

September 4, 2007

The City Council met in the Council Chambers at City Hall on September 4, 2007 to conduct public hearings on the proposed 2007-2008 budget. Mayor Jo Dee Adelung led in the Pledge of Allegiance and then called the public hearing in session and on roll call the following answered present: Leon Schiermeyer, Dean Handy, Erv Friesen, Mark Mercer and Mayor Jo Dee Adelung.

Mayor Adelung stated that the Council was now in session for the purpose of hearing support, opposition, criticism, suggestions or observations relating to the proposed budget for fiscal year 2007-2008 for the City of Nebraska City's General Fund and Bonded Indebtedness Fund. All members answered present on roll call. City Administrator Scott Bovick presented and overview of the historical financial position of the City which is used as a basis for the new budget. There were no comments either in support or opposition to the proposed budget. Commissioner Schiermeyer moved to close the Budget Hearing seconded by Commissioner Friesen. Upon roll call Mercer, Handy, Friesen, Schiermeyer and Mayor Adelung voted AYE. Voting NAY: None.

Mayor then stated that the Council is now in session to conduct a public hearing to consider setting a final tax request at a different amount than the prior year. All members answered present on roll call. City Administrator Scott Bovick presented a proposal setting a levy lower than the prior year which would result in a savings of over \$100.00 per each \$100,000.00 of valuation. There were no comments either in support or opposition to the proposed levy change. Commissioner Mercer moved to close the levy setting hearing seconded by Commissioner Handy. Upon roll call the following voted YEA: Schiermeyer, Friesen, Handy, Mercer and Mayor Adelung. Voting NAY: None.

The City Council of Nebraska City met in regular session on September 4, 2007 at 6:32 p.m. in the Council Chambers at City Hall. Mayor Adelung 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 Mercer moved to approve the minutes from the August 20, 2007 meeting. Commissioner Handy seconded the motion and on roll call the following voted YEA: Mercer, Schiermeyer, Handy, and Mayor Adelung. Voting NAY: None. Abstain: Friesen. Mayor Adelung declared the motion carried.

Mayor Adelung proclaimed the week of September 9-15, 2007 as National Assisted Living Week in Nebraska City, Nebraska.

The City Administrator, Scott Bovick, gave an update on Nebraska City Housing and WOTA. Commissioner Handy moved to approve the City Administrator's Report, Wyuka Cemetery Report, Memorial Building Report, and City Treasurer's Monthly Report. Balance on hand 7-31-07; \$4,641,941.00, Receipts: \$1,571,403.82; Expenditures, \$2,268,196.97; Balance on hand 8-31-07 \$3,945,147.85. Commissioner Mercer seconded the motion and on roll call the following voted YEA: Friesen, Mercer, Schiermeyer, Handy and Mayor Adelung. Voting NAY: None. Mayor Adelung declared the motion carried.

Commissioner Handy moved to increase the budgeted restricted funds by one percent (1%) for fiscal year 2007-2008, seconded by Commissioner Mercer. Upon roll call vote the following voted YEA: Schiermeyer, Friesen, Mercer, Handy and Mayor Adelung. Mayor Adelung declared motion adopted.

Mayor Adelung introduces Ordinance 2705-07:

AN ORDINANCE TO ADOPT THE BUDGET STATEMENT TO BE TERMED THE 2007-2008 ANNUAL APPROPRIATION BILL; TO APPROPRIATE SUMS FOR NECESSARY EXPENSES AND LIABILITIES; TO PROVIDE FOR AN EFFECTIVE DATE; and moves that the statutory rule requiring reading on three different days be suspended.

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Commissioner Handy seconded the motion to suspend the rules and upon roll call vote the following voted YEA: Schiermeyer, Friesen, Mercer, Handy, and Mayor Adelung. Voting NAY: None. Mayor Adelung declared the motion carried.

