

CITY OF NEBRASKA CITY, NEBRASKA

MINUTES OF CITY COUNCIL REGULAR MEETING

October 20, 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 October 20, 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, Police Chief David Lacy, Library Director Barbara Hegr and Public Properties Director/Zoning Director Dan Gittinger.

Mayor Adelung led in the Pledge of Allegiance.

Commissioner Friesen moved to approve the minutes of the October 6, 2008 City Council Regular Meeting. Upon roll call the following voted AYE: Schiermeyer, Handy, Friesen, Mercer and Mayor Adelung. Voting NO: None. Motion adopted.

Mayor Adelung opened the hearing to determine the sufficiency of any objections to the creation of Street Improvement District 2008-02. City Clerk Arnold Ehlers stated that no written objections had been received. No objections were received from those present. Commissioner Handy moved to close the hearing. Upon roll call the following voted AYE: Friesen, Mercer, Schiermeyer, Handy and Mayor Adelung. Voting NO: None. Motion passed.

Mayor Adelung opened the public hearing on the application by Randi Baker dba The Depot for a Class "T" Liquor License. Randi Baker answered questions by the City Attorney and City Council. Pat Haverty presented a clarification on the lease of the property. No one else spoke in support or opposition to the application. Commissioner Handy moved to close the hearing. Upon roll call the following voted AYE: Friesen, Mercer, Schiermeyer, Handy and Mayor Adelung. Voting NO: None. Motion passed.

Library Director Barbara Hegr presented the Fiscal Year Report for Morton-James Public Library.

Rebecca Turner, Executive Director of Nebraska City Tourism and Commerce presented a report on the proposed merger between NCTC and Nebraska City Main Street.

River Country Economic Development Corporation executive Director Pat Haverty presented the Quarterly Report for his organization.

Commissioner Handy moved to approve Resolution 2387-08 a resolution to allow reimbursements of expenditures made from general funds for the 2008-02 Street Improvement District. Upon roll call the following voted AYE: Friesen, Mercer, Schiermeyer, Handy and Mayor Adelung. Voting NO: None. Motion passed. A true, correct and complete copy of said resolution is as follows:

Resolution 2387-08

BE IT RESOLVED BY THE MAYOR AND BOARD OF COMMISSIONERS OF THE CITY OF NEBRASKA CITY, NEBRASKA, as follows:

Section 1. That the Mayor and Board of Commissioners of the City of Nebraska City, Nebraska, do hereby declare this resolution to be the City's official declaration of intent under Internal Revenue Service Regulation Section 1.150-2 to provide for the incurring of indebtedness which may include reimbursements of expenditures made by the City in conjunction with costs incurred in connection with the construction of paving improvements Street Improvement District 2008-02 of the City. The preliminary estimate of debt contemplated to be issued for such project exceeds \$350,000.00.

Section 2. That up to the expenditure of the full amounts of such project described within this resolution, the City may advance funds as may be necessary for meeting the immediate costs of such project. It is the intent of the Mayor and Board and the City's reasonable expectation that the City shall reimburse such expenditures as may be made from general funds on hand from the proceeds of the issuance of its debt obligations.

PASSED AND APPROVED this 20th day of October, 2008

Jo Dee Adelung, Mayor

Attest:

Arnold M. Ehlers, Clerk

Commissioner Friesen moved to approve Resolution 2389-08 recommending approval of the liquor license application of Randi Baker. Upon roll call the following voted AYE: Friesen, Mercer, Schiermeyer, Handy and Mayor Adelung. Voting NO: None. Motion passed. A true, correct and complete copy of said resolution is as follows:

RESOLUTION 2389 -08

WHEREAS, an application was filed by **Randi Baker**, doing business as **The Depot**, at 725 South 6th Street, Nebraska City, Nebraska, for a Class "I" Liquor License; and,

WHEREAS, a public hearing notice was published in the *Nebraska City News-Press* as required by state law on October 14, 2008; and

WHEREAS, a public hearing was held on October 20, 2008, for the purpose of discussing such liquor license application.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COMMISSIONERS OF THE CITY OF NEBRASKA CITY, NEBRASKA, that;

The City of Nebraska City hereby recommends the approval of the above identified liquor license application with the following stipulation(s):
all servers be properly trained by December 1, 2008.

Passed and adopted by the Mayor and Commissioners of the City of Nebraska City, Nebraska, on October 20, 2008.

Jo Dee Adelung, Mayor

Attest:

Arnold M. Ehlers, Clerk

Commissioner Handy moved to award contract to Negus-Sons, Inc per recommendation of engineer and concurrence of the Department of Roads for the 10th Corso Bridge Removal Project in the amount of \$28,800.00 and authorize the Mayor to sign. Upon roll call the following voted AYE: Friesen, Mercer, Schiermeyer, Handy and Mayor Adelung. Voting NO: None.

