

CITY OF NEBRASKA CITY, NEBRASKA

MINUTES OF CITY COUNCIL REGULAR MEETING

April 21, 2008

Pursuant to due call and notice thereof, a Regular Meeting of the City Council of the City of Nebraska City was conducted in the Council Chambers of City Hall, 1409 Central Avenue, on April 21, 2008. Notice of the 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.

Mayor Adelung called the meeting to order at 6:00 p.m. and led the assembly in the Pledge of Allegiance. Upon roll call the following answered present: Leon Schiermeyer, Dean Handy, Erv Friesen, and Mark Mercer. The following City Officials were present: City Administrator Scott Bovick, City Clerk Arnold M. Ehlers, City Attorney William Davis, and Public Properties Director/Zoning Director Dan Gittinger, Building Inspector Alan Viox and Police Chief David Lacy.

Commissioner Friesen moved to approve the minutes of the April 7, 2008 City Council Regular Meeting, seconded by Commissioner Schiermeyer. Upon roll call the following voted AYE: Handy, Mercer, Schiermeyer, Friesen and Mayor Adelung. Voting NO: None. Motion adopted.

Mayor Adelung opened the Public Hearing on the request for a Class I Liquor License for Li'l Dickie's Steakhouse LLC located at 715 1st Corso. Richard Gregg, Vickie Hansen and Julie Naberhaus were present to answer questions by the City Attorney and Council. No one else spoke in support or opposition to the request. Commissioner Schiermeyer moved to close the Public Hearing seconded by Commissioner Handy. Upon roll call the following voted AYE: Mercer, Friesen, Handy, Schiermeyer and Mayor Adelung. Motion passed.

Mayor Adelung proclaimed May 10, 2008 as Buddy Poppy Day. Mayor Adelung proclaimed the week of May 11 through May 17, 2008 as "National Nursing Home Week" with this year's theme of "Love is Ageless."

City Administrator Scott Bovick reported on the tree plantings, progress on the Steinhart Park Trail Project and also the installation of the playground equipment donated by Zachery Construction. Commissioner Handy moved to accept the City Administrator's report, seconded by Commissioner Mercer. Upon roll call the following voted AYE: Schiermeyer, Friesen, Mercer, Handy and Mayor Adelung. Voting NO: None. Motion passed.

Commissioner Friesen moved to approve the Liquor License application by Li'L Dickie's Steakhouse LLC seconded by Commissioner Mercer. Upon roll call the following voted AYE: Schiermeyer, Handy, Mercer, Friesen and Mayor Adelung. Voting NO: None. Motion passed.

Mayor Adelung introduced Resolution 2356-08, Commissioner Handy moved for passage and adoption of Resolution 2356-08. Commissioner Friesen seconded the motion and upon roll call the following voted AYE: Schiermeyer, Mercer, Friesen, Handy and Mayor Adelung. Voting NO: None. Mayor declared motion passed. A true, correct and complete copy of said resolution is as follows:

Resolution 2356-08

BE IT RESOLVED BY THE MAYOR AND BOARD OF COMMISSIONERS OF THE CITY OF NEBRASKA CITY, NEBRASKA, as follows:

Section 1. That the Mayor and Board of Commissioners of the City of Nebraska City, Nebraska, do hereby declare this resolution to be the City's official declaration of intent under Internal Revenue Service Regulation Section 1.150-2 to provide for the incurring of indebtedness which may include reimbursements of expenditures made by the City in conjunction with costs incurred in connection with the construction of paving improvements on Central Avenue and 11th Street of the City. The preliminary estimate of debt contemplated to be issued for such project exceeds \$600,000.00.

Section 2. That up to the expenditure of the full amounts of such project described within this resolution, the City may advance funds as may be necessary for meeting the immediate costs of such project. It is the intent of the Mayor and Board and the City's reasonable expectation that the City shall

reimburse such expenditures as may be made from general funds on hand from the proceeds of the issuance of its debt obligations.

