

## CITY COUNCIL PROCEEDINGS

December 17, 2007

The City Council of Nebraska City met for the purpose of Public Hearings on December 17, 2007 at 6:00 p.m. in the Council Chambers at City Hall. Mayor Adelung led in the Pledge of Allegiance,

Mayor Adelung then opened the Public Hearing to grant \$30,000.00 from Economic Development Revolving Loan Fund for Nebraska City Main Street Program, on roll call the following answered present: Leon Schiermeyer, Dean Handy, Erv Friesen and Mayor Jo Dee Adelung. Absent: Mark Mercer. Pat Haverty, Executive Director River Country Economic Development Corporation, presented information on start-up of Nebraska City Main Street Program. No one else spoke either in support or opposition to the request. Commissioner Handy moved to close the Public Hearing, seconded by Commissioner Friesen. The following voted Yea: Schiermeyer, Friesen, Handy and Mayor Adelung. Voting NAY: None. Absent: Mercer.

Mayor Adelung opened the next Public Hearing to grant \$30,000.00 from the City of Nebraska City Economic Development Program Funds (LB840) to be used by Nebraska City Main Street Program. On roll call the following answered present: Leon Schiermeyer, Dean Handy, Erv Friesen and Mayor Jo Dee Adelung. Absent: Mark Mercer. Pat Haverty, Executive Director River Country Economic Development Corporation presented information on the use of the funds over the next 2 years. No one else spoke either in support or opposition to the request. Commissioner Friesen moved to close the Public Hearing, seconded by Commissioner Handy. The following voted Yea: Schiermeyer, Handy, Friesen and Mayor Adelung. Voting NAY: None. Absent: Mercer.

Mayor Adelung opened the next Public Hearing to loan \$25,000.00 from the City of Nebraska City Economic Development Program Funds (LB840) to R. Scott Darrah for assistance in purchasing and renovating a vacant downtown building. On roll call the following answered present: Leon Schiermeyer, Dean Handy, Erv Friesen and Mayor Jo Dee Adelung. Absent: Mark Mercer. Pat Haverty, Executive Director River Country Economic Development Corporation presented information on the use of the funds. No one else spoke either in support or opposition to the request. Commissioner Handy moved to close the Public Hearing, seconded by Commissioner Schiermeyer. The following voted Yea: Schiermeyer, Handy, Friesen and Mayor Adelung. Voting NAY: None. Absent: Mercer

Mayor Adelung opened the regular City Council meeting. On roll call the following answered present: Leon Schiermeyer, Dean Handy, Erv Friesen and Mayor Jo Dee Adelung. Absent: Mark Mercer.

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 Friesen moved to approve the minutes of the December 3, 2008 City Council meeting and the December 6, 2007 City Council meeting, seconded by Commissioner Schiermeyer. Upon roll call the following voted YEA: Handy, Schiermeyer, Friesen and Mayor Adelung. Voting Nay: None. Absent: Mercer.

Scott Bovick, City Administrator did not have much to report and instead invited Dan Giittinger, Public Properties Director to report on the recent ice and snow storms, and the equipment problems that occurred during the storms and clean-up.

Commissioner Friesen moved to approve Resolution 2344-07 seconded by Commissioner Schiermeyer. Upon roll call the following voted YEA: Handy, Schiermeyer, Friesen and Mayor Adelung. Voting NAY: None. Absent: Mercer.

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

### RESOLUTION NO. 2344-07

TO USE PROGRAM INCOME FROM A PREVIOUS  
COMMUNITY DEVELOPMENT BLOCK GRANT

WHEREAS, the Nebraska City/Otoe County Regional Economic Development Loan Fund has received Community Development Block Grants for Economic Development and,

WHEREAS, Program Income (Reuse) funds for Economic Development are allowed to be used for making grants for expanding economic opportunities and in an effort to eliminate slum and blighted conditions in a designated redevelopment area in accordance with the Regional Economic Development Plan, program and governing regulations, and,

WHEREAS, a Reuse Plan has previously been adopted, and,

WHEREAS, the Application Review Board has recommended a reuse project presented through application by an eligible entity for a grant of \$30,000 under specified conditions, and,

WHEREAS, the City Council of Nebraska City conducted a public hearing upon the proposed use of Program Income 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 Application Review Board and the Mayor is hereby authorized to execute all necessary and appropriate documents on behalf of the City and the Regional Economic Development Loan Fund to complete the grant project for "Nebraska City Main Street Program", contingent upon approval of the City Attorney as to form.