Commissioner Friesen moved to approve the request by Brian Volkmer to allow the alley in Block 90; Nebraska City Proper to be closed from October 29 to November 3 for construction debris removal. Upon roll call the following voted AYE: Mercer, Schiermeyer, Handy, Friesen and Mayor Adelung. Voting NO: None. Motion passed.

Council heard information on a request by several property owners to have the City vacate a tract of land located North of the Railroad Right of Way and West of 15th Street. The Council had no objections to the group proceeding with their project.

Commissioner Friesen moved to direct the City Attorney to draft an ordinance to vacate the South 25' of the West 240' of 10th Corso East of 3rd Street. Upon roll call the following voted AYE: Friesen, Mercer, Schiermeyer, Handy and Mayor Adelung. Voting NO: None.

Mayor Adelung introduced Ordinance 2736-08:

AN ORDINANCE TO VACATE A PORTION OF SOUTH THIRD STREET IN THE CITY OF NEBRASKA CITY, OTOE COUNTY, NEBRASKA, AS MORE PARTICULARLY DESCRIBED IN SECTION 1 HEREOF, AND RESERVING TITLE TO THE SAME IN THE NAME OF NEBRASKA CITY, OTOE COUNTY, AND TO DECLARE 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, Mercer, Handy, Friesen, 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 Handy. The Mayor stated the question – "Shall Ordinance No. 2736-08 be passed and adopted?" Upon roll call the following voted AYE: Schiermeyer, Mercer, Friesen, Handy 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. 2736-08

AN ORDINANCE TO VACATE A PORTION OF SOUTH THIRD STREET IN THE CITY OF NEBRASKA CITY, OTOE COUNTY, NEBRASKA, AS MORE PARTICULARLY DESCRIBED IN SECTION 1 HEREOF, AND RESERVING TITLE TO THE SAME IN THE NAME OF NEBRASKA CITY, OTOE COUNTY, AND TO DECLARE AN EFFECTIVE DATE.

WHEREAS, Mr. Fran Biskup, as the owner of adjacent property has requested that a portion of South Third Street in Nebraska City, Otoe County, Nebraska, as described in Section 1 hereof, be vacated, and that he be permitted to purchase the same from the City of Nebraska City, and

WHEREAS, because of the location of said property, the Mayor and City Commissioners of Nebraska City find and determine the City no longer has a need for that portion of South Third Street as described in Section 1 hereof, and approve the application to vacate.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSIONERS OF THE CITY OF NEBRASKA CITY, NEBRASKA:

SECTION 1. That beginning at the Northwest corner of Lot 1, Eacret's Subdivision, thence N88°23'50"W (Assumed Bearing) on the Westerly extension of the North Line of said Lot 1, Eacret's Subdivision, a distance of 30.78 feet, thence N01°21'33"E, a distance of 192.17 feet; thence N02°39'56"E, a distance of 279.75 feet; thence S88°23'50"E, a distance of 17.61 feet to the Northwest corner of Lot 9, Block 68, Kearney Addition to Nebraska City; thence S00°32'08"W, on the West line of said Block 68 and Block 71 of said Kearney Addition, a distance of 471.95 feet to the point of beginning, containing 0.27 acres, more or less, be and the same is hereby vacated and title to the same is hereby reserved unto the City of Nebraska City, Otoe County, Nebraska.

SECTION 2 This ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

Passed and Approved this 20th day of October, 2008.

Jo Dee Adelung, Mayor

Attest:

Arnold M. Ehlers, City Clerk-Treasurer

Dan Giittinger presented the results of the bid opening for the rubber-tired wheel loader and recommended awarding the bid to the low bidder. Commissioner Mercer moved to award the loader bid to the low bidder, Diesel Power in the amount of \$107,589.00 with trade. Upon roll call the following voted AYE: Schiermeyer, Handy, Friesen, Mercer and Mayor Adelung. Voting NO: None. Motion passed.

Dan Gittinger presented information of citizen requests for a "Stop" sign on 14th Avenue and 10th Street. Commissioner Handy moved to approve Resolution 2388-08. Upon roll call the following voted AYE: Friesen, Mercer, Schiermeyer, Handy and Mayor Adelung. Voting NO: None. Motion passed. A true, correct and complete copy of said resolution is as follows:

RESOLUTION NO. 2388-08

BE IT RESOLVED by the Mayor and City Commissioners of the City of Nebraska City, Nebraska:

That a "Stop" sign be erected at the following location to govern the flow of East bound traffic on 14th Avenue in the City of Nebraska, Nebraska, which regulation shall be effective twenty-four hours each day, to-wit:

- a. At the Southwest corner of the intersection of 14th Avenue and 10th Street.

Passed and Approved this 20th day of October, 2008.

