SO Time	102.23	Misc
Food Pride	3.25	Misc	SENDD	1,237.25	Loan
GALLS	12.99	Misc	Shell	2,109.04	Fuel
Great American	114.44	Rep	Tags One Stop	125.70	Fuel
Harms, M	66.00	Ref	Thurman	276.06	Misc
Heartland	147.23	Ads	Tri-State Office	521.09	Supp
Hermann, S	66.00	Ref	USIS	99.00	Dues
Hopkins Auto	515.71	Rep	Vogel West	1,078.05	Paint
Ideal Pure	22.92	Water	Wal-Mart	239.82	Misc
Jebro Inc.	580.50	Mat	Watkins	344.79	Supp
JEO	9,805.00	Eng	W. F. Davis,	345.00	Legal
Kirkham Michael	339.76	Eng	Windstream	1,765.94	Tele

Commissioner Friesen moved to adjourn the meeting seconded by Commissioner Handy. Upon roll call the following answered YEA: Friesen, Schiermeyer, Mercer, Handy and Mayor Adelung. Mayor Adelung declared the meeting adjourned at 7:10 p.m.

---

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