

CITY OF NEBRASKA CITY, NEBRASKA
MINUTES OF CITY COUNCIL REGULAR MEETING
January 4, 2016

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 January 4, 2016. 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, Gloria Glover 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 and Public Properties Director/Zoning Director Dan Giittinger.

Mayor Bequette moved to approve the following consent items:
Minutes of the December 21, 2015, City Council Regular Meeting.
Accepting the report of new claims against the City and approving disposition of claims set for the period of December 19, 2015 to December 31, 2015.
Request from NCTC for free pool pass to be auctioned at NCTC Banquet on January 23, 2016.
Motion seconded by Commissioner Johns. Upon roll call the following voted YES: Stark, Glover, Johns and Mayor Bequette. Voting NO: None. Abstain: None. Motion carried.

Claims List						
January 4, 2015						
Alamar Uniforms	Unifm	227.20		Reed Company	Equip	24000.00
		19762.6				
Alfred Benesch & Co	Contr	0		Robert Lechner	Fuel	25.00
American Cancer Society	Misc	1459.20		Matheson Tri-Gas, Inc.	Sup	34.20
American Recycling	Contr	184.50		Mead Lumber	Rep	59.87
Arbor Mart, Inc	Fuel	1561.72		Mercer's Do-It-Best	Sup	8.18
AVAC	Contr	115.16		Mullenax Auto Supply	Rep	103.50
Bob's Radiator Repair	Rep	260.00		Napa Auto Parts	Sup	7.90
Bob's Welding Shop	Rep	1369.29		Nationwide	Inv	11617.17
Bound Tree Medical LLC	Sup	51.54		NC Museum Assoc.	Contr	2406.25
Jonathan Casey	Dues	49.72		NC Tourism & Commerce	Contr	7083.33
	Trainin					
Consolidated Manag	g	176.50		O'Reilly Auto Parts	Rep	9.56
Cortez, C.	Rfnd	25.00		Orschlen	Misc	44.85
Douglas Tire Co.	Rep	75.00		Otoe County Clerk	Contr	40.00
						164069.6
Eakes Office Solutions	Sup	205.48		Payroll	Payroll	8
					Pst	
Fareway Stores, Inc.	Sup	26.28		River View Pest Control	Cntrl	176.00
Fire Protection Service	Contr	22.50		Tag's One Stop	Fuel	37.73
Hopkins Automotive Inc.	Sup	75.99		UHC	HRA	5828.72
Iowa League of Cities	Adv	65.00		Unifirst Corporation	Contr	106.32
Jeo Consulting	Contr	3600.00		Verizon Wireless	Tele	250.21
Larson Motors	Rep	5562.20		Warner, J.	Rfnd	200.00
League of Kansas	Adv	115.00		Westlake	Sup	44.93

Moved by Mayor Bequette and seconded by Stark to suspend the rules to move the proclamation to later in our business until such time that everybody is here. Upon roll call, the following voted YES: Johns, Glover, Stark and Mayor Bequette. Voting NO: None. Motion carried.

Mayor Bequette opened the Public Hearing on the Proposed new Comprehensive Plan. Avery Oltmans of Olsson Associates gave a power point presentation of the proposed plan. No one spoke in favor or against the plan. Mayor Bequette moved to close the public hearing, seconded by Commissioner Stark. Upon roll call the following voted YES: Johns, Glover, Stark and Mayor Bequette. Voting NO: None. Motion carried.

Council directed the City Attorney, David Partsch, to draft an ordinance for the next meeting to change the maximum height regulations in the R-1, R-2, R-0 districts; Code 410.09, 411.09, 412.10.

Mayor Bequette introduced Ordinance #2971-16 entitled: AN ORDINANCE CREATING STREET IMPROVEMENT DISTRICT NO. 2016-1 IN THE CITY OF NEBRASKA CITY, NEBRASKA, ORDERING THE CONSTRUCTION OF STREET IMPROVEMENTS THEREIN AND ORDERING THE PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM; 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: Johns, Glover, 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 #2971-16 be passed and adopted?" Upon roll call, the following voted YES: Johns, Glover, 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. 2971-16

AN ORDINANCE CREATING STREET IMPROVEMENT DISTRICT NO. 2016-1 IN THE CITY OF NEBRASKA CITY, NEBRASKA, ORDERING THE CONSTRUCTION OF STREET IMPROVEMENTS THEREIN AND ORDERING THE PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM.