Jo Dee Adelung, Mayor

Attest:

Arnold M. Ehlers, City Clerk-Treasurer

Dan Giittinger presented information on citizen request for a "Stop" sign on 13th Street at 12th Corso. Commissioner Handy moved to approve Resolution 2390-08. Upon roll call the following voted AYE: Friesen, Mercer, Schiermeyer, Handy and Mayor Adelung. Voting NO: None. Motion passed. A true, correct and complete copy of said resolution is as follows:

RESOLUTION NO. 2390-08

BE IT RESOLVED by the Mayor and City Commissioners of the City of Nebraska City, Nebraska:

That a “Stop” sign be erected at the following location to govern the flow of South bound traffic on 13th Street in the City of Nebraska , Nebraska, which regulation shall be effective twenty-four hours each day, to-wit:

- b. At the Northwest corner of the intersection of 12th Corso and 13th Street.

Passed and Approved this 20th day of October, 2008.

Jo Dee Adelung, Mayor

Attest:

Arnold M. Ehlers, City Clerk-Treasurer

Dan Giittinger presented the results of the bid opening for the North 3rd Street Parking Project and recommended awarding the contract to Arbor Landscaping and Construction with a low bid of \$12,059.00. Commissioner Handy moved to approve the recommendation of the Public Properties Director to award the contract to Arbor Landscaping and Construction in the amount of \$12,059.00 and authorize the Mayor to sign. Upon roll call the following voted AYE: Friesen, Mercer, Schiermeyer, Handy and Mayor Adelung. Voting NO: None. Motion passed.

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

A&L Storage	60.00	Contr		Midwest Machine	155.17	Rep
ADT Security Svc	109.11	Contr		Midwest ROW	5,462.00	Eng
Alamar Uniforms	372.85	Uniform		Miller Monroe Farrell	67,236.00	Ins
Allied Rec & Ref	373.17	Garbage		Moore Medical	569.20	Supp
Alltel	128.06	Tele		Mullenax Auto Supply	1,347.68	Supp
Ambassador Rehab	25.00	Med		N.E.E.D.	375.00	Dues
Arbor Mart	2,606.44	Fuel		Nat'l Entertainm't	469.64	Rec
Arbor Outdoor Pwr	140.31	Rep		NC Medical Clnc	141.00	Med
Arbor Valley Ani Clnc	143.50	Ani Exp		NC Rotary Club	375.00	Dues
Barrett Construction	2,454.72	Rep		NC Utilities	8,916.23	Util
Beacon Athletics	172.50	Supp		NE Dept. of Revenue	1,553.90	Sales Tax
Bill Walters & Son	488.47	Rep		NE Environmental	953.32	Supp
BKD	9,090.00	Audit		NE Municipal Clerks	70.00	Dues
Bovick, S	117.59	Mileage		Nichols, Jill	56.25	Referee
Brown Glass Co	12.00	Rep		Nichols, Jim	132.00	Referee
Card Services	126.00	Lodging		Nichols, Jimmy	56.25	Referee
Casey's	195.14	Fuel		Nichols, Linda	116.00	Referee
Cintas Corp	117.50	Supp		Olsson Associates	10,849.97	Eng
Citizen Printing	43.75	Advertise		Omaha Standard	614.10	Rep
City of NC Wildwood	2,039.31	Comm		O'Reilly Auto Parts	338.96	Supp
City Tire & Auto Acc	35.00	Rep		Otoe Cnty Clerk	2,590.86	Contr
Concrete Industries	308.00	Concrete		Pamida, Inc.	30.94	Supp
Conrad Fire Equip	2,889.07	Rep		Pepsi-Cola	206.20	Conc
DeBuhr, Justine	112.50	Referee		Pine Acres Nsry	427.00	Trees
Don's Johns & Septic	100.00	Contr		Schmitz Land Survey	353.50	Eng
Douglas Tire	371.90	Tires		Schneider Elec & Refr	344.64	Rep
Earhart, Calli	112.50	Referee		SEND D	2,548.99	Contr
Employment Publishing	1,976.00	Ads		Shell	2,615.95	Fuel
Food Pride	42.22	Supp		St. Mary's Hospital	523.80	Supp
GE Capital	74.67	Tele		Steve Walters & Son	1,635.00	Concrete
Heartland Classified SVC	103.29	Ads		Thurman Bike & Sport	1,161.25	Supp
Hornung's Golf Prod	263.85	Supp		Tielke's Sandwiches	16.80	Conc
Ideal Pure Water	40.50	Water		Titan Machinery	140.01	Supp
Johnson Cnty Medical	287.10	Med		Tri-State Office Prod	296.40	Supp
Kreifels Electric	196.20	Rep		USIS Commercial Svc	154.00	Med
LaRue Coffee	166.55	Supp		Vanderveen&Goracke	75.00	Payroll
League of NE Muni	364.00	Dues		Wage & Benefits	88,475.01	Payroll
Lesco	246.00	Supp		Wallen, M	14.84	Meals

Lincoln Journal-Star	1,638.04	Ads		Wick's	91.68	Rep
Linweld, Inc	145.70	Supp		Windstream	2,040.70	Tele
Michael Todd & Co	1,788.64	Rep		Zimco Supply Co.	104.00	Maint
Midlands Financial Ben	875.00	Contr				

Meeting adjourned at 7:36 p.m.

Arnold M. Ehlers, Clerk