

June 1, 2015

CITY OF NEBRASKA CITY, NEBRASKA  
MINUTES OF CITY COUNCIL REGULAR MEETING  
June 1, 2015

Pursuant to due call and notice thereof, a Regular Meeting of the City Council of the City of Nebraska City was conducted in the William F. Davis Room at City Hall, 1409 Central Avenue, on June 1, 2015. Notice of the 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. Availability of the agenda was communicated in advance to the media, Mayor and Commissioners of this proceeding and said meeting was open to the public.

Mayor Bequette called the meeting to order at 6:00 p.m. The Mayor publicly stated to all in attendance that a current copy of the Nebraska Open Meetings Act was available for review and indicated the location of such copy posted in the room where the meeting was being held. Mayor Bryan Bequette then led in the Pledge of Allegiance. Upon roll call the following answered present: Jeff Crunk, Vic Johns, Mindy Briley and Mayor Bequette. Absent: Jim Stark. The following City Officials were present: City Clerk-Treasurer Mark Marcotte, Deputy City Clerk-Treasurer Emily Anthony, City Attorney David Partsch, Police Chief David Lacy, Building Inspector Alan Viox, and Public Properties Director/Zoning Director Dan Giittinger.

Commissioner Crunk moved to approve the minutes of the May 18, 2015, City Council Regular Meeting, seconded by Commissioner Johns. Upon roll call the following voted YES: Johns, Crunk and Mayor Bequette. Abstain: Briley. Voting NO: None. Motion adopted.

Commissioner Briley moved to pay all claims as presented, seconded by Commissioner Johns. Upon roll call the following voted YES: Crunk, Johns, Briley and Mayor Bequette. Voting NO: None. Motion passed.

ACCO	Chem	1,471.65	K&Z Distributing	Bev	121.20
Action Technology	Contr	400.00	Kreifels Electric L.L.C.	Rep	709.29
ADT Security Serv.	Contr	602.04	Landis Engine Co	Equip	648.09
Alamar Uniforms	Unif	141.16	Lincoln Journal-Star	Adv	387.75
Allied Insurance	Ins	250.00	Martin Marietta	Sup	2,790.78
AlmostGolf LLC	Mrdse	189.02	Matheson Tri-Gas, Inc.	Med	117.13
American Recycling	Trash	315.75	MD Aquatics, LLP	Chem	1,178.00
Arbor Mart, Inc	Fuel	1,888.81	Mercer's Do-It-Best	Sup	358.53
AVAC	Contr	167.68	Miller, J.	Rfnd	25.00
Barrett Construction	Contr	450.00	Molly McNeely Dent.	TIF	2,644.58
Beelner Service, Inc.	Sup	484.90	Mullenax Auto Supply	Sup	3.98
Bender, B.	Rfnd	100.00	NC Clerk - Treasurer	Misc	140.38
Boarders Inn & Suites	Training	396.00	Nationwide	Inv	11,338.06
Boatright, K.	Dance	1,055.25	NC Museum Assoc.	Contr	2,406.25
Bob's Welding Shop	Rep	157.79	NCTC	Contr	6,250.00
Bohl Plumb. & Heating	Rep	164.07	NE Depart of Roads	ROW	96,437.55
Booth, J.	Training	188.83	NE Environmental	Rep	614.61
Bound Tree Medical	Med	708.61	O'Reilly Auto Parts	Sup	9.29
Briley, D.	Training	175.90	Orschlen	Sup	286.91
Double Eagle	Bev	236.85	Otoe County Clerk	Rfnd	1,383.00
Callaway Golf	Mrdse	1,088.35	Payroll	Payroll	162,314.66
Cede and Company	Bond	63,828.75	Pfeiffer, D.	Rfnd	25.00
Christiansen Painting	Sup	315.00	Pfeiffer,R.	Rfnd	25.00
Coca-Cola	Bev	218.13	R&I Construction	Rfnd	200.00
D & D Comm.	Sup	276.00	Recker, S.	Training	229.07
Dietze Music	Maint	19.42	River View Pest Control	Contr	362.00
Eakes Office	Sup	287.58	Smith, T	Dance	238.75
Glen Edmisten	Training	117.63	Spiral	Tele	1,152.10
ESSER, JEFF	Rfnd	200.00	Stutheit Implement	Sup	972.03
Fareway Food Store	TIF	7,674.89	The Garage Co.	Rfnd	100.00
Fareway Stores, Inc.	Conc	133.27	Thurman's Bike & Sport	Sup	9,072.01
Fastenal Company	Sup	359.67	Tielke's Sandwiches	Conc	43.30
Fire Station Sftwre	Sftwre	549.00	Titan Machinery	Rep	250.26

