

May 7, 2007

The City Council of Nebraska City met in the Council Chambers on May 7, 2007 at 6:00 pm. Mayor Adelung led in the Pledge of Allegiance then called the public hearing to order and on roll call the following answered present: Leon Schiermeyer, Dean Handy, Erv Friesen, Mark Mercer and Mayor Adelung.

Mayor Adelung stated that a public hearing was now in session to rezone all of Block 43, South Nebraska City Addition from R-2 Residential to I-1 Light Industrial. Pat Haverty spoke on behalf of the RCEDC who owns the property. They have a purchase agreement that has been signed and is contingent upon the rezoning of the property to I-1. The property, which is currently R-2 is contiguous to I-1 on both the east and the south sides. The prospective owner wants to build another building for inside vehicle storage, which requires an I-1 zoning. He plans to fix up the existing building.

Commissioner Friesen moved to close the public hearing to rezone all of Block 43, South Nebraska City Addition from R-2 Residential to I-1 Light Industrial. Commissioner Schiermeyer seconded the motion and on roll call the following voted YEA: Handy, Friesen, Mercer, Schiermeyer and Mayor Adelung. Voting NAY: none. Mayor Adelung declared the motion carried.

The City Council of Nebraska City met in regular session in the Council Chambers at City Hall immediately following the public hearings on May 7, 2007. Mayor Adelung called the meeting to order and on roll call the following members were present: Leon Schiermeyer, Dean Handy, Erv Friesen, Mark Mercer and Mayor 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.

Mayor Adelung proclaimed the first week in May as "Youth Week."

Commissioner Handy moved to approve the minutes from the previous meeting. Commissioner Schiermeyer seconded the motion and on roll call the following voted YEA: Schiermeyer, Handy, Mercer, and Mayor Adelung. Voting NAY: none. Abstaining: Friesen. Mayor Adelung declared the motion carried.

Police Chief Dave Lacy recommended Officer Laura Recker for the position of Sergeant. Mayor Adelung moved to appoint Laura Recker Sergeant. Commissioner Handy seconded the motion and on roll call the following voted YEA: Handy, Friesen, Mercer, Schiermeyer, and Mayor Adelung. Voting NAY: none. Mayor Adelung declared the motion carried.

City Administrator, Scott Bovick, reported on the Arbor Day event and said that he is starting the budget process. After 7" of rain over the past weekend, Public Properties Director, Dan Giittinger, reported tree limbs blocking traffic, a sinkhole, the evacuation of a dock building and that Riverview Marina Park was completely underwater. There will be a lot of work on streets and alleys.

The following reports were presented for Council consideration: Wyuka Cemetery report for April: Sales, \$950.00; Interments, \$3250.00; Misc. \$280.50; Memorial Bldg. Receipts for April; \$455; City Treasurer's monthly report: Balance on hand April 1, 2007: \$19,964,027.90, Receipts: \$3,477,664.11; Disbursements: \$3,043,031.27 Balance on hand April 30, 2007: \$20,398,660.74. Commissioner Handy moved that the reports be accepted as presented and ordered them placed on file. Commissioner Mercer seconded the motion and on roll call the following voted YEA: Friesen, Mercer, Schiermeyer, Handy and Mayor Adelung. Voting NAY: none. Mayor Adelung declared the motion carried.

Parks Commissioner, Leon Schiermeyer, reported that he, Scott Bovick, Dan Giittinger and Parks Foreman, Raymond Doiel, inspected the playground equipment at the city parks. He presented a list of repairs, removals and changes for each park. He said that they planned a review of the park equipment on the 15th of each month with major inspections twice a year.