PASSED AND APPROVED this 21st day of April, 2008

Jo Dee Adelung, Mayor

Attest:

Arnold M. Ehlers, Clerk

Mayor Adelung introduced Ordinance No. 2721-08 entitled:

AN ORDINANCE CREATING STREET IMPROVEMENT DISTRICT NO. 2008-01 IN THE CITY OF NEBRASKA CITY, NEBRASKA, ORDERING CONSTRUCTION OF STREET IMPROVEMENTS THEREIN AND ORDERING THE PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM and moved that the statutory rule requiring reading on three different days be suspended. Commissioner handy seconded the motion and upon roll call the following voted AYE: Schiermeyer, Mercer, Friesen, Handy and Mayor Adelung. Voting NO: None. The motion to suspend the rules was adopted by three-fifths of the Board 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 stated the question – “Shall Ordinance No. 2721-08 be passed and adopted?” Upon roll call the following voted AYE: Schiermeyer, Mercer, Friesen, Handy and Mayor Adelung. Voting NO: None. The passage and adoption of said ordinance having been concurred in by a majority of all members of the Board, the Mayor declared the ordinance adopted and the Mayor in the presence of the Board signed and approved the ordinance and the Clerk attested the passage and approval of the same and affixed his signature thereto and ordered the Ordinance to be published in pamphlet form as provided therein and be posted in three public places in the City. A true, correct and complete copy of said ordinance is as follows:

Ordinance 2721-08

AN ORDINANCE CREATING STREET IMPROVEMENT DISTRICT NO. 2008-01 IN THE CITY OF NEBRASKA CITY, NEBRASKA, ORDERING THE CONSTRUCTION OF STREET IMPROVEMENTS THEREIN AND ORDERING THE PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM

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

Section 1. That there be and hereby is created in the City of Nebraska City, Nebraska, a paving district to be known and designated as Street Improvement District No. 2008-01 of the City of Nebraska City, Nebraska.

Section 2. That the outer boundaries of Street Improvement District No. 2008-01 shall include, in addition to the streets to be improved, all of the following property abutting upon said streets to be improved and within which district, the following streets shall be improved by milling and overlay, curb repair as needed, constructing ADA compliant crosswalks and all necessary appurtenances thereto are:

Central Avenue, from 6th Street to 11th Street; and
11th Street, from 1st Avenue to 1st Corso;

which streets are found to be interconnecting streets.

Section 3. Said streets shall be improved at public cost and said improvements shall be made in accordance with the plans, specifications and estimate prepared by the special engineers for the City and to be approved by the Mayor and Board of Commissioners.

Section 4. Notice of creation of said District shall be published as provided by law in the *Nebraska City News-Press*, a legal newspaper published in and of general circulation in Nebraska City, Nebraska.

Section 5. This ordinance shall be published in pamphlet form and take effect as provided by law.

PASSED AND APPROVED this 21st day of April, 2008

Jo Dee Adelung, Mayor

Attest:

Arnold M. Ehlers, Clerk-Treasurer

Mayor Adelung introduced Resolution No. 2357-08. Commissioner Handy moved for passage and adoption of Resolution No. 2357-08. Commissioner Schiermeyer seconded the motion and upon roll call the following voted AYE: Mercer, Friesen, Schiermeyer, Handy and Mayor

Adelung. Voting NO: None. Mayor Adelung declared motion passed. A true, correct and complete copy of said resolution is as follows:

RESOLUTION 2357-08

BE IT RESOLVED BY THE MAYOR AND BOARD OF COMMISSIONERS OF THE CITY OF NEBRASKA CITY, NEBRASKA, as follows:

The Mayor and the Board of Commissioners hereby find and determine that the Mayor and Board will meet on the 19th day of May, 2008, at 6:00 P.M. at the regular meeting place of the Board, at which time a hearing will be held as to the sufficiency of the written objections filed objecting to the creation of Street Improvement District No. 2008-01 of the City and as to the existence of the required facts and conditions relative to the creation of the District. The Clerk is hereby instructed to cause notice of this hearing to be included in the Notice of Creation of the District, published as provided by law.

