

June 18, 2007

The City Council of Nebraska City met in regular session in the Council Chambers at City Hall on June 18, 2007. Mayor Adelung led in the Pledge of Allegiance then 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.

Commissioner Friesen moved to approve the minutes from the previous meeting. 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.

The City Administrator, Scott Bovick, updated the council on the budget process and said the League's annual Financial Conference would be this week. Commissioner Handy moved to approve the City Administrators report as presented. 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.

Jim Johnston Director of Nebraska City Tourism and Commerce reported that they have expanded information in the travel guide and are starting an ad campaign at KNCY. They continue planning and promoting several events and plan on returning the Miss Applejack Contest. Commissioner Friesen moved to approve the Nebraska City Tourism and Commerce Quarterly Report. Commissioner Schiermeyer 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 introduced the Ordinance establishing a 2% Hotel Occupation Tax. Doug Farrar asked the Council to consider changing the language in Section H requiring businesses to make their records available to the City in 120 hours instead of 72 hours and to consider adding language stating that the Council will not change this Ordinance for five years. Jeanne Stavis asked the Council to consider allowing a collection fee similar to the one the state allows. Commissioner Mercer moved to direct the city attorney to change the language in Section H requiring businesses to produce their records in 120 hours and to insert language stating that the Council will not change the Ordinance for five years. 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.

Mayor Adelung introduced and read Ordinance No. 2701-07 entitled: AN ORDINANCE VACATING THE ALLEY IN BLOCK FORTY-THREE, SOUTH NEBRASKA CITY ADDITION TO NEBRASKA CITY, OTOE COUNTY, NEBRASKA; AND DECLARING 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: Schiermeyer, Handy, Friesen, Mercer 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. 2701-07. Commissioner Friesen seconded the motion. Mayor Adelung asked, "Shall Ordinance No. 2701-07 be passed and adopted?" and on roll call the following voted YEA: Handy, Friesen, Mercer, and Schiermeyer and Mayor Adelung.. Voting NAY: none. Mayor Adelung declared Ordinance No. 2701-07 adopted and signed same in the presence of the council and the Acting Clerk who attests to same.

Several people from the neighborhood of 8th Avenue between 4th Street and 6th Street and 4th Street between 8th Avenue and 14th Avenue attended the meeting. It was stated that putting a stop sign on the northwest corner of the intersection of 4th Street and 8th Avenue would do nothing to slow the traffic. Prohibiting parking on both sides of the streets would mean that neither residents nor visitors would have a place to park plus making it easier for speeding.

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The Resolution placing a stop sign on the northwest corner of the intersection of 4th Street and 8th Avenue died from lack of motion.

Commissioner Handy directed the city attorney to draft a resolution prohibiting parking on the west side of 4th Street between 8th Avenue and 12th Avenue. 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.

Barbara Hegr, Library Director, addressed the Council request a donation of 10-ounce pool passes as rewards for the summer reading program. Since it may take most of the summer to earn a pass, she asked that the passes be good for the 2008 season. Commissioner Schiermeyer moved to donate 4 10-ounce passes for 2008 season to the Library as rewards for the summer reading program. 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.

Scott Coon, Pat Wehling, Helen Adberry and Bill Alts addressed the Council about a storm drainage ditch near 12th Street and 14th Avenue. The ditch is not able to handle the amount of water draining off five farm fields and the sewer street system. The city had dumped chunks of concrete at the head of the ditch but with the recent rains that debris has actually become part of the problem by blocking water from flowing and causing standing water, flooding.

Dan Gittinger, Public Properties Director, said he would have the debris removed. Since this was water draining from private property to private property, the question arose as to whether the city had any responsibilities.

Commissioner Friesen moved to allow Dennis Marshall to close Arborview Drive from Maple Crest Drive to Wildwood Lane on July 3, 2007 from 5 PM to 11 PM. 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.

Commissioner Handy moved to direct the city attorney to draft a resolution designating the west half of the south side of 4th Avenue between 12th Street and 13th Street as a "No Parking" zone. Commissioner Mercer seconded the motion and on roll call the following voted YEA: 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.

