

CITY OF NEBRASKA CITY, NEBRASKA  
MINUTES OF CITY COUNCIL REGULAR MEETING  
September 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 of City Hall, 1409 Central Avenue, on September 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, Building Inspector Alan Viox, Police Chief Dave Lacy and Public Properties Director/Zoning Director Dan Gittinger.

Mayor Adelung led in the Pledge of Allegiance.

Mayor Adelung then proclaimed September 7 – 14 as “National Assisted Living Week”

Commissioner Friesen moved to approve the minutes of the August 18, 2008 City Council Regular Meeting, seconded by Commissioner Handy. Upon roll call the following voted AYE: Mercer, Schiermeyer, Handy, Friesen and Mayor Adelung. Voting NO: None. Motion carried.

Mayor Adelung opened the Public Hearing on the proposed budget for the Fiscal Year 2008-2009 for the City of Nebraska City General Fund and Bonded Indebtedness Fund. Scott Bovick presented a summary of the budget information. No one else spoke in support or opposition of the proposed budget. Commissioner Handy moved to close the public hearing, seconded by Commissioner Schiermeyer. Upon roll call the following voted AYE: Friesen, Mercer, Schiermeyer, Handy and Mayor Adelung. Voting NO: None. Motion passed.

Mayor Adelung opened the Public Hearing to set the final tax request at a different amount than the previous year. Scott Bovick presented information on how the reduced levy would benefit property owners. No one else spoke in support or opposition to the proposed levy. Commissioner Handy moved to close the public hearing, seconded by Commissioner Schiermeyer. Upon roll call the following voted AYE: Friesen, Mercer, Schiermeyer, Handy and Mayor Adelung. Voting NO: None. Motion passed.

Scott Bovick reported that the City received their license to operate the City’s Ambulance Service, and that Thursday evening 6:30 there will be a Public Meeting to discuss the Central Avenue Project at the American National Bank. Also, there has been some damage on North 10<sup>th</sup> Street caused by undermining. An engineer will advise the appropriate actions. Vic Johns and David Partsch gave the quarterly report of the Nebraska City Main Street Group. The City Treasurer’s report showed a beginning balance of \$3,617,061.70; revenues of \$421,357.91; expenditures of \$517,232.99 and an ending balance of \$3,521,186.62. Wyuka Cemetery had revenues of \$5,116.50. No action needed on the reports

Commissioner Schiermeyer moved to approve the Nebraska City Area Solid Waste Agency’s Fiscal Year 2008-2009 Budget, seconded by Commissioner Handy. Upon roll call the following voted AYE: Friesen, Mercer, Handy, Schiermeyer and Mayor Adelung. Voting NO: None. Motion passed.

Commissioner Friesen moved to approve Resolution 2372-08, seconded by Commissioner Mercer. Upon roll call the following voted AYE: Handy, Schiermeyer, Mercer, Friesen and Mayor Adelung. Voting NO: None. Motion passed. A true, complete, and correct copy is as follows:

**Resolution 2372-08**

**WHEREAS**, pursuant to Nebraska Revised Statute §13-519 the City of Nebraska City is limited to increasing its total of budgeted restricted funds by no more than the prior year’s total of budgeted restricted funds plus population growth plus two and one-half percent (2½%) expressed in dollars; and

**WHEREAS**, §13-519 authorizes the City of Nebraska City to exceed the foregoing budget limit for a fiscal year by an additional one percent (1%) increase in budgeted restricted funds upon affirmative vote of at least seventy-five (75%) of the governing body; and

**WHEREAS**, the Annual Budget for Fiscal Year 2008-2009 and Program for Municipal Services in the Lid Computation Fiscal year 2008-2009 supported by the detail relating to restricted revenue accounts, proposes an additional increase in budgeted restricted funds of one percent (1%) as provided by the statute; and

**WHEREAS**, approval of the additional one percent (1%) increase in budgeted restricted funds is prudent fiscal management, does not increase authorized expenditures and is in the best interests of the City of Nebraska City and its citizens.

**NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND BOARD OF COMMISSIONERS OF THE CITY OF NEBRASKA CITY, NEBRASKA**, that by an affirmative vote by more than seventy-five percent (75%) of the Board of Commissioners, budgeted restricted funds for Fiscal Year 2008-2009 shall be increased by an additional one percent (1%) as provided by Nebraska Revised Statute § 13-519.

PASSED and APPROVED this 2<sup>nd</sup> day of September, 2008

\_\_\_\_\_  
Jo Dee Adelung, Mayor

Attest:

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

Mayor Adelung introduced Ordinance No. 2732-08:

**AN ORDINANCE TO ADOPT THE BUDGET STATEMENT TO BE TERMED THE 2008-2009 ANNUAL APPROPRIATION BILL; TO APPROPRIATE SUMS FOR NECESSARY EXPENSES AND LIABILITIES; 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. 2732-08 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. 2732-08

**AN ORDINANCE TO ADOPT THE BUDGET STATEMENT TO BE TERMED THE 2008-2009 ANNUAL APPROPRIATION BILL; TO APPROPRIATE SUMS FOR NECESSARY EXPENSES AND LIABILITIES; TO PROVIDE FOR AN EFFECTIVE DATE.**

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

SECTION 1. That after complying with all procedures required by law, the budget presented and set forth in the budget statement is hereby approved as the Annual Appropriation Bill for the fiscal year beginning October 1, 2008, through September 30, 2009. All sums of money contained in the budget statement are hereby appropriated for the necessary expenses and liabilities of the City of Nebraska City. A copy of the budget document shall be forwarded as provided by law to the Auditor of Public Accounts, State Capitol, Lincoln, Nebraska, and to the County Clerk of Otoe County, Nebraska, for use by the levying authority.

