

CITY OF NEBRASKA CITY, NEBRASKA

MINUTES OF CITY COUNCIL REGULAR MEETING

June 2, 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 at City Hall, 1409 Central Avenue, on June 2, 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. 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 Dave Lacy.

Mayor Adelung led in the Pledge of Allegiance.

Mayor Adelung then opened the public hearing for the Class "T" Liquor License application of Lisa M. Winterstien of Limitless Frontier Investments LLC dba "Good Times at Stanley's" Lisa M. Winterstien and Derek B. Winterstien answered questions from the City Attorney and City Council. No one else spoke in opposition or support of the application. Commissioner Friesen moved to close the public hearing seconded by Commissioner Handy. Upon roll call the following voted AYE: Mercer, Schiermeyer, Handy, Friesen and Mayor Adelung. Voting NO: None. Motion passed.

Commissioner Handy moved to approve the minutes of the May 19, 2008 City Council Regular Meeting, seconded by Commissioner Schiermeyer. Upon roll call the following voted AYE: Friesen, Mercer, Schiermeyer, Handy, and Mayor Adelung. Voting NO: None. Motion adopted.

The Treasurer's Report showed a beginning balance for the City's account as of May 1, 2008 of \$3,446,180.76 with \$1,472,494.60 in revenues and \$921,155.70 in expenditures leaving an end of month balance of \$3,997,519.66. The Utilities end of month balance is \$19,287,707.54. Total end of month balance for City and Utility funds is \$23,285,227.20. Wyuka Cemetery had revenues of \$6,175.00 in May. Commissioner Mercer moved to accept the Treasurer's and Wyuka Cemetery monthly reports and place them on file, seconded by Commissioner Handy. Upon roll call the following voted AYE: Friesen, Schiermeyer, Handy, Mercer and Mayor Adelung. Voting NO: None. Motion adopted.

Commissioner Handy moved to approve the Class "T" Liquor License application by Lisa M. Winterstien for "Good Times at Stanley's" with the stipulation's that the State Fire Marshall approves occupancy, the City of Nebraska City issues a Certificate of Occupancy, the Department of Agriculture approves the establishment and that all employees receive "alcohol server training" from a Liquor Control Commission approved vendor, seconded by Commissioner Friesen. Upon roll call the following voted AYE: Mercer, Schiermeyer, Handy, Friesen and Mayor Adelung. Voting NO: None. Motion passed.

Mayor Adelung then introduced Resolution 2363-08. Commissioner Handy moved to approve Resolution 2363-08 seconded by Commissioner Schiermeyer. A true, correct and complete copy of said resolution is as follows:

**RESOLUTION 2363 -08**

**WHEREAS**, an application was filed by Lisa M. Winterstien of Limitless Frontier Investments, LLC dba Good Times at Stanley's, 704 Central Avenue, Nebraska City, Nebraska, for a Class "T" Liquor License; and

**WHEREAS**, a public hearing notice was published in the *Nebraska City News-Press* as required by state law on May 23, 2008 such publication cost being \$ 14.00; and

**WHEREAS**, a public hearing was held on June 2, 2008 for the purpose of discussing such liquor license application.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COMMISSIONERS OF THE CITY OF NEBRASKA CITY, NEBRASKA, that;

\_\_\_\_\_ The City of Nebraska City hereby recommends approval of the above identified liquor license application.

\_\_\_\_\_ The City of Nebraska City hereby recommends the approval of Derek B..

Winterstien, as liquor manager of such business.

\_\_\_\_\_ The City of Nebraska City hereby recommends the approval of the above identified liquor license application with the following stipulation(s):  
1. State Fire Marshall approves occupancy; 2. City of Nebraska City issues Certificate of Occupancy; 3. Department of Agriculture approves the establishment; and 4. all employees receive "alcohol server training" from Liquor Control Commission approved vendor.

\_\_\_\_\_ The City of Nebraska City hereby makes no recommendation as to the above-identified liquor license application.

\_\_\_\_\_ The City of Nebraska City hereby recommends denial of the above-identified liquor license for the following reasons: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

Passed and adopted by the Mayor and Commissioners of the City of Nebraska City, Nebraska, on June 2, 2008.

\_\_\_\_\_  
Jo Dee Adelung, Mayor  
Attest:

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

Commissioner Mercer moved to approve the "Interlocal Cooperative Agreement" with the Nebraska City School District and authorize the Mayor to sign, seconded by Commissioner Friesen. Upon roll call the following voted AYE: Schiermeyer, Handy, Friesen, Mercer and Mayor Adelung. Voting NO: None. Motion adopted.

