

May 21, 2007

The City Council of Nebraska City met in regular session in the Council Chambers at City Hall on May 21, 2007. Vice-President Mercer called the meeting to order and on roll call the following members were present: Leon Schiermeyer, Dean Handy, Erv Friesen, Mark Mercer. Mayor Adelung was absent.

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.

Vice-President Mercer proclaimed the week of May 20-26 as "Emergency Medical Services Week."

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

City Administrator, Scott Bovick, told the Council that Federal Emergency Management Agency has advised the City to document damage from seven inches of rain May 4-6, 2007 in case the government declares Otoe County a disaster area. The appropriate sign has been posted and the skateboard park has been reopened. Commissioner Handy moved to approve the City Administrator's report. Commissioner Schiermeyer seconded the motion and on roll call the following voted AYE: Handy, Friesen, Schiermeyer and Vice-President Mercer. Voting NAY: none. Absent: Mayor Adelung. Vice-President Mercer declared the motion carried.

Commissioner Friesen moved to approve the contract with Waddell & Reed/Benefit Plans Inc./Nationwide Financial to administer and support Nebraska City pension benefit program for general employees. Commissioner Handy seconded the motion and on roll call the following voted YEA: Friesen, Schiermeyer, Handy and Vice-president Mercer. Voting NAY: none. Absent: Mayor Adelung. Vice-President Mercer declared the motion carried.

Commissioner Freisen moved to approve the contract with Waddell & Reed/Benefit Plans Inc./Nationwide Financial to administer and support Nebraska City pension benefit program for the firefighters. Commissioner Schiermeyer seconded the motion and on roll call the following voted YEA: Schiermeyer, Handy, Friesen, and Vice-president Mercer. Voting NAY: none. Absent: Mayor Adelung. Vice-President Mercer declared the motion carried.

Commissioner Freisen moved to approve the contract with Waddell & Reed/Benefit Plans Inc./Nationwide Financial to administer and support Nebraska City pension benefit program for the police. Commissioner Handy seconded the motion and on roll call the following voted YEA: Handy, Friesen, Schiermeyer, and Vice-president Mercer. Voting NAY: none. Absent: Mayor Adelung. Vice-President Mercer declared the motion carried.

Annually, the Nebraska City Tourism and Commerce has a fundraising project to re-name a two-block area of Nebraska City streets. Jim Johnston of NCTC presented the proof of a decorative sign for St. Mary's Hospital for the Council's review and approval. Commissioner Handy moved to approve the decorative sign for St. Mary's Hospital as requested by NCTC. Commissioner Schiermeyer seconded the motion and on roll call the following voted YEA: Friesen, Schiermeyer, Handy and Vice-President Mercer. Voting NAY: none. Absent: Mayor Adelung. Vice-President declared the motion carried.

Mike Riege, leader of Boys Scouts Pack 353 requested waiver of the fee for a park shelter at Wildwood Park on May 22, 2007. Commissioner Schiermeyer moved to approve the requested waiver of the fee for a park shelter at Wildwood Park on May 22, 2007. Commissioner Handy seconded the motion and on roll call the following voted YEA: Schiermeyer, Handy, Friesen and Vice-President Mercer. Voting NAY: none. Absent: Mayor Adelung. Vice-President declared the motion carried.

Justin Hobscheidt, 108 Park St Union, NE asked the Council to amend the City's concealed weapons ordinance to bring it in line with current Nebraska legislation. The state has made it legal for qualifying people to carry concealed handguns. Currently, the city's ordinance prohibits concealed carried weapons. Dale Kopp 1711 N 11th spoke in favor of amending concealed weapons ordinance.

Police Chief Dave Lacy said it was a complex issue. He suggested that the Council ask business people their opinions. He asked the Council to leave the ordinance as written. Bill Moore spoke in opposition to amending the City's concealed weapons ordinance.

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Commissioner Handy moved to disapprove changing the ordinance. Commissioner Schiermeyer seconded the motion and on roll call the following voted YEA: Handy, Friesen, and Schiermeyer. Voting NAY: Vice-President Mercer. Absent: Mayor Adlung. Vice-president Mercer declared the motion carried.

Commissioner Friesen moved to extend the Memorial Building lease with WOTA until September 30, 2007 and authorize the vice-president to sign. Commissioner Handy seconded the motion and on roll call the following voted YEA: Friesen, Schiermeyer, Handy and Vice-President Mercer. Voting NAY: none. Absent: Mayor Adlung. Vice-President Mercer declared the motion carried.

The First Christian Church requested handicap parking on 8th St adjacent to the alley. Commissioner Handy moved to direct the city attorney to draft a resolution designating the first parking space north of the alley adjacent to Lot 6, in Block 8 Nebraska City Proper as handicap parking. Commissioner Friesen seconded the motion and on roll call the following voted YEA: Schiermeyer, Handy, Friesen and Vice-President Mercer. Voting NAY: none. Absent: Mayor Adlung. Vice-President Mercer declared the motion carried.