Mayor Adelung introduced and read Ordinance No. 2697-07 ENTITLED: AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF NEBRASKA CITY, AS REFERRED TO IN SECTION 403 OF ORDINANCE NO. 2576-03, BY CHANGING THE ZONING CLASSIFICATION OF BLOCK 43, SOUTH NEBRASKA CITY ADDITION TO THE CITY OF NEBRASKA CITY, FROM R-2 RESIDENTIAL TO I-1 LIGHT INDUSTRIAL; TO PROVIDE

May 7, 2007

INCORPORATION INTO THE OFFICIAL ZONING MAP OF THE CITY; TO PROVIDE FOR THE REPEALS OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; AND TO PROVIDE FOR AN EFFECTIVE DATE.

Mayor Adelung moved that the Statutory Rule requiring reading on three different days be suspended. Commissioner Mercer seconded the motion and on roll call the following voted YEA: Mercer, Schiermeyer, Handy, Friesen and Mayor Adelung. Voting NAY: none. Mayor Adelung declared the motion adopted by three-fifths (3/5) vote of the Council and the Statutory Rule suspended for consideration of said Ordinance.

Mayor Adelung read the ordinance by title only and moved for final passage of Ordinance No. 2697-07. Commissioner Friesen seconded the motion. Mayor Adelung asked, "Shall Ordinance No. 2697-07 be passed and adopted?" and on roll call the following voted YEA: Schiermeyer, Handy, Friesen, Mercer and Mayor Adelung. Voting NAY: none. Mayor Adelung declared Ordinance No. 2697-07 adopted and signed same in the presence of the council and the Acting Clerk who attests to same.

The City Administrator, the Police Chief, the Fire Chief and the Rescue Squad Chief hosted the Council on a tour of the City Hall and public safety complex pointing out the cramped conditions of the building.

Representatives of several organizations that meet or rent space in the Memorial Building appeared before the council to discuss its future use and asked for a one-year extension of the WOTA lease. Speaking before the Council were: from WOTA: Vernon and Linda Brooke, Barbara Jordan, Sylvia Atkins, Margaret Straw, Hugh Kippler, Dottie Edington and Dale Haverty; Scooter Edmisten representing the Alumni Association; and Les Kinnison from the VFW.

Mayor Adelung stated for the record that the first time she visited WOTA, she was shocked that the senior citizens of Nebraska City had to go to the basement in a building in such disrepair. She felt that senior citizens deserved so much better. She envisions a center where so many more programs could be held.

Scott Bovick said that the State Fire Marshall said the building did not have to be closed immediately, but that the fryer should not be used and the gas to it shut off. The fire suppression system needed to be repaired in the amount of \$1500. He also summarized the annual income and expenses for the building.

Larry Ossowski, Executive Director of Blue Rivers Area Agency on Aging, told the Council that he was willing to work with the Council and WOTA and the kitchen at Riverview Terraces is workable.

Vic Johns said he had a building for sale for \$189,000 that would be the perfect solution. It has a new roof and is handicap accessible but it would need a kitchen.

The Council said that WOTA is free to buy the building but if they choose that building as a permanent location, not having the senior center in the Memorial Building would defeat the purpose of renovating the building.

Bill Moore suggested that WOTA contract with a food service business to cater the food.

Mayor Adelung said that the City Council had extended the WOTA contract time and time again over the years and she was adamant that the Council would not leave tonight without a plan from WOTA for moving out.

After a lengthy discussion and considerable input from the audience, Commissioner Friesen moved that the city's lease with WOTA be extended until September 30, 2007 but that a spending cap for capital repairs during the period of the lease shall not exceed \$20,000 or the contract is void with a 24 hour notice and a pledge that city staff will work with the affected agencies to assist WOTA with relocation and cost estimates. Commissioner Mercer seconded the motion and on roll call the following voted YEA: Handy, Friesen, Mercer, Schiermeyer and Adelung. Voting NAY: none. Mayor Adelung declared the motion carried.

Vic Johns and Jim and Peggy Amerine requested that 11th Avenue and alleys between 7th and 8th Streets Block 69 and 70, Greggspport Addition be vacated. Commissioner Friesen moved to direct the city attorney, upon receipt of letter of acceptance from adjacent landowners, draft an ordinance vacating 11th Avenue and alleys between 7th and 8th Streets Block 69 and 70, Greggspport Addition. Commissioner Mercer seconded the motion and on roll call the following voted YEA: Friesen, Mercer, Schiermeyer, Handy and Adelung. Voting NAY: none. Mayor Adelung declared the motion carried.

