

July 2, 2007

The City Council of Nebraska City met in the Council Chambers at City Hall on July 2, 2007 to conduct a public hearing. 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.

Mayor Adelung stated that the public hearing was now in session for the public hearing on expenditure of funds from Economic Development Revolving Loan Fund for a low interest loan to "A. Logan Properties LLC" project.

No one spoke in opposition to the public hearing on expenditure of funds.

Council adjourned from the public hearing and reconvened in regular session.

The City Council of Nebraska City met in regular session on July 2, 2007, immediately following the public hearing in the Council Chambers at City Hall. Mayor Jo Dee Adelung 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 previous meeting. 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 City Administrator, Scott Bovick, updated the council on the Lied Main Street program. He also informed the Council on progress made for the 10th Corso Bridge and we have received notice to proceed. He also stated that there was progress being made in the 11th Street widening and the 11th Corso alignment. The Council and City Administrator also set a date for the Budget Workshop as Monday July 30, 2007 from 1 pm to 4 pm.

The following reports were presented for Council consideration: Wyuka Cemetery report for June: Sales, \$3500.00; Interments, \$4700.00; Misc. \$147.00; Memorial Bldg. Receipts for June; \$40; City Treasurer's monthly report: Balance on hand June 1, 2007: \$21,494,186.45; Receipts: \$2,614,706.40; Disbursements: \$2,485,154.58 Balance on hand June 30, 2007: \$21,623,738.27. Commissioner Handy moved to approve the reports as presented. 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 2% Hotel Occupation Tax Ordinance. City Attorney, Bill Davis, said that it was not necessary to include language declaring the rate could not be changed for five years. A present Council cannot legally bind a future Council. Commissioners Mercer and Handy said even though a future Council could change an ordinance at anytime, they wanted the language included because it was part of the negotiations of the task force and the Commissioners had given their word. Karen Hauser, general manager of the Lied Lodge said she would like to see it added because it indicates the thought process that went into the adoption of the tax

Commissioner Mercer moved to include in the 2% Hotel Occupation Tax Ordinance language stating that the Council will not change the rate for five years and offered to draft it pro bono. Commissioner Handy seconded the motion and on roll call the following voted YEA: Mercer, Schiermeyer, and Handy. Voting NAY: Friesen and Mayor Adelung. Mayor Adelung declared the motion carried.

Mayor Adelung introduced and read Resolution No. 2331. Commissioner Handy moved for the passage of Resolution No. 2331. 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.

RESOLUTION NO. 2331-07

July 2, 2007

WHEREAS, a request has been made of the Mayor and Council to address the issue of congestion on 4th Street, between 8th Avenue and 12th Avenue, caused by parked vehicles, and

WHEREAS, the Mayor and City Commissioners have determined that prohibiting parking on 4th Street between 8th Avenue and 12th Avenue on the West side of the street will be in the best of the public interest,

NOW THEREFORE, Be It Resolved by the Mayor and City Commissioners of the City of Nebraska City, Nebraska, that "No Parking" signs be placed on the West side of the 4th Street, between 8th Avenue and 12th Avenue, in the City of Nebraska City, Nebraska, to provide that parking be prohibited on the West side of said street, effective twenty-four hours each day.

PASSED and APPROVED this 2nd day of July, 2007.

Jo Dee Adelung, Mayor

ATTEST:

Mary Wallen
Deputy City Clerk-Treasurer

Mayor Adelung read and introduced Resolution No. 2332. Commissioner Handy moved for the passage of Resolution No. 2332. 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.

RESOLUTION NO. 2332-07

WHEREAS, a request has been made of the Mayor and Council by St. Mary's Hospital, to limit parking on the West half of the South side of 4th Avenue, between 12th Street and 13th Street, for safety reasons because of the close proximity of the helipad, and

WHEREAS, the Mayor and City Commissioners have determined that prohibiting parking on the West half of the South side of 4th Avenue between 12th Street and 13th Street will be in the best interest of the public,

NOW THEREFORE, Be It Resolved by the Mayor and City Commissioners of the City of Nebraska City, Nebraska, that "No Parking" signs be placed on the South side of 4th Avenue, adjacent to Lots 4, 5, and 6, Block 18, Prairie City Addition to Nebraska City, Otoe County, Nebraska, in the City of Nebraska City, Nebraska, to provide that parking be prohibited on the South side of said street, effective twenty-four hours each day.

PASSED and APPROVED this 2nd day of July, 2007.

Jo Dee Adelung, Mayor

ATTEST:

Mary Wallen
Deputy City Clerk-Treasurer

Mayor Adelung read and introduced Resolution No. 2333. Commissioner Friesen moved for the passage of Resolution No. 2333. 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.