SECTION 2. This ordinance shall take effect and be in force from and after its passage, approval and publication as required by law.

Passed and approved this 2<sup>nd</sup> day of September, 2008.

\_\_\_\_\_  
Jo Dee Adelung, Mayor

ATTEST:

\_\_\_\_\_  
Arnold M. Ehlers, City Clerk-Treasurer

Mayor Adelung introduced Ordinance No. 2733-08:

**AN ORDINANCE TO AMEND THE EIGHT STEP PAY SCHEDULE REFERRED TO IN SECTION 2-9 OF THE CODE OF THE CITY OF NEBRASKA CITY RELATNG TO SALARIED OFFICERS AND EMPLOYEES AND TO DECLARE AND 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, Handy, Friesen 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. 2733-08 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. 2733-08

**AN ORDINANCE TO AMEND THE EIGHT STEP PAY SCHEDULE REFERRED TO IN SECTION 2-9 OF THE CODE OF THE CITY OF NEBRASKA CITY RELATNG TO SALARIED OFFICERS AND EMPLOYEES AND TO DECLARE AND EFFECTIVE DATE.**

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

SECTION 1. That THE EIGHT-STEP Pay Schedule attached to and made a part of this ordinance, be and is hereby adopted for various employee positions of the City of Nebraska City, Nebraska.

SECTION 2. The rates of pay as provided for by the Pay Schedule shall be effective from the thirtieth day of September, 2008.

SECTION 3. All ordinances or parts of ordinance in conflict with this ordinance are hereby repealed.

SECTION 4. This ordinance shall take effect and be in force from and after its passage, approval and publication as required by law.

Passed and approved this 2<sup>nd</sup> day of September, 2008.

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Jo Dee Adelung, Mayor

ATTEST:

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Arnold Ehlers, City Clerk-Treasurer

Commissioner Friesen moved to approve Resolution 2371-08 setting the property tax request, seconded by Commissioner Schiermeyer. Upon roll call the following voted AYE: Handy, Mercer, Schiermeyer, Friesen and Mayor Adelung. Voting NO: None. Motion passed. A true, correct and complete copy of said resolution is as follows:

RESOLUTION NO.2371-08

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 the 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 MAYOR AND 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, 2008, be set at the following amounts:

General Fund.....	\$ 784,996.00
Bonded Indebtedness Fund.....	\$ 475,000.00

2. The City Clerk-Treasurer shall certify and forward a copy of this resolution to the County Clerk prior to October 12, 2008.

Passed and approved this 2<sup>nd</sup> day of September, 2008.

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Mayor, Jo Dee Adelung

ATTEST:

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Arnold Ehlers, City Clerk-Treasurer

Commissioner Handy moved to approve the Nebraska City Airport Authority’s Fiscal Year 2008-2009 Budget, seconded by Commissioner Mercer. Upon roll call the following voted AYE: Schiermeyer, Friesen, Mercer, Handy and Mayor Adelung. Voting NO: None. Motion passed.

Commissioner Handy moved to approve the request by Ruth Weddle to close 5<sup>th</sup> Avenue from 16<sup>th</sup> to 17<sup>th</sup> Streets for a Block Party, seconded by Commissioner Mercer. Upon roll call the following voted AYE: Schiermeyer, Friesen, Mercer, Handy and Mayor Adelung. Voting NO: None. Motion passed.

Chief Lacy presented information on a parking request by the Shriner's to partially close the 100 block of South 7<sup>th</sup> Street. Commissioner Handy moved to approve the request, seconded by Commissioner Schiermeyer. Upon roll call the following voted AYE: Friesen, Mercer, Schiermeyer, Handy and Mayor Adelung. Voting NO: None. Motion passed.

Commissioner Schiermeyer moved to approve Resolution 2373-08 to apply for assistance from the Transportation Enhancement Program, seconded by Commissioner Mercer. Upon roll call the following voted AYE: Handy, Friesen, Mercer, Schiermeyer and Mayor Adelung. Voting NO: None. Motion passed. A true, correct and complete copy of said resolution is as follows:

RESOLUTION NO. 2373-08

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF NEBRASKA CITY, NEBRASKA:

WHEREAS, the City of Nebraska City, Nebraska proposes to apply for assistance from the TRANSPORTATION ENHANCEMENT PROGRAM for the purpose of constructing segments of the Steinhart Park Trail Phase II; and

WHEREAS, the project includes the construction of a hiking/biking trail beginning at Steamwagon Road near the entrance of Arbor Lodge State Park and proceeding south along Arbor Day Farm, Nebraska City High School and into Steinhart Park; and

WHEREAS, the City of Nebraska City, Nebraska has available a minimum of 20% of the project cost and has the financial capability to operate and maintain the completed facility in a safe and attractive manner for public use; and

WHEREAS, the proposed application and supporting documents were made available for a public review at a properly announced meeting of the Nebraska City, City Council;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF NEBRASKA CITY, NEBRASKA, that the City of Nebraska City applies for assistance from the Transportation Enhancement Program for the purpose of constructing segments of the Steinhart Park Trail Phase II.