Passed and adopted on the 17<sup>th</sup> day of December, 2007 by the City Council of Nebraska City.

\_\_\_\_\_  
Mayor

ATTEST: \_\_\_\_\_  
City Clerk

Commissioner Friesen moved to approve the agreement between City of Nebraska City and Nebraska City Main Street Program outlining the conditions of use of the grant funds, seconded by Commissioner Handy. Upon roll call the following voted YEA: Handy, Schiermeyer, Friesen and Mayor Adelung. Voting NAY: None. Absent: Mercer.

Commissioner Handy moved to approve Resolution 2345-07 seconded by Commissioner Friesen. Upon roll call the following voted YEA: Schiermeyer, Friesen, Handy and Mayor Adelung. Voting NAY: None. Absent: Mercer.

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

RESOLUTION NO. 2345-07

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 grants for spurring downtown revitalization, the attraction of new capital investment through business development and to promote tourism 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 entity for a grant of \$30,000 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 grant project for "Nebraska City Main Street Program", contingent upon approval of the City Attorney as to form.

Passed and adopted on the 17<sup>th</sup> day of December, 2007 by the City Council of Nebraska City.

\_\_\_\_\_  
Mayor

ATTEST: \_\_\_\_\_

City Clerk

Commissioner Schiermeyer moved and Commissioner Friesen seconded to approve the agreement between the City of Nebraska City Economic Development and Nebraska City and Nebraska City Main Street Program. Upon roll call the following voted YEA: Friesen, Handy, Schiermeyer, and Mayor Adelong. Voting NAY: None. Absent: Mercer.

Commissioner Schiermeyer moved to approve Resolution 2346-07 seconded by Commissioner Handy. Upon roll call the following voted YEA: Friesen, Handy, Schiermeyer, and Mayor Adelong. Voting NAY: None. Absent: Mercer.

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

**RESOLUTION NO. 2346-07**

**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 spur downtown revitalization, to attract new capital investment through business development and to renovate existing buildings to improve the appearance of the downtown area 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 \$25,000 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 "R. Scott Darrah", contingent upon approval of the City Attorney as to form.

Passed and adopted on the 17<sup>th</sup> day of December 2007 by the City Council of Nebraska City.

\_\_\_\_\_  
Mayor

ATTEST: \_\_\_\_\_  
City Clerk

Commissioner Friesen moved to approve Resolution 2348-07 seconded by Commissioner Handy. Upon roll call the following voted YEA: Handy, Schiermeyer, Friesen and Mayor Adelong. Voting NAY: None. Absent: Mercer.

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

**RESOLUTION 2348-07**

**BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF NEBRASKA CITY, NEBRASKA;**

THAT, in order to provide a coordinated effort and response to an emergency situation at the Cooper Nuclear Station which could result in an influx of evacuees into the City of Nebraska City, the City Council of Nebraska City deems it advisable and prudent to approve the attached Otoe County Radiological Emergency Response Plan for Nuclear Power Plant Incidents.

Passed and approved this 17<sup>th</sup> day of December 2007

\_\_\_\_\_  
Jo Dee Adelong, Mayor

Attest:

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

Commissioner Handy moved to approve Resolution 2347-07, seconded by Commissioner Schiermeyer. Upon roll call the following voted YEA: Friesen, Schiermeyer, Handy and Mayor Adelong. Voting NAY: None. Absent: Mercer.

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

RESOLUTION NO. 2347-07

WHEREAS, the Nebraska City, City Council recognizes that in the last several years there have unsafe abandonments of newborns and infants in the State of Nebraska; and

WHEREAS, the Nebraska City, City Council recognizes the need to curtail this unsafe abandonment of newborns and infants; and

WHEREAS, in order to foster the safe abandonment of newborns and infants, there is a need for a law to allow a parent to give up an unwanted newborn or infant at a designated safe surrender site such as a hospital emergency room or fire station with no fear of arrest or prosecution for abandonment as long as the newborn or infant has not been abused or neglected; and

WHEREAS, unless parents of newborns and infants are protected from prosecution for their abandonment of a newborn or infant, then the incidents of newborns and infants being left in dangerous circumstances where they could be injured or even die will continue to occur; and

WHEREAS, forty-eight states have adopted laws providing for the safe placement of newborns and infants also known as "Baby Safe Haven Law"; and

WHEREAS, newborns and infants of the State of Nebraska deserve at least the same protection and consideration as provided in the other forty-eight states; and

WHEREAS, the Unicameral proposed this protection in LB 157 in the 100<sup>th</sup> Legislature – 1<sup>st</sup> Session 2007 which was not enacted.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Nebraska City, Nebraska that the City Council goes on record in support of State legislation which would adopt a "Baby Safe Haven Law" to discourage unsafe baby abandonment.

