

CITY COUNCIL PROCEEDINGS  
September 17, 2007

The City Council of Nebraska City met in Council Chambers on September 17, 2007 for the purpose of public hearings. Mayor Adelung led in the Pledge of Allegiance, Mayor Adelung then opened the public hearings, on roll call the following answered present: Leon Schiermeyer, Dean Handy, Erv Friesen, Mark Mercer and Mayor Jo Dee Adelung.

Mayor Adelung opened the first public hearing to consider a request from the Wirth Foundation to subdivide a Tract of land located in the: E½NE¼ Sec 12-T8N-R13E of the 6<sup>th</sup> PM, Otoe County, Nebraska. Dan Giittinger, informed the Council that the Planning Commission recommended approval of the request. Mark Easter described the reasons for the request. No one else spoke in support or opposition to the request. Commissioner Handy moved to close the public hearing seconded by Commissioner Mercer. Upon roll call the following answered YEA: Friesen, Schiermeyer, Mercer, Handy and Mayor Adelung. Mayor Adelung declared the public hearing closed.

Mayor Adelung opened the second public hearing to consider a request from Efj, Inc. d/b/a Embers Steakhouse and Lounge 1102 4<sup>th</sup> Corso for a Class I Liquor License. There was no one present representing the applicant. Commissioner Friesen moved to adjourn the public hearing seconded by Commissioner Handy. Upon roll call the following answered YEA: Friesen, Schiermeyer, Handy, Mercer, and Mayor Adelung. Voting Nay: None. Mayor Adelung declared the public hearing closed.

Mayor Adelung then called the regular meeting of the Nebraska City Council to order, 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.

Mayor Adelung recognized Jeanene Pummel as a ribbon winner in the Cook-off Contest. Also kudos to Boy Scouts and Girl Scouts for assisting the Street Department in cleaning up after the parade.

Commissioner Friesen moved to approve the minutes from the September 4, 2007 meeting. Commissioner Mercer 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.

Mayor Adelung reopened the Public Hearing for the Liquor License Application of Efj, Inc. dba Embers Steakhouse & Lounge. Moved by Commissioner Schiermeyer and seconded by Commissioner Handy to close the public hearing. Upon roll call the following answered YEA: Friesen, Schiermeyer, Mercer, Handy and Mayor Adelung. Voting Nay: None. Mayor Adelung declared the motion carried.

Mayor Adelung then read a proclamation proclaiming the week of September 23 – 29 as “Women of Today Week.”

City Administrator, Scott Bovick gave an update on the Senior Lunch Program that will be moved from the Memorial Building to Riverview Terrace. Mr. Bovick then read a letter that is being sent to members of Wildwood Golf Course concerning future plans for the golf course. Commissioner Handy moved to approve the City Administrator’s Report, seconded by Commissioner Schiermeyer. Upon roll call the following answered

YEA: Friesen, Mercer, Schiermeyer, Handy and Mayor Adelung. Voting Nay: None. Mayor Adelung declared the motion carried.

Commissioner Friesen moved to approve the request from the Wirth Foundation to subdivide the Tract of land located in: E½NE¼, Sec12-T8N-R13E of the 6<sup>th</sup> P.M., Otoe County, Nebraska, and authorize Mayor to sign, seconded by Commissioner Mercer. Upon roll call the following answered YEA: Schiermeyer, Mercer, Handy, Friesen, and Mayor Adelung. Voting Nay: None. Mayor Adelung declared the motion carried

#### Resolution 2340-07

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 purchase of a building and the remodeling of the building as a police and rescue center in and for the City. The preliminary estimate of debt contemplated to be issued for such project exceeds \$1,000,000.00.

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 adoption hereof. Such copies shall remain available for public inspection at all times until bonds or such other tax-exempt obligations contemplated herein are issued.

Commissioner Friesen moved for passage of Resolution 2340-07 seconded by Commissioner Handy. Upon roll call the following answered YEA: Schiermeyer, Mercer, Handy, Friesen, and Mayor Adelung. Mayor Adelung declared the motion passed and approved this 17<sup>th</sup> day of September, 2007.

City Administrator, Scott Bovick then presented a summary of the previous actions taken on the "Option to Purchase Real Estate" for the purchase of the property known as "Larson Motors Property." After Mr. Bovick's report, Mayor Adelung then read a letter to L & H Investments. Commissioner Mercer moved to exercise the option to purchase the "Larson Motors Property" for the Police and Rescue Public Safety Center, to send the afore read letter and authorize the Mayor to sign, seconded by Commissioner Friesen. Upon roll call the following answered YEA: Friesen, Schiermeyer, Mercer, Handy and Mayor Adelung. Voting Nay: None. Mayor Adelung declared the motion carried.

Dan Gittinger, Public Properties Director, presented a survey of South 5<sup>th</sup> Street at 14<sup>th</sup> Corso for the vacation and dedication of part of the area. No action needs to be taken at this time, but will need to be taken in the future.

Ben Volz with Southeast Nebraska Development District outlined a contract to provide services along with costs to manage the Housing Rehabilitation Grant the City received. Commissioner Handy moved to approve the contract seconded by Commissioner Schiermeyer. Upon roll call the following answered YEA: Friesen, Mercer, Schiermeyer, Handy and Mayor Adelung. Voting Nay: None. Mayor Adelung declared the motion carried.

