

CITY OF NEBRASKA CITY, NEBRASKA

MINUTES OF CITY COUNCIL REGULAR MEETING

August 18, 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 August 18, 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, Police Chief Dave Lacy and Public Properties Director/Zoning Director Dan Giittinger.

Mayor Adelung led in the Pledge of Allegiance.

Commissioner Friesen moved to approve the minutes of the August 4, 2008 City Council Regular Meeting, 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 opened the Public Hearing on the approval of the Northside Minor Subdivision. Dan Giittinger presented information on the request. No one else spoke in support or opposition to the request. Commissioner Handy moved to close the public hearing, seconded by Commissioner Friesen. Upon roll call the following voted AYE: Schiermeyer, Mercer, Friesen, Handy and Mayor Adelung. Voting NO: None. Motion passed.

Chief Lacy presented new Police Officers Ben Murry and Chad Peterson to the Council. Arnold Ehlers administered the Oath of Office and welcomed them into the Police Department.

Commissioner Handy moved to accept the City Administrator's Report, 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 moved to approve Chief Lacy's request that Officer Murry be started at Step 4 based on his experience, seconded by Commissioner Mercer. Upon roll call the following voted AYE: Schiermeyer, Handy, Friesen, Mercer and Mayor Adelung. Voting NO: None. Motion adopted.

Commissioner Handy moved to waive the zoning requirement (802.01) that all lots front a street for the Northside Minor Subdivision, seconded by Commissioner Friesen. Upon roll call the following voted AYE: Schiermeyer, Mercer, Friesen, Handy and Mayor Adelung. Voting NO: None. Motion passed.

Commissioner Handy moved to approve the Final Plat of the Northside Minor Subdivision and authorize the Mayor to sign, seconded by Commissioner Schiermeyer. Upon roll call the following voted AYE: Mercer, Friesen, Schiermeyer, Handy and Mayor Adelung. Voting NO: None. Motion passed.

Mayor Adelung introduced Ordinance No. 2731-08:

AN ORDINANCE OF THE CITY OF NEBRASKA CITY, NEBRASKA, TO EXTEND THE BOUNDARIES AND INCLUDE WITHIN THE CORPORATE LIMITS OF AND ANNEX TO THE CITY OF NEBRASKA CITY, NEBRASKA, CERTAIN CONTIGOUS AND ADJACENT LANDS OUTSIDE OF THE CITY OF NEBRASKA CITY, NEBRASKA AS DESCRIBED IN SECTION 2 HEREOF, AND TO PROVIDE FOR SERVICE BENEFITS THERETO; AND TO PROVIDE FOR AN EFFECTIVE DATE 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. 2731-08 be passed and adopted?" Upon roll call the following voted AYE: Schiermeyer, Mercer, Handy, Friesen 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. A true, correct and complete copy of said ordinance is as follows:

ORDINANCE NO. 2731-08

AN ORDINANCE OF THE CITY OF NEBRASKA CITY, NEBRASKA, TO EXTEND THE BOUNDARIES AND INCLUDE WITHIN THE CORPORATE LIMITS OF AND ANNEX TO THE CITY OF NEBRASKA CITY, NEBRASKA, CERTAIN CONTIGUOUS AND ADJACENT LANDS OUTSIDE OF THE CITY OF NEBRASKA CITY, OTOE COUNTY, NEBRASKA, AS DESCRIBED IN SECTION 2 HEREOF, AND TO PROVIDE FOR SERVICE BENEFITS THERETO, AND TO PROVIDE FOR AN EFFECTIVE DATE.

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

SECTION 1. It is hereby found and determined by the Mayor and City Commissioners of the City of Nebraska City, Nebraska:

- a) That the owners of the property described in Section 2 hereof, have filed a Petition requesting the annexation of said property into the corporate limits of the City of Nebraska City, Nebraska;
- b) The tract of land described in Section 2 hereof, is urban and suburban in character and is contiguous and adjacent to the corporate limits of the City of Nebraska City, Nebraska;
- c) Police, fire and snow removal benefits will be immediately available as well as other City Services, as provided by law;
- d) Within the areas considered for annexation, the users of the City's utility services will have the benefits or rates applicable to users of such service within the City;
- e) There is a unity of interest in the use of such tracts with the use of lots and tracts in such City, and the community of convenience and welfare and the interest of such City will be enhanced through incorporating such lots and tracts and streets within the limits of such City.