BE IT FURTHER RESOLVED that the City Clerk is directed to send a copy of this resolution to the Nebraska Legislature and urges the Nebraska Legislature to adopt a "Baby Safe Haven Law" in the upcoming legislative session.

\_\_\_\_\_  
Jo Dee Adelong, Mayor

Attest:

\_\_\_\_\_  
Arnold M. Ehlers, Clerk – Treasurer

Tracy Wieckhorst, Executive Director of the Housing Authority of Nebraska City requests that the City of Nebraska City waive the Payment in Lieu of Taxes (PILOT) for the next five years. After a discussion and information from Bill Davis, City Attorney, Commissioner Schiermeyer moved to waive the PILOT for the tax year 2007, seconded by Commissioner Handy. Upon roll call the following voted YEA: Friesen, Handy, Schiermeyer and Mayor Adelong. Voting NAY: None. Absent: Mercer.

Jim Johnston, Executive Director of Nebraska City Tourism and Commerce, Inc requested placement of the "Honorary Street Sign" which is auctioned at their annual banquet. Commissioner Friesen moved to approve the request by NCTC, seconded by Commissioner Handy. Upon roll call the following voted YEA: Schiermeyer, Friesen, Handy and Mayor Adelong. Voting NAY: None. Absent: Mercer.

City Administrator, Scott Bovick presented information on a new management agreement for the Wildwood Golf Course and requested that the City Council authorize the City Administrator, Parks Commissioner and City Attorney to develop a contract with performance incentives for Council approval. Moved by Commissioner Handy to authorize the City Administrator, Parks Commissioner, and City Attorney to develop a management contract with base amount plus performance incentives for the Wildwood Golf Course Pro shop, seconded by Commissioner Friesen. Mr. Fran Chadwick, 601 South 7<sup>th</sup> Street addressed the Council with concerns about dollar estimates presented by City Administrator. Mr. Chadwick and the City Administrator debated various points of the estimates presented including deficit reduction projections and subsidies. Mayor Adelong asked Mr. Chadwick if he had anything to say that pertains to the motion on the table. Mr. Chadwick then questioned the \$25,000.00 line item for ground repairs.

The City Administrator explained to Mr. Chadwick that the \$25,000.00 was a FEMA engineers estimate and that the City actually was able to get the project completed for less. The Mayor then called for the question. Upon roll call the following voted YEA: Schiermeyer, Friesen, Handy and Mayor Adelung. Voting NAY: None. Absent: Mercer.

City Administrator, Scott Bovick presented the Council with the proposed 2008 fee schedule for the Wildwood Golf Course season. Commissioner Schiermeyer moved to approve the fee schedule as presented, seconded by Commissioner Friesen. Upon roll call the following voted YEA: Handy, Schiermeyer, Friesen and Mayor Adelung. Voting NAY: None. Absent: Mercer.

City Administrator, Scott Bovick asked the Council to approve the Request for Qualifications for architectural services for the design and construction of the Rowe Memorial Public Safety Building Project. Commissioner Handy moved to authorize the City Administrator to advertise for architectural services for design and construction of the Rowe Memorial Public Safety Building, seconded by Commissioner Friesen, upon roll call the following voted YEA: Schiermeyer, Handy, Friesen and Mayor Adelung. Voting NAY: None. Absent: Mercer.

Commissioner Schiermeyer moved and Commissioner Handy seconded the motion to accept the Wildwood Park Restoration Planting Plan. Upon roll call the following voted YEA: Handy, Schiermeyer, Friesen and Mayor Adelung. Voting NAY: None. Absent: Mercer.

Commissioner Friesen moved to approve the Electricians Permit applications, seconded by Commissioner Handy. Upon roll call the following voted YEA: Handy, Schiermeyer, Friesen and Mayor Adelung. Voting NAY: None. Absent: Mercer.

Commissioner Handy moved to approve the Plumbers Permit applications, seconded by Commissioner Schiermeyer. Upon roll call the following voted YEA: Friesen, Handy, Schiermeyer, and Mayor Adelung. Voting NAY: None. Absent: Mercer.

