

CITY OF NEBRASKA CITY, NEBRASKA
MINUTES OF CITY COUNCIL REGULAR MEETING
November 3, 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 November 3, 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.

Council 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, Police chief David Lacy, Fire Chief Alan Viox and Public Properties Director/Zoning Director Dan Giittinger.

Vice-President Mercer led in the Pledge of Allegiance.

Commissioner Friesen moved to approve the minutes of the October 20, 2008 City Council Regular Meeting, seconded by Commissioner Schiermeyer. Upon roll call the following voted AYE: Schiermeyer, Handy, Friesen, and Vice-President Mercer. Voting NO: None. Motion adopted.

Abbie Ferguson gave a presentation to the Council on the *HANDS & WORDS ARE NOT FOR HURTING PROJECT*.

Scott Bovick reported that Western Engineering had started the North 12th Street mill and overlay and should be finished in 3 days.

Commissioner Handy moved to approve the engineering contract with HWS for the 2008-02 Street Improvement District in the amount of \$8,895.00 and authorize the Council Vice-President to sign. Upon roll call the following voted AYE: Schiermeyer, Handy, Friesen, and Vice-President Mercer. Voting NO: None. Motion adopted.

Acting Mayor Mercer introduced Ordinance 2737-08:
AN ORDINANCE TO VACATE A PORTION OF 10TH CORSO EAST OF THIRD STREET IN NEBRASKA CITY, OTOE COUNTY, NEBRASKA, 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 Handy seconded the motion and upon roll call the following voted AYE: Schiermeyer, Handy, Friesen, and Acting Mayor 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 Acting Mayor Mercer moved for final passage of the ordinance, which motion was seconded by Commissioner Handy. The Mayor stated the question – “Shall Ordinance No. 2737-08 be passed and adopted?” Upon roll call the following voted AYE: Schiermeyer, Friesen, Handy and Acting Mayor 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 Acting Mayor declared the ordinance adopted and the Acting 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. 2737-08

AN ORDINANCE TO VACATE A PORTION OF 10TH CORSO EAST OF THIRD STREET IN NEBRASKA CITY, OTOE COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED IN SECTION 1 HEREOF; 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 10th Corso, East of 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 and the width of 10th Corso, the Acting Mayor and City Commissioners of Nebraska City find and determine the City no longer has a need for that portion of 10th Corso as described in Section 1 hereof, and approve the application to vacate.

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

SECTION 1. Commencing at a point on the North line of Lot 3, Block 68, Kearney Addition to Nebraska City; said point being on the West right of way of 2nd Street; thence N88°23'50"W (assumed bearing) on the North line of said Block 68, a distance of 111.67 Feet to the Point of Beginning; thence continuing N88°23'50"W on the North line of said Block, a distance of 240.00 feet; thence N02°39'56"E a distance of 25.00 feet; thence S88°23'50" E, parallel with and 25.00 feet distant from said North line, a distance of 240.00 feet; thence S02°39'56"W a distance of 25.00 feet to the Point of Beginning, containing 0.13 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 3rd day of November, 2008.

Mark Mercer, Acting, Mayor
Attest:

Arnold M. Ehlers, City Clerk-Treasurer

Acting Mayor Mercer introduced Ordinance 2738-08:

AN ORDINANCE TO AMEND THE EIGHT STEP PAY SCHEDULE REFERRED TO IN SECTION 2-9 OF THE CODE OF THE CITY OF NEBRASKA CITY RELATING TO SALARIES OF OFFICERS AND EMPLOYEES AND TO DECLARE AN EFFECTIVE DATE, and moved that the statutory rule requiring reading on three different days be suspended. Commissioner Schiermeyer seconded the motion and upon roll call the following voted AYE: Handy, Friesen, Schiermeyer and Acting Mayor 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 Acting Mayor Mercer moved for final passage of the ordinance, which motion was seconded by Commissioner Handy. The Mayor stated the question – “Shall Ordinance No. 2738-08 be passed and adopted?” Upon roll call the following voted AYE: Schiermeyer, Friesen, Handy and Acting Mayor 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 Acting Mayor declared the ordinance adopted and the Acting 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. 2738-08

AN ORDINANCE TO AMEND THE EIGHT STEP PAY SCHEDULE REFERRED TO IN SECTION 2-9 OF THE CODE OF THE CITY OF NEBRASKA CITY RELATING TO SALARIES OF OFFICERS AND EMPLOYEES AND TO DECLARE AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF NEBRASKA CITY, NEBRASKA:

SECTION 1. That an eight-step Pay Schedule is hereby adopted for the position of Paramedic Manager for the City of Nebraska City, Nebraska.

SECTION 2. The following rates of pay schedule shall be effective from the 4th day of November, 2008:

Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8
\$40,100	\$41,504	\$42,956	\$44,460	\$46,016	\$47,626	\$49,293	\$51,018

SECTION 3. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 4. This ordinance shall take effect and be in force from and after its passage, approval and publication as required by law.

Passed and approved this 3rd day of November 2008.