Alan Viox, Fire Chief, presented the annual report for the Nebraska City Volunteer Fire Department. Between May 2006 and April 2007, there were 58 calls with a total dollar loss of \$667,300. Total department responses including rural call and mutual aid were 94. Officers for the 07/08 term are:

May 7, 2007

Chief, Alan Viox; Asst. Chiefs, Dennis Marshall and John Shrader; Captains, Chris Griepenstroh, Steve Cody and Rob Schreiner; President, Charlie White; Secretary, Jeff Kohrs; Treasurer, Steve Recker. Viox also reported that the department has 41 members and the gear and equipment are in pretty good shape. Commissioner Mercer moved that the report be accepted as presented and placed on file. Commissioner Handy seconded the motion and on roll call the following voted YEA: Mercer, Schiermeyer, Handy, Friesen, and Mayor Adelung. Voting NAY: none. Mayor Adelung declared the motion carried.

Kevin Cappen, Pro Shop Manager of the Wildwood Golf Course, requested three special designated liquor licenses, one each for June 2, June 16 and June 23, 2007. He presented the Council with a list of rules and regulations that the players must follow. The Mayor told him to change the word "can" in rule #1 be changed to "will." Bill Moore asked if the golf rangers hired to enforce the rules would be trained. He was afraid that doing the wrong thing could make the City liable. The Mayor instructed Mr. Cappen that a player be warned one time and then the police be called if necessary. Commissioner Schiermeyer moved to approve the special designated liquor licenses for June 2, June 16 and June 23, 2007 for Kevin Cappe, Pro Shop Manager of the Wildwood Golf Course with the understanding that any problems could result in the loss of the special designated liquor license. Commissioner Handy seconded the motion and on roll call the following voted YEA: Schiermeyer, Handy, Friesen, Mercer and Mayor Adelung. Voting NAY: none. Mayor Adelung declared the motion carried.

Robert Howson requested permission to continue holding dances at the Memorial Building. On or near April 14, 2007 Police Officer Dana Ritchheart was called to the Memorial Building in response to a call because of a disturbance there. Later she reported to Captain Lonnie Neeman several disturbing findings including the presence of a registered sex offender, kids running up and down the street, yelling profanities and no supervision after the dances. Due to the dances being held on city property, concerns for the safety of the dance participants, the lack of supervision and the concerns for the building itself, the Nebraska City Police department recommended to the Council that Robert Howson no longer be able to hold dances. Commissioner Mercer moved to deny permission for Robert Howson to continue holding dances at the Memorial Building. Commissioner Handy seconded the motion and on roll call the following voted YEA: Handy, Friesen, Mercer, Schiermeyer and Mayor Adelung. Voting NAY: none. Mayor Adelung declared the motion carried.

The Council received an application for the manager change to Brian Underwood in connection with Kwik Shop Inc. liquor license. Commissioner Handy moved to approve the manager change to Brian Underwood in connection with Kwik-Shop Inc. liquor license. Commissioner Friesen seconded the motion and on roll call the following voted YEA: Friesen, Mercer, Schiermeyer, Handy, and Mayor Adelung. Voting NAY: none. Mayor Adelung declared the motion carried.

Commissioner Schiermeyer moved to approve the swim team schedule. Commissioner Handy seconded the motion and on roll call the following voted YEA: Mercer, Schiermeyer, Handy, Friesen, and Mayor Adelung. Voting NAY: none. Mayor Adelung declared the motion carried.

Commissioner Friesen moved to approve a bid from Ashley Reeves in the amount of \$1051 for the swimming pool concession stand. Commissioner Mercer seconded the motion and on roll call the following voted YEA: Schiermeyer, Handy, Friesen, Mercer, and Mayor Adelung. Voting NAY: none. Mayor Adelung declared the motion carried.