Fred Roberts requested no parking on one side of 2nd Corso between 21st and 22nd Streets. One side of the street is a soccer field and the other side is homes. When the street is parked full of cars, residents cannot get out of the driveways. An emergency vehicle cannot drive on the street when there is parking on both sides. It was decided that since the field is two blocks long, there should be parking on one side for two blocks. Commissioner Handy moved to direct the city attorney to draft a resolution restricting parking to one side of the 2nd Corso between 20th and 22nd Streets. Commissioner Friesen seconded the motion and on roll call the following voted YEA: Handy, Friesen, Schiermeyer and Vice-President Mercer. Voting NAY: none. Absent: Mayor Adlung. Vice-President Mercer declared the motion carried.

Correspondence was received from Nemaha Natural Resources District stating the City's request for funds for the Steinhart Park Trail project had been awarded. The next step is to execute a Cooperative Agreement between the City and the District. Commissioner Schiermeyer moved to approve an interlocal cooperative agreement with the Nemaha Natural Resource District to receive \$20,000 for the Steinhart Park Trail and authorize the vice-president to sign. Commissioner Friesen seconded the motion and on roll call the following voted YEA: Friesen, Schiermeyer, Handy and Vice-President Mercer. Voting NAY: none. Absent: Mayor Adlung. Vice-President Mercer declared the motion carried.

The City has elected to terminate the Economic Development Revolving Loan Fund administrative contract with Southeast Nebraska Development District and approve an Economic Development Revolving Loan Fund agreement with River Country Economic Development Corporation.

Vice-President Mercer introduced and read Resolution No. 2327. Commissioner Handy moved for passage of Resolution No. 2327-07. Commissioner Friesen seconded the motion and on roll call the following voted YEA: Schiermeyer, Handy, Friesen and Vice-President Mercer. Voting NAY: none. Absent: Adlung. Vice-President declared the motion carried.

RESOLUTION NO. 2327-07

WHEREAS, the City of Nebraska City, (hereinafter referred to as City), contracted with the Southeast Nebraska Development District, hereinafter referred to as "SENDD", on September 19, 1994, to provide Administrative Assistance in administering the City's Economic Development Plan, and

WHEREAS, Section 11.0 (c) (4) of said contract provides that the City may terminate said contract at any time by providing at least ten (10) days written notice to SENDD, and

WHEREAS, the City of Nebraska City, Nebraska, desires to terminate said contract with SENDD.

NOW THEREFORE, Be It Resolved by the Acting Mayor and City Commissioners of the City of Nebraska City, Nebraska, that it intends to terminate its contract with SENDD which is dated September 19, 1994, and that in accordance with the terms of said contract hereby directs the City Clerk to give SENDD at least ten (10) days written notice of such intent to terminate by regular United States Mail, postage prepaid.

This resolution passed and approved this 21st day of May 2007.

ATTEST:

Mark Mercer, Vice-President

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Mary Wallen
Acting City Clerk-Treasurer

Commissioner Friesen moved to approve an Economic Development Revolving Loan Fund agreement with River Country Economic Development Corporation and authorize the vice-president to sign. Commissioner Handy seconded the motion and on roll call the following voted YEA: Handy, Friesen, Schiermeyer, and Vice-President Mercer. Voting NAY: none. Absent: Mayor Adelung. Vice-President Mercer declared the motion carried.

The Council received an application for the manager change to James P. Fabian in connection with Embers Steakhouse Inc. liquor license. Commissioner Friesen moved to approve the manager change to James P. Fabian in connection with Embers Steakhouse Inc. liquor license. Commissioner Handy seconded the motion and on roll call the following voted YEA: Friesen, Schiermeyer, Handy, and Vice-President Mercer. Voting NAY: none. Absent: Mayor Adelung. Vice-President Mercer declared the motion carried.

Vice-President Mercer introduced and read Ordinance No. 2699-07 ENTITLED: AN ORDINANCE VACATING ELEVENTH AVENUE BETWEEN SEVENTH and EIGHTH STREETS, AND THE ALLEY IN BLOCK SIXTY-NINE, IN GREGGSPORT ADDITION TO THE CITY OF NEBRASKA CITY, OTOE COUNTY, NEBRASKA, AND RESERVING TITLE TO THE SAME IN THE NAME OF THE CITY OF NEBRASKA CITY, OTOE COUNTY, NEBRASKA; AND DECLARING AN EFFECTIVE DATE.

Vice-President Mercer 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: Schiermeyer, Handy, Friesen and Vice-President Mercer. Voting NAY: none. Absent: Mayor Adelung. Vice-President Mercer declared the motion adopted by three-fifths (3/5) vote of the Council and the Statutory Rule suspended for consideration of said Ordinance.

