

CITY COUNCIL PROCEEDINGS

November 5, 2007

The City Council of Nebraska City met in Council Chambers on November 5, 2007 for the purpose of Public Hearing. Mayor Adelung led in the Pledge of Allegiance, then recognized members of the Webelos Pack #346. Mayor Adelung opened the Public Hearing to consider a loan from the Economic Development Loan Reuse Funds in the amount of \$30,000.00 to "J&S Partnership d/b/a/ Godfather's." Those answering present: Commissioner Leon Schiermeyer, Commissioner Dean Handy, Commissioner Erv Friesen, Commissioner Mark Mercer and Mayor JoDee Adelung. Pat Haverty, Executive Director of River Country Economic Development Corporation explained the reasons for the loan and answered questions. No one else spoke in either support or opposition to the loan. Commissioner Friesen moved to close the Public Hearing, seconded by Commissioner Schiermeyer, upon roll call the following voted YEA: Mercer, Handy, Schiermeyer, Friesen and Mayor Adelung. Voting NAY: None. Mayor declared the motion carried.

The City Council of Nebraska City reconvened in regular session on November 5, 2007 immediately following the Public Hearing in the Council Chambers at City Hall. Mayor Adelung then called the meeting to order and on roll call the following answered present: Leon Schiermeyer, Dean Handy, Erv Friesen, Mark Mercer and Mayor Jo Dee Adelung.

Notice of this 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. Notice of this meeting was given to the Mayor and all members of the City Council and a copy of their acknowledgement of receipt of notice and the agenda is attached to these minutes. Availability of the agenda is communicated in the advance notice to the Mayor and Council of this meeting. All proceedings hereafter shown were taken while the convened meeting was open to the attendance of the public.

Commissioner Friesen moved to approve the minutes from the September 27, 2007 meeting. Commissioner Handy seconded the motion and on roll call the following voted YEA: Mercer, Friesen, Handy, and Mayor Adelung. Voting NAY: None. Abstain: Schiermeyer. Mayor Adelung declared the motion carried.

Commissioner Friesen moved to approve the minutes from the October 15, 2007 meeting. Commissioner Handy seconded the motion and upon roll call the following voted YEA: Schiermeyer, Mercer, Friesen, Handy, and Mayor Adelung. Voting NAY: None. Mayor Adelung declared the motion carried.

Mayor Adelung then proclaimed the week of November 12 – 17 as "Jaycee Family Week." Mayor Adelung then recognized the Nebraska City Jaycees for the award they received at the NCIP Banquet.

Mayor Adelung recognized Martin Allgood's twenty-five (25) years of service on the Police Department and wished him a good retirement.

Mayor introduced Benjamin D. Murry as the new temporary Police Officer.

City Administrator, Scott Bovick presented an update on the audit of the city funds by BKD and repair work being started on the Pedestrian Bridge in Steinhart Park. Commissioner Handy moved to accept the City Administrator's report, seconded by Commissioner Mercer, upon roll call vote the following voted YEA: Schiermeyer, Friesen, Mercer, Handy, and Mayor Adelung. Voting NAY: None. Mayor Adelung declared the motion carried.

Pat Haverty, Executive Director of R.C.E.D.C. presented the organization's quarterly report as well as the annual financial statement. Commissioner Friesen moved to approve the report, seconded by Commissioner Mercer, upon roll call the following voted YEA: Schiermeyer, Mercer, Handy, Friesen and Mayor Adelung. Voting NAY: None. Mayor Adelung declared the motion carried.

Barbara Hegr, Library Director presented the annual Morton-James Report. The Council also had the City Treasurer's Report and the Wyuka Cemetery Report. Commissioner Friesen moved to accept the reports as presented, seconded by Commissioner Schiermeyer. Upon roll call the following voted YEA: Friesen, Mercer, Schiermeyer, Handy, and Mayor Adelung. Voting NAY: None. Mayor Adelung declared the motion carried.

Commissioner Handy moved to approve the loan request of “J&S Partnership d/b/a Godfather’s,” seconded by Commissioner Friesen, upon roll call vote the following voted YEA: Schiermeyer, Mercer, Friesen, Handy, and Mayor Adelung. Voting NAY: None. Mayor Adelung declared the motion carried.

Building Inspector, Alan Viox submitted a request to declare the building located at 1314 4th Avenue as unsafe and notify the owner to remedy the condition or demolish the building. Commissioner Schiermeyer moved to notify the owner to declare the building at 1314 4th Avenue as unsafe, seconded by Commissioner Handy, upon roll call the following voted YEA: Friesen, Mercer, Schiermeyer, Handy, and Mayor Adelung. Voting NAY: None. Mayor Adelung declared the motion carried.