Mayor Adelung read and introduced Resolution No. 2326 to update the personnel manual of the City of Nebraska City.

RESOLUTION NO. 2326

WHEREAS, on the 3rd day of April, 1989, the Mayor and Council of the City of Nebraska City, adopted a revised Personnel Manual for the employees of the City of Nebraska City, and

WHEREAS, on the 3rd day of January, 2006, the Mayor and council of the City of Nebraska City, passed resolution No. 2282-06 to update the Personnel Manual, and

WHEREAS, changes in the law and changes in City policies have affected the regulations outlined in the Personnel Manual, it is determined that in order to keep up to date with such changes, the Personnel Manual is in need of revision.

NOW THEREFORE, Be It Resolved by the Mayor and Council of the City of Nebraska City:

- Section 1. That the Personnel Manual of the City of Nebraska City, Nebraska, dated May 7, 2007 and attached as Exhibit A, setting forth in writing the provisions affecting the employment policies, benefits, disciplinary procedures, and drug policies for all full-time, part-time and temporary personnel of the City, be and the same is hereby adopted.

May 7, 2007

Section 2. That such Manual shall be published in pamphlet form with the original thereof to be maintained in the office of the City Clerk-Treasurer, and copies to be made available to all employees of the City.

Passed and approved this 7th day of May 2007.

ATTEST:

Jo Dee Adelung, Mayor

Mary Wallen

Acting City Clerk-Treasurer

Commissioner Schiermeyer moved to approve the engineering agreement with Kirkham-Michael for design and construction services for the Nebraska City Steinhart Park Recreational Trail. Commissioner Handy seconded the motion and on 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 an agreement with Midwest Right-of-Way to conduct right-of-way acquisition and relocation for the 11th St Widening Project and authorize the mayor to sign. Commissioner Mercer seconded the motion and on roll call the following voted YEA: Mercer, Schiermeyer, Handy, Friesen, and Mayor Adelung. Voting NAY: none. Mayor Adelung declared the motion carried.

Commissioner Handy moved to approve an agreement with Midwest Right-of-Way to conduct right-of-way acquisition and relocation for the 11th Corso Realignment Project and authorize the mayor to sign. Commissioner Friesen seconded the motion and on roll call the following voted YEA: Schiermeyer, Handy, Friesen, Mercer, and Mayor Adelung. Voting NAY: none. Mayor Adelung declared the motion carried.

The Council considered a lease agreement with Alltel for a proposed small cell tower at Steinhart Lodge parking area. City Attorney, Bill Davis, disapproved of the lease because the city was committed for 30 years but Alltel was committed for only six months at a time. He thought technology would change considerably in 30 years. He also thought the description of the specific area needed to be more specific. The Council directed Mr. Davis to study the terms of other contracts. No other action was taken on this item.

Because of time constraints Barbara Jordan removed her name from the agenda. She agreed to meet with Mayor Adelung, Scott Bovick, Dan Giittinger and Commissioner Handy at a later date.

The request from Otoe Co Title for the bagel plant easement was removed from the agenda because the plant is actually on county property not city property.

Mayor Adelung introduced and read Ordinance No. 2698-07 entitled:

ORDINANCE NO. 2698-07

AN ORDINANCE DIRECTING THE SALE AND CONVEYANCE OF TWELFTH STREET BETWEEN BLOCKS 26 AND 29, IN GREGGSPORT ADDITION TO NEBRASKA CITY, OTOE COUNTY, NEBRASKA, TO JAMES AMERINE AND PEGGY AMERINE, AS DESCRIBED IN SECTION ONE HEREOF; DIRECTING NOTICE OF SALE BY PUBLICATION; AND TO PROVIDE FOR AN EFFECTIVE DATE.

Mayor Adelung moved that the Statutory Rule requiring reading on three different days be suspended. Commissioner Friesen seconded the motion and on roll call the following voted YEA: Handy, Friesen, Mercer, Schiermeyer and Mayor Adelung. Voting NAY: none. Mayor Adelung declared the motion adopted by three-fifths (3/5) vote of the Council and the Statutory Rule suspended for consideration of said Ordinance.

