

April 16, 2007

The City Council of Nebraska City met in the Council Chambers on April 16, 2007 at 6:00 pm. Mayor Adelung led in the Pledge of Allegiance then called the public hearing to order and on roll call the following answered present: Leon Schiermeyer, Dean Handy, Mark Mercer and Mayor Adelung. Erv Friesen was absent.

Mayor Adelung stated that a public hearing was now in session for the proposed One and Six Year Street Plan. Because there was a mistake in the posting of the public hearing on March 19, 2007 this public hearing is being reopened. No one spoke in favor of or in opposition to the proposed One and Six Year Street Plan.

Commissioner Handy moved to close the public hearing for the proposed One and Six Year Street Plan. Commissioner Schiermeyer seconded the motion and on roll call the following voted YEA: Schiermeyer, Handy, Mercer and Mayor Adelung. Voting NAY: none. Absent: Friesen. Mayor Adelung declared the motion carried.

The City Council of Nebraska City met in regular session in the Council Chambers at City Hall immediately following the public hearings on April 16, 2007. Mayor Adelung called the meeting to order and on roll call the following members were present: Leon Schiermeyer, Dean Handy, Mark Mercer and Mayor Adelung. Absent: Erv Friesen.

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 previous meeting. Commissioner Mercer seconded the motion and on roll call the following voted YEA: Handy, Mercer, Schiermeyer, and Mayor Adelung. Voting NAY: none. Absent: Friesen. Mayor Adelung declared the motion carried.

Mayor Adelung proclaimed May 5th as "The day for the distribution of Buddy Poppies."

Mayor Adelung proclaimed the week of April 15-21, 2007 as "National Volunteer Week" as requested by People United for Families.

Mayor Adelung proclaimed the month of April 2007 as Parkinson's Disease Awareness Month in Nebraska City, NE.

The City Administrator, Scott Bovick, reported that the American Society of Public Administration has named Mayor Adelung "Elected Official of the Year". Mayor Adelung received a standing ovation. Arbor Day cleanup is underway. He is finishing the final information for the Steinhart Park Trail and the grant application to the Nemaha NRD. The position of Clerk-Treasurer is ready for advertisement. Commissioner Handy moved for approval of the City Administrator's report. Commissioner Schiermeyer seconded the motion and on roll call the following voted YEA: Mercer, Schiermeyer, Handy and Mayor Adelung. Voting NAY: none. Absent: Friesen. Mayor Adelung declared the motion carried.

Mayor Adelung introduced and read Resolution No. 2322-07. Commissioner Handy moved for passage of Resolution No. 2322-07. Commissioner Mercer seconded the motion and on roll call the following voted YEA: Schiermeyer, Handy, Mercer and Mayor Adelung. Voting NAY: none. Absent: Friesen. Mayor Adelung declared the motion carried.

RESOLUTION NO. 2322-07

"Whereas, the City Street Superintendent has prepared and presented a One Year and Six Year Road Plan for Street Improvement Program for the City of Nebraska City, Nebraska and

"Whereas, a public meeting was held on the 16 day of April 2007, to present this plan and there was discussion held with respect to said plan;

THEREFORE, BE IT RESOLVED BY THE Mayor and City council of Nebraska City, Nebraska, that the plans and data as furnished and/or modified are hereby in all things accepted and adopted."

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Passed and approved this 16th day of April 2007.

ATTEST:

Mary Wallen

Acting City Clerk-Treasurer

Jo Dee Adelung

Mayor

A request was received from the Toddy Shop for a Special Designated Liquor License between 5 pm and 7 pm on May 4, 2007. Commissioner Mercer moved to approve a Special Designated Liquor License for a wine-tasting event at the Toddy Shop between 5 pm and 7 pm on May 4, 2007. Commissioner Schiermeyer seconded the motion and on roll call the following voted YEA: Mercer, Schiermeyer, Handy and Mayor Adelung. Voting NAY: none. Absent: Friesen. Mayor Adelung declared the motion carried.