Gathouse Media	Adv	224.89	Turf Supply Co.	Seed	3,070.76
Hornung's Golf	Mdse	100.06	UHC	Ins	8,670.04
Hotsy Equipment Co	Contr	235.25	Unifirst Corporation	Sup	56.51
Hourly CIO	Sftwre	104.00	Verizon	Tele	379.74
J. Park, LLC	Contr	900.00	Warner, J.	Rfnd	100.00
Jensen, E.	Dance	390.00	Wenzl Hardware	Sup	13.10
JEO Consulting	ROW	5,260.00	Westlake	Sup	323.21
Jerry's Landscaping	Maint	50.00	Zimco Supply Co.	Chem	284.00

Mayor Bequette administered Oath of Office to Mark E. Marcotte, as City Clerk-Treasurer.

Mayor Bequette announced the Nebraska City City-Wide Garage Sale scheduled for June 27, 2015.

Moved by Commissioner Crunk and seconded by Johns to approve request from Brian Volkmer to use 3 picnic tables & barricade South portion of parking lot at 10<sup>th</sup> Street and 1<sup>st</sup> Corso on June 14, 2015 for "Civil War Sampler." Mr. Volkmer, Director of Nebraska City Museum Association, said they will have living history demonstrators, several musical groups and children activities. Upon roll call, the following voted YES: Briley, Johns, Crunk, and Mayor Bequette. Voting NO: None. Motion carried.

Moved by Commissioner Crunk and seconded by Briley to approve request from Brian Volkmer to use 3 picnic tables & block off 4 parking spaces on East side of 14<sup>th</sup> St. across from Old Freighters Museum on June 13, 2015 at 10:00am to 4:00pm for "Trails West Day". Mr. Volkmer, said the parking spaces will be used for wagon rides which will be pulled by Draft horse teams. The event will celebrate those who traveled the Western trails. Upon roll call, the following voted YES: Johns, Briley, Crunk, and Mayor Bequette. Voting NO: None. Motion carried.

Moved by Commissioner Johns and seconded by Crunk to approve request from Kiel VanderVeen for VanderVeen & Goracke Day of Service, revitalization project for Greggspport Park on June 19, 2015. The project has no expense to the City, however the Parks Department will be consulting on where a 4 foot square concrete pad will be placed. Dan Giittinger will be the point of contact for the City. Upon roll call, the following voted YES: Briley, Crunk, Johns and Mayor Bequette. Voting NO: None. Motion carried.

Mayor Bequette introduced Ordinance #2959-15 entitled: AN ORDINANCE AMENDING SECTION 2-28 OF THE CODE OF THE CITY OF NEBRASKA CITY, NEBRASKA; REPEALING ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT WITH THE ORDINANCE; AND DECLARING AN EFFECTIVE DATE; and moved that the statutory rule requiring reading on three different days be suspended. Crunk seconded the motion to suspend the rules and upon roll call, the following voted YES: Briley, Johns, Crunk, and Mayor Bequette. Voting NO: None. The Motion to suspend was adopted by three-fifths of the council and the statutory rule was declared suspended for consideration of said ordinance.

Said ordinance was then read by title and thereafter Mayor Bequette moved for final passage of the ordinance, which motion was seconded by Crunk. The Mayor then stated the question: "Shall Ordinance #2959-15 be passed and adopted?" Upon roll call, the following voted YES: Briley, Johns, Crunk and Mayor Bequette. Voting NO: None. The passage and adoption of said ordinance having been concurred in by a majority of all members of the council, the Mayor declared the ordinance adopted and the Mayor, in the presence of the council, signed and approved the ordinance and the clerk attested the passage and approval of the same and affixed his signature thereto. A true and correct copy of said ordinance is as follows:

ORDINANCE NO. 2959-15

AN ORDINANCE AMENDING SECTION 2-28 OF THE CODE OF THE CITY OF NEBRASKA CITY, NEBRASKA; REPEALING ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; AND DECLARING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF NEBRASKA CITY, OTOE COUNTY, NEBRASKA, AS FOLLOWS:

**SECTION 1. AMENDMENT:**

That Section 2-28 of the Code of the City of Nebraska City, Nebraska, is hereby amended to read

as follows:

**Sec. 2-28. – Location of Meetings.**

**All meetings of the city council shall be held in the council room at city hall, unless notice of the location change is provided in the meeting notice posted or published as required by state law. If the meeting location is changed, notice stating the place where the meeting is being held shall also be affixed to the front door of city hall.**

**SECTION 2. REPEAL:**

That all ordinances or portions of ordinances in conflict herewith are hereby repealed.