Mayor Adelung read the ordinance by title only and moved for final passage of Ordinance No. 2698-07. Commissioner Friesen seconded the motion. Mayor Adelung asked, "Shall Ordinance No. 2698-07 be passed and adopted?" and on roll call the following voted YEA: Friesen, Mercer, Schiermeyer, Handy and Mayor Adelung. Voting NAY: none. Mayor Adelung declared Ordinance No. 2698-07 adopted and signed same in the presence of the Council and the Acting Clerk who attests to same.

Commissioner Mercer moved for approval of the claims as presented except for Claim #7250C. Commissioner Handy seconded the motion and on roll call the following voted YEA: Mercer, Schiermeyer, Friesen, Handy, and Mayor Adelung. Voting NAY: none. Mayor Adelung declared the motion carried.

May 7, 2007

Commissioner Handy moved for approval of claim #7250C. Commissioner Schiermeyer seconded the motion and on roll call the following voted YEA: Schiermeyer, Friesen, Handy, and Mayor Adelung. Voting NAY: none. Abstaining: Mercer. Mayor Adelung declared the motion carried.

Claims List					
May 7, 2007					
Ameritas	2445.36	Dental Ins	Nebraska Dept of Rev	4332.26	Payroll
Blue Cross	33016.74	Health Ins	Otoe County Clerk	631	Payroll
City of Nebraska City	47450.45	Payroll	Principal Financial	2573.25	Ins
Cobra	557.8	Health Ins	Principal Mutual	14119.12	Pension
Conseco	71.45	Ins	United Way	4	Donation
Farmers Bank	15270.75	Payroll	UNUM Provident	1190.13	Ins
Mercer	773.98	AD&D			
Action Technology	400.00	Monthly Fee	Mullenax Auto	536.85	Repairs
ACCO	347.18	Supplies	Nebraska City Airport	3,416.67	Operating
Adkins Signs	110.00	Office	Petty Cash	58.00	Misc
Alco # 155	34.95	Supplies	Nebraska City News	1,165.99	Adv
Alltel	145.77	Telephone	N.C. Public Schools	6,805.25	Occ Tax
Windstream	8.93	Telephone	Nebraska City Rotary	375.00	Dues
KonicaMinolta	224.58	Copies	Nebraska Community Foundation	2,590.00	Curator
American Fence	49.45	Repairs	Nebraska Life	135.00	Adv
Arbor Mart	1,838.03	Fuel	Neeman, Lonnie	6.78	Meals
Arbor Outdoor Power	3.99	Repairs	Nextel	222.36	Telephone
Arbor Valley Animal	335.50	Animal	AMSAN	241.43	Supplies
Atchison County Mail	90.00	Adv	Omaha Tractor	33.93	Repairs
Barco Municipal Prod	444.79	Supplies	OMB's Express	470.49	Equipment
Beacon Athletics	1,178.80	Supplies	O'Reilly Auto	16.85	Repairs
Bohl Plumbing	3,355.18	Repairs	Otoe County Clerk	3,485.93	Dispatching
Cappen, Kevin	2,571.42	Contract	Otoe County Register of Deeds	153.50	Filing
Casey's	869.07	Fuel	Otoe County Treasurer	111.69	RE Taxes
Nebraska City Tourism	5,312.50	Tourism	PGP Publishing	20.00	Supplies
Cintas	179.02	Maint	R & K Cleaning	1,200.00	Cleaning
Orscheln	517.73	Supplies	Radar Shop, The	191.94	Repairs
Cornhusker International	661.02	Repairs	Reams Sprinkler	344.22	Equipment
William Davis	554.25	Legal	Richard Bennett	639.18	Freight
Vogel West	2,629.10	Paint	R.C.E.D.C.	4,333.33	Ind. Dev.
Douglas Tire	920.58	Repairs	Schendel	109.00	Pest Control
Estes, Inc	1,010.00	Chemicals	Welsh Management	100,000	Loan
Food Pride	6.99	Supplies	Starnier, Cody	83.97	Meals
Fund Ways, Inc	1,962.22	Family Festival	Taser Intl	450.00	Equipment
GE Captial	74.67	Telephone	Tee's Plus	14.00	Supplies
Giittinger, Dan	73.72	Mileage	Tom's Radio	352.00	Maint
HWS Consulting	1,236.45	Engineering	Trade Well Pallet	770.00	Supplies
Harris Auto	261.03	Repairs	Tri-State Office	733.33	Supplies
Hart, Anna	400.00	Cleaning	USPS	82.50	Postage
Wood Family Fuel	243.75	Fuel	Viox, Alan	356.48	Mileage
Heartland Classified	188.96	Adv	W-K Repair	60.00	Repairs
Hopkins Automotive	97.67	Repairs	Walgren, Cheryl	747.93	Supplies
Inland Truck Parts	531.02	Repairs	Wallen, Mary	55.29	Mileage
JEO Consulting	10,406.15	Engineering	Watkins True Value	323.46	Supplies
Jones Automotive	216.00	Repairs	Wenzl Hardware	6.00	Supplies
Keim Farm Equip	266.01	Repairs	West, Micheal	49.47	Mileage
KNCY	491.76	Adv	Wurtele, Gail	37.17	Office
Kustom Signals	4,537.00	Equipment	Zimco Supply	155.00	Chemicals
Landis Engine	73.00	Repairs	Columbus Telegram	164.00	Adv
Larson Motors	154.93	Repairs	B&B Technologies	114.58	Supplies
Lincoln Journal	200.00	Adv	Oak River Ins	250.00	Ins
Loveland Lawns	70.00	Supplies	Dublin Nursery	1,220.00	Trees
Mead Lumber	123.39	Supplies	Stoney Swearengin	100.00	
Mellage Truck	20.94	Repairs	Perry Lanes	500.00	Refund
Mercer's Hardware	128.91	Supplies	Dinty Moore's	500.00	Refund
Midwest Machine	78.10	Repairs	Dorothy Higgins	500.00	Refund
Midwest Farmers Coop	716.26	Supplies	MAPA	7,000.00	Engineering
Miller Monroe Farrell	46.00	Ins	NSA	125.00	Dues

