

CITY OF NEBRASKA CITY, NEBRASKA
MINUTES OF CITY COUNCIL REGULAR MEETING
August 3, 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 August 3, 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, Vic Johns, Mindy Briley and Mayor Bequette. Absent: Jeff Crunk. The following City Officials were present: City Administrator Grayson Path, City Clerk-Treasurer Mark Marcotte, City Attorney David Partsch, Police Chief David Lacy, Building Inspector/Fire Chief Alan Viox, EMS Manager Andrew Snodgrass and Public Properties Director/Zoning Director Dan Gittinger.

Commissioner Stark moved to approve the minutes of the July 20, 2015, City Council Regular Meeting, seconded by Commissioner Briley. Upon roll call the following voted YES: Stark, Johns and Briley. Voting NO: None. Abstain: Mayor Bequette. Motion adopted.

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

August 3, 2015						
Action Technology	Contr	400.00	Mercer's Do-It-Best	Sup	142.49	
Adkins Signs	Sup	30.00	MGS Enterprises	Rfnd	200.00	
ADT Security Serv.	Contr	154.95	Midwest Farmers	Chem	54.78	
Alamar Uniforms	Unifm	141.02	Mullenax Auto Supply	Sup	114.47	
Allied Insurance	Ins	100.00	Napa Auto Parts	Rep	181.42	
American Recycling	Contr	237.00	Nationwide	Inv	10,889.27	
Arbor Mart, Inc	Fuel	2,273.48	NC Area Econ Develop	LB840	821.25	
AVAC	Contr	1,055.39	NC Clerk - Treasurer	Misc.	46.33	
Berry	Adv	22.80	NC Museum Assoc.	Contr	2,406.25	
Bishop P & H	Rep	190.65	NCTC	Contr	6,250.00	
Boatright, K.	Dance	558.00	NE Depart of Ag	Dues	150.00	
Bohl P & H	Rep	203.73	NE Depart of Labor	Dues	18.00	
Bound Tree	Sup	414.47	O'Reilly Auto Parts	Rep	74.33	
Brown's Shoe Fit	Postage	14.40	Orschlens	Sup	375.32	
Callaway	Mdse	578.88	Otoe County Clerk	Contr	880.00	
Christiansen Painting	Maint	20,735.00	Payroll	Payroll	72,394.78	
Coca-Cola Refreshments	Bev	203.45	Physician Network	Misc.	53.19	
Concrete Industries, Inc.	Sup	504.25	Pitney Bowes	Contr	189.00	
Don's Johns & Septic	Misc.	102.00	Prairie Homes	Rfnd	200.00	
Douglas Tire Co.	Rep	927.16	River View Pest Control	Contr	362.00	
Eakes Office Solutions	Sup	255.87	Schneider Electric	Rep	75.00	
Eichacker, J.	Rfnd	25.00	SEND D	Contr	6,335.84	
F & B Constructors, Inc.	Rfnd	100.00	Shallenberger, R.	Rfnd	100.00	
Fareway Stores, Inc.	Conc	53.76				
Gatehouse Media	Adv	27.51	Spiral Comm.	Tele	1,939.66	
Grimm's Gardens	Fuel	24.09	Stutheit Implement	Sup	111.39	
Henry Motors South, Inc.	Rep	183.77	Tag's One Stop	Fuel	33.49	
Hopkins Automotive Inc.	Sup	51.54	Tielke's Sandwiches	Conc	51.13	
Howe, J.	Rfnd	25.00	Top Quality Glove	Sup	272.50	
J. Park, LLC	Contr	900.00	Tuf Supply Co	Chem	3,916.50	
KR Creative	Contr	1,513.95	UHC	Ins	634.62	
Kreifels Electric L.L.C.	Rep	2,953.98	Uchtyl, R.	Rfnd	25.00	
Landis Engine Co.	Sup	67.35	Unifirst Corporation	Contr	92.28	
Larson Motors	Rep	543.87	Verizon	Tele	410.11	
Lollmann, M.	Rfnd	25.00	Westlake	Sup	95.36	

Matheson Tri-Gas, Inc.	Sup	81.09
MD Aquatics, LLP	Contr	1,178.00
Mead Lumber	Sup	63.56

Whispering Pines	Misc.	1,036.15
Windstream, Inc.	Tele	58.93

Mayor Bequette brought forward the appointment of Adam Howard to Tree Board. Commissioner Johns moved to approve the appointment, seconded by Commissioner Briley. Upon roll call the following voted YES: Stark, Briley, Johns, and Mayor Bequette. Voting NO: None. Motion passed.

