

## CITY COUNCIL PROCEEDINGS

January 21, 2008

The City Council of Nebraska City met for a Public Hearing on January 21, 2008 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 Public Hearing to order and on roll call the following answered present: Dean Handy, Mark Mercer and Mayor Jo Dee Adelung. Absent: Leon Schiermeyer and Erv Friesen. City Administrator Scott Bovick presented street and bridge projects either slated for bid letting in 2008 or that bids had already been awarded for the 2008 construction season. Even Wickersham, P.E. was also present to answer any questions. No one else spoke in support or against the plan. Commissioner Handy moved to close the Public Hearing, seconded by Commissioner Mercer. Upon roll call the following voted YEA: Mercer, Handy and Mayor Adelung. Voting NAY: None. Absent Friesen and Schiermeyer. Motion carried.

The City Council of Nebraska City then met for the regular monthly meeting. Mayor Adelung called the City Council Meeting to order and on roll call the following answered present: Dean Handy, Mark Mercer and Mayor Jo Dee Adelung. Absent: Erv Friesen and Leon Schiermeyer.

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 January 7, 2008 Special Joint Meeting with the Board of Public Works. Commissioner Mercer seconded the motion and on roll call the following voted YEA: Mercer, Handy, and Mayor Adelung. Voting NAY: None. Absent: Schiermeyer and Friesen. Mayor Adelung declared the motion carried.

Commissioner Handy moved to approve the minutes from the January 7, 2008 Regular Council Meeting. Commissioner Mercer seconded the motion and on roll call the following voted YEA: Mercer, Handy, and Mayor Adelung. Voting NAY: None. Absent: Schiermeyer and Friesen. Mayor Adelung declared the motion carried.

Mayor Adelung proclaimed January 27<sup>th</sup> through February 1<sup>st</sup> as "National Catholic Schools Week."

Mayor Adelung proclaimed March as "Gambling Awareness Month."

Mayor Adelung proclaimed January 20<sup>th</sup> to January 26<sup>th</sup> as "Nebraska City Jaycee Week."

Mayor Adelung recognized several employees for their years of service. Marvin Bando, Doug Bennett, Dan Giittinger, Mary Wallen and Gary Bassinger each had 5 year service awards. Jeff Lant received his 10 year service award. And LaVonda Bando received recognition for 20 years of service. The Mayor praised all these employees for their service and dedication to excellence.

City Administrator Scott Bovick, reported that the Public Safety Building Committee selected two (2) firms out of all the applicants to interview to be the architects for the construction project. Mr. Bovick also reported that interior demolition will begin shortly which will possibly save the City \$10,000.00 to \$12,000.00. He also said that interviews for the Nebraska City Main Street manager would be soon and that there were several good applicants.

Traci Reuter and Shawna Silvius informed the Council of programs available to community and county residents including the progress of "Partners for Otoe County" and the new CAPE Program (Community Assisted Parenting Education). These programs were made possible by grants from Catholic Initiatives and United Way.

Mayor Adelung introduced Resolution 2349-08 which accepts and adopts the One and Six Year Plan for Street Improvement Program for the City of Nebraska City. Upon roll call the following voted AYE: Handy, Mercer and Mayor Adelung. Voting NAY: None. Absent: Friesen and Schiermeyer.

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

### **Resolution 2349-08**

"WHEREAS, the City Street Superintendent has prepared and presented a One and Six

Year Plan for Street Improvement Program for the City of Nebraska City, Nebraska and,

**WHEREAS**, a public meeting was held on the 21<sup>st</sup> day of January, 2008, to present this Plan and there was a 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.”

Upon roll call the vote is as follows:

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

**Clerk**

\_\_\_\_\_  
**Mayor**

Police Chief Dave Lacy, informed the Council of a \$3,500.00 grant the department received from the Department of Highway safety for an “In-Car” digital video system for the new patrol car.

Fire Chief Alan Viox, informed the Council of grants recently received by the Nebraska City Fire Department. They received \$64,010.00 from FEMA for communications equipment, \$139,000.00 for Self-Contained Breathing Apparatus’ and \$2,450.00 from United Way for Public Fire Extinguisher Training.

Mayor Adelung introduced the second reading of Ordinance 2714-08, an ordinance to amend Section 34-85 of the Code of Nebraska City, Nebraska, to levy an Occupation Tax of three percent on the gross receipts of telephone and telecommunication services in the City of Nebraska City, Nebraska.

Mayor Adelung then introduced Ordinance 2715-08 an ordinance to add a new section to the Code of Ordinances of the City of Nebraska City, Nebraska, to provide for the transfer funds from the Electric and Natural Gas Combined Utilities Fund to the General Fund of the City of Nebraska City, as provided by Section 1 hereof; to repeal any ordinances in conflict with this ordinance 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 AYE: Handy, Mercer and Mayor Adelung. Voting NAY: None. Absent: Friesen and Schiermeyer. Mayor Adelung declared the motion adopted by three-fifths (3/5) vote of the Council and the Statutory Rule suspended for consideration of the 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 2715-08 be passed and adopted?” which was seconded by Commissioner Mercer. Upon roll call the following voted AYE: Handy, Mercer and Mayor Adelung. Voting NAY: None. Absent: Friesen and Schiermeyer. The passage and adoption of said ordinance having been concurred in by the 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. 2715-08**

