

CITY OF NEBRASKA CITY, NEBRASKA

MINUTES OF CITY COUNCIL Special MEETING  
September 29, 2008

Pursuant to due call and notice thereof, a Special 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 29, 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, Fire Chief Alan Viox, Nebraska City Rescue Chief Jeanene Pummel and Public Properties Director/Zoning Director Dan Giittinger as well as many members of the Nebraska City Rescue Service.

Mayor Adelung led in the Pledge of Allegiance.

Mayor Adelung opened the Public Hearing to consider having the City provide emergency medical services through the Nebraska City Fire Department. Scott Bovick presented information on the history of the Rescue Service and the need to incorporate the Rescue Service into the Nebraska City Fire Department. No one else spoke in opposition or support of the merger. 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.

Commissioner Friesen moved to approve Resolution 2380-08 which creates the Nebraska City Fire Rescue Department, seconded by Commissioner Handy. Upon roll call the following voted AYE: Mercer, Schiermeyer, Handy, Friesen and Mayor Adelung. Voting NO: None. Motion passed. A true, correct and complete copy is as follows:

**RESOLUTION NO. 2380-08**

Whereas, the City Commissioners of Nebraska City, Nebraska believe that emergency medical services is an extremely important public safety service in the community, and,

Whereas, Nebraska City emergency medical services have been provided by a private 501c3 corporation comprised of committed and valuable volunteers for many years, and,

Whereas, modern regulations and demands of volunteer time have made operating an emergency medical service extremely challenging for independent volunteer squads, and,

Whereas, the Nebraska City Fire Department and the Nebraska City/Dunbar Rescue Squad Task Force have spent a considerable amount of time and effort pursuing a merger to enhance and strengthen emergency medical services in Nebraska City, and,

Whereas, the Nebraska City Fire Department and Nebraska City/Dunbar Rescue Squad Task Force recommend the City establish an EMS Division under the Nebraska City Fire Rescue Department as the best way to provide emergency medical services in Nebraska City, and,

Whereas, a notice of a public hearing to establish an emergency medical service was published in the Nebraska City News-Press on September 19, 2008 as required by State Statute Section 13-303, and,

Whereas, said public hearing was held in the City Council Chambers on the 29<sup>th</sup> day of September, 2008, at 6:00 p.m., for the purpose of considering that the Nebraska City Fire Rescue Department provide emergency medical services which requires the expenditure of public funds and the generation of reasonable service fees to the users thereof, and,

Whereas, City Commissioners have considered public input and the recommendations of the Nebraska City Fire Department and Nebraska City/Dunbar Rescue Squad Task Force,

Now Therefore Be It Resolved, that an EMS Division of Nebraska City Fire Rescue Department is created under a separate Ordinance for the purpose of providing quality fire and emergency medical services for the benefit of the citizens of Nebraska City and surrounding areas.

**PASSED AND APPROVED THIS 29<sup>TH</sup> DAY OF SEPTEMBER, 2008**

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**JoDee Adelung, Mayor**

**Attest:**

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**City Clerk-Treasurer**

Mayor Adelung introduced Ordinance No. 2735-08:

AN ORDINANCE TO AMEND CHAPTER 15, ARTICLE II SECTION 15-14 THROUGH 15-33, OF THE CODE OF THE CITY OF NEBRASKA CITY, RELATING TO THE CREATION OF THE FIRE RESCUE DEPARTMENT; TO REPEAL THE ORIGINAL SECTIONS 15-14; 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.

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Said ordinance was then read by title and thereafter Mayor Adelung moved for final passage of the ordinance, which motion was seconded by Commissioner Handy. The Mayor stated the question – “Shall Ordinance No. 2735-08 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. A true, correct and complete copy of said ordinance is as follows:

ORDINANCE NO. 2735-08  
AN ORDINANCE TO AMEND CHAPTER 15, ARTICLE II, SECTION 15-14 THROUGH 15-33, OF THE CODE OF THE CITY OF NEBRASKA CITY, RELATING TO THE CREATION OF THE FIRE RESCUE DEPARTMENT; TO REPEAL THE ORIGINAL SECTIONS 15-14 THROUGH 15-33; AND TO PROVIDE FOR AN EFFECTIVE DATE.

WHEREAS, a public hearing was held on the 29th day of September, 2008, pursuant to Section 13-303 of the Revised Statutes of the State of Nebraska, 2006 Cumulative Supplement, and that after such hearing the Mayor and City Commissioners of the City of Nebraska City, Nebraska, determined that an emergency medical service for emergency medical care by out-of-hospital emergency care providers is needed in the City of Nebraska City, and passed Resolution 2380-08 creating the Nebraska City Fire Rescue Department to provide quality fire and emergency medical services for the benefit of the citizens of Nebraska City and surrounding areas.