SECTION 2. That the boundaries of the City of Nebraska City, Nebraska, be and hereby are extended to include within the corporate limits of such City the adjacent and contiguous lands located outside of the City of Nebraska City, Otoe County, Nebraska, and known as Northside Minor Subdivision, which is more particularly described as follows:

A tract of land located in the Northeast Quarter of Section 5 and the Northwest Quarter of Section 4, Township 8 North, Range 14 East of the Sixth P.M., Otoe County, Nebraska, being more particularly described as follows: Beginning at the Southwest corner of Lot 1, Block 4, Broadview Addition to the City of Nebraska City; thence N00°15'34"E (Assumed bearing) on the West line of said Broadview Addition, a distance of 196.77 feet; thence N06°14'45"E on the West line of said Broadview Addition, a distance of 516.64 feet; thence N86°26'40"W, a distance of 377.25 feet; thence S83°35'58"W, a distance of 232.60 feet; thence S32°44'46"W, a distance of 211.54 feet; thence S00°00'00"E, perpendicular to the South line of said Section 5, a distance of 529.96 feet to a point on the North right of way line of 14th Avenue; thence N90°00'00"E on said North right of way line, a distance of 655.79 feet; thence N89°33'53"E on said North right of way line; a distance of 9.21 feet to the point of beginning and containing 11.10 acres, more or less.

SECTION 3. That a certified copy of this ordinance, together with a plat of such lands, shall be filed of record in the office of the Register of Deeds of Otoe County, Nebraska.

SECTION 4. That the land described in Section 2 hereof is hereby annexed to the City of Nebraska City, Otoe County, Nebraska.

SECTION 5. That upon the taking effect of this ordinance, the police, fire and snow removal services of such City shall be furnished to the lands hereinbefore annexed, and other City services will be available as provided by law. The City rates for utility services furnished by the Nebraska City Utilities shall apply to such lots.

SECTION 6. This ordinance shall take effect and be in full force from and after fifteen days after its passage, approval, and publication as required by law, in its entirety or in pamphlet form, as the case may be, the authority for this annexation being Nebraska Revised Statutes Section 16-117, et seq. Reissue of 2007.

SECTION 7. The provisions of this ordinance are separable, and the invalidity of any phrase, clause or part of this ordinance shall not affect the validity or effectiveness of the remainder of the ordinance.

PASSED and APPROVED this 18th day of August, 2008.

Jo Dee Adelung, Mayor

ATTEST:

Arnold M. Ehlers, City Clerk Treasurer

Mayor Adelung introduced Ordinance No. 2730-08:

AN ORDINANCE TO AMEND SECTION 2-253(b)(c)(d) OF THE CODE OF CITY NEBRASKA CITY TO COMPLY WITH THE REVISED STATUTES OF THE STATE OF

NEBRASKA; SECTION 16-321 MODIFYING THE MINIMUM VALUE OF A CONTRACT WHICH THE CITY IS REQUIRED TO BID FROM \$20,000.00 TO \$30,000.00 AND DECLARING AN EFFECTIVE DATE. and moved that the statutory rule requiring reading on three different days be suspended. Commissioner Schiermeyer seconded the motion and upon roll call the following voted AYE: Mercer, Friesen, Handy, Schiermeyer 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. 2730-08 be passed and adopted?” Upon roll call the following voted AYE: Schiermeyer, Handy, Friesen and Mayor Adelung. Voting NO: Mercer. 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. A true, correct and complete copy of said ordinance is as follows:

ORDINANCE NO. 2730-08

AN ORDINANCE TO AMEND SECTION 2-253(b)(c)(d) OF THE CODE OF THE CITY OF NEBRASKA CITY TO COMPLY WITH THE REVISED STATUTES OF THE STATE OF NEBRASKA; SECTION 16-321 MODIFYING THE MINIMUM VALUE OF A CONTRACT WHICH THE CITY IS REQUIRED TO BID FROM \$20,000.00 TO \$30,000.00 AND DECLARING AN EFFECTIVE DATE;

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF NEBRASKA CITY, OTOE COUNTY, NEBRASKA:

SECTION 1. That Section 2-253(b)(c)(d) of the Code of the City of Nebraska City is hereby amended to read as follows:

Sec. 2-253 (b). No contract for enlargement or general improvements, such as water extensions, sewers, public heating system, bridges, work on streets, or any other work or improvement when the cost of such improvement is assessed to the property, costing over thirty thousand dollars (\$30,000.00) shall be made unless it is first approved by the city council.

Sec. 2-253 (c). Before the city council makes any contract in excess of thirty thousand (\$30,000.00) for enlargement or general improvements, such as water extensions, sewers, public heating system, bridges, work on streets, or any other work or improvement when the cost of such enlargement or improvement is assessed to the property, an estimate of the costs shall be made by the city engineer and submitted to the council. In advertising for bids as provided in this section, the council may publish the amount of the estimate.