**SECTION 3. EFFECTIVE DATE:**

This ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

Passed and Approved this 1st day of June, 2015.

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Bryan W. Bequette, Mayor

ATTEST:

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Mark E. Marcotte, City Clerk-Treasurer

Mayor Bequette introduced Ordinance #2960-15 entitled: AN ORDINANCE AMENDING SECTION 5-6 OF THE CODE OF THE CITY OF NEBRASKA CITY, NEBRASKA; REPEALING ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT WITH THE ORDINANCE; AND DECLARING AN EFFECTIVE DATE; and moved that the statutory rule requiring reading on three different days be suspended. Crunk seconded the motion to suspend the rules and upon roll call, the following voted YES: Briley, Johns, Crunk, and Mayor Bequette. Voting NO: None. The Motion to suspend was adopted by three-fifths of the council and the statutory rule was declared suspended for consideration of said ordinance.

Said ordinance was then read by title and thereafter Mayor Bequette moved for final passage of the ordinance, which motion was seconded by Crunk. The Mayor then stated the question: “Shall Ordinance #2960-15 be passed and adopted?” Upon roll call, the following voted YES: Briley, Johns, Crunk and Mayor Bequette. Voting NO: None. The passage and adoption of said ordinance having been concurred in by a majority of all members of the council, the Mayor declared the ordinance adopted and the Mayor, in the presence of the council, signed and approved the ordinance and the clerk attested the passage and approval of the same and affixed his signature thereto. A true and correct copy of said ordinance is as follows:

ORDINANCE NO. 2960-15

AN ORDINANCE AMENDING SECTION 5-6 OF THE CODE OF THE CITY OF NEBRASKA CITY, NEBRASKA; REPEALING ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; AND DECLARING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF NEBRASKA CITY, OTOE COUNTY, NEBRASKA, AS FOLLOWS:

**SECTION 1. AMENDMENT:**

That Section 5-6 of the Code of the City of Nebraska City, Nebraska, is hereby amended to read as follows:

**Sec. 5-6. – Hours of sale.**

**(1) No alcoholic liquor, including beer, shall be sold at retail or dispensed on any day between the hours of 1 a.m. and 6 a.m., and on Sundays none may be served until at or after 9 a.m.**

**(2) It shall be unlawful on property licensed to sell alcoholic liquor at retail to allow alcoholic liquor in open containers to remain or be in possession or control of any person for purposes of consumption between the hours of fifteen minutes after the closing hour applicable to the licensed premises and 6 a.m. on any day other than Sunday and until 9 a.m. on Sundays.**

**(3) Nothing in this section shall prohibit licensed premises from being open for other business on days and hours during which the sale or dispensing of alcoholic liquor is prohibited by this section.**

**Reference 53-179 RS Neb.**

**SECTION 2. REPEAL:**

That all ordinances or portions of ordinances in conflict herewith are hereby repealed.

**SECTION 3. EFFECTIVE DATE:**

This ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

Passed and Approved this 1st day of June, 2015.

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Bryan W. Bequette, Mayor

ATTEST:

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Mark E. Marcotte, City Clerk-Treasurer

Mayor Bequette introduced Ordinance #2961-15 entitled: AN ORDINANCE AMENDING SECTION 34-53 OF THE CODE OF THE CITY OF NEBRASKA CITY, NEBRASKA; REPEALING ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT WITH THE ORDINANCE; AND DECLARING AN EFFECTIVE DATE; and moved that the statutory rule requiring reading on three different days be suspended. Crunk seconded the motion to suspend the rules and upon roll call, the following voted YES: Briley, Johns, Crunk, and Mayor Bequette. Voting NO: None. The Motion to suspend was adopted by three-fifths of the council and the statutory rule was declared suspended for consideration of said ordinance.