AN ORDINANCE TO ADD A NEW SECTION TO THE CODE OF ORDINANCES OF THE CITY OF NEBRASKA CITY, NEBRASKA, TO PROVIDE FOR THE TRANSFER OF FUNDS FROM THE COMBINED UTILITIES FUND TO THE GENERAL FUND OF THE CITY OF NEBRASKA CITY, AS PROVIDED IN SECTION 1 HEREOF; TO REPEAL ANY ORDINANCES IN CONFLICT WITH THIS ORDINANCE AND TO DECLARE AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND CITY COMMISSIONERS OF THE CITY OF NEBRASKA CITY, AS FOLLOWS:

Section 1. That Chapter Thirty-one, Article II, Section 31-37, be added to the Code of Ordinances of the City of Nebraska City, Nebraska, which shall read as follows:

“Section 31-37. Transfer of funds. That commencing on the first day of September, 2007, and quarterly thereafter, the City of Nebraska City shall transfer from their Combined Utilities Fund to the General Fund of the City of Nebraska City, three percent of the gross revenue received from the electric

energy and natural gas sales from customers residing within the corporate limits of the City of Nebraska City. Such funds shall be transferred within thirty days of the end of each calendar quarter.”

Section 2. That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 3. 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 21<sup>st</sup> day of January, 2008.

Jo Dee Adelung, Mayor

Attest:

Arnold M. Ehlers  
City Clerk Treasurer

Barbara Hegr Library Director, presented Bid Specifications for Exterior Restoration and asked Council approval to publish a “Notice to Bidders” Upon roll call the following voted AYE: Handy, Mercer and Mayor Adelung. Voting NAY: None. Absent: Friesen and Schiermeyer. Mayor declared motion carried.

Commissioner Handy moved to approve all plumbers permit applications, seconded by Commissioner Mercer. Upon roll call the following voted AYE: Handy, Mercer and Mayor Adelung. Voting NAY: None. Absent: Friesen and Schiermeyer. Mayor declared motion carried.

Commissioner Handy moved to approve all electricians permit applications, seconded by Commissioner Mercer. Upon roll call the following voted AYE: Handy, Mercer and Mayor Adelung. Voting NAY: None. Absent: Friesen and Schiermeyer. Mayor declared motion carried.

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

CLAIMS LIST						
January 21, 2008						
ADT Security	103.42	Sec Sys	MO-Ark River Basin	250	Dues	
Allied Rcy & Ref	300.8	Garbage	N.C. Public School	240	Tob Lic	
Ambassador Rehab & Well	25	Med	NC Rotary	375	Dues	
Anthens, G	176	Ref	NC Utilities	7,563.05	Util	
Arbor Mart	1,433.70	Fuel	NE Dept. of Rev	406.36	Sale Tax	
Bishop Plmb& Htg	55	Rep	NE Pub Health Env Lab	154	Inv Exp	
Bob's Welding Shop	286.72	Rep	NE Salt & Grain	881.48	Salt	
Card Services	84.5	Fuel	NEXTEL	223.4	Tele	
Citizen Printing	105	Supp	Norman's IGA	426.01	Turkeys	
City of NC	4,013.75	Hwy Allo	OMB's Expr Police Supp	1,942.98	Supp	
Concrete Ind	6.8	Concrete	O'Reilly Auto Parts	144.77	Supp	
Conner, A	112.5	Ref	Orscheln	710.7	Supp	
Crook, L	101	Mileage	Otoe Cnty Clerk	2,487.22	Contr	
CYC Constr	105,702.79	Trail	Palmtag, S	126.5	Ref	
DeVorss, N	112.5	Ref	Pitney Bowes	418.99	Postage	
Dixon, A	67.5	Ref	Police Chiefs Assoc.	50	Dues	
Eagle One	309.11	Misc	Professional Choice	201.84	Garnish	
EDM Equip	1,306.00	Rep	Quill Corp	214.8	Supp	
Farris, M	115	Ref	R & R Products Co.	286.78	Misc	
Farris, P	135	Ref	Schendel Pest Contr	59	Pest	
Fire Protect Svc	91.8	Maint	Schneider Elec & Refr	253.57	Rep	
GALLS	197.42	Uni	Shell	2884.41	Fuel	
GE Capital	74.67	Tele	St. Mary's Hospital	21	Med	
Great Amer Outdoor	653.5	Rep	Sunrise Pub	56.25	Ad	
Heartland Class Svc	10.57	Ad	Thiele Geotech	1,889.00	Trail	
Ideal Pure Water	18.42	Contr	Thurman Bike & Sport	1,359.00	Supp	
J.P. Cooke Co	63.81	Licen	Turfwerks	387.23	Rep	
KonicaMinolta	180.75	Maint	US Treasury	407.96	Benefits	
Landis Eng	375.47	Rep	USIS Comm Svc	50	Med	
Larson Motors	101.7	Rep	USPS	123	Postage	

	League of NE. Muni	996	Train	Van Diest Supply	6,082.10	Supp
	Mead Lumber	187.73	Rep	Vock, B	132	Ref
	Midland Equip	1,290.56	Maint	Wages & Benefits	77,728.23	Payroll
	Midlands Finan Benefit	875	Consult	WatchGuard Video	5,020.00	Camera
	Midwest ROW Svc	12,048.75	Consult	Windstream	2,013.80	Tele
	Miller Monroe Farrell	100	Bond			

Commissioner Handy moved to adjourn the meeting seconded by Commissioner Mercer. Mayor Adelung declared the meeting adjourned at 7:30 p.m.

\_\_\_\_\_  
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