The motion to suspend the rules was adopted by three-fifths of the Council 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 then stated the question "Shall Ordinance No. 2705-07 be passed and adopted?" Upon roll call the following voted YEA: Schiermeyer, Mercer, Friesen, Handy, and Mayor Adelung. Voting NAY: None. Mayor Jo Dee Adelung declares Ordinance 2705-07 adopted and signs same in the presence of the Council and the Clerk who attests to same.

#### RESOLUTION 2338-07

WHEREAS, Nebraska Revised Statute 77-1601.02 provides that the property tax request for the prior year shall be the property tax request for the current year for the purpose of setting the levy by the County Board of Equalization unless the Governing Body of the City passes by a majority vote a resolution or ordinance setting a tax request at a different amount; and Whereas, a special public hearing was held as required by law to hear and consider comments concerning the property tax request; and Whereas, it is in the best interests of the City that the property tax request for the current year be a different amount than the property tax request for the prior year,  
NOW, THEREFORE, THE CITY COMMISSIONERS OF THE CITY OF NEBRASKA CITY, NEBRASKA, BY A MAJORITY VOTE, RESOLVE THAT:

1. The property tax request for the fiscal year beginning October 1, 2007 be set at the following amounts:

General Fund	\$1,050,000.00
Bonded Indebtedness Fund...	\$500,000.00
2. The City Clerk-Treasurer shall certify and forward a copy of this resolution to the County Clerk prior to October 12, 2007.

Commissioner Friesen moved for passage of Resolution 2338-07 seconded by Commissioner Handy. Upon roll call the following voted YEA: Schiermeyer, Mercer, Friesen, Handy, and Mayor Adelung. Voting NAY: None. Mayor Adelung declared resolution passed and approved.

Commissioner Mercer moved to approve the budget for the Nebraska City Transfer Station operating fund and bond fund seconded by Commissioner Friesen, upon roll call the following voted YEA: Handy, Friesen, Schiermeyer, Mercer, and Mayor Adelung. Voting NAY: None. Mayor Adelung declared the motion carried.

Commissioner Handy moved to approve the budget for the Nebraska City Airport Authority seconded by Mercer. Upon roll call the following voted YEA: Schiermeyer, Friesen, Mercer, Handy, and Mayor Adelung. Voting NAY: None. Mayor Adelung declared the motion carried.

#### Mayor Adelung introduced ORDINANCE No. 2706-07

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. Commissioner Handy seconded the motion to suspend the rules and upon roll call vote the following voted YEA: Schiermeyer, Friesen, Mercer, Handy, and Mayor Adelung. Voting NAY: None. Mayor Adelung declared the motion carried.

The motion to suspend the rules was adopted by three-fifths of the Council 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 Friesen. The Mayor then stated the question "Shall Ordinance No. 2706-07 be passed and adopted?" Upon roll call the following voted YEA: Schiermeyer, Mercer, Handy, Friesen, and Mayor Adelung. Voting NAY: None. Mayor Jo Dee Adelung declares Ordinance 2706-07 adopted and signs same in the presence of the Council and the Clerk who attests to same.

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Commissioner Friesen moved to approve the recommendation of the Board of Public works to purchase a Vermeer Model 2022 Directional Bore Machine in the amount of \$166,758.00 seconded by Commissioner Handy. Upon roll call vote the following voted YEA: Mercer, Schiermeyer, Handy, Friesen and Mayor Adelung. Voting NO: None Mayor Adelung declared the motion carried.

Commissioner Friesen moved to approve the request of the Board of Public Works to purchase approximately 3 acres of land from Raymond and Marian Royal located in the SW ¼ of the SW ¼ of Section 11-T8N-R11E of Otoe County, in the amount of \$15,000.00 seconded by Commissioner Handy. Upon roll call vote the following voted YEA: Mercer, Schiermeyer, Handy, Friesen and Mayor Adelung. Voting NO: None Mayor Adelung declared the motion carried.