Said ordinance was then read by title and thereafter Mayor Bequette moved for final passage of the ordinance, which motion was seconded by Crunk. The Mayor then stated the question: "Shall Ordinance #2961-15 be passed and adopted?" Upon roll call, the following voted YES: Briley, Johns, Crunk and Mayor Bequette. Voting NO: None. The passage and adoption of said ordinance having been concurred in by a majority of all members of the council, the Mayor declared the ordinance adopted and the Mayor, in the presence of the council, signed and approved the ordinance and the clerk attested the passage and approval of the same and affixed his signature thereto. A true and correct copy of said ordinance is as follows:

**ORDINANCE NO. 2961-15**

AN ORDINANCE AMENDING SECTION 34-53 OF THE CODE OF THE CITY OF NEBRASKA CITY, NEBRASKA; REPEALING ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; AND DECLARING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF NEBRASKA CITY, OTOE COUNTY, NEBRASKA, AS FOLLOWS:

**SECTION 1. AMENDMENT:**

That Section 34-53 of the Code of the City of Nebraska City, Nebraska, is hereby amended to read as follows:

**Sec. 34-53. – Alcoholic beverages.**

**There is hereby levied and assessed upon the following businesses conducted within the city, an annual occupation tax as follows:**

CLASS TYPE	TAX	CLASS TYPE	TAX	CLASS TYPE	TAX
A	\$200	D	\$400	Y	\$500
AB	\$400	DK	\$400	YK	\$700
ABK	\$400	E	\$600	YC	None
AD	\$600	I	\$500	Z	\$500
AK	\$200	IB	\$500		
B	\$200	IBK	\$700	K	\$200
BK	\$200	ID	\$500		
C	\$600	IDK	\$900		

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CCB	\$600	IK	\$500		
CK	\$600	L	\$500		
CKCB	\$600	LK	\$700		

**In no case shall the occupation tax exceed double the amount of the licensee fee. [Ref. Neb. RS §53-132]**

**SECTION 2. REPEAL:**

That all ordinances or portions of ordinances in conflict herewith are hereby repealed.

**SECTION 3. EFFECTIVE DATE:**

This ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

Passed and Approved this 1<sup>st</sup> day of June, 2015.

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Bryan W. Bequette, Mayor

ATTEST:

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Mark E. Marcotte, City Clerk-Treasurer

Mayor Bequette introduced Ordinance #2962-15 entitled: AN ORDINANCE TO VACATE A PORTION OF AN ALLEY ADJACENT TO LOTS 1,2 AND 3, BLOCK 60 AND LOT 2A, MEAD-WHITE SUBDIVISION LOCATED IN PART OF BLOCK 60, KEARNEY CITY ADDITION TO NEBRASKA CITY, OTOE COUNTY, NEBRASKA, AS DESCRIBED IN SECTION 1 HEREOF; AND DECLARING AN EFFECTIVE DATE; and moved that the statutory rule requiring reading on three different days be suspended. Johns seconded the motion to suspend the rules and upon roll call, the following voted YES: Briley, Crunk, Johns, and Mayor Bequette. Voting NO: None. The Motion to suspend was adopted by three-fifths of the council and the statutory rule was declared suspended for consideration of said ordinance.

Said ordinance was then read by title and thereafter Mayor Bequette moved for final passage of the ordinance, which motion was seconded by Briley. The Mayor then stated the question: "Shall Ordinance #2962-15 be passed and adopted?" Upon roll call, the following voted YES: Johns, Crunk, Briley and Mayor Bequette. Voting NO: None. The passage and adoption of said ordinance having been concurred in by a majority of all members of the council, the Mayor declared the ordinance adopted and the Mayor, in the presence of the council, signed and approved the ordinance and the clerk attested the passage and approval of the same and affixed his signature thereto. A true and correct copy of said ordinance is as follows:

ORDINANCE 2962-15

AN ORDINANCE TO VACATE A PORTION OF AN ALLEY ADJACENT TO LOTS 1, 2 and 3, BLOCK 60 AND LOT 2A, MEAD-WHITE SUBDIVISION LOCATED IN PART OF BLOCK 60, KEARNEY CITY ADDITION TO NEBRASKA CITY, OTOE COUNTY, NEBRASKA, AS DESCRIBED IN SECTION 1 HEREOF; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, a request has been made that a portion of an alley adjacent to Lots 1, 2 and 3, Block 60 and Lot 2A, Mead-White Subdivision located in part of Block 60, Kearney City Addition to Nebraska City, Otoe County, Nebraska, described in Section 1 hereof be vacated, and

WHEREAS, because of the location of said property, the City has determined the City no longer has a need for the property described in Section 1 hereof, and hereby approves the vacation of said alley as described herein.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSIONERS OF THE CITY OF NEBRASKA CITY, NEBRASKA:

SECTION 1. That the portion of the alley between and adjacent to Lots 1, 2 and 3, Block 60 and Lot 2A, Mead-White Subdivision located in part of Block 60, Kearney City Addition to Nebraska City, Otoe County, Nebraska, be and the same is hereby vacated.

