

CITY OF NEBRASKA CITY, NEBRASKA
MINUTES OF CITY COUNCIL REGULAR MEETING
July 6, 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 July 6, 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: Jim Stark, Jeff Crunk, Vic Johns, Mindy Briley and Mayor Bequette. The following City Officials were present: City Administrator Grayson Path, City Clerk-Treasurer Mark Marcotte, City Attorney David Partsch, Police Chief David Lacy, and Public Properties Director/Zoning Director Dan Gittinger.

Mayor Bequette moved to suspend the rules and move Public Hearing on Final plat known as Double R Acres Subdivision ahead of the two LB840 Public Hearings, seconded by Commissioner Johns. Upon roll call the following voted YES: Crunk, Stark, Briley, Johns and Mayor Bequette. Voting NO: None. Motion passed.

Commissioner Crunk moved to approve the minutes of the June 15, 2015, City Council Regular Meeting, seconded by Commissioner Briley. Upon roll call the following voted YES: Stark, Johns, Briley, Crunk and Mayor Bequette. Voting NO: None. Motion adopted.

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

ACCO	Maint	962.01	Lourdes Central Catholic	Adv	35.00
Action Technology Serv.	Contr	517.98	Loveland Grass Pad	Chem	299.25
Alamar Uniforms	Unif	157.87	Marcotte, M.	Mileage	206.29
Allied Insurance	Ins	350.00	Martin Marietta	Sup	2,133.87
American Chamber	Misc.	250.00	Matheson Tri-Gas, Inc.	Med	158.29
American Recycling	Garabage	289.50	Mathis, S.	Rfnd	100.00
Arbor Mart, Inc	Fuel	4,230.88	MD Aquatics, LLP	Contr	1,178.00
AVAC	Contr	1,123.64	Mead Lumber	Sup	202.33
BCBS EMS	Rfnd	2,187.84	Mercer's Do-It-Best	Sup	403.24
Richard D. Bennett, Jr.	Contr	242.68	Midwest Farmers Coop	Sup	285.36
Berry	Adv	22.80	Midwest Turf and Irrigatio	Chem	363.60
Bill Walters & Son Shop, I	Rep	386.66	Molly McNeely Dent.	TIF	93.42
Bob's Welding Shop	Maint	65.00	Mullenax Auto Supply	Rep	459.43
Bohl Plumbing & Heating	Rep	480.14	NC Clerk - Treasurer	Misc.	134.58
Bound Tree Medical	Med	1,562.86	NCMA	Dues	355.91
Brown Glass Company	Rep	37.76	Nationwide	Inv	11,172.23
BSN Sports	Sup	350.97	NC Jaycees	Misc.	1,125.00
Callaway	Mdse	166.18	NC Rotary Club	Dues	250.00
Capital Business Sys	Contr	98.37	NE Assoc of School	Training	35.00
City of NC Wildwood	Rfnd	47.88	NE Dept of Econ. Dev.	Training	200.00
City of NC Wildwood	Artist	1,065.26	NE Dept of Roads	ROW	4,248.80
Coca-Cola Refreshments	Bev	179.70	NE Expressways for Econ De	Dues	1,137.09
Commercial State Bank	TIF	391.24	NE Golf Assoc.	Dues	1,026.00