A letter was received the Chiefs of Public Safety requesting more space for their respective departments:

Dear Honorable Mayor and City Council Members:

Over the last several years the City Council has been proactive in holding City Council Planning Sessions and each year has invited each of us to attend and share with you our visions, goals, and priorities for our respective departments. We have appreciated the opportunity to participate in long term planning and visioning with the City Council.

As you know, the common theme from each of our departments at the sessions has been that more space is needed to appropriately provide public safety services to Nebraska City and the surrounding community. The Nebraska City Police Department, the Nebraska City Volunteer Fire Department, and the Nebraska City/Dunbar Rescue Squad, along with City administrative offices, have occupied the current City Hall since the mid-1970. Over the past 30 years, our departments have worked and sacrificed together to make the space available to us function as well as possible. Unfortunately, the time has come where our ability to function in a manner acceptable to the public is being impaired by the lack of appropriate space and facilities.

Examples of police officers having to stand in the hallway while another officer conducts a private interrogation or interview, police officers having to wait for a desk to open up to complete a report, rescue squad vehicles parked literally bumper to bumper in the rescue squad bay, and fire department vehicles having to be shuffled in and out when an emergency call is received prove that more space is needed. There are many examples of these types of issues, which rise above the level of inconvenience and directly impact the service we provide.

The Police Department, Volunteer Fire Department, and Volunteer Rescue Squad continue to cooperate and work together to share space, and have done so out of a commitment to provide the Nebraska City taxpayer with the most return for their tax dollars. However, we respectfully request that the City Council take action to seriously explore any options available to provide additional space for public safety functions of the city. We pledge the assistance of the members of our departments to help in anyway possible. Thank you for your service and your continued support of Nebraska City Public Safety operations.

Sincerely,

Dave Lacy

NC Police Chief

Alan Viox

NC Volunteer Fire Chief

Jeanene Pummel

NC/Dunbar Volunteer
Rescue Squad Chief

Mayor Adelung ordered a tour of the public safety facilities to be put on the agenda for the next regularly scheduled council meeting and asked that as many from each of the entities as possible be present.

The Council received an application for the manager change to Tina Krings in connection with Casey's Retail Co liquor license. Commissioner Schiermeyer moved to approve the manager change to Tina Krings in connection with Casey's Retail Co. liquor license. Commissioner Handy seconded the motion and on roll call the following voted YEA: Mercer, Schiermeyer, Handy and Mayor Adelung. Voting NAY: none. Absent: Friesen. Mayor Adelung declared the motion carried.

A request was received from John Kummer to sand and clear coat the two gazebos in Nuckolls Square as an Eagle Scout project. He has making arrangements with Raymond Doiel, Parks Foreman. The City will provide the clear coat and brushes. Mr. Doiel will supervise the project. Mr. Kummer expects the project to take two days. Commissioner Schiermeyer moved to allow John Kummer to sand and clear coat the two gazebos in Nuckolls Square as an Eagle Scout project. Commissioner Handy

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seconded the motion and on roll call the following voted YEA: Schiermeyer, Handy, Mercer and Mayor Adelung. Voting NAY: none. Absent: Friesen. Mayor Adelung declared the motion carried.

Bill Moore gave a quick history of the gazebos in Nuckolls Square.

A request was received from Nebraska City Tourism and Commerce seeking permission to use the Webering Parking Lot every Thursday from May 24th to September 6th from noon to 7 pm for the Farmers Market. Commissioner Handy moved to allow NCTC to use the city parking lot for the 2007 Farmers Market Thursdays from May 24th – Sept. 6th. Commissioner Mercer seconded the motion and on roll call the following voted YEA: Handy, Mercer Schiermeyer and Mayor Adelung. Voting NAY: none. Absent: Friesen. Mayor Adelung declared the motion carried.

Mayor Adelung introduced and read Resolution No. 2323-07. Commissioner Handy moved for passage of Resolution No. 2323-07. Commissioner Mercer seconded the motion and on roll call the following voted YEA: Mercer, Schiermeyer, Handy and Mayor Adelung. Voting NAY: none. Absent: Friesen. Mayor Adelung declared the motion carried.