Commissioner Friesen moved to approve Work Order No. 295 to extend a 4" poly gas line from Bagel Drive to 15<sup>th</sup> Street south of 5<sup>th</sup> Corso in the amount of \$54,167.43 seconded by Commissioner Schiermeyer. Upon roll call the following voted YEA: Mercer, Handy, Schiermeyer, Friesen and Mayor Adelung. Voting NAY: None. Mayor Adelung declared the motion carried.

Chad Godsey, President of the Nebraska City Jaycees requests use of picnic tables and barricades to block off Memorial Building parking lot for a Pancake Breakfast September 16<sup>th</sup>. Commissioner Schiermeyer moved to grant the request of the Nebraska City Jaycees to use picnic tables and barricades September 16<sup>th</sup>, seconded by Commissioner Handy. Upon roll call vote the following voted YEA: Mercer, Handy, Friesen, Schiermeyer, and Mayor Adelung. Mayor Adelung declared the motion carried.

Chad Godsey, President of the Nebraska City Jaycees requests a fee waiver for the use of the Memorial Building kitchen during AppleJack weekend seconded by Commissioner Handy. Upon roll call the following voted YEA: Friesen, Mercer, Handy, Schiermeyer and Mayor Adelung. Voting NAY: None. Mayor Adelung declared the motion carried.

Scott Bovick, City Administrator outlined the City-County response to the NDOR letter outlining the NDOR's position on design modifications to the project commonly called the Highway 2 overpass project. Commissioner Handy moved to approve the response letter to NDOR and authorize Mayor to sign after the County Board approves, seconded by Commissioner Mercer. Upon roll call the following voted YEA: Schiermeyer, Friesen, Mercer, Handy and Mayor Adelung. Mayor Adelung declared motion passed.

#### RESOLUTION 2339-07

BE IT RESOLVED by the Mayor and City Commissioners of Nebraska City, Nebraska: That "Handicapped Parking" stalls be placed at the following locations to regulate parking, effective twenty-four hours each day, for the purpose of setting aside a portion of the street where only vehicles bearing a handicapped license plate, or a special handicapped permit attached to the rearview mirror, may be parked, to-wit:

The first parking stall located North of 1<sup>st</sup> Corso on the West side of 6<sup>th</sup> Street, adjacent to Lot Twelve (12), Block Seventy-eight (78), Nebraska City Proper, Otoe County, Nebraska; and the first stall located West of Sixth Street on the North side of 1<sup>st</sup> Corso, adjacent to Lot Twelve (12), Block Seventy-eight (78), Nebraska City Proper, Otoe County, Nebraska ; and that the area immediately to the East of said first parking stall West of Sixth Street be designated and painted blue to identify the area for loading and unloading of handicapped persons from the vehicle parked in the first stall West of 6<sup>th</sup> Street; and that said stalls be identified by posting above ground adjacent to each parking stall a sign as designated in Section 18-1737, of the revised Statutes of Nebraska Reissue of 1997. Commissioner Handy moved for passage of Resolution 2339-07, seconded by Commissioner Friesen. Upon roll call the following voted YEA: Mercer, Schiermeyer, Handy, Friesen and Mayor Adelung. Voting NO: None Mayor Adelung declared the motion carried.

Scott Bovick, City Administrator recommended awarding a contract to Christensen Bros, Inc for the Deck Rehabilitation Project on the 4<sup>th</sup> Corso Viaduct in the amount of \$42,988.00 plus \$6,000.00 for Rail Post Rehab. Commissioner Handy moved to award the contract for the 4<sup>th</sup> Corso Viaduct Project to Christensen Bros Inc., seconded by Friesen. Upon roll call the

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following voted YEA: Schiermeyer, Mercer, Friesen, Handy, and Mayor Adelung. Voting NAY: None. Mayor Adelung declared the motion carried.

Erica Johnson representing Allied Refuse explained the reason for the rate adjustments for commercial accounts using Allied.

Scott Bovick, City Administrator presented the Mayor and Commissioners with the Phase II report on the property known as the "Larson Motors Property." Scott indicated that there were no surprises and that the property does not pose an unacceptable risk to the public or environment and that the main recommendation of the report is that no subsurface construction take place on the property.