Mayor Bequette brought forward the appointment of Vaughn Hammond to Tree Board. Commissioner Stark moved to approve the appointment, seconded by Commissioner Briley. Upon roll call the following voted YES: Johns, Briley, Stark, and Mayor Bequette. Voting NO: None. Motion passed.

Mayor Bequette recognized Stephanie Shrader for her years of service to NCAEDC and City of Nebraska City.

Chief of Police, David Lacy, gave an update on the hiring process of police officers and City Administrator, Grayson Path gave an update on the hiring process of a library director.

Moved by Commissioner Stark and seconded by Briley to approve the search for a temporary 4th paramedic and start the advertising process to see what's out there. Upon roll call, the following voted YES: Johns, Briley, Stark and Mayor Bequette. Voting NO: None. Motion carried.

Commissioner Stark gave an update on the progress of the aquatic center. He said the pool is closed, construction trailers on site, there is utility work going on, it's starting to happen. He said there won't be much demolition of the building for a couple of weeks because of asbestos. Goal is to be done by June 1, 2016.

Rhonda Plumber with Unite Private Networks, spoke about the need to use ROW to provide fiber support to Lourdes Central Catholic Schools. She said Unite was able to get an agreement in place with Spiral Communications, utilizing their fiber. City Attorney, David Partsch said there is no action needed now because of the agreement. Mr. Partsch said if something comes up in the future, Unite would have to make a specific request at that time. No action was taken.

Moved by Commissioner Stark and seconded by Johns to approve Application of Manager for Renee L. Snyder, Walgreens Liquor License. Upon roll call, the following voted YES: Briley, Johns, Stark and Mayor Bequette. Voting NO: None. Motion carried.

City Administrator, Grayson Path spoke about the Budget presented by BPW for Council approval. Mr. Path said no approval is needed at this time. The budget will be reviewed and combined into the city budget with a combined hearing on both budgets. No action was taken.

Moved by Commissioner Stark and seconded by Johns to approve request from Western Star Lodge #2 for reservation of shelter and the fees waived on August 8, 2015. Upon roll call, the following voted YES: Briley, Johns, Stark and Mayor Bequette. Voting NO: None. Motion carried.

Mayor Bequette introduced Resolution 2676-15 Program Agreement between Nebraska Department of Roads and City of Nebraska City Supplement #1. Moved by Commissioner Stark and seconded by Briley to approve Resolution 2676-15 for passage after reading. Upon roll call, the following voted YES: Johns, Briley, Stark and Mayor Bequette. Voting NO: None. Motion carried. A true and correct copy of said resolution is as follows:

**RESOLUTION 2676-15
SUPPLEMENTAL PROJECT PROGRAM AGREEMENT NO. 1 – BM1118**

City of Nebraska City
Resolution No. 2676-15

Whereas: City of Nebraska City and Nebraska Department of Roads (NDOR) have previously executed Project Program Agreement BM1118 for a transportation project for which the Local Public Agency (LPA) would like to obtain Federal funds;

Whereas: City of Nebraska City understands that it must continue to strictly follow all Federal, State and local laws, rules, regulations, policies and guidelines applicable to the funding of the Federal-aid project; and

Whereas: City of Nebraska City and NDOR wish to enter into Supplemental Project Program Agreement No. 1 setting out modifications and/or additional duties and/or funding responsibilities for the Federal-aid project.

Be It Resolved: by the City Council of the City of Nebraska City, Nebraska that:

Bryan Bequette, Mayor of the City of Nebraska City, Nebraska is hereby authorized to sign the attached Project Program Supplemental Agreement No. 1 between the City of Nebraska City and the NDOR.

City of Nebraska City is committed to providing local funds for the project as required by the Project Program Agreement and any Supplemental Project Program Agreements.

NDOR Project Number: ENH-66(34)

NDOR Control Number: 13055

Project Location: Nebraska City Steinhart Park Trail, Phase 2

Adopted this _____ day of _____, 2015 at _____
Nebraska.

(Month)

The City Council of the City of Nebraska City, Nebraska

_____ -

Member _____ Board/Council
Moved the adoption of said resolution
Member _____ Seconded the
Motion
Roll Call: _____ Yes _____ No _____ Abstained _____
Absent
Resolution adopted, signed and billed as adopted

Attest:

Signature of City Clerk

City Administrator, Grayson Path, presented the Council with updated budget material and requested the return of CIP sheets. Mr. Path gave a presentation, highlighting the process he is taking, in preparing the budget, and explaining the State laws being followed.