Correspondence was received from the Nebraska City Jaycees requesting permission to use city streets for a Run/Walk on June 30 and to close necessary streets with barricades and cones and the use of ten picnic tables. Commissioner Handy moved to approve the request from the Nebraska City Jaycees to use city streets for a Run/Walk on June 30 and to close necessary streets with barricades and cones and the use of ten picnic tables. Commissioner Schiermeyer seconded the motion and on roll call the following voted YEA: 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.

The Council considered an option to purchase Lots 7-12 in Block 40, Prairie City Addition to Nebraska City and commonly known as the Larson Motors Building. The amount is \$200,000 with a down payment of \$20,000 and balance due at closing on or before the 31st day of December being \$180,000. Bill Thurman asked the Council to consider allotting space for the WOTA program in the new building. Commissioner Handy moved to approve an option to purchase the Larson Motors Building on Lots 7-12, Block 40, Prairie City Addition and authorize the Mayor to sign. 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.

Commissioner Friesen moved to approve an agreement with Terracon to conduct a Phase I Environmental Site Assessment for property located at 1518 Central Avenue and authorize the Mayor to sign. 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.

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Commissioner Schiermeyer moved to approve the agreement with Terracon to conduct a Limited Asbestos Survey for property located at 1518 Central Avenue and authorize the Mayor to sign. 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.

Commissioner Handy moved to authorize the city administrator to request bids for 2007 Bridge Rehabilitation Project 4th Corso Viaduct Deck Repairs. 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.

There was no electrician's license to approve.

Commissioner Friesen moved to approve Travis Gauchat as a volunteer firefighter and add him to the insurance. Commissioner Schiermeyer 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 Friesen moved to approve the recommended low bid from Oakview Construction, Inc. for the 2007 Water Treatment Plant Improvements in the amount of \$464,400. 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.

Mayor Adelung read and introduced Resolution No.2330-07. Commissioner Friesen moved for passage of Resolution No. 2330-07. 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.

RESOLUTION NO. 2330-07

BE IT RESOLVED BY THE MAYOR AND BOARD OF COMMISSIONERS OF THE CITY OF NEBRASKA CITY, NEBRASKA, as follows:

Section 1. That the Mayor and Board of Commissioners of the City of Nebraska City, Nebraska, do hereby declare this resolution to be the City's official declaration of intent under Internal Revenue Code Regulation Section 1.150-2 to provide for the incurring of indebtedness which may include reimbursements of expenditures made by the City in connection with costs incurred in connection with the construction of THE 2007 Water Treatment Plant Improvements including the replacement of Upflow Unit "A" and associated electrical equipment, structure rehabilitation and control equipment at the Water Treatment Facility of the City. The preliminary estimate of debt contemplated to be issued for such project exceeds \$500,000.00.

Section 2. That up to the expenditure of the full amounts of such project described within this resolution, the City may advance funds as may be necessary for meeting the immediate costs of such project. It is the intent of the Mayor and Board and the City's reasonable expectation that the City shall reimburse such expenditures as may be made from general funds on hand from the proceeds of the issuance of its debt obligations.

Section 3. That the City Clerk shall make a copy of this resolution available for public inspection at the main office of the City at all times during normal business hours within ten days after the adoption hereof. Such copies shall remain available for public inspection at all such times until the bonds or such other tax-exempt obligations contemplated herein are issued.

PASSED and APPROVED this 18th day of June 2007.

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Jo Dee Adelung, Mayor

ATTEST:
Mary Wallen
Acting City Clerk-Treasurer

Commissioner Mercer moved to approve all claims with the exception of Claim No. 7250C. Commissioner Friesen seconded the motion and on roll call the following voted YEA: Handy, Friesen, Mercer, Schiermeyer, and Mayor Adelung. Mayor Adelung declared the motion carried.

Commissioner Friesen moved to approve Claim No. 7250C. Commissioner Schiermeyer seconded the motion and on roll call the following voted YEA: Friesen, Schiermeyer, Handy and Mayor Adelung. Voting NAY: none. Abstaining: Mercer. Mayor Adelung declared the motion carried.

