

## CITY COUNCIL PROCEEDINGS

December 3, 2007

The City Council of Nebraska City met in regular session on December 3, 2007 at 6:00 p.m. in the Council Chambers at City Hall. Mayor Adelung led in the Pledge of Allegiance, Mayor Adelung then called the 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 November 19, 2007 meeting. Commissioner Friesen seconded the motion and on roll call the following voted YEA: Mercer, Schiermeyer, Friesen, Handy, and Mayor Adelung. Voting NAY: None. Mayor Adelung declared the motion carried.

City Administrator, Scott Bovick reminded the Council that there is a Council Workshop scheduled for Thursday December 6. Mr. Bovick also updated the Council on progress on the Steinhart Park Trail. Financial reports for November were: Wyuka Cemetery revenue \$10,277.50 and expenses \$8,911.01, City of Nebraska City beginning balance November 1, \$21,714,256.62 and ending balance November 30, \$21,883,191.75. Commissioner Friesen moved to approve the City Administrator and Treasurer's reports, seconded by Commissioner Mercer. Upon roll call the following voted YEA: Schiermeyer, Handy, Mercer, Friesen and Mayor Adelung. Voting NAY: None. Mayor Adelung declared the motion passed.

### Ordinance 2710-07

Mayor Adelung introduced Ordinance 2710-07; an ordinance to vacate a portion of the alley located in Block 68, Greggspport Addition to Nebraska City, Otoe County, Nebraska, as more particularly described in Section One (1) hereof and moved that the statutory rule requiring reading on three different days be suspended, seconded by Commissioner Handy, upon roll call the following voted YEA: Friesen, Mercer, Schiermeyer, Handy, and Mayor Adelung. Voting NAY: None. Mayor Adelung declares the motion adopted by three-fifths (3/5) vote of the Council and the Statutory Rule suspended for consideration of said ordinance.

Said ordinance was then read by title and thereafter Mayor Adelung moved for final passage of the ordinance. The Mayor stated the question: "Shall Ordinance 2710-07 be passed and adopted?" which was seconded by Commissioner Friesen. Upon roll call the following voted YEA: Mercer, Schiermeyer, Handy, Friesen 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. 2710-07

AN ORDINANCE VACATING THE ALLEY ADJACENT TO LOTS 5, 6, 7, AND 8, IN BLOCK SIXTY-EIGHT, GREGGSPORT ADDITION TO NEBRASKA CITY, OTOE COUNTY, NEBRASKA; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the owners of Lots 5 and 6, in Block Sixty-eight, Greggspport Addition to the City of Nebraska City, Nebraska, have requested that the alley adjacent to Lots 5, 6, 7 & 8, in said block be vacated, and

WHEREAS, the Mayor and City Commissioners of the City of Nebraska City, Nebraska, find the City no longer has a need for that portion of the alley, and find that the request of the applicants should be approved.

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

SECTION 1. That the portion of the alley adjacent to Lots 5, 6, 7, and 8, in Block Sixty-eight, Greggspport Addition to the City of Nebraska City, Nebraska, be and the same is hereby vacated, and title to such property shall vest in the owners of the abutting property and become a part of such property, one-half on each side thereof.

SECTION 2. That the City of Nebraska City reserves an easement, over the width of the vacated alley, 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. 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 \_\_\_\_\_ day of December, 2007.

\_\_\_\_\_  
Jo Dee Adelung, Mayor

Attest:

\_\_\_\_\_  
Arnold M. Ehlers, City Clerk - Treasurer

City Administrator then presented an agreement with Midlands Financial Benefits, Inc for consulting and servicing of Medical, Dental, Basic Life & Disability coverage for eligible employees. Commissioner Friesen moved to approve the agreement with Midlands Financial Benefits, Inc and authorize the Mayor to sign, seconded by Commissioner Schiermeyer. Upon roll call the following voted YEA: Schiermeyer, Handy, Mercer, Friesen and Mayor Adelung. Voting NAY: None. Mayor Adelung declared the motion passed.

Public Properties Director, Dan Giittinger provided background information on the South 5<sup>th</sup> Street vacation and dedication.

#### Ordinance 2711-07

Mayor Adelung introduced Ordinance 2711-07; an ordinance to dedicate a portion of South 5<sup>th</sup> Street located in Anderson's Addition to Nebraska City, Otoe County, Nebraska, as more particularly described in Section One (1) hereof and moved that the statutory rule requiring reading on three different days be suspended, seconded by Commissioner Handy, upon roll call the following voted YEA: Friesen, Mercer, Schiermeyer, Handy, and Mayor Adelung. Voting NAY: None. Mayor Adelung declares the motion adopted by three-fifths (3/5) vote of the Council and the Statutory Rule suspended for consideration of said ordinance.