Council considered request from LaVera Lyon and Ted Lyon for removal of gates from Lyon property near 62nd and G Road. Phyllis Lyon spoke of the problems the gate causes for her Mother-in-Law, LaVera Lyon, when trying to access her property. Dave Ramold told the Council the gate is not on the Lyon land but the ROW. He explained he had complied with all the rules given him. City Attorney, David Partsch said a resolution would be needed if any action is taken. No action was taken by the Council. This item will be considered again at the next meeting.

Moved by Commissioner Stark and seconded by Johns to approve SDL for Kimmel Orchard and Vineyard Educational Foundation for event at Whispering Pines Bed & Breakfast on August 30, 2015. Erin Beethe, representing Kimmel Orchard said the event is for Whispering Pines anniversary celebration. Upon roll call, the following voted YES: Briley, Johns, Stark and Mayor Bequette. Voting NO: None. Motion carried.

Council considered request from Mr. Harvey Varenhorst to vacate portions of ROW in 400 Block of 4th Rue and 400 Block of 5th Terrace. Mr. Varenhorst said he is representing 17 of the 21 residents in the area. He said the properties currently have 100' right of ways. He said the most affected are the elderly and handicapped. Less Right of Way would give the resident room to build handicap access ramps and other accommodations to make their life easier. No action was taken by the Council. This item will be considered again at the next meeting.

Moved by Commissioner Stark and seconded by Johns to approve request from River City Classics Car Club to Close Central Avenue from 6th Street to 11th Street on September 20, 2015 from 7am to 4pm for Applejack Car Show and Street Department to supply barricades. Upon roll call, the following voted YES: Briley, Johns, Stark and Mayor Bequette. Voting NO: None. Motion carried.

Mayor Bequette introduced Ordinance #2964-15 entitled: AN ORDINANCE TO AMEND SECTION 2-254, TO CHANGE THE DEADLINE FOR FILING A PROPOSED BUDGET STATEMENT, TO REPEAL ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH, AND TO DECLARE 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, 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 Stark. The Mayor then stated the question: "Shall Ordinance #2964-15 be passed and adopted?" Upon roll call, the following voted YES: Briley, Johns, 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:

ORDINANCE NO. 2964-15

AN ORDINANCE TO AMEND SECTION 2-254, TO CHANGE THE DEADLINE FOR FILING A PROPOSED BUDGET STATEMENT, TO REPEAL ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH, AND TO DECLARE AN EFFECTIVE DATE.

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

Section 1. That Section 2-254 of the Code of the City of Nebraska City be amended to read as follows:

"Section 2-254. Budget statement—Proposed budget; filing, contents, to be balanced.

The city council shall, not later than the thirty-first (31st) day of August of each year on forms prescribed and furnished by the Nebraska State Auditor, prepare in writing and file with the city clerk-treasurer a proposed budget statement containing the non-tax revenue which was allocated to each of the several funds, the unencumbered cash balance of each fund at the beginning and end of the prior fiscal year, the amount received by taxation allocated to each fund, and the actual expenditures for each fund. For the current fiscal year, the budget statement shall contain the actual and estimated cash balance available at the beginning of the year, the amount to be received from taxation allocated to each fund, and the amount of actual and estimated expenditures. For the immediate ensuing fiscal year, the budget statement should include an estimate of the non-tax revenue from each source and which fund is to be allocated to, the actual or estimated unencumbered cash balance for each fund which will be available at the beginning of the next fiscal year, amounts proposed to be expended during the year, and the amount of cash reserve which will not exceed fifty per cent (50%) of

the total budget adopted exclusive of capital outlay items. The amount to be raised from taxation, as determined herein, plus the estimated revenue from sources other than taxation, and the unencumbered balances shall equal the estimated expenditures plus the required cash reserve for the ensuing year.”

Section 2. That the original Section 2-254 of the Code of the City of Nebraska City and all other Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.

Section 3. That this ordinance shall be effective from and after its adoption, approval, and publication, as provided by law.

DULY PASSED and APPROVED this 3rd day of August, 2015.