Concrete Industries, Inc.	Sup	263.81	Nebraska Life Magazine	Adv	330.00
D & D Communications	Sup	430.00	NE Secretary of Stat	Dues	30.00
DOG WASTE DEPOT	Misc	357.00	Omaha Tractor, Inc.	Sup	385.73
Double Eagle	Bev	153.85	Card Services (Orscheln)	Sup	213.82
Douglas Tire Co.	Rep	960.94	Otoe County Clerk	Rfnd	1,581.50
Eakes Office Solutions	Sup	484.98	OTTEMANN PHOTO	Grant	2,792.50
EMC National Life Co	Ins	530.25	Payroll	Payroll	170,693.36
Fareway Food Store	TIF	271.11	Physio-Control, Inc	Contr	5,532.40
Fareway Stores, Inc.	Conc	278.72	REDFIELD & COMPANY, INC	Sup	151.80
Fastenal Company	Sup	109.10	River View Pest Control	Contr	362.00
Fire Protection Service	Contr	228.00	Rodriguez, T.	Rfnd	100.00
Fireguard	Rep	83.26	Rose Equipment, Inc.	Rep	58.49
Gatehouse Media	Adv	158.42	Roto Snake	Maint	198.00
Gittinger, D.	Mileage	24.86	Sanchez, J.	Rfnd	25.00
Grimm's Gardens	Sup	23.98	Southeast Nebr. Develop. D	CDBG	1,923.04
Holiday Inn of Kearney	Training	83.00	St. Mary's	Sup	49.47
Hopkins Automotive Inc.	Rep	94.99	St. Mary's Community Hospi	Med	66.00
Jebro Inc.	Sup	1,048.60	Stutheit Implement	Sup	495.88
JEO Consulting Group	ROW	4,300.00	Thurman's Bike & Sport	TIF	159.10
Jerry's Landscaping Co	Contr	460.00	Tielke's Sandwiches	Conc	49.23
Johnny's Cycle	Rep	241.62	TRI-STATE EXCAVATING	Rep	700.00
K & Z Distributing	Bev	103.10	TURF SUPPLY COMPANY, INC.	Chem	2,727.00
Koziol, J.	Rfnd	100.00	UHC	Ins	4.32.63
KR Creative	Contr	40.00	Unifirst Corporation	Sup	137.44
Kreifels Electric L.L.C.	Rep	1,354.26	Van Wall Turf & Irrigation	Rep	351.25
Kummer, R.	Rfnd	25.00	Verizon	Tele	430.04
Landis Engine Company	Rep	64.25	Watkins, M.	Rfnd	25.00
Larson Motors	Rep	116.65	Westlake	Sup	211.30

Moved by Commissioner Johns and seconded by Crunk to approve the Electrician Registration to Work Permit to ProTech Electrical Services, Inc. Upon roll call the following voted YES: Briley, Stark, Crunk, Johns and Mayor Bequette. Voting NO: None. Motion carried.

Moved by Commissioner Johns and seconded by Crunk to approve the Plumbers License to Lundvall Plumbing, Inc. Upon roll call the following voted YES: Briley, Stark, Crunk, Johns and Mayor Bequette. Voting NO: None. Motion carried.

Mayor Bequette brought forward the appointment of Jason Esser as Resident Member to Enterprise Zone Association. Commissioner Johns moved to approve the appointment, seconded by Commissioner Briley. Upon roll call the following voted YES: Crunk, Briley, Johns, and Mayor Bequette. Voting NO: Stark. Motion passed.

Mayor Bequette brought forward the reappointment of Jason McNeely to Planning Commission. Commissioner Briley moved to approve the reappointment, seconded by Commissioner Johns. Upon roll call the following voted YES: Stark, Crunk, Johns, Briley and Mayor Bequette. Voting NO: None. Motion passed.

Mayor Bequette brought forward the reappointment of Keith Morrison to Planning Commission. Commissioner Stark moved to approve the reappointment, seconded by Commissioner Briley. Upon roll call the following voted YES: Crunk, Johns, Briley, Stark and Mayor Bequette. Voting NO: None. Motion passed.

Mayor Bequette brought forward the reappointment of Kirby Bohl to Planning Commission. Commissioner Briley moved to approve the reappointment, seconded by Commissioner Johns. Upon roll call the following voted YES: Stark, Crunk, Johns, Briley and Mayor Bequette. Voting NO: None. Motion passed.

Mayor Bequette opened the Public Hearing for Final plat known as Double R Acres Subdivision. David Schmitz spoke on behalf of Ronald and Regina Barrett. Mr. Schmitz explained the property would be divided from a 20.79 Acre tract into approximately 17 acres with farm ground and wooded area and approximately 3 acres with the home. The Barrett's intention is to sell the home and keep the farm ground and wooded area. Commissioner Crunk moved to close the public hearing, seconded by Commissioner Briley. Upon roll call the following voted YES: Stark, Briley, Crunk and Mayor Bequette. Abstain: Johns. Voting NO: None. Motion passed.