Sec. 2-253 (d). Advertisements for bids shall be required for any contract costing over thirty thousand (\$30,000.00) entered into (1) for the enlargement or general improvements, such as water extensions, sewers, public heating system, bridges, work on streets, or any other work or improvement when the cost of such improvement is assessed to the property, or (2) for the purchase of equipment used in the construction of such enlargement or general improvements.

SECTION 2. That the original section 2-253 (b)(c)(d), and all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 3. That this ordinance shall take effect from and after its passage and approval as provided by law.

Passed and Approved the 18th day of August 2008.

Jo Dee Adelung, Mayor

Attest:

Arnold M. Ehlers, Clerk – Treasurer

After an informational presentation by Mike Owen P.E. Nebraska Department of Roads. Bill Davis and Leroy Frana asked questions relating to amenities and financing of the project. Commissioner Handy moved for passage of Resolution 2370-08 approving the terms and conditions of an agreement with the State of Nebraska for the Nebraska City Southeast Highway 2 Project, seconded by Commissioner Friesen. Upon roll call the following voted AYE: Mercer, Schiermeyer, Friesen, Handy, and Mayor Adelung. Voting NO: None. Motion passed. A true, correct and complete copy of said resolution is as follows:

RESOLUTION 2370-08

WHEREAS, the Department of Roads of the State of Nebraska intends to spend \$17.6 million to improve the operation and safety of the Highway 2 and Highway 75 intersection to be completed in fiscal year 2012.

WHEREAS, the Department of Roads of the State of Nebraska, has prepared and submitted to the City, an Agreement to provide for the rights and responsibilities of the City of Nebraska City and the state, which is to be designated as Project No. S-75-2 (1040), Control No. 10800B, Nebraska City Southeast.

WHEREAS, said Agreement has been presented to the Mayor and City Commissioners of the City of Nebraska City, for their approval.

NOW THEREFORE, ON THIS 18TH DAY OF August, 2008, the Mayor and City Commissioners of Nebraska City, Nebraska, approve the terms and conditions of said Agreement and by this Resolution authorize Jo Dee Adelung, Mayor and Arnold M. Ehlers, City Clerk, to execute said Agreement on behalf of the City of Nebraska City, Nebraska.

Passed and approved this 18th day of August 2008.

Jo Dee Adelung, Mayor

Attest:

Arnold M. Ehlers, Clerk-Treasurer

Tom Farrell, representing the School Board reported on the Northside School Traffic Study performed by Olsson Associates. The School Board recommended Alternate #4 which designated One-Way traffic during morning drop-off and afternoon pick-up. Laurie Miller, Grant Boden, Bill Moore and Superintendent Jeff Edwards provided additional input concerning number of vehicles and asked if other site design options were considered. Commissioner Schiermeyer moved to authorize City Staff to work on Alternative #4 of the Northside School Traffic Study with the School District, seconded by Commissioner Friesen. Upon roll call the following voted AYE: Schiermeyer, Mercer, Friesen, Handy and Mayor Adelung. Voting NO: None. Motion passed.

Scott Bovick presented a copy of a *Request for Qualification* for Planning Services for the Downtown Revitalization Project. Commissioner Handy moved to direct staff to advertise for proposals, seconded by Commissioner Schiermeyer. Upon roll call the following voted AYE: Mercer, Friesen, Schiermeyer, Handy and Mayor Adelung. Voting NO: None. Motion passed.

Scott Bovick presented a Utility Engineering Agreement with Olsson Associates for the 11th St. widening project. Commissioner Handy moved to approve the agreement with Olsson Associates, seconded by Commissioner Schiermeyer. Upon roll call the following voted AYE: Mercer, Friesen, Schiermeyer, Handy and Mayor Adelung. Voting NO: None. Motion passed.

Scott Bovick presented a Utility Engineering Agreement with Olsson Associates for the 11th Corso realignment project. Commissioner Handy moved to approve the agreement with Olsson Associates, seconded by Commissioner Schiermeyer. Upon roll call the following voted AYE: Mercer, Friesen, Schiermeyer, Handy and Mayor Adelung. Voting NO: None. Motion passed.

Commissioner Handy moved to approve the request by Karen Barr for use of Steinhart Park and City Streets for the Applejack Fun Run/Walk, seconded by Commissioner Schiermeyer. Upon roll call the following voted AYE: Mercer, Friesen, Schiermeyer, Handy and Mayor Adelung. Voting NO: None. Motion passed.

A discussion was held on parking at North 10th Street and 14th Avenue. No action taken.

Commissioner Schiermeyer moved to approve the request by Rose Ralstin of N.C.T.C. to extend the use of the Memorial Building parking lot for the Farmer's Market until October 16th, seconded by Commissioner Friesen. Upon roll call the following voted AYE: Handy, Mercer, Friesen, Schiermeyer, and Mayor Adelung. Voting NO: None. Motion passed.