PASSED AND APPROVED this 21st day of April, 2008.

Jo Dee Adelung, Mayor

Attest:

Arnold M. Ehlers, Clerk-Treasurer

Commissioner Friesen moved to approve the job descriptions for all city positions, seconded by Commissioner Schiermeyer. Upon roll call the following voted AYE: Mercer, Schiermeyer, Handy, Friesen, and Mayor Adelung. Voting NO: None. Mayor Adelung declared motion passed.

Mayor Adelung introduced Resolution No. 2358-08. Commissioner Friesen moved for passage and adoption of Resolution 2358-08, seconded by Commissioner Handy. Upon roll call the following voted AYE: Schiermeyer, Mercer, Friesen, Handy and Mayor Adelung. Voting NO: None. Mayor declared motion passed. A true, correct and complete copy of said resolution is as follows:

RESOLUTION 2358-08

BE IT RESOLVED by the Mayor and City Commissioners of the City of Nebraska City, Nebraska:

That a "Handicapped Parking" stall be placed at the following location to regulate parking, and said regulation shall be effective twenty-four hours each day, for the purpose of setting aside a portion of Central Avenue, where only vehicles bearing a handicapped license plate, or a special plate, or a special handicapped permit attached to the rearview mirror, may be parked, to-wit:

The fourth parking stall located East of Fourteenth Street on the North side of Central Avenue adjacent to Lot Eight, Block Fourteen (14) Prairie City Addition to Nebraska City, Otoe County, Nebraska; and that said stall be identified by posting above ground and adjacent to such parking stall a sign as designated in Section 18-1737, of the Reissue of Revised Statutes of Nebraska, 2006 Cumulative Supplement.

Passed and approved this 21st day of April, 2008.

Jo Dee Adelung, Mayor

Attest:

Arnold M. Ehlers, Clerk-Treasurer

Commissioner Schiermeyer moved to approve the request by Kay Defreece for use of Steinhart Municipal Pool for Swim Team meets and events. Commissioner Handy seconded the motion and upon roll call the following voted AYE: Mercer, Friesen, Handy, Schiermeyer and Mayor Adelung. Voting NO: None. Mayor Adelung declared motion passed.

Building Inspector Alan Viox, updated the Council on cleanup progress at Applewood Trailer Park. Park owner Rob Church 1016 Main St., Plattsmouth answered questions by the Council and City Attorney. Mr. Church will report cleanup progress to the Council in 60 days.

Commissioner Friesen moved to approve the Electricians Work Permit for Richard Slama, seconded by Commissioner Handy. Upon roll call the following voted AYE: Mercer, Handy, Schiermeyer, Friesen, and Mayor Adelung. Voting NO: None. Mayor Adelung declared motion passed.

Tom Farrell, School Board President presented school improvement plans with street and drainage requests to the Council. Also in attendance were: Keith Rohwer, John James, Bernadette Shanholtz and Ken Zaroban. Grant Boden commented on parking plans.

Commissioner Mercer moved to approve all claims except Claim #7250M, seconded by Commissioner Friesen. Upon roll call the following voted AYE: Handy, Schiermeyer, Friesen, Mercer and Mayor Adelung. Voting NO: None. Mayor Adelung declared motion passed.

Commissioner Friesen moved to approve Claim #7250M, seconded by Commissioner Schiermeyer. Upon roll call the following voted AYE: Handy, Schiermeyer, Friesen, and Mayor Adelung. Voting NO: None. Abstain: Mercer. Mayor Adelung declared motion passed.