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

Section 1. That in providing emergency care to the public, the members of the EMS Division of the Nebraska City Fire Rescue Department shall be subject to such rules and regulations as promulgated by the Department of Health and Human Services of the State of Nebraska.

Section 2. That Chapter 15, Article II, Sections 15-14 through 15-33 of the Ordinances of the City of Nebraska City, Nebraska, is hereby amended to read as follows:  
“Sec. 15-14. Composition.

The fire rescue department of this city shall be composed of a fire division and EMS division, composed of such paid firefighters and emergency medical technicians as shall be employed by the mayor and council and those volunteer members of the department subject to call in the event of fire or emergency medical call.

Sec. 15-15. Chief, assistants – Generally.

The chief of the fire rescue department of the city shall have, under the direction of the mayor, control and command of the fire rescue department of the city and of the property, implements and apparatus used in said department. He shall also perform such duties as are provided by the ordinances of the city relating to the fire rescue department and fire rescue regulations. The assistant chiefs of the fire rescue department of the city shall at all times assist the chief of the fire rescue department in the performance of his duties, and shall, in the absence of the chief of the fire rescue department, succeed to the office and duties of said chief.

Sec. 15-16. Same – Continuous duty.

The chief of the fire rescue department and his assistant chiefs shall be on duty at all times, both night and day.

Sec. 15-17. Powers, duties of firefighters generally.

All members of the fire rescue department shall be subject to such rules and regulations, and shall perform such duties, as shall be prescribed or required of them by the chief of the fire rescue department or the ordinances of the city. All members of the fire division shall, during the time of fire or great public danger, have and exercise the powers and duties of policemen and shall have full power and authority to arrest all persons guilty of any violation of the city ordinances or the statute laws of the state.

Sec 15-18. Rules and regulations – Generally.

The chief of the fire rescue department shall have the power and authority to prescribe and establish from time to time such rules and regulations as he may deem advisable and necessary for the proper control and command of all persons connected with the fire rescue department of the city, its organizations, government and discipline.

(Code 1938, Ch. 7, Art. 1, Sec. 3)

Sec 15-19. Same – To members.

Each member of the fire rescue department shall be furnished with a copy of the rules and regulations established by the chief of the fire rescue department for the government of said department. (Code 1938, Ch. 7, Art. 1, Sec. 12)

Sec 15-20. Physical Examination.

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All members of the fire rescue department shall pass a physical examination and drug screen upon being selected to become a member of the department, and at any other times required by the chiefs or by the council.

Sec 15-21. Custody of fire rescue apparatus.

The chief of the fire rescue department shall have the custody, subject to the direction of the council, of the engines, vehicles, equipment, and all other property and appurtenances belonging to the fire department.

Sec 15-22. Repair of fire rescue apparatus.

The chief of fire rescue department shall, when any of the fire engines, trucks, vehicles, equipment, and ladders, or other apparatus need to be repaired, cause the same to be repaired under his direction and supervision, by and with the advice and consent of the council.

Sec 15-23. Badges and uniforms.

The chief of the fire rescue department shall make suitable regulations, under which the officers and personnel of the department shall be required to wear some appropriate uniform and badge, by which, in case of fires or emergencies and at other times, the authority and relation of such officers and personnel in said department may be known, as the exigencies of their duties may require.

Sec. 15-24. Rules governing badges.

Every member of the fire rescue department, when on duty, shall wear a suitable badge, furnished by the city, and any member who shall lose or destroy the same shall be required to pay the cost of replacing it; and when any member shall leave the department, shall immediately deliver the badge, and all other property belonging to the city, to the proper officer.

Sec. 15-25. Suspension of members pending charges.

During the pending of charges against any member of the department, the chief of the fire rescue department may suspend from duty any such member until such charges can be examined by him.

Sec. 15-26. Records. Complaints, judgments.

The chief of the fire rescue department shall cause to be kept, in a book for that purpose, a full and complete record of all transactions in said department, of complaints against members and the judgment of the chief thereupon, of the time lost by them, and of all property placed in his charge, and such other books and records as shall be required by the business of the department. (Code 1938, Ch. 7, Art. 1, Sec. 8)

Sec. 15-27. Preservation of property.

The chief of the fire rescue department, or other officer in command at the scene of a fire, shall have power to cause the removal of any property, whenever it shall become necessary for the preservation of such property from fire, or to prevent the spreading of fire, or to protect adjoining property. The chief may direct personnel to remove any building, erection, or fence, for the purpose of checking the progress of any fire; and the chief shall have power to blow up or cause to be blown up, with powder or otherwise, any building or erection, during the progress of a fire, for the purpose of extinguishing or checking the same.