Passed and approved this 2<sup>nd</sup> day of September, 2008.

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Jo Dee Adelung, Mayor

(SEAL)

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Arnold M. Ehlers, City Clerk/Treasurer

Commissioner Handy moved to approve the recommendation by Building Inspector Alan Viox to notify the owner of the property at 517 3<sup>rd</sup> Corso to repair or demolish the structure, seconded by Commissioner Schiermeyer. Upon roll call the following voted AYE: Friesen, Mercer, Schiermeyer, Handy and Mayor Adelung. Voting NO: None. Motion passed.

Commissioner Handy moved to direct the City Attorney to draft an ordinance placing "NO PARKING" signs on the south side of 7<sup>th</sup> Corso from 8<sup>th</sup> to 9<sup>th</sup> Streets, 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 recommendation by the Board of Public Works to purchase two (2) transformers at \$632,044.00 each, seconded by Commissioner Handy. Upon roll call the following voted AYE: Schiermeyer, Mercer, Handy, Friesen and Mayor Adelung. Voting NO: None. Motion passed.

Commissioner Friesen moved to approve the recommendation of the Board of Public Works for Work Order #142, to purchase 10 three phase capacitor banks, seconded by Commissioner Schiermeyer. Upon roll call the following voted AYE: Mercer, Handy, Schiermeyer, Friesen and Mayor Adelung. Voting NO: None. Motion passed.

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

Action Tech Svc	400.00	Com Maint	LaRue Coffee	254.03	Supp
Adkins Signs	300.00	Misc	Maybee, Tammy Ann	110.00	ROW
Alamar Uniforms	1,816.71	Uniform	Mellage Truck & Tractor	163.88	Maint
Alltel	139.70	Tele	Mid-Plains Eyecare	97.00	Work Com

Amsterdam Printing	69.48	Supp		Momar, Inc.	141.37	Supp
Arbor Mart	2,924.23	Fuel		NC Jaycees	1,800.00	Donation
Arbor Outdoor Power	94.42	Rep		NE Life Magazine	205.00	Ads
Bennett, Richard D. Jr.	175.30	Sand		Olsson Assoc	12,689.11	Eng
Bergfeld Recreation	86.30	Supp		Omaha Tractor	129.77	Supp
Bishop Plmbg & Htg	31.50	Rep		Orscheln	462.06	Supp
Bohl Plmbg & Htg	96.73	Maint		Otoe County Clerk	1,754.53	Contr
City of Nebraska City	258,920.00	Bond Pymt		Otoe County Title Co	17,000.00	Loan
Collman, Leota	25.00	ROW		Pamida	223.61	Supp
Concrete Industries	459.50	Supp		Petty Cash	300.00	Misc
Danko Emerg Equip	172.02	Supp		Schebaum, Brandon & Dana	120.00	ROW
Douglas Tire.	460.00	Tires		Schendel Pest Control	109.00	Pest Cntrl
Earl May Seed & Nrsry	12.99	Supp		SEND	2,365.30	Loan
Esser, Gerald & Pamela	360.00	ROW		SMJ Rentals	250.00	ROW
Fremont National Bank	121,787.50	Bond Pymt		Tielke's Sandwiches	16.50	Conc
GE Capital	74.67	Tele		Titan Machinery	6,000.00	Rent
Grannis, Skye	25.00	ROW		Tom's Radio	808.00	Rep
Heartland Class Svc	42.62	Ad		Town Square Graphics	395.00	Ads
Jebro Inc.	775.50	Asphalt		USPS	42.00	Postage
JEO Consulting Group	1,400.00	Eng		Vogel West	1,186.55	Paint
Jerry's Landscaping Co.	350.00	Code Com		Wage & Benefits	141,415.06	Payroll
Keim Farm Equip Co.	29.89	Rep		Wallen, M	79.05	Mileage
KNCY AM-FM	269.32	Ads		Wenzl Hardware	50.82	Rep
Landis Engine	184.88	Supp		Wurtele Distributing	114.25	Conc
Larson Motors	1,392.12	Maint				

Mayor Adelung moved to appoint Sue Madden and Janelle Gress to the Parks Advisory Board, seconded by Commissioner Schiermeyer. Upon roll call the following voted AYE: Mercer, Friesen, Handy, Schiermeyer and Mayor Adelung.

Meeting adjourned at 7:20 p.m.

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Arnold M. Ehlers, City Clerk

(SEAL)