Adkins Signs	250.00	Misc		Mercer's	324.70	Misc
ADT Sec Svc	103.42	Contr		Michael Todd & Co	370.66	Signs
Allied Rec & Ref	300.80	Garbage		Midlands Fin Ben	875.00	Contr
Ambassador Group	55.00	Dues		Midwest Machine	30.27	Rep
Ambassador Rehab	25.00	Med		Midwest ROW	4,500.00	ROW
Arbor Mart,	1,951.79	Fuel		Miller Monroe Farrell	396.00	Ins
Arbor Outdoor Pwr	6.49	Misc		Nancy Sylvestor	50.00	Supp
ASPA	100.00	Dues		NC Med Clinic	874.00	Med
Bargain Barn	3,200.00	Contr		NC Newspress	78.00	Dues
Barrett Constr Co.	975.00	Misc		NC Treasurer	97.00	Misc
Bohl Plmbg & Htg	843.89	Rep		NC Utilities	7,825.34	Util
Bovick, S	309.00	Mileage		NE Dept of Rev	619.65	Sales Tax
Brown Glass Co	83.35	Rep		NE Life Mag.	205.00	Ads
Cintas Corp	121.62	Supp		NE Salt & Grain	6,630.91	Salt
Concrete Ind	43.00	Maint		Nextel	224.15	Tele
Cornhusker Int'l Truck	151.37	Rep		Omaha Tractor	512.62	Rep
DeBruce Fertilizer	10,000.00	Refund		Otoe Cnty Clerk	2,487.22	Contr
Dublin Nursery & Land	585.00	Trees		Otoe County Title Co	260,988.50	ROW
Eagle One	414.10	Seasonal		Pitney Bowes	418.99	Postage
Fire Protect Svc	11.25	Misc		PlayPower LT Farm	1,694.36	Misc
GE Capital	163.12	Tele		R.C.E.D.C.	921.03	Grant
Great Am Outdoor	156.93	Rep		Recreation Supply Co	2,003.24	Misc
Harris Auto Rep	306.34	Rep		River City Trans	200.00	Misc
Heartland Class Svc	12.53	Ads		Rose Equip	284.39	Rep
HGM Assoc	3,500.00	Eng		S Systems	848.00	Misc
Hornung's Golf Prod	250.50	Supp		Safetyline	233.78	Supp
HWS Consult Grp	748.62	Eng		Schendel Pest Cont	109.00	Pest Ctrl
Ideal Pure Water	54.92	Water		Shell	2,595.54	Fuel
Industrial Sales	124.44	Rep		Sinclair Hille Arch	3,554.20	Eng
Jebro Inc.	808.50	Misc		Steve Flanders	1,024.50	Refund
JEO Consult Grp	960.00	Eng		Tom's Radio	390.00	Rent
Key Equip & Sup Co.	439.03	Rep		USIS Comm Svc	25.00	Med
Landis Engine	219.22	Misc		Van Diest Supply	1,550.00	Misc
Larson Motors	583.48	Rep		Varsity Scoreboards	4,211.58	Misc
Lifeguard Store	319.00	Misc		Video Home Theater	1,320.00	Misc
Lynn Peavey Co	137.80	Invest.		Wages & Benefits	65,392.71	Payroll
Martin Marietta Mat	1,745.87	Gravel		Windstream	1,946.86	Tele
Marty Heng	25.93	Misc				

Mayor Adelung moved to re-appoint Tom Funke and Marliss Miller to the Dock Board with terms to expire March 1, 2011, seconded by Commissioner Friesen. Upon roll call the following voted AYE: Mercer, Handy, Schiermeyer, Friesen, and Mayor Adelung. Voting NO: None. Mayor Adelung declared motion passed.

Mayor Adelung moved to approve Brian Ehmke and Travis Gauchat as probationary members of the Nebraska City Volunteer Fire Department, seconded by Commissioner Mercer. Upon roll call the following voted AYE: Handy, Schiermeyer, Friesen, Mercer and Mayor Adelung. Voting NO: None. Mayor Adelung declared motion passed.

Meeting adjourned at 8:22 p.m.

Jo Dee Adelung, Mayor

Attest:

Arnold M. Ehlers, Clerk-Treasurer

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.

Arnold M. Ehlers, Clerk-Treasurer