Commissioner Handy moved to approve the Plumbers Permit for Kyle T. Smith, seconded by Commissioner Friesen. Upon roll call the following voted YEA: Mercer, Schiermeyer, Friesen, Handy and Mayor Adelung. Voting NAY: None. Mayor Adelung declared the motion carried.

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

**CLAIMS LIST**  
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Ameritas	2,359.44	Ins	Landis Engine	225.29	Supp
BC/BS	34,943.44	Ins	Nationwide	24,235.20	Pension
City of Neb City	56,991.43	Payroll	NE Dept of Rev	7,759.64	W/H
Conseco	71.45	Ins	Otoe Co Clerk	631.00	Payroll
Farmers Bank	480.00	Payroll	SimplePay LLC	2,697.89	Tourism
Farmers Bank	17,594.11	W/H	United Way	6.00	W/H
Action Tech Svc	400.00	Contr	UNUM Provident	1,186.25	Ins
Alamar	397.24	Uniform	Larson Motors	371.84	Repair
Alltel	290.37	Tele	Martin Marietta Mat.	2,096.50	Gravel
Angus, C	18.06	Meals	Medical & Safety Svc	16.40	Misc
Arbor Valley A	770.00	AniM Exp	Mellage Truck	66.42	Repair
Bovick, S	132.05	Mileage	Midwest Turf	154.02	Maint
Cappen, K	1,285.71	Contr	Midwest Service	1,974.00	Repairs
NCTC	5,312.50	Tourism	NE Comm Found.	2,590.00	Contract
City of NC	4,331.25	Int	NE Law Enforcement	50.00	Training
Concrete Indus.	1,027.69	Conc.	NE Life Magazine	135.00	Ad
Orscheln	583.32	Supp.	NE Public Health Lab	154.00	Misc
Diamond Vogel	796.23	Supp.	NE Tire	228.81	Tire
Dick's Body	1,796.39	Repair	AMSAN	75.55	Supp
Earl May	29.98	Chem	Omaha Tractor, Inc.	505.07	Repair
Estes, Inc	1,385.00	Chem	Otoe Co Clerk	4,887.22	Legal/Contr
Fireguard	184.25	Repair	Pine Acres Nursery	19,655.00	Retain wall
Food Pride	7.04	Misc	R & K Cleaning	1,200.00	Contr
GE Capital	74.67	Tele	R.C.E.D.C.	5,572.23	Grant/Contr
HWS Consult	891.30	Eng	Schendel Pest	109.00	Repair
Harris Auto	792.86	Repair	Schneider Elec	58.00	Repair
Hart, Anna	400.00	Contr.	Super Wash	100.00	Misc
Heartland	27.03	Ads			
JEO	2,576.00	Contr	UNL Coop Ext.	30.00	Training
Jebro Inc.	645.75	Asphalt	Video Home Theater	33.90	Misc
Jerry's Land	225.00	Mowing	Wurtele, Gail	11.40	Supp
Kirkham Michael	5,436.16	Eng	Winter Equip Co	484.31	Repair

Mayor Adelung moved to appoint Jan Allgood and Bruce Stanley, Board of Appeals terms to expire 08/01/2011; Norman Anderson and Duane Arends, Cemetery Board, terms to expire 06/01/2010; Chuck Stoner, Civil Service Commission, term to expire 03/01/2013; and Dan Patton, Dock Board, Dock Board, term to expire 03/01/2010. Commissioner Friesen moved to approve all appointments, seconded by Commissioner Handy. Upon roll call the following voted YEA: Mercer, Schiermeyer, Handy, Friesen and Mayor Adelung. Mayor Adelung declared the motion carried.

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Commissioner Handy moved to adjourn the meeting. Commissioner Schiermeyer seconded the motion and on a roll call the following voted YEA: Mercer, Schiermeyer, Handy, Friesen and Mayor Adelung. Voting NAY: none. Mayor Adelung declared the meeting adjourned at 7:49 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