CLAIMS LIST						
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Farmers Bank	69,248.09	Payroll	Cede & Co.	26,430.00	Bond	
ACCO	330.45	Supplies	Lincoln Journal-Star	1,301.80	Adv	
Windstream	1,892.56	Telephone	Martin Marietta	785.83	Gravel	
Allied Recycling	529.50	Garbage	Mead Lumber	152.42	Supplies	
Alltel	20.13	Telephone	Mercer's Do It Best	164.03	Supplies	
KonicaMinolta	174.79	Copies	Midwest Turf and Irrigatio	478.31	Repairs	
Arbor Mart, Inc	1,419.94	Fuel	Midwest Farmers Coop	132.40	Oil	
Arbor Outdoor Power	21.18	Oil	Midwest Right of Way Ser	560.00	Eng.	
BSN Sports	301.59	Equip	Miller Monroe Farrell	14,029.00	Ins	
Barrett Construction	18,703.00	Demo	Momar, Inc.	125.80	Supplies	
Battery Zone	132.50	Supplies	Mullenax Auto	339.91	Repairs	
Bennett, Richard D	438.79	Gravel	Nebraska City News Press	673.75	Adv	
Bovick, Scott W.	236.34	Mileage	Nebraska City Utilities	6,653.37	Util	
Brown Glass Co	36.50	Repairs	Nebraska Dept. of Revenue	1,088.04	Sales Tax	
Cappen, Kevin	1,285.71	Contract	Nebraska Life Magazine	135.00	Adv	
Casey's	1,219.86	Fuel	NEXTEL Partners Inc.	226.63	Telephone	
Cintas Corporation	179.02	Supplies	Olsson Associates	168.02	Eng.	
The Columbus Telegram	84.00	Adv	Omaha World-Herald	711.36	Adv	
Concrete Industries	61.88	Supplies	OMB's Express Police Supply	19.98	Uniforms	
Crook, Laura	178.48	Mileage	Otoe County Register of De	61.00	Adv	
Douglas Tire Co.	632.52	Repairs	Pamida, Inc. Store	25.25	Supplies	
Ericon, Inc.	95.40	Fuel	Paper Tiger	35.00	Office	
Estes, Incorporated	834.58	Chemicals	Peterson Enterprise	165.00	Telephone	
Shell (S)	494.76	Fuel	Nebraska City Medical Clinic	45.00	Medical	
GE Capital	74.67	Telephone	Purchase Power	418.99	Postage	
Giittinger, Dan	123.06	Mileage	Schendel Pest Control	44.00	Pest Control	
Harding & Shultz P.C.	100.00	Legal	Schneider Electric & Refri	2,715.08	Repairs	
Wood Family Fuel	234.09	Fuel	Shell	1,910.81	Fuel	
Hopkins Automotive	309.85	Supplies	Tom's Radio	290.00	Repair	
Ideal Pure Water	106.67	Water	Tree City Garden Club	130.00	Supplies	
JEO Consulting	300.00	Eng.	Tri-State Office Products	586.84	Office	
Jerry's Landscaping	80.00	Demo	Turfwerks	8.49	Freight	
Jones, Clayton	148.32	Mileage	Watkins True Value	318.56	Tools	
Kearney Hub Publ.	134.40	Adv	Garden Fonts	254.50	Supplies	
Kreifels Electric	40.00	Repairs	Missouri Municipal League	81.00	Adv	
Law Enforcement Systems	52.00	Supplies	League of Kansas Municipal	110.00	Adv	
League of Nebr. Municipali	260.00	Dues	Water Warehouse LLC	81.93	Supplies	
Lechner Auto	60.00	Repairs				

Mayor Adelung moved to appoint Arnold Ehlers to the position of City Clerk-Treasurer effective June 18, 2007. 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.

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Mayor Adelung moved to reappoint Stephanie Shrader and Tom Berger to the Planning Commission for a three-year term ending July 1, 2010. 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.

Mayor Adelung moved to reappoint Dennis Marshall to the Board of Public Works for a five-year term ending May 1, 2012. 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.

Mayor Adelung moved to appoint Gary Sasse to the Board of Adjustment for a three-year term ending November 1, 2010. 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.

There being no further business to come before the Council at this time, on motion duly made and seconded, the Council adjourned at 8:11.

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