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SECTION 2. This ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

Passed and Approved this 1<sup>st</sup> day of June, 2015.

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Bryan W. Bequette, Mayor

Attest:

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Mark Marcotte, City Clerk-Treasurer

Moved by Commissioner Johns and seconded by Crunk to approve SDL for MT Hospitality, LLC at Larson Motors on June 27, 2015. Scott McGinnis, representing MT Hospitality indicated the event was similar to last year. Dan Giittinger discussed the parking issue. Parking is a concern due to a softball tournament at the complex, next to Larson Motors on the same day. Upon roll call, the following voted YES: Briley, Crunk, Johns and Mayor Bequette. Voting NO: None. Motion carried.

Moved by Commissioner Briley and seconded by Johns to release lien on 612 4<sup>th</sup> Avenue (Lot 9, Blk 62, Nebraska City Proper) paid in full. Upon roll call, the following voted YES: Crunk, Johns, Briley and Mayor Bequette. Voting NO: None. Motion carried.

Mayor Bequette introduced Resolution #2668-15 consider City Clerk-Treasurer for Bank Authorization. Moved by Commissioner Crunk and seconded by Briley to approve Resolution #2668-15 for passage after reading. Upon roll call, the following voted YES: Johns, Briley, Crunk and Mayor Bequette. Voting NO: None. Motion Carried. A true and correct copy of said resolution is as follows:

**RESOLUTION NO. 2668-15**

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF NEBRASKA CITY, NEBRASKA, that Mark E. Marcotte, City Clerk-Treasurer of the City of Nebraska City, Nebraska, be and is hereby authorized to draw checks, drafts, or other orders for the payment of money on behalf of the City of Nebraska City and Nebraska City Utilities, on the accounts of Nebraska City, Nebraska, at American National Bank, Premier Bank, First Nebraska Bank, Commercial State Bank, and Arbor Bank all in Nebraska City, Nebraska, and Farmers & Merchants Bank in Palmyra, Nebraska, Countryside Bank in Syracuse, Nebraska, First Bank of Nebraska in Syracuse, Nebraska and First Nebraska Bank in Unadilla, Nebraska, said banks are hereby authorized to honor the same.

BE IT FURTHER RESOLVED, that Mark E. Marcotte, City Clerk-Treasurer of the City of Nebraska City, be and is hereby authorized to purchase and redeem Certificates of Deposit on behalf of the City of Nebraska City, at the banks and institutions referred to above; is authorized to make deposits to the accounts of the City of Nebraska City at said banks; and is further authorized to mortgage, pledge, assign, endorse and deliver to said banks any assets of the City of Nebraska City, as security for all obligations of any kind of the City of Nebraska City to said banks, with full power to withdraw, exchange, and substitute other securities for those originally pledged.

BE IT FURTHER RESOLVED, that the powers and authority granted by this Resolution shall continue in full force and effect until notice in writing is given of the cancellation or modification thereof.

Passed and Approved this 1st day of June, 2015

APPROVED

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Bryan Bequette, Mayor

ATTEST:

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Emily Anthony, Deputy City Clerk - Treasurer

Building Inspector Alan Viox, updated the Council on the property at 1220 South 4<sup>th</sup> Street. He explained that he notified the property owner in January 2014 of the issues with the property. He brought the property to the Council for possible condemnation at the December 1, 2014 and it was decided to prepare an action plan and give the owner 180 days to fix the property. Since that time, there has been little improvement made to the property. Moved by Commissioner Crunk and seconded by Johns to approve request from Building Inspector to declare the property at 1220 South 4<sup>th</sup> Street as unsafe and notify the owner to remedy the property within 30 days. Upon roll call, the following voted YES: Briley, Johns, Crunk, and Mayor Bequette. Voting NO: None. Motion carried.

Meeting Adjourned at 6:42 P.M.

#### AFFIDAVIT

I, the undersigned City Clerk for the City of Nebraska City, Nebraska, hereby certify that the foregoing is a true and correct copy of proceedings had and done by the Mayor and Board of Commissioners, 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 City 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 from which the foregoing proceedings have been extracted 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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Mark E. Marcotte, City Clerk-Treasurer