RESOLUTION NO. 2323-07

Whereas, the local municipal government must provide leadership for improving community and economic development efforts; and

Whereas, community and economic development needs can best be determined and solved through a cooperative effort between elected officials and the citizens they represent; and

Whereas, the Nebraska Community Improvement Program, administered by the Nebraska Department of Economic Development, has been reviewed and found to be a means to improve our community; and

Whereas, the City Council of Nebraska City do herewith pledge their full support, endorsement, and cooperation in carrying out the requirements of the NCIP;

Now Therefore Be It Resolved,

That the City of Nebraska City urges its citizens to join this effort and hereby declares this city to be an official entrant in the NCIP FOR THE YEAR OF 2007.

PASSED AND APPROVED THIS 16th Day of April 2007

Attest:

Mary Wallen, Acting City Clerk-Treasurer

Jo Dee Adelung, Mayor

Mayor Adelung introduced the subject of a Nebraska City enacting a 3% Hotel Occupation Tax. City Administrator, Scott Bovick, gave some information of the amounts charged by surrounding counties and other first class cities. This income would be general fund revenue and can be used for whatever the city chooses. Enacting a Hotel Occupation Tax could lower the property tax paid to the city.

Jim Johnston, Acting Secretary for Otoe County Visitors Committee clarified that the amount of tax remitted to the county is less 5% administration fee kept by the state.

Doug Farrar, of the National Arbor Day Foundation and Lied Lodge Conference Center, spoke in opposition to this “narrow based” tax and asked the Council to reconsider. He thinks it’s unfair to enact this tax to offset property tax. He also questioned the accountability of where the money goes. He does not see any increased service for the expense to the consumer. He asked, “Do we need this tax now?” He suggested the Council wait and see what the impact of all the addition sales tax from the Wal-Mart will bring.

Karen Houser, General Manager of Lied Lodge Conference Center explained the challenge of having to send a shuttle from the Lodge to the airports from Omaha and Lincoln and being dependent on the airline schedules. One of the Lodge’s selling points is that Nebraska City has a lower tax than Omaha or Lincoln.

Jeanne Stavis of Whispering Pines Bed & Breakfast made the point the tourists doesn’t come to just spend time in their rooms but actually go to various businesses in Nebraska City where they spend their money.

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Commissioner Mercer moved to establish a Mayor's Task Force appointed by the Mayor with Council's approval to study how a 3% hotel occupations tax would impact both the hotel industry in the city and the city as a whole. Commissioner Handy seconded the motion and on roll call the following voted YEA: Mercer, Schiermeyer, Handy and Mayor Adelung. Voting NAY: none. Absent: Friesen. Mayor Adelung declared the motion carried.

Mayor Adelung introduced and read Ordinance No. 2696-07 entitled:

AN ORDINANCE TO AMEND SECTION 34-53, ALCOHOLIC BEVERAGES, OF THE CODE OF NEBRASKA CITY, NEBRASKA, TO PROVIDE FOR AN ANNUAL OCCUPATION TAX IN THE AMOUNTS SPECIFIED IN SECTION 1 HEREOF ON THE VARIOUS BUSINESSES HANDLING THE SALE OF ALCOLHOLC BEVERAGES IN THE CITY OF NEBRASKA CITY; TO REPEAL THE EXISTING SECTION 34-53 AND ANY OTHER ORDINANCES IN CONFLICT WITH THIS ORDINANCE; AND TO PROVIDE FOR AN EFFECTIVE DATE.

Mayor Adelung moved that the Statutory Rule requiring reading on three different days be suspended. Commissioner Handy seconded the motion and on roll call the following voted YEA: Schiermeyer, Handy, Mercer and Adelung. Mayor Adelung declared the motion adopted by three-fifths (3/5) vote of the Council and the Statutory Rule suspended for consider of said Ordinance.