Commissioner Mercer moved to pay all Claims except Claim #7250R, seconded by Commissioner Friesen. Upon roll call the following voted AYE: Schiermeyer, Handy, Friesen, Mercer and Mayor Adelung. Voting NO: None. Motion passed.

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

ACCO	1,869.45	Chem	Line-X Unlimited	615.00	Liner
Adams, S	58.50	Mileage	Mead Lumber	422.93	Misc
Adkins Signs	20.00	Signs	Mercer's	255.37	Supp
Alamar Uniforms	394.95	Uniform	Midlands Fin Benefit	875.00	Contr
Alco Store	63.43	Misc	Midwest Farmers Coo	214.00	Chem
Allied Recyc & Ref	370.80	Garbage	Midwest ROW Svc	2,520.00	Eng
Ambassador Rehab	75.00	Med	Mullenax Auto Supp	486.38	Supp
Arbor Mart	3,599.70	Fuel	N.E.E.D.	375.00	Dues
Arbor Outdoor Power	226.27	Oil	NC News Press	709.00	Ads
Barrett Construction	370.00	Fly Ash	NC Utilities	14,715.59	Utilities

Bill Walters & Son	565.03	Rep		NE Dept. of Revenue	2,045.80	Sales Tax
Bob's Welding Shop	132.45	Rep		NE Golf & Turf	57.44	Rep
Bohl Plmbg & Htg	90.32	Rep		NEXTEL	226.42	Tele
Capital City Concepts	9,154.60	Stdy		NSVFA	615.00	Dues
Card Services	100.26	Misc		Odey's Inc.	759.80	Rep
Casey, J	29.26	Misc		O'Reilly Auto Parts	37.78	Supp
Casey's General Stores	474.66	Fuel		OtoeReg of Deeds	39.00	Deeds
Century Lumber	95.51	Rep		Otoe County Clerk	2,590.86	Contr
Cintas Corp	176.25	Supp		Paper Tiger	35.00	Shred
City of NC	24,570.00	Bond		Paragon	173.85	Msde
City of NC Wildwood	1,092.46	Comm		Pepsi-Cola	586.75	Conc
Columbus Telegram	275.00	Ads		Peterson, C	1,273.57	Fuel
Crook, L	109.35	Mileage		Pine Acres Nursery	110.00	Plants
Don's Johns	100.00	Portable		Presto-X Co	75.00	Pest Ctrl
Douglas Tire	698.80	Maint		Pummel, J	6.58	Supp
ESRI, Inc	400.00	Maint		S Systems	179.00	Maint
Firehouse	29.95	Dues		Sensible Prod. Inc	843.13	Maint
GALLS	109.96	Uniform		Shell	2,713.49	Fuel
Green Seal Corp	744.60	Asphalt		Sherwin-Williams Co.	120.00	Supp
Harris Auto Repair	40.00	Rep		Tielke's Sandwiches	63.00	Conc
Hearland Class Svc	142.58	Ads		Towns & Associates	350.00	Ads
Holmberg, Anna	300.00	Contr		Treat Am Food Svc	1,112.34	Meals
Hopkins Automotive	69.35	Rep		Tree City Tees	50.88	Shirts
HWS Consult Group	7,514.35	Eng		Tri-State Office Prod	345.03	Supp
Jones Automotive	400.00	Rep		United Seeds Inc.	2,230.00	Seed
Keim Farm Equip	75.24	Supp		USIS Comm Svc	75.00	Med
KNCY AM-FM	69.06	Ads		Wages & Benefits	90,154.35	Payroll
Landis Engine	260.27	Rep		Watkins True Value	671.59	Supp
LaRue Coffee	262.16	Supp		Windstream	1,979.71	Tele
Lincoln Journal-Star	200.00	Ads		Wood Family Fuel	344.77	Fuel

Mayor Adelung moved to appoint the Downtown Revitalization Task Force consisting of: Jack Hobbie, Vic Johns, Roger Claussen, Dave Partsch, Stephanie Shrader, Rick Freshman and Leroy Frana, seconded by Commissioner Mercer. Upon roll call the following voted AYE: Schiermeyer, Friesen, Mercer and Mayor Adelung. Voting NO: None. Abstain: Handy.

Mayor Adelung moved to appoint Marcus Trice and Lenny Tietz as probationary members of the Nebraska City Volunteer Fire Department, seconded by Commissioner Schiermeyer. Upon roll call the following voted AYE: Mercer, Friesen, Handy, Schiermeyer and Mayor Adelung. Voting NO: None. Motion passed.

Meeting adjourned at 8:07 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