Scott Bovick, City Administrator, presented the agreement with Nebraska City Housing Agency which would expand the parking at Riverview Terrace. Commissioner Friesen moved to approve the agreement and authorize the Mayor to sign, seconded by Commissioner Mercer. Upon roll call the following voted YEA: Schiermeyer, Handy, Mercer, Friesen, and Mayor Adelung. Voting NAY: None. Mayor Adelung declared the motion carried.

Shanon Angel requested the west end of the East-West alley on of Block 68; Greggspport Addition by vacated. Dan Giittinger, Public Property Director informed the council that the alley was not used by any others than the property owners and that he would recommend the vacation but retain a permanent utility easement. Commissioner Schiermeyer moved to authorize the City Attorney to draw up a vacation ordinance, seconded by Commissioner Friesen. Upon roll call the following voted YEA: Handy, Mercer, Friesen, Schiermeyer and Mayor Adelung. Voting NAY: None. Mayor Adelung declared the motion carried.

Dan Giittinger, Public Properties Director, proposed taking the next step in correcting a problem with the plat in the area of South 5th Street and 14th Corso.

Ordinance 2708-07

Mayor Adelung introduced Ordinance 2708-07; an ordinance to vacate a portion of South 5th Street in Anderson’s Addition to Nebraska City, Otoe County, Nebraska, as more particularly described in Section One (1) hereof reserving title to the same in the name of the City of Nebraska City, Otoe County, Nebraska and moved that the statutory rule requiring reading on three different days be suspended, seconded by Commissioner Handy, upon roll call the following voted YEA: Friesen, Mercer, Schiermeyer, Handy, and Mayor Adelung. Voting NAY: None. Mayor Adelung declares the motion adopted by three-fifths (3/5) vote of the Council and the Statutory Rule suspended for consideration of said ordinance.

Said ordinance was then read by title and thereafter Mayor Adelung moved for final passage of the ordinance. The Mayor stated the question: “Shall Ordinance 2708-07 be passed and adopted?” which was seconded by Commissioner Handy. Upon roll call the following voted YEA: Friesen, Mercer, Schiermeyer, Handy, and Mayor Adelung. The following voted NAY: None. The passage and adoption of said ordinance having been concurred in by a majority of all members of the Council, the Mayor declared the ordinance adopted and the Mayor, in the presence of the Council signed and approved the ordinance and the Clerk attested the passage and approval of the same and affixed his signature thereto.

A true and correct copy of said ordinance is as follows:

ORDINANCE NO 2708-07

AN ORDINANCE TO VACATE A PORTION OF SOUTH 5TH STREET IN ANDERSON’S ADDITION TO NEBRASKA CITY, OTOE COUNTY, NEBRASKA, AS MORE PARTICULARLY DESCRIBED IN SECTION 1 HEREOF; RESERVING TITLE TO THE SAME IN THE NAME OF THE CITY OF NEBRASKA CITY, OTOE COUNTY, NEBRASKA; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, a portion of South 5th Street in the City of Nebraska City, Otoe County, Nebraska, is being relocated and the following portion of South 5th Street is no longer required for street right-of-way, and

WHEREAS, the Mayor and City Commissioners of the City of Nebraska City, find and determinate that the City no longer has a need for that portion of South 5th Street, as hereinafter described, and that the same should be vacated, and the title thereto reserved in the City of Nebraska City, Otoe County, Nebraska.

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

SECTION 1. That the following described portion of South 5th Street be and the same is hereby vacated, to-wit:

Commencing at the S.E. Corner of Lot 1, Block 18, Anderson's Addition to Nebraska City, Otoe County, Nebraska, said point being the True Point of Beginning, thence northerly along the East line of said Lot 1, 120+- feet to the N.E. Corner of said Lot 1, Block 18; thence leaving said East line and continuing easterly along the South right-of-way line of 13th Corso and the North line of said Original 5th Street 66 feet to the N.W. Corner of Lot 7, Block 17, South Nebraska City Addition; thence southerly along the West line of said Lot 7, Block 17, 120+- feet to the S.W. Corner of said Lot 7, Block 17; thence westerly along the North right-of-way line of 14th Corso and the South line of Original 5th Street 66 feet to the True Point of Beginning.

SECTION 2. That the title to that portion of South 5th Street described in Section 1 hereof is hereby reserved unto the City of Nebraska City, Otoe County, Nebraska.

SECTION 3. This Ordinance shall take effect and be in force from and after its passage, approval, and publication as provided by law.

Passed and Approved this 5th day of November, 2007.