May 7, 2007

Momar, Inc	161.31	Supplies	DIVE Cincinnati	5,221.20	Equipment
------------	--------	----------	-----------------	----------	-----------

Mayor Adelung moved to appoint Commissioners Handy and Mercer, Doug Farrar, Bill Moore, and Jeanna Stavas to the Hotel Occupation Tax Task Force. Commissioner Friesen seconded the motion and on roll call the following voted YEA: Handy, Friesen, Mercer, Schiermeyer and Mayor Adelung. Voting NAY: none. Mayor Adelung declared the motion carried.

Mayor Adelung moved to appoint Fire Chief Viox, Police Chief Lacy, Rescue Chief Pummel, City Administrator Bovick and Mayor Adelung to the Public Safety Facilities Task Force. Commissioner Friesen seconded the motion and on roll call the following voted YEA: Friesen, Mercer, Schiermeyer, Handy, and Mayor Adelung. Voting NAY: none. Mayor Adelung declared the motion carried.

Mayor Adelung moved to appoint John Hogeland to the Board of Public Works to fill an unexpired term ending May 1, 2008. Commissioner Friesen seconded the motion and on roll call the following voted YEA: Friesen, Mercer, Schiermeyer, Handy, and Mayor Adelung. Voting NAY: none. Mayor Adelung declared the motion carried.

There being no further business to come before the Council at this time, on motion duly made and seconded, the Council adjourned at 10:19.

Acting City Clerk-Treasurer

APPROVED:

Mark Mercer, Vice-President

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.

Acting City Clerk-Treasurer