Mayor Bequette opened the Public Hearing for LB840 funds for Spiral Communications, LLC in the amount of \$200,000. Stephanie Shrader, member of the LB840 committee said the application is for Building renovation and fiber installation. Craig Hagenau spoke on behalf of Spiral Communications. Mr. Hagenau explained what the funds were to be used for. Commissioner Crunk said, in his opinion, everything listed by Spiral falls into place with the program, with the exception of office furniture in the amount of \$9,300. Commissioner Crunk said, everything else was to fix up a downtown building and he doesn't know why we wouldn't want to do that regardless of what category it falls into. Stephanie Shrader said the committee was not against fixing up the building, but the committee was just following the grant application given to them. Commissioner Stark said we should be trying to help whoever the applicant is with as much help as they qualify for, not just what is a small piece of the LB840 program. Mayor Bequette asked how does the \$200,000 break down? Mr. Hagenau explained it is \$150,000 of \$370,000 cost, in a forgivable loan, to run fiber up Eleventh Street and \$50,000 for building, as a Grant. Mayor Bequette asked, what were the conditions of the \$150,000 forgivable loan? Mr. Hagenau explained he would hire six people in the next two years and keep them employed for two years. Mr. Hagenau said they should have the entire city built out in 2 years 3 months. Commissioner Johns said Spiral has created the jobs, they are going to expand the jobs, they are going to attract new capital investment and they are going to make existing businesses more competitive and profitable. Mr. Johns said he doesn't get why this is a hard decision. Charles Weise said he would like the council to be careful not to set a precedence for the next company to come in and say, I did what was agreed, I want the same thing. Commissioner Stark said the program has wandered from what the voters voted for, and as elected official, we have a huge responsibility to adhere to these things, particularly with the program coming up for vote again next year. Commissioner Stark said it is an excellent program for economic development in Nebraska City. Bill Moore spoke to not just turning it down, but tabling it to the next meeting to give the council time to kind of get it together and see if we can move forward. Commissioner Crunk moved to close the public hearing, seconded by Commissioner Briley. Upon roll call the following voted YES: Stark, Johns, Briley, Crunk and Mayor Bequette. Voting NO: None. Motion passed.

Mayor Bequette opened the Public Hearing for LB840 funds for River City Investments in the amount of \$175,000. Stephanie Shrader, member of the LB840 committee said the application is for Demolition and Building renovation of the former Morton House Complex. She said the project will be an investment of over \$600,000. Mrs. Shrader said this is combination of owner equity, bank financing and LB840. Mrs. Shrader said the \$175,000 breaks down as a \$60,000 forgivable loan for retaining three employees for two years and \$115,000 in a low interest loan at 2.5% for 15 years. Brad Maybee spoke about the property and project. They plan to take down three of the six buildings on South side of property which are in disrepair, and repair and utilize the remaining three buildings. On the other side there are four buildings to be repaired. Possible uses are restaurants, shops, industrial storage and his own business. Commissioner Crunk moved to close the public hearing, seconded by Commissioner Briley. Upon roll call the following voted YES: Stark, Johns, Briley, Crunk and Mayor Bequette. Voting NO: None. Motion passed.

Grayson Path, City Administrator, brought forward a request to set a budget meeting date in order to meet with department staff and review their budgetary requests. Council decided to hold a special meeting on Friday, July 10, 2015 at 8:00am, in order to meet with department staff and review their budgetary requests.

Mayor Bequette introduced Resolution 2671-15 removing persons to draw checks, drafts, or other orders for payment of money. Moved by Commissioner Briley and seconded by Johns to approve Resolution 2671-15 for passage after reading. Upon roll call, the following voted YES: Crunk, Stark, Johns, Briley and Mayor Bequette. Voting NO: None. Motion carried. A true and correct copy of said resolution is as follows:

RESOLUTION NO. 2671-15

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF NEBRASKA CITY, NEBRASKA, that all signatories, except Mark E. Marcotte, City Clerk-Treasurer of the City of Nebraska City, and Emily Anthony, Deputy Clerk-Treasurer of the City of Nebraska City, be removed as authorized persons to draw checks, drafts, or other orders for the payment of money on behalf of the City of Nebraska City, 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 only the signatures of Mark E. Marcotte, Clerk-Treasurer, and Emily Anthony, Deputy Clerk-Treasurer.

Passed and Approved this 6th day of July, 2015, by Council majority vote.