Mayor Adelung read the ordinance by title only and moved for final passage of ordinance No. 2696-07. Commissioner Handy seconded the motion. Mayor Adelung asked, "Shall Ordinance No. 2696-07 be passed and adopted?" and on roll call the following voted YEA: Handy, Mercer, Schiermeyer and Mayor Adelung. Voting NAY: none. Absent: Friesen. Mayor Adelung declared the motion carried.

Mayor Adelung introduced and read Resolution No. 2325-07. Commissioner Handy moved for passage of Resolution No. 2325-07. Commissioner Mercer seconded the motion and roll call the following voted YEA: Mercer, Schiermeyer, Handy and Mayor Adelung. Voting NAY: none. Absent: Friesen. Mayor Adelung declared the motion carried.

RESOLUTION NO. 2325-07

DIRECTOR APPOINTMENT FORM FOR PUBLIC POWER GENERATION AGENCY

I hereby certify, as an authorized representative of Nebraska City, Nebraska (the Member"), a Member of Public Power Generation Agency ("PPGA), that the Member adopted the following resolution at a meeting of the governing body of said Member, and that such resolution constitutes the binding action of the Member:

Whereas, pursuant to Section 3.02 of the PPGA Bylaws, the Member has heretofore designated the following individual as its Director: Leroy Frana, Utilities General Manager.

Whereas, the Member desires that the following persons be authorized to appoint an Alternate Director to serve in the event the named Director is not available to participate in any actions to be taken by PPGA.

NOW, THEREFORE, BE IT RESOLVED that the Director or one of the following members of the Board of Public Works of the Member be, and hereby are authorized by the Member to appoint an Alternate Director to PPGA, such appointment to be conditioned upon the approval of Erwin Friesen, The Public Works Commissioner of the Member. Such appointment shall be made on behalf of the Member according to the terms and provisions of Section 3.02 of the Bylaws of PPGA.

Jack Hobbie, Chairman Board of Public Works
Dennis Marshall Secretary, Board of Public Works
Erwin Friesen, Public Works Commissioner

BE IT FURTHER RESOLVED that the powers and authority granted by this resolution shall continue in full force and effect until written notice is given to the Assistant Secretary Treasurer of PPGA of the cancellation or modification thereof. Pursuant to the bylaws of PPGA,

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this resolution shall be effective upon delivery of this form to the Assistant Secretary Treasurer of PPGA.

I FURTHER CERTIFY THAT THE FOREGOING IS A FULL AND CORRECT COPY OF THE RESOLUTION AS IT APPEARS ON THE BOOKS OF THE Member, and said resolution has not been rescinded, modified or amended, and is now in full force and effect.

Dated this 16th of April 2007
Representative

Signed: Jo Dee Adelung, Authorized

ATTEST:
Mary Wallen
Acting City Clerk-Treasurer

Commissioner Handy moved to accept and approve the Integrated Resource Plan for Nebraska City Utilities and the City of Nebraska City as required by the Energy Planning and Management Program of the Western Area Power Administration. Commissioner Schiermeyer seconded the motion and on roll call the following voted YEA: Schiermeyer, Handy, Mercer, and Mayor Adelung. Voting NAY: none. Absent: Friesen. Mayor Adelung declared the motion carried.

Commissioner Mercer moved to approve Work Order #128 to rebuild a short section of 4160 Volt line, install a sectionalizing cabinet, install a padmount transformer to serve the Bennet Sewer Lift Station and to install approximately 750 feet of primary underground electric line to serve the new Bennet, NE Wastewater Treatment Facility in the amount of \$42,412.48 Commissioner Schiermeyer seconded the motion and on roll call the following voted YEA: Handy, Mercer, Schiermeyer and Mayor Adelung. Voting NAY: none. Absent: Friesen. Mayor Adelung declared the motion carried.

Commissioner Mercer moved for approval of the claims as presented except for Claim #7250B. Commissioner Handy seconded the motion and on roll call the following voted YEA: Mercer, Schiermeyer, Handy, and Mayor Adelung. Voting NAY: none. Absent: Friesen. Mayor Adelung declared the motion carried.