Bryan Bequette, Mayor

Attest:

Mark Marcotte, City Clerk- Treasurer

Mayor Bequette introduced Ordinance #2965-15 entitled: AN ORDINANCE TO AMEND SECTION 2-256, TO CHANGE THE DEADLINE FOR FILING AND CERTIFYING A COPY OF THE ADOPTED BUDGET STATEMENT, TO REPEAL ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH, AND TO DECLARE 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, Stark, 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 Johns. The Mayor then stated the question: “Shall Ordinance #2965-15 be passed and adopted?” Upon roll call, the following voted YES: Briley, Stark, Johns 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. 2965-15

AN ORDINANCE TO AMEND SECTION 2-256, TO CHANGE THE DEADLINE FOR FILING AND CERTIFYING A COPY OF THE ADOPTED BUDGET STATEMENT, TO REPEAL ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH, AND TO DECLARE AN EFFECTIVE DATE.

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

Section 1. That Section 2-256 of the Code of the City of Nebraska City be amended to read as follows:

“Section 2-256. Budget statement—Filing and certifying.

The council shall file with and certify to the levying board on or before September twentieth (20th), and file with the Nebraska State Auditor, a copy

of the adopted budget statement, together with the amount of the tax to be levied and proof of publication. The council shall not certify any tax that exceeds the maximum levy prescribed by state law; provided, in certifying the amount to be so levied, allowance may be made for delinquent taxes not exceeding five (5) per cent of the amount to be levied plus the actual percentage of delinquent taxes for the preceding tax year.”

Section 2. That the original Section 2-256 of the Code of the City of Nebraska City and all other Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.

Section 3. That this ordinance shall be effective from and after its adoption, approval, and publication, as provided by law.

DULY PASSED and APPROVED this 3rd day of August, 2015.

Bryan Bequette, Mayor

Attest:

Mark Marcotte, City Clerk- Treasurer

Moved by Commissioner Briley and seconded by Mayor Bequette to re-adopt LB840 Downtown District Assistance Program, with no restricted funds, corresponding with the expiration of LB840. Jim Kuhn, a member of the LB840 committee, said the program is a very helpful tool in explaining to applicants, A/C pump out and tuck pointing and that it is a helpful marketing tool. Upon roll call, the following voted YES: Stark, Johns, Briley and Mayor Bequette. Voting NO: None. Motion carried.

Moved by Commissioner Briley and seconded by Johns to approve temporary and permanent easement adjacent to Nebraska City Public School property for Steinhart Trail Project and authorize Mayor to sign same. Upon roll call, the following voted YES: Stark, Johns, Briley and Mayor Bequette. Voting NO: None. Motion carried.

Moved by Commissioner Johns and seconded by Stark to approve Securing of appraiser for Kearney Hill CIS project. Public Properties Manager, Dan Giittinger, said this involves the need to purchase four tracts of land for the 2nd phase of the CIS project, the Kearney Hill road improvement. This would allow him to hire an appraiser to develop a cost for these four tracts of land. Upon roll call, the following voted YES: Briley, Stark, Johns and Mayor Bequette. Voting NO: None. Motion carried.

Moved by Commissioner Johns and seconded by Stark to approve purchase of 2007 F750 Single-Axle dump truck for Street Department at the price of \$47,500.00. Public Properties Manager, Dan Giittinger, said this was discussed at the budget hearing meetings and is necessary to have in the near future to have it properly prepared for the snow removal season. This is to replace a truck lost at the end of last season. Cost delivered would be \$47,500.00. Upon roll call, the following voted YES: Briley, Stark, Johns and Mayor Bequette. Voting NO: None. Motion carried.

Council Discussed the need to possibly have one IT support contract and where the City Departments stand on their computer needs and how to support them. There was discussion as to the need for us to assess our current computer and future computer needs.

Moved by Mayor Bequette and seconded by Briley for the Council to go into closed session with the City Attorney, City Administrator and Chief of Police for the purpose of having a strategy session with the respect to collective bargaining and for the protection of the public interest. Upon roll call, the following voted YES: Stark, Johns, Briley and Mayor Bequette. Voting NO: None. Motion carried.

Council moved into closed session at 8:27 P.M.
Council returned from closed session at 8:48 P.M.

Moved by Commissioner Stark and seconded by Briley to table any action on proposed contract with Nebraska City Police Officers Bargaining Unit. Upon roll call, the following voted YES: Johns, Briley, Stark and Mayor Bequette. Voting NO: None. Motion carried.

Meeting Adjourned at 8:50 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