City Administrator, Scott Bovick presented the Local Road and Street Programming Request (Form DR73a) that with Council approval he would send to the Nebraska Department of Roads. The request was for a Mill, Overlay and Decorative Crosswalk project for Central Avenue from 11<sup>th</sup> Street to 6<sup>th</sup> Street and 11<sup>th</sup> Street from 1<sup>st</sup> Corso to

1<sup>st</sup> Avenue. Commissioner Handy moved to approve the DR73a form and authorize the Mayor to sign, seconded by Commissioner Friesen. Upon roll call the following answered YEA: Friesen, Schiermeyer, Mercer, Handy and Mayor Adelung. Voting Nay: None. Mayor Adelung declared the motion carried.

Commissioner Mercer moved to pay all claims except Claim # 7250G seconded by Commissioner Friesen. Upon roll call the following answered YEA: Friesen, Schiermeyer, Handy, Mercer, and Mayor Adelung. Voting Nay: None. Mayor Adelung declared the motion carried.

Commissioner Friesen moved to pay Claim #7250G seconded by Commissioner Handy. Upon roll call the following answered YEA: Friesen, Schiermeyer, Handy and Mayor Adelung. Voting Nay: None. Abstain: Mercer. Mayor Adelung declared the motion carried.

**CLAIMS LIST**  
September 17, 2007

Ace Rent to Own	300.00	NCTC	Fun Services	2,045.00	NCTC
Payroll	65,342.94	Payroll	KOLN/KGIN	300.00	NCTC
Adelung, Jo Dee	110.18	Misc	NE Press Advertising	540.00	NCTC
Alamar Uniforms	173.15	Uniform	SimplePay	2,697.89	NCTC
Alco	39.93	Supp	Medical and Safety Svc	16.40	Supp
Windstream	1,837.56	Tele	Mercer's Do It Best	74.08	Misc
Allied	383.05	Garbage	Midlands Financial	360.00	Consult
Alltel	20.15	Tele	Midwest Right of Way	2,640.00	Eng
KonicaMinolta	174.85	Copier	Mullenax Auto Supply	169.57	Supp
Arbor Mart	4,536.98	Fuel	NC News Press	806.56	Ads
Arbor Outdoor Power	26.97	Supp	NC Utilities	10,560.03	Util
BSN Sports	782.94	Supp	NE Dept. of Rev	696.85	Sales Tax
Bales K-Lawn	70.00	Chem	NE Muni Clerks	35.00	Dues
Barco Muni Products	210.14	Misc	NEXTEL	221.71	Tele
Bishop Plumbing	41.25	Repair	AMSAN/Nogg Chem	54.42	Supp
Bohl Plumbing	367.72	Repair	Odey's Inc.	252.00	Misc
Book Clinic, Inc.	34.99	Misc	O'Reilly Auto Parts	26.91	Misc
Brown Glass Co	29.75	Supp	Otoe Co Reg of Deeds	17.00	Misc
Cappen, Kevin	1,285.71	Cont	Pamida, Inc.	161.94	Supp
Casey's	740.07	Fuel	Paper Tiger	35.00	Misc
Century Lumber	23.84	Supp	NC Med Clinic	256.00	Med
Cintas Corp	321.03	Supp	Pitney Bowes	253.59	Postage
City of NC	830.63	Comm	Quill Corp	60.83	Supp
Douglas Tire Co.	303.00	Supp	Ray Allen Manuf Co	81.80	Supp
EMC Ins Co	625.50	Ins	Richard Bennett Jr.	2,681.08	Misc
Estes, Inc	1,134.00	Chem	R.C.E.D.C.	755.45	Contract
Food Pride	4.43	Supp	Schendel Pest	44.00	Pest Cont
Giittinger, Dan	57.71	Mileage	State Chemical	225.71	Supp
Greenwade Tree Svc	7,840.00	Rep	Treat America Food	35.18	Training
Wood Family Fuel	516.83	Fuel	Shell	2,295.89	Fuel
Heartland Classified	15.97	Ads	Thurman Bike & Sport	90.00	Misc
Hopkins nc.	335.35	Rep	Tom's Radio	613.95	Misc
Ideal Pure Water	78.82	Water	Tri-State Office Prod	304.23	Supp
JEO	554.50	Eng	Viox, Alan	673.42	Mileage
KNCY AM-FM	70.14	Ads	Watkins True Value	222.04	Supp
L & H Investments	20,000.00	Lars Bld	Awards Unlimited, Inc	83.20	Misc
Landis Engine	155.45	Rep	The Daily NonPareil	100.00	Ads
Lifeguard Auto Svc	137.02	Rep	Ed Roehr Safety Prod	3,359.75	Misc
Martin Marietta Mat	808.40	Supp	Interstate PowerSystems	3,369.24	Rep
Mead Lumber	53.46	Misc	Lynn Peavey Co	45.90	Misc
			Lubrication Engineers	1,612.89	Rep

Mayor Adelung moved to appoint Robert Hutt to the Nebraska City Volunteer Fire Department, seconded by Commissioner Mercer. Upon roll call the following answered YEA: Friesen, Schiermeyer, Mercer, Handy and Mayor Adelung. Mayor Adelung declared the motion carried.

Commissioner Friesen moved to adjourn the meeting seconded by Commissioner Handy. Upon roll call the following answered YEA: Friesen, Schiermeyer, Mercer, Handy and Mayor Adelung. Mayor Adelung declared the meeting adjourned at 7:07 p.m.

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City Clerk-Treasurer

APPROVED:

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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.

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City Clerk-Treasurer