APPROVED

Bryan Bequette, Mayor

ATTEST:

Mark Marcotte, City Clerk - Treasurer

Mayor Bequette introduced Resolution 2672-15 Adoption of Multi-jurisdictional Hazard Mitigation Plan. Moved by Commissioner Crunk and seconded by Stark to approve Resolution 2672-15 for passage after reading. Upon roll call, the following voted YES: Johns, Briley, Stark, Crunk and Mayor Bequette. Voting NO: None. Motion carried. A true and correct copy of said resolution is as follows:

RESOLUTION NUMBER 2672-15

WHEREAS, the Federal Disaster Mitigation Act of 2000 was signed in to law on October 30, 2000, placing new emphasis on state and local mitigation planning for natural hazards and requiring communities to adopt a hazard mitigation action plan to be eligible for pre-disaster and post-disaster federal funding for mitigation purposes; and

WHEREAS, a Multi-jurisdictional Hazard Mitigation Plan Update was prepared by Nemaha Natural Resources District with assistance from JEO Consulting Group, Inc. of Lincoln, NE, which includes the City of Nebraska City.

WHEREAS, the purpose of the mitigation plan was to lessen the affects of disasters by increasing the disaster resistance of the District and participating jurisdictions located within the planning boundary by identifying the hazards that affect the District and prioritize mitigation strategies to reduce potential loss of life and property damage from those hazards, and

WHEREAS, FEMA regulations require documentation that the plan has been formally adopted by the governing body of the City of Nebraska City in the form of a resolution and further requesting approval of the plan at the Federal Level; and

NOW, THEREFORE, the governing body of the City of Nebraska City does herewith adopt the Nemaha Natural Resources District Multi-jurisdictional Hazard Mitigation Plan in its entirety and request approval of the plan at the Federal Level.

PASSED AND APPROVED this 6th day of July, 2015.

Bryan Bequette, Mayor

ATTEST:

Mark Marcotte, Clerk-Treasurer

Moved by Commissioner Stark and seconded by Crunk to de-obligate LB840 funding of \$150,000 for Industrial Site Sewer Line. Upon roll call, the following voted YES: Briley, Johns, Crunk, Stark and Mayor Bequette. Voting NO: None. Motion carried.

Moved by Commissioner Stark and seconded by Johns to consider request from Spiral Communications in Resolution 2674-15 with resolution amounts in the form of \$50,000 in form of a grant for building improvements and \$150,000 forgivable loan to install fiber optic cable in the ground with the condition they create six more full time employee jobs over the next two years and retaining them for an additional two years. Upon roll call, the following voted YES: Briley, Crunk, Johns, and Stark. Voting NO: Mayor Bequette. Motion carried.

Mayor Bequette introduced Resolution 2674-15 To use program funds from the City of Nebraska City Economic Development Program (LB840). Moved by Commissioner Stark and seconded by Johns to approve Resolution 2674-15 for passage after reading. Upon roll call, the following voted YES: Crunk, Briley, Johns and Stark. Voting NO: Mayor Bequette. Motion carried. A true and correct copy of said resolution is as follows:

RESOLUTION NO. 2674-15

TO USE PROGRAM FUNDS FROM THE CITY OF NEBRASKA CITY ECONOMIC DEVELOPMENT PROGRAM (LB840)

WHEREAS, the **City of Nebraska City** has received Program Funds through the City of Nebraska City Economic Development Plan and,

WHEREAS, Program funds for Economic Development are allowed to be used for making funding awards to eligible businesses in accordance with the City of Nebraska City Economic Development Plan, program and governing regulations, and,

WHEREAS, the City of Nebraska City Economic Development Plan has previously been adopted, and,

WHEREAS, the Citizens Advisory Review Committee has recommended partial approval and partial denial with re-application by an eligible business on a project with a total estimated cost of \$519,525, with \$319,525 in private funding and \$200,000 sought through the Economic Development Program,

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of Nebraska City, that the obligation of funds is approved as applied in the amount of \$200,000, with \$ 50,000 in a grant for building improvements and \$ 150,000 in a forgivable loan, subject to conditions of the application, and the Mayor is hereby authorized to execute all necessary and appropriate documents on behalf of the City and the City of Nebraska City Economic Development Program to complete the project funding for "**Spiral Communications, L.L.C.**", contingent upon approval of the City Attorney as to form.

Passed and adopted on the 6th day of July, 2015, by the City Council of Nebraska City.