Commissioner Handy moved for approval of claim #7250B. Commissioner Schiermeyer seconded the motion and on roll call the following voted YEA: Schiermeyer, Handy, and Mayor Adelung. Voting NAY: none. Abstaining: Mercer. Absent: Friesen. Mayor Adelung declared the motion carried.

Claims List					
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City of Nebraska City	44460.16	Payroll	UNUM	1098.66	Ins
Farmers Bank	14456.47	Payroll	Mercer Admin	307.85	Ins
			SE Area Clerks Assoc	60.00	Meals
City of Nebraska City	4810.00	2003 VP	City of Nebraska City	75000.00	2005B
City of Nebraska City	4331.25	2005B	City of Nebraska City	9175.00	2005VP
ADT	98.03	Maint	LaRue Coffee	128.67	Supplies
Alamar	141.96	Uniforms	Loveland Lawn	440.00	Maint
Alco	19.99	Office	Martin Marietta	816.38	Supplies
Windstream	1,737.01	Telephone	Mead Lumber	59.54	Supplies
Allied Recycling	255.50	Garbage	Mercer's Hardware	183.10	Supplies
Alltel	40.48	Telephone	Midwest Right of Way	1,668.75	Engineering
KonicaMinolta	184.68	Copies	Mullenax Auto	1,416.78	Repairs
Arbor Mart	1,259.65	Fuel	Nebraska City News Press	1,046.71	Printing
A&M Green Power	25.30	Repairs	Nebraska City Utilities	8,687.34	Utilities
Auburn Newspapers	114.00	Adv	Nebraska Dept of Revenue	1,910.66	Sales Tax
Bob's Welding	95.00	Repairs	Nebraska Salt & Grain	909.18	Chemicals
Bohl Plumbing	2,518.53	Repairs	Nebr UIC Fund	1,820.00	Payroll
Cappen, Kevin	1,285.71	Contract	Neeman, Lonnie	10.99	Meals
Casey's General Stores	487.35	Fuel	AMSAN	271.98	Supplies
Century Lumber	28.52	Repairs	O'Reilly Auto Parts	32.33	Repairs
Cintas	179.02	Maint	Register of Deeds	27.50	Filing
Citizen Printing	175.00	Adv	Pamida	19.99	Office
Continuum EAP	1,875.00	Ins	N.C. Medical Clinic	76.00	Physical

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Douglas Tire	168.00	Repairs	Pitney Bowes	206.99	Postage
EDM Equipment	67.30	Repairs	Schendel	44.00	Chemicals
Earl May	7.98	Chemicals	Harland Tech Services	764.65	Computer
Estes, Inc	1,866.00	Chemicals	Schmitz Surveying	176.00	Plats
Fireguard	5,000.00	Equipment	SEND D	46.77	Consulting
Fire Protection Service	10.00	Repairs	Shell	2,127.37	Fuel
Galls	430.49	Uniforms	Trade Well Pallett	770.00	Supplies
Giittinger, Dan	78.57	Mileage	Tri-State Office	315.19	Office
Harding & Schultz	450.00	Legal	United Seeds, Inc	727.50	Seed
Wood Family Fuel	368.58	Fuel	Van Diest Supply	368.00	Chemicals
Heartland Classified	121.48	Adv	Van Wall Group	252.00	Repairs
Hopkins Automotive	231.89	Repairs	Viox, Alan	264.81	Mileage
ICC	100.00	Dues	Watkins True Value	179.68	Supplies
Ideal Pure Water	41.42	Misc	Web.com	266.15	Computer
Inland Truck Parts	521.24	Repairs	Wenzl Hardware	13.50	Repairs
JEO	14,994.53	Engineering	Universal Publications	100.00	Adv
Jebro, Inc	661.50	Repairs	Lab Safety Supply	88.26	Supplies
Landis Engine	76.53	Repairs	Giittinger, John	25.00	Refund
Larson Motors	19.95	Repairs	Boyd, Chris	25.00	Refund
			SENCA	25.00	Refund

There being no further business to come before the Council at this time, on motion duly made and seconded, the Council adjourned at 8:35.

Acting 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.

Acting City Clerk-Treasurer