RESOLUTION NO. 2333-07

WHEREAS, the Nebraska City/Otoe County Regional Economic Development Loan Fund has received Community Development Block Grants for Economic Development and,

WHEREAS, Program Income (Reuse) funds for Economic Development are to be used for making loans to private businesses in accordance with the Regional Economic Development Plan, program and governing regulations, and

WHEREAS, a Reuse Plan has previously been adopted, and,

July 2, 2007

WHEREAS, the Application Review Board has recommended a reuse project presented through application by an eligible business for a loan up to \$60,000 under specified conditions, and,

WHEREAS, the City Council of Nebraska City has conducted a public hearing upon the proposed use of Program Income funds,

NOW, THEREFORE, BE IT RESOLVED by the City Council of Nebraska City, that the obligation of funds is approved according to the recommendations of the Application Review Board and the Mayor is hereby authorized to execute all necessary and appropriate documents on behalf of the City and the Regional Economic Development Loan Fund to complete the loan project for "A Logan Properties, LLC", contingent upon approval of the City Attorney as to form.

PASSED and APPROVED this 2nd day of July 2007.

Jo Dee Adelung, Mayor

ATTEST:

Mary Wallen

Deputy City Clerk-Treasurer

Leroy Frana, General Manager of the Nebraska City Utilities, recommended that the City Council approve the acceptance of a grant from the Nebraska Department of Environmental Quality in the amount of \$88,263.00. Mr. Frana said if these funds were accepted they would be used in purchasing Brush Grinder, Skid Loader and Trailer, which would be used in clearing Right-of-Ways for electric lines, natural gas lines, water lines and sewer lines. Commissioner Friesen moved that the Council accept the grant from the DEQ to Nebraska City Utilities for reimbursement of the purchase of a Brush Grinder, a Skid Loader, and a Trailer. Commissioner Handy seconded the motion and on roll call the following voted YEA: Mercer, Schiermeyer, Handy, Friesen and Mayor Adelung. Mayor Adelung declared the motion carried.

Leroy Frana, General Manager of the Nebraska City Utilities, spoke on behalf of the Board of Public Works concerning the damage to the intersection of 8th Street and 2nd Corso caused by a water main break and developing a policy for a plan for future repairs, if needed. The City Commissioners discussed that any repairs should wait until the ground can settle and a further assessment of the damaged area can be determined. Commissioner Friesen moved that the Council wait until after the AppleJack festivities but prior to winter weather to have a complete assessment of the damage and repair the street back to its historic brick. Commissioner Schiermeyer seconded the motion and on a roll call the following voted YEA: Schiermeyer, Handy, Friesen, Mercer and Mayor Adelung. Voting NAY: none. Mayor Adelung declared the motion carried.

City Administrator, Scott Bovick introduced an agreement with Sinclair Hille for Architectural Services for parking expansion for the Riverview Terrace Housing in the amount of \$3000.00. This agreement would allow Sinclair Hille to evaluate the current parking at the Riverview Terrace and create plans for the possibility of additional parking to accommodate more senior activities. Commissioner Schiermeyer moved that the agreement with Sinclair Hille in the amount of \$3000.00 be accepted and have an evaluation of the current parking at Riverview Terrace be completed. Commissioner Friesen seconded the motion and on a 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 introduced another agreement with Sinclair Hille for Architectural Services for the Larson Property Preliminary Use Study in the amount of \$3,000.00. This agreement would evaluate the possibility of converting the Larson Property into a facility to be used by Nebraska City Rescue and Police Department. Commissioner Friesen moved to accept the agreement with Sinclair Hille for architectural services for the Larson Property Preliminary Use Study in the amount of \$3,000.00. Commissioner Handy seconded the motion and on a roll call the following voted YEA: Friesen, Mercer, Schiermeyer, Handy and Mayor Adelung. Mayor Adelung declared the motion carried.

Jeff Skinner, a representative for Alltel, discussed with the Council about entering an agreement to place a cell tower in Steinhart Park. The City Commissioners decided on the recommendations of the City Attorney, Bill Davis, that the lease needed to be further evaluated and changes made before the Council could approve a lease.

July 2, 2007

City Administrator Scott Bovick, asked the City Commissioners to consider a special designated liquor license for PJ's at the Depot for July 28th and August 10th and August 11th. Commissioner Handy motioned to approve a special designated liquor license for PJ's at the Depot for July 28th and August 10th and August 11th. Commissioner Mercer seconded the motion and on a roll call the following voted YEA: Mercer, Schiermeyer, Handy, Friesen and Mayor Adelung. Mayor Adelung declared the motion carried.

Alan Viox, City Building Inspector, presented two bids for the retaining wall at 301-303 Central Avenue. The first bid proposed from Steve Walters & Son was in the amount of \$7200.00 for a retaining wall and repair of a slab of sidewalk. The second bid from Arbor Landscaping & Construction was also for a retaining wall and repair of a slab of sidewalk in the amount of \$7127.00. Alan Viox then offered the recommendation for the City Commissioners to award bid for a retaining wall at 301-303 Central Avenue to Arbor Landscaping & Construction. Commissioner Handy moved to accept the recommendation of Alan Viox and award the bid to Arbor Landscaping & Construction for a retaining wall and slab of sidewalk at 301-303 Central Avenue in the amount of \$7127. Commissioner Schiermeyer seconded the motion and on a roll call the following voted YEA: Schiermeyer, Handy, Friesen, Mercer and Mayor Adelung. Voting NAY: none. Mayor Adelung declared the motion carried.