Attest:

Arnold M. Ehlers, City Clerk-Treasurer

Jo Dee Adelung, Mayor

Dan Giittinger, Public Properties Director, recommended acceptance of the truck bid from Wick's Sterling Trucks, Inc for a 1995 Ford F-700 Dump Truck in the amount of \$10,000.00. Commissioner Handy moved to award the bid for the used dump truck to Wick Sterling Trucks in the amount of \$10,000.00, seconded by Commissioner Mercer. Upon roll call the following voted YEA: Schiermeyer, Mercer, Friesen, Handy, and Mayor Adelung. Voting NAY: None. Mayor Adelung declared the motion carried.

City Administrator, Scott Bovick summarized a proposal from Thiele Geotech, Inc for testing services for the Steinhart Park Recreational Trail. The cost estimate is from \$3,200.00 to \$3,900.00. Commissioner Schiermeyer moved to approve the contract with Thiele Geotech for material testing on the Steinhart Trail Project not to exceed \$3,900.00, seconded by Commissioner handy. Upon roll call the following voted YEA: Mercer, Friesen, Handy, Schiermeyer, and Mayor Adelung. Voting NAY: None. Mayor Adelung declared the motion carried.

RESOLUTION 2341-07

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

That a credit card authority for this organization be established by the Designated Officer named in this section immediately below with UMB Bank, na., and that separate accounts and credit cards ("Cards") under said authority be opened and issued by Bank in the name of this organization for the use by employees and agents of this Organization who are identified from time to time by the Designated Officer, or by any successor to the Designated Officer identified from time to time by the Recordkeeper (or by successor to the Recordkeeper), and that the Organization authorizes the use of the Cards in accordance with the Caredholder Agreement that is sent by Bank with the Cards; and

BE IT RESOLVED FURTHER, that Arnold M. Ehlers is the Designated Officer referred to in the above section of this Resolution, and that the Designated Officer or any successor to the Designate Officer designated in writing by the Recordkeeper (or by a successor Recordkeeper) may from time to time: request that Cards be issued in the name of this Organization; request that the credit limits and purchase controls be changed on existing Cards issued in the name of this Organization; request termination of use of existing Cards; and communicate other pertinent information to Bank; and

RESOLVED FURTHER, that the foregoing resolution shall remain in full force and effect until written notice of an amendment or rescission thereof is delivered to and receipted for by Bank; and

RESOLVED FURTHER, that the Recordkeeper be and he/she is hereby authorized and directed to certify to Bank this resolution and that the Recordkeeper signing this Resolution and Agreement or any person designated in writing by the Recordkeeper, is authorized to certify to the Bank the names and signatures of persons authorized to act on behalf of the Organization under the foregoing Resolution and Agreement, and from time to time hereafter, as additions to or changes in the identity of said Recordkeeper are made, and such Recordkeeper or designee shall immediately report, furnish and certify such changes to the Bank, and shall submit to Bank a new

incumbency certificate or other document reflecting such changes in order to make such changes effective; and

RESOLVED FURTHER, that the foregoing resolution was adopted in accordance with the Governing documents of the Organization, and that such resolution is now in full force and effect.

PASSED and APPROVED this 5th day of November, 2007

Attest:

/s/ Arnold M. Ehlers

/s/ JoDee Adelung

Commissioner Mercer moved to approve Resolution 2341-07, which allows for a City Credit Card, seconded by Commissioner Friesen. Upon roll call the following voted YEA: Schiermeyer, Friesen, Handy, Mercer and Mayor Adelung. Voting NAY: None. Mayor Adelung declared the motion carried.

David Lacy, Chief of Police addressed his concerns about yard waste put in curb gutters and proposed that Public Properties Director and City Administrator contact Allied Refuse about free dump day at the tree dump.

Commissioner Mercer moved to pay all claims, seconded by Commissioner Friesen. Upon roll call the following voted YEA: Schiermeyer, Handy, Friesen, Mercer, and Mayor Adelung. Voting NAY: None. Mayor Adelung declared the motion carried.