Commissioner Handy moved to approve the request by TD Development for annexation of the remainder of Tract 2 Emma Grundman Subdivision located in SE¼ of Sec 17-T8N-R14E of the 6<sup>th</sup> P.M. Otoe County, Nebraska and authorize the City Attorney to prepare the Ordinance, seconded by Commissioner Mercer. Upon roll call the following voted AYE: Friesen, Mercer, Schiermeyer, Handy, and Mayor Adelung. Voting NO: None. Motion adopted.

Commissioner Friesen moved to approve the request by Ernie Rink for the closure of Central Avenue between 11<sup>th</sup> Street and 8<sup>th</sup> Street and side streets to the alleys on Sept 21, 2008 for the River City Classic Car Show, seconded by Commissioner Mercer. Upon roll call the following voted AYE: Schiermeyer, Handy, Friesen, Mercer and Mayor Adelung. Voting NO: None. Motion adopted.

Dan Giittinger presented information on "Hit-and-Run" incidents on North 5<sup>th</sup> Street between 1<sup>st</sup> Avenue and 2<sup>nd</sup> Avenue. Brian Briley, 215 N. 5<sup>th</sup> provided additional information. Commissioner Handy moved to have "No Parking" on the west side of 5<sup>th</sup> Street between 1<sup>st</sup> Avenue and 2<sup>nd</sup> Avenue, seconded by Commissioner Mercer. Upon roll call the following voted AYE: Friesen, Schiermeyer, Mercer, Handy, and Mayor Adelung. Voting NO: None. Motion adopted.

Commissioner Handy moved to approve the request by Bill Creek to purchase City owned property; and have the City Attorney draft an Ordinance to sell Lots 10-11-12; Block 69; Greggspport Addition for \$10.00, seconded by Commissioner Friesen. Upon roll call the following voted AYE: Schiermeyer, Mercer, Handy, Friesen and Mayor Adelung. Voting NO: None. Motion adopted.

Margaret Spiers presented documents and a proposal to have the City vacate the alley north of 9<sup>th</sup> Avenue between 17<sup>th</sup> and 18<sup>th</sup> Streets, 17<sup>th</sup> Street north of said alley, and 10<sup>th</sup> Avenue between 16<sup>th</sup> and 18<sup>th</sup> Streets and then sell above said properties to Hope Ministry and Gardens for \$1.00 plus costs. Commissioner Friesen moved to table the item until Ms. Spiers provides names of the Board of Directors, a Comprehensive Plan for the site including a timeline and funding, a letter from other property owners who have not already responded, including Crown Point Management and the Watson Family with a written easement from the Watson Family for use of their property as access to the Gardens, seconded by Commissioner Mercer. Upon roll call the following voted AYE: Schiermeyer, Handy, Friesen, Mercer and Mayor Adelung. Voting NO: None. Motion adopted.

Commissioner Friesen made the motion to approve the request by Linda Thomas to vacate 132' of 13<sup>th</sup> Corso west of 10<sup>th</sup> Street between Block 23 and Block 26; Anderson's Second Addition to

Nebraska City and sell said property to Linda Thomas for \$100.00 plus all costs, and have the City Attorney prepare an Ordinance of sale, seconded by Commissioner Handy. Upon roll call the following voted AYE: Schiermeyer, Mercer, Handy, Friesen and Mayor Adlung. Voting NO: None. Motion adopted.

Commissioner Schiermeyer moved to approve the Nebraska City Jaycees Fireworks Display Permit for July 4<sup>th</sup>, seconded by Commissioner Handy. Upon roll call the following voted AYE: Friesen, Mercer, Handy, Schiermeyer and Mayor Adlung. Voting NO: None. Motion adopted.

Commissioner Handy moved to authorize staff to apply for additional \$250,000.00 in Owner-Occupied Housing Rehab Funds from the State of Nebraska, seconded by Commissioner Schiermeyer. Upon roll call the following voted AYE: Friesen, Mercer, Schiermeyer, Handy and Mayor Adlung. Voting NO: None. Motion adopted.

Commissioner Handy moved to approve the Change Order #1 request by Christensen Bros. Inc. for the 4<sup>th</sup> Corso Viaduct Deck Repair Project, seconded by Commissioner Friesen. Upon roll call the following voted AYE: Mercer, Schiermeyer, Friesen, Handy, and Mayor Adlung. Voting NO: None. Motion adopted.

Commissioner Handy moved to approve payment #2 (Final Payment), Change Order #1, and Project Engineer's Recommendation of Acceptance of the North 10<sup>th</sup> Street and Soft Ball Mill and Overlay Project, seconded by Commissioner Schiermeyer. Upon roll call the following voted AYE: Mercer, Friesen, Schiermeyer, Handy, and Mayor Adlung. Voting NO: None. Motion adopted.

Commissioner Friesen moved to approve recommendation of the Cemetery Advisory Board to allow placement of a two-person crypt in Wyuka Cemetery to Cemetery Foreman's specifications, seconded by Commissioner Mercer. Upon roll call the following voted AYE: Schiermeyer, Handy, Mercer, Friesen and Mayor Adlung. Voting NO: None. Motion adopted.