There were no Electricians licenses for approval.

City Administrator Scott Bovick offered the recommendation to place Suzann Lechner on Step 6 on the pay plan for the position of Account Clerk. Commissioner Friesen moved to accept the recommendation to place Suzann Lechner on Step 6 of the pay plan. Commissioner Handy seconded the motion and on a roll call the following voted YEA: Handy, Friesen, Mercer, Schiermeyer and Mayor Adelung. Voting NAY: none. Mayor Adelung declared the motion carried.

Commissioner Mercer moved to approve all claims. 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.

CLAIMS LIST

July 2, 2007

City of Nebraska City	75,547.82	Payroll	Otoe Co. Clerk	631.00	Payroll
Ameritas	2,536.56	Ins	Principall Financial Group	2,573.25	Pension
Blue Cross	36,164.30	Ins	Principal Mutual Life	14,491.92	Pension
Conseco	71.45	Ins	United Way	4.00	Donation
NE Dept of Revenue	4,977.66	Payroll	UNUM	1,153.99	Ins
A-1 Locksmith	10.00	Supp.	Midland Telecom, Inc.	129.90	Repair
ACCO	764.50	Chem.	Mid Con Systems, Inc.	603.37	Supp.
Access Data Corporation	767.55	Comp.	Midwest Striping, Inc.	6,700.00	Maint
Alco Store #155	83.72	Misc	Midlands Financial Benefits	697.50	Consulting
Alltel	236.72	Tel	Midwest Service and Sales	819.00	Supp.
Arbor Mart, Inc	1,226.02	Fuel	Nebraska City Airport Authority	3,416.67	Operating
Arbor Valley Animal Clinic	306.45	Ani Exp	Nebraska City News Press	340.00	Adv
Bohl Plumbing and Heating	287.00	Repair	Nebraska Community Foundation	2,590.00	Curator
Bovick, Scott W.	196.41	Mileage	State of NE HHS Laboratory	308.00	Court
Brown Glass Company	78.35	Repair	AMSAN/Nogg Chemical & Paper	387.85	Supp.
Cappen, Kevin	1,285.71	Cont	Omaha Tractor, Inc.	279.42	Repair
Nebraska City Tourism & Commer	5,312.50	Tour	Otoe County Clerk	2,407.18	Disp
City of Nebraska City Wildwood	1,305.33	Comm.	Pamida, Inc. Store #070	48.04	Misc
CONVENIENCECARD(Orscheln)	477.41	Supp.	Pitney Bowes	88.90	Postage
Dick's Body & Paint	174.00	Repair	Presto-X Company	75.00	Pest Control
Don's Johns & Septic Pumping	100.00	Misc	Principal Financial Group	2,573.25	Ins
EMC Insurance Companies	625.50	Ins	R & K Cleaning	1,200.00	Cleaning
Earl May Seed & Nursery L.C.	143.89	Supp.	R & R Products Co.	165.52	Supp.
Ehlers, Arnold M.	174.60	Mileage	REAMS Sprinkler Supply Co.	114.96	Repair
Estes, Incorporated	3,410.00	Chem.	R.C.E.D.C.	4,333.33	Ind Dev
HWS Consulting Group	2,632.27	Eng.	Roofers, Inc.	4,500.00	Repair
Hart, Anna	400.00	Cleaning	Rose Equipment Inc.	31.39	Repair
JEO Consulting Group, Inc.	1,750.00	Consulting	Schendel Pest Control	109.00	Pest Control
Jebro Inc.	623.25	Supp.	Stutheit Implement Company	98.49	Repair
Kirkham Michael & Assoc.	1,868.68	Eng.	Towns & Associates	325.00	Adv Lied

July 2, 2007

KNCY AM-FM	407.58	Adv	Tri-State Office Products	244.92	Supp.
Landis Engine	159.44	Supp.	Wallen, Mary	200.67	Mileage
Larson Motors	283.04	Repair	Wenzl Hardware	34.51	Supp.
LaRue Coffee	58.96	Supp.	Wingate Inn	260.00	Lod
Matthew Bender & Co., Inc	87.15	Supp.	John E. Reid and Associates	395.00	Consulting
Medical and Safety Services	21.15	Supp.	Medtronic Emergency Response	1,248.50	Supp.
			Your Country Neighbor	100.00	Adv

Mayor Adelung gave kudos to the Jaycees for an incredible Independence Day event.

Commissioner Friesen moved to adjourn the meeting. Commissioner Schiermeyer seconded the motion and on a roll call the following voted YEA: Mercer, Schiermeyer, Handy, Friesen and Mayor Adelung. Voting NAY: none. Mayor Adelung declared that the meeting was adjourned at 8:05 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