Action Tech Svc	400.00	Contr		Lifeguard Auto Svc	212.36	Rep
Alamar Unif	605.95	Misc		Matt Parrott & Sons	303.92	Supp
Alltel	182.12	Tele		Mead Lumber	89.80	Misc
Ameritas	2,519.04	Ins		Michael Todd & Co	126.81	Sign
AMSAN/Nogg	280.13	Supp		Midland Equipment	18.77	Rep
Anthens, Garrett	44.00	Ref		Midwest FarmerCoop	582.15	Supp
Arbor Valley A. C.	285.00	Aml Exp		Miller Monroe Farrell	100.00	Bond
Bales K-Lawn	35.00	Chem		Municipal Code Corp	1,108.17	Misc
Beacon Athletics	241.35	Misc		Nat'l Entertainm't Tec	445.60	Rec
Bennett, Doug	1,019.69	Tools		NC Airport Auth.	3,750.00	Contr
BKD	19,000.00	Audit		NC News Press	358.64	Ads
Blue Cross Blue Shield	35,118.62	Ins		NCTC	5,312.50	Tourism
Bovick, Scott W.	331.43	Mileage		NE Community Foun	2,291.67	Contr
Bremer Agency, Inc.	100.00	Bond		NEXTEL	222.83	Tele
Citizen Printing	70.00	Supp		Nichols, Jim	148.50	Ref
Conseco	71.45	Ins		Nichols, Linda	130.50	Ref
Crook, Laura	120.30	Mileage		Norman's IGA	17.99	Misc
DeBuhr, Justine	33.00	Ref		Omaha Door & Win	289.50	Rep
Delrosa Riege	25.00	Refund		O'Reilly Auto Parts	56.33	Rep
Don's Johns & Septic	100.00	Portable		Orscheln	198.05	Supp
Douglas Tire Co.	20.00	Tire		Otoe County Clerk	2,105.34	Bldg Pmt
ESRI, Inc	1,237.14	Software		Otoe Cty Reg of Deed	21.50	Publ
Estes, Inc	547.50	Chem		Pamida, Inc.	66.27	Misc
Farmers Bank	16,527.41	W/H		Pine Acres Nursery	3,410.00	Conc.
Farris, Madison	67.50	Ref		Police Officers' Assoc	130.00	Dues
Farris, Paxton	22.00	Ref		Polk City Direct	208.50	Publ
Fire Protection Svc	10.95	Misc		Potter, Kelsey	66.00	Ref
Food Pride	36.36	Misc		Presto-X Company	75.00	Chem
Galeton Gloves	53.90	Misc		Quill Corp	230.06	Supp
GALLS	272.57	Uniform		R.C.E.D.C.	6,313.33	Ind Dev
GE Capital	74.67	Tele		Recker, Laura	5.99	Misc
Grainger	137.60	Misc		Richard Bennett Jr.	3,846.95	Gravel
Great Amer. Outdoor	1,589.27	Rep		SAT/TECH, L.L.C.	31.41	Postage
Hampton Inn & Suites	180.00	Lodge		Schendel	109.00	Pest Cont
Harms, Michael	66.00	Ref		Schneider Electric	4,891.33	Rep
Hart, Anna	400.00	Contr		Scully Planner	35.95	Supp
Heartland Classified	144.66	Ad		Shell	169.26	Fuel
Hermann, Shawn	66.00	Ref		Sherwin-Williams	86.00	Paint
Hockenbergs	10,121.00	Supp		Stelling, Ashley	66.00	Ref
Hopkins Automotive Inc.	506.84	Oil		Terracon Consultants	8,175.00	Consult
HWS Consulting	1,118.44	Eng		Thurman Bike & Sport	287.50	Misc
J&S Ptnshp/Countryside	30,000.00	Loan		Tom's Radio	439.00	Comm
JEO Consulting	86.00	Supp		Tri-State Office Prod	756.98	Supp

Kirkham Michael	1,019.25	Eng		Unum	1,182.85	Ins
KNCY AM-FM	257.20	Ads		Viox, Alan	487.43	Mileage
KonicaMinolta	174.76	Copier		Wages & Benefits	90,814.94	Payroll
Larson Motors	251.36	Rep		Wenzl Hardware	74.92	Supp
LaRue Coffee	61.02	Supp		Wick's	237.94	Rep
Lesco	216.53	Chem				

Mayor Adelung presented to the Council her appointments for the LB840 Review Committee: Marv Penning, Jeanna Stavis, Shelli Eyman, Vaughn Hammond, JoAnn Martens. RCEDC representatives are: Keith Rohwer and Doug Friedli. Commissioner Handy moved to approve the appointments, seconded by Commissioner Mercer. Upon roll call the following voted YEA: Schiermeyer, Friesen, Mercer, Handy, and Mayor Adelung. Voting NAY: None. Mayor Adelung declared the motion carried.

Commissioner Handy moved to adjourn the meeting, seconded by Commissioner Friesen, upon roll call vote the following voted YEA: Leon Schiermeyer, Dean Handy, Erv Friesen, Mark Mercer and Mayor Jo Dee Adelung. Mayor Adelung declared the meeting adjourned at 7:12 p.m.

City Clerk-Treasurer

APPROVED:

Jo Dee Adelung, Mayor

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.

City Clerk-Treasurer