Mayor

ATTEST: 
City Clerk-Treasurer

Mayor Bequette introduced Resolution 2673-15 To use program funds from the City of Nebraska City Economic Development Program (LB840) for River City Investments. Moved by Commissioner Stark and seconded by Crunk to table the consideration until July 20, 2015 meeting to go see the place and decide on the total amount of money available in the fund. Stephanie Shrader said there were sufficient funds available. Commissioner Stark said the funds for Prescription Tillage were still committed. Commissioner Stark stated that as of the Treasurer's Report at the end of May the fund showed \$597,000 in the LB840 fund. We have \$150,000 committed to the sewer project, \$200,000 committed to the Prescription Tillage and we just

committed \$200,000 to Spiral Communications. Stephanie Shrader said she believed the funds were still available. Commissioner Crunk asked Mr. Maybee; How much would this set him back? Mr. Maybee said it would throw back everything he has going and that contractors are set up and ready to go. He said this could throw it back into next year. Linda Wilberger asked the council how long were they going to give Prescription Tillage to answer back to them? Mayor Bequette said we were going to bring it back up, but were waiting to hear back from those parties interested whether they had heard back from Prescription Tillage. Mrs. Wilberger asked if they had heard back? Mayor Bequette responded; No. Mr. Stark indicated his motion still stands. Commissioner Crunk called for the question. Upon roll call, the following voted YES: Stark. Voting NO: Briley, Johns, Crunk and Mayor Bequette. Motion failed. Moved by Mayor Bequette and seconded by Briley to Consider passage of LB840 Application for River City Investments Resolution 2673-15. Upon roll call, the following voted YES: Stark, Crunk, Johns, Briley and Mayor Bequette. Voting NO: None. Motion carried. A true and correct copy of said resolution is as follows:

RESOLUTION NO. 2673-15

**TO USE PROGRAM FUNDS FROM THE CITY OF NEBRASKA CITY
ECONOMIC DEVELOPMENT PROGRAM (LB840)**

WHEREAS, the **City of Nebraska City** has received Program Funds through the City of Nebraska City Economic Development Plan and,

WHEREAS, Program funds for Economic Development are allowed to be used for making loan and grants eligible businesses in accordance with the City of Nebraska City Economic Development Plan, program and governing regulations, and,

WHEREAS, the City of Nebraska City Economic Development Plan has previously been adopted, and,

WHEREAS, the Citizens Advisory Review Committee has recommended a project presented through application by an eligible entity for a total funding of \$175,000 under specified conditions, funding will consist of \$60,000 in a forgivable loan and a \$115,000 traditional loan through industrial and business development and

WHEREAS, the City Council of Nebraska City conducted a public hearing upon the proposed use of Economic Development Program 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 Citizens Advisory Review Committee and the Mayor is hereby authorized to execute all necessary and appropriate documents on behalf of the City and the City of Nebraska City Economic Development Program to complete the grant project for **River City Investments**, contingent upon approval of the City Attorney as to form.

Passed and adopted on the 6th day of July, 2015 by the Mayor and Council of the City of Nebraska City, Nebraska.

Mayor

ATTEST: _____
City Clerk

Moved by Mayor Bequette and seconded by Briley to table the consideration of the re-adoption for the Downtown District Assistance Program for LB840. The council expressed the need to get a recommendation from the Citizens Review Committee as to canceling the program. Upon roll call, the following voted YES: Stark, Crunk, Johns, Briley and Mayor Bequette. Voting NO: None. Motion carried.

Moved by Commissioner Stark and seconded by Briley to approve and for the Mayor to sign the final plat known as Double R Acres Subdivision located at 6097 G Road. Upon roll call, the following voted YES: Crunk, Briley, Stark and Mayor Bequette. Abstain: Johns. Voting NO: None. Motion carried.

Moved by Commissioner Crunk and seconded by Johns to approve the contract extension for the Nuckolls Square Park Project. Upon roll call, the following voted YES: Briley, Stark, Johns, Crunk and Mayor Bequette. Voting NO: None. Motion carried.