Said ordinance was then read by title and thereafter Mayor Adelung moved for final passage of the ordinance. The Mayor stated the question: "Shall Ordinance 2711-07 be passed and adopted?" which was seconded by Commissioner Friesen. Upon roll call the following voted YEA: Mercer, Schiermeyer, Handy, Friesen 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. 2711-07

AN ORDINANCE DEDICATING THE PROPERTY DESCRIBED IN SECTION 1 HEREOF AS NEW PUBLIC RIGHT OF WAY ACROSS PART OF VACATED 5<sup>TH</sup> STREET AND PART OF LOTS FIVE, SIX, AND SEVEN IN BLOCK SEVENTEEN, ANDERSON'S ADDITION TO NEBRASKA CITY, OTOE COUNTY, NEBRASKA AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City of Nebraska City, Nebraska has heretofore vacated a portion of South Fifth Street right of way through Ordinance 2708-07, which Ordinance became effective on the 21<sup>st</sup> day of November, 2007, and

WHEREAS, the Mayor and City Commissioners of the City of Nebraska City now desire to dedicate a new public right of way across part of vacated Fifth Street and part of Lots Five, Six and Seven

in Block Seventeen, Anderson's Addition to Nebraska City, Otoe County, Nebraska, to realign the right of way with the existing South Fifth Street.

NOW THEREFORE, Be it ordained by the Mayor and City Commissioners of the City of Nebraska City, Nebraska, as follows:

SECTION 1. That the following described property, to wit: Commencing at the N.E. Corner of Lot 1, Block 18, Anderson's Addition to Nebraska City, Otoe County, Nebraska, thence easterly along the South right-of-way line of 13<sup>th</sup> Corso S89°56'06"E 36.25 feet to a point, said point being the True Point of Beginning; thence continuing easterly along the said South right-of-way line and along the North line of Original vacated 5<sup>th</sup> Street and the North line of Lot 7, Block 17, S89°56'06"E 71.13 feet to a point, said point being 87.72 feet west of the N.E. Corner of Lot 5, Block 17; thence leaving said line and continuing southeasterly S21°49'16"E 55.0 feet to a point; thence southeasterly S29°45'32"E 78.09 feet to a point on the North right-of-way line of 14<sup>th</sup> Corso, said point being 30.42 feet west of the S.E. Corner of said Lot 5, Block 17; thence westerly along the said North right-of-way line of 14<sup>th</sup> Corso and along the South line of Lots 5, 6, & 7 and part of vacated Original 5<sup>th</sup> Street, S89°57'25"W 106.22 feet to a point, said point being 57.44 feet east of the S.E. Corner of said Lot 1, Block 18; thence leaving said right-of-way line and continuing northeasterly N19°34'08"E 33.05 feet to a point; thence continuing northwesterly N21°49'16"W 94.65 feet to the True Point of Beginning; be and the same is hereby dedicated as a portion of South Fifth Street in Anderson's Addition to Nebraska City, Otoe County, Nebraska.

SECTION 2. That 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 3<sup>rd</sup> day of December, 2007.

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Jo Dee Adelung, Mayor

Attest:

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Arnold M. Ehlers, City Clerk-Treasurer

City Administrator, Scott Bovick then outlined the results of a Request for Proposals for engineering and project services for Mill and Overlay of a portion of North 10<sup>th</sup> Street and the Access Road and Parking Lot at the Softball Complex. Commissioner Handy moved to award the bid to JEO Consulting and authorize the Mayor to sign, seconded by Commissioner Mercer. Upon roll call the following voted YEA: Schiermeyer, Handy, Mercer, Friesen and Mayor Adelung. Voting NAY: None. Mayor Adelung declared the motion passed.

City Administrator, Scott Bovick presented an agreement with the Nebraska Department of Roads for Surface Transportation Program Funds through the Federal Highway Administration For the Mill and Overlay of part of Central Avenue and part of 11<sup>th</sup> Street and informed the Council that a resolution would be needed to be eligible for the funds. Commissioner Handy moved for the passage of Resolution 2343-07, seconded by Commissioner Friesen. Upon roll call the following voted YEA: Schiermeyer, Mercer, Friesen, Handy and Mayor Adelung. Voting NAY: None. Mayor Adelung declared the motion passed.

A true and correct copy of said resolution is as follows:

#### RESOLUTION NO. 2343-07

WHEREAS, the City of Nebraska City, Nebraska, has requested the assistance of the State of Nebraska, Department of Roads in making application to the Department of Transportation for Surface Transportation Program (STP) Funds for use in a project to mill and overlay a portion of 11<sup>th</sup> Street and a portion of Central Avenue, in Nebraska City, and

WHEREAS, the Department of Roads of the State of Nebraska, has prepared and submitted to the City, an Agreement to provide for the funding allocation of said project, which is to be designated as Project No. URB-6210(3), and

WHEREAS, said Agreement has been presented to the Mayor and City Commissioners of Nebraska City, for their approval.