#### Ordinance 2710-07

Mayor Adelung introduced Ordinance 2712-07; 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 salaried officers and employees and to declare an effective date 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, Schiermeyer, Handy, and Mayor Adelung. Voting NAY: None. Absent: Mercer. 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 2712-07 be passed and adopted?" which was seconded by Commissioner Handy. Upon roll call the following voted YEA: Schiermeyer, Handy, Friesen and Mayor Adelung. The following voted NAY: None. Absent: Mercer. 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. 2712-07

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

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF

NEBRASKA CITY, NEBRASKA:

SECTION 1. That THE EIGHT-STEP Pay Schedule attached to and made a part of this ordinance, be and is hereby adopted for various employee positions of the City of Nebraska City, Nebraska.

SECTION 2. The rates of pay as provided for by the Pay Schedule shall be effective from the seventeenth day of December, 2007.

SECTION 3. All ordinances or parts of ordinance 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 17<sup>th</sup> day of December, 2007.

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Jo Dee Adelung, Mayor

ATTEST:

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Arnold M. Ehlers, City Clerk-Treasurer

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

**CLAIMS LIST**

December 17, 2007

A&M Green Power Grp	33.75	Rep		Mellage Truck & Tractor	528.14	Rep
A-1 Locksmith	134.50	Keys		Mercer's	171.12	Misc
Action Tech Svc	1,900.00	Serv		Midland Equip	124.15	Rep
Alco	5.45	Supp		Midland Telecom	75.60	Comm
Allied	291.38	Garb		Midwest Farmers Coop	205.90	Misc
American Aluminum Acess	369.00	Supp		Midwest ROW Svc	280.00	Consult
Arbor Mart	2,784.92	Fuel		Miller Monroe Farrell	498.00	Ins
Beelner Svc	620.00	Maint		Mullenax Auto Supply	333.01	Supp
Bishop Plmb & Htg	2,583.32	Rep		NC News Press	451.75	Ad
Bohl Plmb & Htg	193.00	Rep		NC Rotary Club	125.00	Dues
Bovick, S.	54.32	Mile		NC Utilities	6,508.63	Util
Brown Glass Co	11.62	Rep		NE Dept of Labor	36.00	Inspec
Casey's	301.16	Fuel		NE State Arboretum	6.30	Postage
Century Lumber	199.60	Lbr		Neeman, L.	10.21	Meals
Cintas Corp	113.08	Misc		Otoe Cnty Clerk	3,341.72	Cont
Citizen Printing	124.00	Supp		Otoe Cnty Reg of Deeds	33.50	Deeds
City of Nebraska City	49,686.36	Payroll		Otoe Cnty Title Co	458.64	Const
Cunningham, B	34.43	Mile		Otoe Cnty Title Co.	1,011.32	Const
D&D Communications	207.50	Batt		Otoe Cnty Title Co.	3,200.00	Const
Danko Emerg Equip	39.67	Rep		Otoe Cnty Treas	389.86	Prop Tax
R. Scott Darrah	25,000.00	Improve		Pamida	10.99	Supp
Douglas Tire	15.00	Rep		Paper Tiger	35.00	Misc
Farmers Bank	480.00	Payroll		Quill Corp	74.29	Supp
Farmers Bank	16,133.50	W/H		R.C.E.D.C.	2,820.93	Consult
Food Pride	17.88	Misc		Schendel Pest Cont	87.00	Pest
Frank & Pamala Malzer	57,908.23	Const		Schneider Elec	326.70	Rep
Frank & Pamala Malzer	4,745.00	Const		Shell	2,753.83	Fuel
Gittinger, D.	179.32	Mile		SignIT Signs & Graphics	270.00	Signs
Heartland Class Svc	113.73	Ads		Sutphen Corp	128.76	Rep
Hopkins Auto Inc.	319.28	Misc		The Nixon Co Inc	97.50	Misc
Ideal Pure Water	22.92	Water		Thiele Geotech	1,320.00	Trails
Kirkham Michael & Assoc.	9,343.40	Trails		Thurman Bike & Sport	90.00	Misc
KonicaMinolta	174.76	Copier		Tom's Radio	457.00	Comm
Kreifels Elec	259.30	Rep		Tri-State Office Prod	261.26	Supp
Landis Eng	69.65	Rep		Viox, A.	374.42	Mile
League of NE Muni	356.00	Train		Watkins True Value	845.42	Rep
Martin Marietta Mat	158.29	Supp		Wenzl Hardware	26.04	Supp
McBattas Pkg & Printing	445.00	Ad		Windstream	1,877.94	Tele
Mead Lumber	1,124.29	Supp				

Commissioner Friesen moved to adjourn the meeting seconded by Commissioner Handy. Mayor Adelung declared the meeting adjourned at 8:12 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