Mark Mercer, Acting Mayor
ATTEST:

Arnold M. Ehlers, City Clerk-Treasurer

Commissioner Handy moved to start Rodney Turpel, Paramedic Manager at Step Five (5) of the pay plan. Upon roll call the following voted AYE: Friesen, Schiermeyer, Handy and Acting Mayor Mark Mercer. Voting NO: None. Motion passed.

Commissioner Handy moved to allow Windstream to place 190 feet buried cable on city Right-of-Way on South 3rd Street. Upon roll call the following voted AYE: Friesen, Schiermeyer, Handy and Acting Mayor Mark Mercer. Voting NO: None. Motion passed.

Commissioner Friesen moved to approve the request by Rose Ralstin of NCTC to have a “bonfire” at the sunken parking lot in the 700 block of Central Avenue. Upon roll call the following voted AYE: Schiermeyer, Handy, Friesen and Acting Mayor Mark Mercer. Voting NO: None. Motion passed.

Susan Phillips and Rena Pugh of Southeast Nebraska Community Action presented information on the 2008 Poverty Solutions Tour. A simulation will be held on Wednesday November 12 and they encouraged as many as possible to attend as many volunteers are needed for the exercise.

Commissioner Friesen moved to approve Eric Straw as a probationary member of the Nebraska City Fire and Rescue Department – EMS Division. Upon roll call the following voted AYE: Schiermeyer, Handy, Friesen and Acting Mayor Mark Mercer. Voting NO: None. Motion passed.

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

Abbott, Carl	100.00 Rebate	LaRue Coffee	93.91 Supp
Action Technology Svc	1,175.00 Cmp Main	Law Enforcement Targets	32.97 Supp
Adkins Signs	235.00 Signs	Linweld, Inc	57.88 Supp
Alamar Uniforms	470.74 Uniforms	Martin Marietta Materials	1,371.47 Gravel
Alltel	281.00 Tele	Michael Todd & Co	226.50 Rep
American Fence	727.68 Rep	Moore Medical	213.74 Supp
Arbor Mart	2,186.43 Fuel	Murray, B	72.54 Mileage
Arbor Outdoor Power	35.85 Supp	N.C. Utilities	82.67 Util
Arbor Valley Aml Cinc	399.33 Ani Exp	NC Clerk-Treasurer	93.85 Misc
Auburn Family Hlth Cen	58.00 Med	NCTC	5,312.50 Tourism
Battery Zone	105.01 Supp	NE Community Found	2,291.67 Contr
Benefiel Truck	65.00 Misc	NE Environmental Prod	56.78 Rep
Bergfeld Recreation	730.02 Rep	NE Turf Prod	1,271.45 Supp
Bob's Welding Shop	2,971.56 Rep	NEXTEL	223.98 Tele
Bohl Plmbg & Htg	103.87 Rep	Nichols, Jill	67.50 Ref
Bovick, S	119.93 Mileage	Nichols, Jim	132.00 Ref
Bremer Agency	100.00 Ins	Nichols, Jimmy	67.50 Ref
Brown's Shoe Fit	209.75 Uniforms	Nichols, Linda	116.00 Ref
CDW Government	198.17 Cmp Main	NMC/CAT	616.20 Rep
Concrete Ind, Inc	35.50 Rep	Olsson Associates	7,641.68 Eng
Creighton University Med	133.00 Training	Orscheln	371.22 Supp
Data Tech	1,283.00 Cmp Main	Otoe Cnty Titel Co.	13,900.00 Loan
DeBuhr, Justine	56.25 Ref	Otoe County Clerk	467.11 Contr
Diesel Power Equip	107,589.00 Loader	Pine Acres Nursery	1,000.00 Trees
Don's Johns	80.00 Misc	Pitney Bowes	249.00 Postage
Douglas Tire	666.00 Rep	Presto-X Company	75.00 Pest Cntrl
Earhart, Calli	56.25 Ref	Radiology Associates	52.00 Med
Galeton Gloves	153.47 Supp	RDg Planning-Design	1,000.00 Eng
Grainger	168.55 Supp	Redfield & Co	208.68 Supp
Hart, Anna	900.00 Contr	Schendel Pest Control	109.00 Pest Cntrl
Heartland Classified Svc	214.28 Ads	Thurman Bike & Sport	211.00 Supp
Hemmer Garage	105.04 Rep	Tielke's Sandwiches	16.80 Conc
HWS Consulting	1,419.11 Eng	Titan Machinery	6,000.00 Rent
J.P. Cooke Co	75.58 License	Tree City Tees	12.00 Misc
JEO Consulting	1,200.00 Eng	Van Diest Supply	1,132.20 Misc
Jerry's Landscaping	50.00 Code Cmp	Vanderveen & Goracke	90.00 Misc
Keim Farm Equip	106.12 Rep	Wage & Benefits	142,649.71 Payroll
KonicaMinolta Bus.	180.75 Contr	Wenzl Hardware	45.45 Supp
Landis Engine	296.47 Supp	Winter Equip Co.	533.52 Rep
Larson Motors	143.29 Maint		

Meeting adjourned at 6:45 p.m.

Arnold M. Ehlers, Clerk - Treasurer