NOW THEREFORE, on this 3<sup>rd</sup> day of December, 2007, the Mayor and City Commissioners of Nebraska City, Nebraska, approve the terms and conditions of said Agreement and by this Resolution authorize Jo Dee Adelung, Mayor and Arnold M. Ehlers, City Clerk, to execute said Agreement on behalf of the City of Nebraska City, Nebraska.

Passed and Approved, this 3<sup>rd</sup> day of December, 2007.

Attest:

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Jo Dee Adelung, Mayor

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Arnold M. Ehlers, City Clerk/Treasurer

Chief David Lacy informed the Council of the State of Nebraska Contract Price on 2008 Ford police cars and that Mr. Larson of Larson Motors would honor the State Price. Commissioner Mercer moved to authorize the purchase of a 2008 Ford Crown Victoria for \$23,113.00, seconded by Commissioner Handy. Upon roll call the following voted YEA: Schiermeyer, Mercer, Friesen, Handy and Mayor Adelung. Voting NAY: None. Mayor Adelung declared the motion passed.

Commissioner Friesen moved to approve all electricians permits, seconded by Commissioner Mercer. Upon roll call the following voted YEA: Schiermeyer, Mercer, Friesen, Handy and Mayor Adelung. Voting NAY: None. Mayor Adelung declared the motion passed.

Commissioner Friesen moved to approve all plumbers permits, seconded by Commissioner Mercer. Upon roll call the following voted YEA: Schiermeyer, Mercer, Friesen, Handy and Mayor Adelung. Voting NAY: None. Mayor Adelung declared the motion passed.

Commissioner Mercer moved to approve all claims, seconded by Commissioner Handy. Upon roll call the following voted YEA: Schiermeyer, Mercer, Friesen, Handy and Mayor Adelung. Voting NAY: None. Mayor Adelung declared the motion passed.

**CLAIMS LIST**

December 3, 2007

A-1 Locksmith	15.90	Keys	Martin Marietta Mat	636.31	Gravel
Alamar Uniforms	653.64	Uniform	Midwest Breath Air Sys	581.52	Rep
Alltel	173.22	Tele	Midwest Svc & Sales	272.38	Misc
Ameritas	2,496.24	Ins	Miller Monroe Farrell	100.00	Ins
AMSAN	50.89	Misc	NC Airport Auth	3,750.00	Cont
Arbor Mart	1,366.64	Fuel	NC News Press	60.00	Subscr
Arbor Outdoor Power	35.96	Oil	NCTC	5,312.50	Tourism
Arbor Valley Ani Clinic	110.50	Ani Exp	NE Community Found	2,291.67	Cont
BCBS	34,680.74	Ins	NE Dept of Rev	5,267.80	W/H
BKD	6,500.00	Audit	NE Green Expo	275.00	Training
Bohl Plmb & Heat	310.94	Rep	NE Pub Health Env Lab	77.00	Invest Exp
City of Nebraska City	490.00	Turkeys	NE Statewide Arboretum	72.00	Misc
Conseco	71.45	Ins	NE Turfgrass Assoc	300.00	Dues
Data Tech	14.00	Comp	NEXTEL .	229.41	Tele
Don's Johns	20.00	Portable	Nichols, J	84.00	Ref
Farmers Bank	16,969.89	W/H	Nichols, J	148.50	Ref
FirePrograms	445.00	Comp	Nichols, L	43.50	Ref
Fremont Nat'l Bank	450.00	Dues	OMB's Exp Police Sup	413.94	Misc
GALLS	147.97	Uniform	Orschlen	312.50	Misc
GE Capital	149.34	Tele	Otoe Co Clerk Dist Court	801.50	Garnish
GFOA	83.00	Misc	Otoe Cty Atty	20.00	Misc
Hart, A	400.00	Cont	Otoe Cty Clerk	2,400.00	Legal
Heartland Class Svc	12.04	Ads	Otoe Cty Title Co	180,000.00	10th Corso
Hotsy Equip Co	125.01	Rep	R.C.E.D.C.	4,333.33	Ind Dev
ICMA	575.93	Dues	Schendel Pest	87.00	Pest Cont
IMLA	480.00	Dues	Tom's Radio	330.00	Rent
Johnny's Cycle	120.85	Rep	Tri-State Pmp & Exc	760.00	Rep
Landis Eng	207.71	Rep	United Way	4.00	W/H
Larson Motors	610.04	Rep	Unum	1,069.82	Ins
Lesco	53.76	Misc	Wages & Benefits	69,758.33	Payroll
Loveland Lawns	75.00	Sod	Wenzl Hardware	25.71	Supp

Commissioner Schiermeyer 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 6:50 p.m.

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City Clerk-Treasurer

APPROVED:

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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.

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City Clerk-Treasurer