Vice-President Mercer read the ordinance by title only and moved for final passage of Ordinance No. 2699-07. Commissioner Handy seconded the motion. Vice-President Mercer asked, "Shall Ordinance No. 2699-07 be passed and adopted?" and on roll call the following voted YEA: Handy, Friesen, Schiermeyer and Vice-President Mercer. Voting NAY: none. Absent: Mayor Adelung. Vice-President Mercer declared Ordinance No. 2699-07 adopted and signed same in the presence of the council and the Acting Clerk who attests to same.

Vice-President Mercer introduced and read Ordinance No. 2700-07 ENTITLED: AN ORDINANCE VACATING THE ALLEY IN BLOCK SEVENTY, IN GREGGSPORT ADDITION TO THE CITY OF NEBRASKA CITY, OTOE COUNTY, NEBRASKA, DECLARING AN EFFECTIVE DATE.

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

Vice-President Mercer read the ordinance by title only and moved for final passage of Ordinance No. 2700-07. Commissioner Friesen seconded the motion. Vice-President Mercer asked, "Shall Ordinance No. 2700-07 be passed and adopted?" and on roll call the following voted YEA: Schiermeyer, Handy, Friesen, and Vice-President Mercer. Voting NAY: none. Absent: Mayor Adelung. Vice-President Mercer declared Ordinance No. 2700-07 adopted and signed same in the presence of the council and the Acting Clerk who attests to same.

Commissioner Friesen moved to approve all claims. Commissioner Handy seconded the motion and on roll call the following voted YEA: Handy, Friesen, Schiermeyer, and Vice-president Mercer. Absent: Mayor Adelung. Vice-President Mercer declared the motion carried.

Claims List

21-May-07					
Farmers Bank	15613.42	Payroll	Kreifels Electric	60.00	Repairs
City of Nebraska City	47220.96	Payroll	Landis Engine	590.64	Repairs
Petty Cash	31.00	Flowers	Larson Motors	233.51	Repairs
A-1 Locksmith	4.50	Supplies	League of Nebr. Municipalities	631.00	Dues

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ACCO	840.08	Supplies	Lifeguard Auto Service Cen	137.65	Repairs
Adkins Signs	250.00	Signs	Lincoln Journal-Star	240.00	Adv
Alamar Uniforms	52.99	Uniforms	Loveland Lawns	80.00	Supplies
Windstream Nebraska Inc	1,755.94	Telephone	Martin Marietta Materials	350.84	Supplies
Allied Recycling & Refuse	255.50	Garbage	Myron Corp	131.12	Misc
Arbor Mart, Inc	1,754.28	Fuel	Petty Cash	75.00	Misc
Arbor Outdoor Power	17.98	Oil	Nebraska City Utilities	5,365.44	Utilities
Arbor Valley Animal Clinic	44.81	Misc	Nebraska Dept. of Revenue	643.73	Sales Tax
Bales K-Lawn	35.00	Misc	NEXTEL Partners Inc.	222.22	Telephone
Bob's Welding Shop	150.55	Supplies	Odey's Inc.	543.60	Supplies
Brown's Shoe Fit Co.	111.00	Uniforms	Omaha Tractor, Inc.	168.98	Equip
Cappen, Kevin	1,285.71	Contract	Omaha World-Herald	747.11	Adv
City of Nebraska City	6,868.75	Bond	OMB's Express Police Suppl	59.99	Supplies
Concrete Industries, Inc.	217.60	Supplies	Pamida, Inc. Store #070	71.37	Supplies
CONVENIENCECARD(Orscheln)	589.08	Supplies	Purchase Power	206.99	Postage
Nebraska Dept of Labor	36.00	Misc	Presto-X Company	75.00	Pest Control
Douglas Tire Co.	116.90	Repairs	Radar Shop, The	234.00	Repairs
Earl May Seed & Nursery L.	383.95	Supplies	Schendel Pest Control	153.00	Pest Control
Estes, Incorporated	1,795.22	Chemicals	Harland Technology Service	1,591.03	Maint
Galeton Gloves	32.60	Supplies	Ambassador Rehab & Wellnes	30.00	Testing
HWS Consulting Group	733.85	Engineering	Shell	2,973.92	Fuel
Harding & Shultz P.C. L.L.	75.00	Legal	Thurman Bike and Sport	25.00	Repairs
Hopkins Automotive Inc.	14.39	Repairs	USIS Commercial Services	50.00	Testing
Ideal Pure Water	28.43	Misc	Van-Wall Group	314.12	Repairs
In the Swim	84.89	Signs	Wearne, Marcella	258.38	Inventory
Jebro Inc.	540.00	Supplies	Wurtele, Gail	446.88	Inventory
Jones Automotive, Inc.	3,357.05	Repairs	Industrial Sales	42.37	Misc
KNCY AM-FM	216.77	Adv	Sunrise Publications	42.00	Adv
			L.F.W. Sandblasting & Pain	6,000.00	Painting

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:

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.

Acting City Clerk-Treasurer