Sec. 15-28. Powers to arrest.

The chief of the fire rescue department and fire division assistant chiefs shall have power during the time of a fire and for a period of thirty-six (36) hours after its extinguishment, to arrest any suspected person, or any person hindering, resisting, conducting himself in a noisy and disorderly manner, or refusing to obey any such officer while acting in the discharge of his duty. Said officers shall be severally vested with the usual powers and authority of police officers to command all persons to assist them in the performance of such duty. (Code 1938, Ch. 7, Art. 1, Sec. 10)

Sec. 15-29. Protection of department property.

It shall be the duty of all members of the fire division of the fire rescue department to prevent all persons not belonging to the department from entering any house, or handling any apparatus belonging to the department, without permission.

Sec. 15-30. Rewards.

The council may, for meritorious services rendered by any member of the fire rescue department in the due discharge of his duty, permit any member of said department to retain for his own benefit any reward or present tendered him therefore; and it shall be cause of removal for any such member to receive any reward or present without notice thereof to the council.

Sec. 15-31. Resignation, absence without leave.

No member of the fire rescue department, under penalty of forfeiting the salary or pay which may be due to him, shall withdraw or resign, except by permission of the chief. Unexplained absence, without leave, of any member of the fire rescue department for three (3) days, shall be cause for removal and forfeiture of all pay due; but it may, at the option of the chief be deemed and held to be a resignation by such member, and accepted as such.

Sec. 15-32. Workmen's compensation coverage.

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The chief of the fire rescue department shall, on or before the first Monday after the first Tuesday in April in each year, furnish the city clerk for the information of the mayor and council, the roster of all members, paid or subject to call, of the fire rescue department in good standing; and from month to month thereafter shall report any proposed additions or changes in said roster for proper action of said council to the end that all members of said department shall at all times be covered by insurance or such other lawful protection to as may be provided by the mayor and council under the state workmen’s compensation law or otherwise.  
Sec. 15-33. Annual report by chief of fire rescue department.

The annual report of the fire rescue department shall be made on or before the first day of May in each year and be transmitted to the mayor and council. It shall contain all proceedings under this article, with such statistics as the chief of the fire rescue department may wish to include therein; the chief of the fire rescue department shall also recommend therein any amendments to this article which, in his judgment, shall be desirable. A current list of the volunteer members of the fire rescue department shall be included as a part of this annual report.”

Section 3. That the original Sec. 15-14 through 15-33 of the Ordinances of the City of Nebraska City, Nebraska, be and the same are hereby repealed.

Section 4. That this Ordinance shall be effective from and after its passage, approval and publication, as required by law.  
Passed and Approved this 29<sup>th</sup> day of September, 2008.

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Jo Dee Adelung, Mayor  
Attest:

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Arnold M. Ehlers, City Clerk Treasurer

Scott Bovick stated that the State of Nebraska “EMS Advanced Service Transport” license was now activated. And that the Nebraska City Rescue Service license was now inactive.

Commissioner Handy moved to accept all funds, assets and liabilities of the Nebraska City Rescue Service as of September 30, 2008, seconded by Commissioner Schiermeyer. Upon roll call the following voted AYE: Friesen, Mercer, Schiermeyer, Handy and Mayor Adelung. Voting NO: None. Motion passed.

Commissioner Mercer moved to direct city staff to notify financial supporters of the changes and the new name, 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 direct the Mayor and Finance Commissioner to negotiate a contract with a company for billing services, seconded by Commissioner Handy. Upon roll call the following voted AYE: Mercer, Schiermeyer, Handy, Friesen and Mayor Adelung. Voting NO: None. Motion passed.

Commissioner Schiermeyer moved approve the job description for a Paramedic Manager and authorize staff to advertise for a person to fill that position, seconded by Commissioner Friesen. Upon roll call the following voted AYE: Mercer, Handy, Friesen, Schiermeyer and Mayor Adelung. Voting NO: None. Motion passed.

Commissioner Mercer moved to approve the job description for Part-time Emergency Medical Technician (EMT) , seconded by Commissioner Handy. Upon roll call the following voted AYE: Friesen, Schiermeyer, Handy, Mercer and Mayor Adelung. Voting NO: None. Motion passed.

Commissioner Handy moved to approve the new Fire Rescue Department EMS Division volunteers as probationary members contingent upon successful drug screen and physical examination, 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 announced there will be a reception following the meeting to recognize the members of the new EMS Division.

Meeting adjourned at 7:07 p.m.

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Arnold M. Ehlers, City Clerk