Mayor Bequette introduced Ordinance #2963-15 entitled: AN ORDINANCE DECLARING A PUBLIC EMERGENCY; WAIVING ESTIMATES OF COSTS AND ADVERTISING FOR BIDS FOR REPAIRS OF THE 4TH CORSO BRIDGE IN 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. Stark seconded the motion to suspend the rules and upon roll call, the following voted YES: Briley, Johns, Crunk, Stark 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 #2963-15 be passed and adopted?" seconded by Stark. Upon roll call, the following voted YES: Briley, Johns, Crunk, Stark 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:

AN ORDINANCE DECLARING A PUBLIC EMERGENCY; WAIVING ESTIMATES OF COSTS AND ADVERTISING FOR BIDS FOR REPAIRS OF THE 4TH CORSO BRIDGE IN 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.

It is hereby declared that a public emergency resulting from an exigency or pressing necessity or unforeseen need calling for immediate action or remedy has occurred with the closure of the 4th Corso bridge viaduct due to damages to the structure, and that immediate action or remedy is necessary to prevent a serious loss of (or serious injury or damage to) life, health or property as the closure causes significant increases in response times for emergency vehicles to access a major portion of the City of Nebraska City.

SECTION 2.

Due to said public emergency, estimates of costs and advertising for bids for repairs of the 4th Corso bridge are hereby waived.

SECTION 3. REPEAL:

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

SECTION 4. EFFECTIVE DATE:

This ordinance shall be in full force and effect upon the proclamation of the mayor immediately upon its first publication as provided by law.

Adopted by a three-fourths vote of the council and entered of record this 6th day of July, 2015, and so proclaimed.


Mayor

ATTEST:


City Clerk-Treasurer

Moved by Commissioner Crunk and seconded by Mayor Bequette for Public Properties Director, Dan Giittinger to work with the City Engineer and Street Commissioner to get proper signage for the 4th Corso Viaduct Project. Upon roll call, the following voted YES: Stark, Johns, Briley, Crunk and Mayor Bequette. Voting NO: None. Motion carried.

Moved by Commissioner Johns and seconded by Briley to approve SDL for Kregel Windmill Factory, LLC on August 22, 2015. Ben Kruse, representing Kregel Windmill said the event is a fundraiser with fewer than 40 people by invitation only. Upon roll call, the following voted YES: Crunk, Briley, Johns and Mayor Bequette. Abstain: Stark. Voting NO: None. Motion carried.

Moved by Commissioner Stark and seconded by Briley to approve SDL for Pioneer Holdings, LLC on July 24, 2015. Tim Pendrell, representing Pioneer Holdings said this is to do a beer garden at the concert event being held in the sunken parking lot. Proceeds will go to a Non Profit. Upon roll call, the following voted YES: Crunk, Johns, Briley, Stark and Mayor Bequette. Voting NO: None. Motion carried.

Moved by Commissioner Stark and seconded by Briley to authorize the Mayor to sign the Environmental Review Packet which SENDD has prepared for the city and Release of Funds. Upon roll call, the following voted YES: Johns, Crunk, Briley, Stark and Mayor Bequette. Voting NO: None. Motion carried.

Item 21 on the Agenda: Consider request from SENDD for Release of Funds and Certification for River View Terrace Improvements was not needed because of passage of item 20.

Moved by Commissioner Crunk and seconded by Briley to Table request from American Tower Corp. for consent to the Ground Lease Sublease and Leaseback until council can get some information from the City Administrator and City Attorney on options for negotiations. Upon roll call, the following voted YES: Stark, Johns, Briley, Crunk and Mayor Bequette. Voting NO: None. Motion carried.

Moved by Commissioner Stark and seconded by Crunk to Table request from UNITE to use ROW to provide fiber support to Lourdes Central Catholic Schools until July 20, 2015 Council Meeting. City Attorney, David Partsch said he had multiple conversations with UNITE. Mr. Partsch said UNITE is continuing to negotiate with Spiral Communications for use of Spirals fiber connections. Upon roll call, the following voted YES: Briley, Johns, Crunk, Stark and Mayor Bequette. Voting NO: None. Motion carried.

Moved by Commissioner Stark and seconded by Johns to allow BPW to apply for Grant Funds for conversion of Two Trucks to Natural Gas Fuel. Upon roll call, the following voted YES: Crunk, Briley, Johns, Stark and Mayor Bequette. Voting NO: None. Motion carried.

Meeting Adjourned at 9:37 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.

Mark E. Marcotte, City Clerk-Treasurer