Commissioner Mercer moved to pay all claims, seconded by Commissioner Friesen. Upon roll call the following voted AYE: Schiermeyer, Handy, Friesen, Mercer and Mayor Adlung. Voting NO: None. Motion adopted.

Action Tech Svc	400	Maint	Lollmann, J	242.24	Meals
Adams Golf	940.86	Merch	Lynn Peavey Co	47.88	Supp
Apollo Steel Co	3,000.00	Dugouts	Martin Marietta Mat	516.78	Gravel
Arbor Mart	3,681.98	Fuel	Momar, Inc.	121.9	Misc
Arbor Outdoor Power	17.98	Oil	Murphy Distributing	224.60	Supp
Arbor Valley Ani Cl	221.5	Ani Exp	Nat'l Fire Safty Cncil	90	FirePup
Auburn Newspapers	72	Ad	NC Airport Auth	3,750.00	Oper
Bohl Plmbg & Htg	257	Rep	NC Clerk-Treas	79.5	Supp
Brady Coates	6,940.00	Dugouts	NCTC	5,412.50	Ad
Callaway Golf Co	365.23	Merch	NE Comm Found	2,291.67	Contr
Casey, J	203.84	Mileage	NE Crime Comm	14	Misc
Concrete Ind	1,566.00	Trail	NE Expressways for Econ	1,500.00	Dues
Douglas Tire	62	Rep	NE Law Enforcement	10	Misc
Earl May Sd & Nrsry	698	Trees	NE Liq Control Comm	10	Training
ETS Developmt Gr	767.55	Maint	NE Pub Health Environ Lab	312	Invest
Fire Protection Svc	45	Maint	NEXTEL	226.6	Tele
Fireguard	8,773.77	Unif	Omaha Tractor	224.06	Rep
Fore! Reservations, Inc	2,908.75	Maint	Orscheln	383.55	Misc
GALLS	46.97	Unif	Otoe Cnty Clerk	3,104.75	Contr
Hart, A	400	Contr	Page & Tuttle	69.04	Merch
Heartland Class Svc	28.99	Ad	Paragon	2,392.76	Merch
Holland, D	398.57	Mileage	R.C.E.D.C.	4,333.33	Ind Dev
Hornung's Golf Prod	157.73	Merch	Radar Shop	234	Maint
HWS Consultg Grp	6,022.33	Eng	Recreation Supp Co	176.12	Supp
Jebro Inc.	2,277.00	Asphalt	Schendel Pest Contrl	109	Pest Ctrl
JEO Consultg Grp	2,714.00	Eng	Sinclair Hille Arch	1,815.00	Eng
KNCY AM-FM	366	Ad	The Car Wash	125	Supp
Lacy, D	6.18	Meals	The Lifeguard Store	222	Supp
Landis Engine	132.06	Misc	Tielke's Sandwiches	15.5	Conc
Larson Motors	587.29	Rep	Tom's Radio	28	Misc
LaRue Coffee	204.74	Supp	Trade Well Pallet	880	Wd Chps
Law Enfrcemnt Targets	262.72	Targets	Tri-State Pmpg & Excavtg	2,670.00	Dugouts
League of NE. Muni	732	Meals	Wages & Benefits	142103.3	Payroll
Lesco	416.5	Supp	Western Engineering	80,697.38	Eng

Mayor Adelung moved to re-appoint Carol Boyce to the Library Board, seconded by Commissioner Mercer. Upon roll call the following voted AYE: Schiermeyer, Handy, Friesen, Mercer and Mayor Adelung. Voting NO: None. Motion adopted.

Mayor Adelung moved to re-appoint Rob Schriener, John Wenzl and Randy Fox to the Tree Board, seconded by Commissioner Schiermeyer. Upon roll call the following voted AYE: Handy, Friesen, Mercer, Schiermeyer and Mayor Adelung. Voting NO: None. Motion adopted.

Mayor Adelung moved to re-appoint Rick Freshman to the Planning Commission, seconded by Commissioner Friesen. Upon roll call the following voted AYE: Schiermeyer, Mercer, Handy, Friesen and Mayor Adelung. Voting NO: None. Motion adopted.

Mayor Adelung moved to re-appoint Marsha Biaggi and Elsie Grotheer to the Cemetery Advisory Board, seconded by Commissioner Handy. . Upon roll call the following voted AYE: Mercer, Friesen, Schiermeyer, Handy, and Mayor Adelung. Voting NO: None. Motion adopted.

Council adjourned at 7:47 p.m.

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Jo Dee Adelung, Mayor

Attest:

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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.

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Arnold M. Ehlers, Clerk-Treasurer