BE IT ORDAINED BY THE MAYOR AND BOARD OF COMMISSIONERS OF THE CITY OF NEBRASKA CITY, NEBRASKA, as follows:

Section 1. That there be and hereby is created in the City of Nebraska City, Nebraska, a paving district to be known and designated as Street Improvement District No. 2016-1 of the City of Nebraska City, Nebraska.

Section 2. That the outer boundaries of the street to be improved shall include all of the property abutting upon said street to be improved and the following street shall be improved by concrete pavement, curb, gutter, storm sewer, sidewalks, utility relocations, and all necessary appurtenances thereto;

11th Street from 14th Corso to a point even with the Walmart Drive.

Section 3. Said street shall be improved at public cost and said improvements shall be made in accordance with the plans, specifications and estimate prepared by the special engineers for the City, all as approved or to be approved by the Mayor and Board of Commissioners.

Section 4. Notice of the creation of said District shall be published as provided by law in the *Nebraska City News-Press*, a legal newspaper published in and of general circulation in Nebraska City, Nebraska.

Section 5. This ordinance shall be published in pamphlet form and take effect as provided by law.

PASSED AND APPROVED this ____ day of _____, 2016.

ATTEST:

Mayor

City Clerk-Treasurer

(S E A L)

Mayor Bequette introduced Resolution 2691-16; To hold hearings as to the sufficiency of any written objections filed objecting to the creation of Street Improvement District No. 2016-1. Moved by Mayor Bequette and seconded by Johns to approve Resolution 2691-16; To hold hearings as to the sufficiency of any written objections filed objecting to the creation of Street Improvement District No. 2016-1. Upon roll call, the following voted YES: Stark, Glover, Johns and Mayor Bequette. Voting NO: None. Motion carried. A true and correct copy of said resolution is as follows:

RESOLUTION NO. 2691-16

BE IT RESOLVED BY THE MAYOR AND BOARD OF COMMISSIONERS OF THE CITY OF NEBRASKA CITY, NEBRASKA, as follows:

The Mayor and Board of Commissioners hereby find and determine that the Mayor and Board will meet on the 1st day of February, 2016, at 6:00 o'clock P.M. at the regular meeting place of the Board, City Hall at 1409 Central Avenue, Nebraska City, at which time a hearing will be held as to the sufficiency of the written objections filed objecting to the creation of Street Improvement District No. 2016-1 of the City and as to the existence of the required facts and conditions relative to the creation of the District. The Clerk-Treasurer is hereby instructed to cause notice of this hearing to be included in the Notice of Creation of the District, published as provided by law.

PASSED AND APPROVED this _____ day of _____, 2016.

ATTEST:

Mayor

City Clerk-Treasurer

(SEAL)

Mayor Bequette introduced Ordinance #2972-16 entitled: AN ORDINANCE AMENDING SECTION 2-201 OF THE CODE OF THE CITY OF NEBRASKA CITY, NEBRASKA; REPEALING ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; APPROVING PUBLICATION IN PAMPHLET FORM; 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: Johns, Glover, 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 Johns. The Mayor then stated the question: "Shall Ordinance #2972-16 be passed and adopted?" Upon roll call, the following voted YES: Glover, 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. 2972-16

AN ORDINANCE AMENDING SECTION 2-201 OF THE CODE OF THE CITY OF NEBRASKA CITY, NEBRASKA; REPEALING ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; APPROVING PUBLICATION IN PAMPHLET FORM; 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 2-201 of the Code of the City of Nebraska City, Nebraska, is hereby amended to read as follows:

Sec. 2-201. - Certain contracts limited.

Before the city council shall make any contract in excess of thirty thousand dollars (\$30,000.00) for general improvements, such as water extensions, sewers, public heating system, bridges, or works on streets, any motor or other mechanical equipment, including parking meters, street machinery, or any other work or improvement, where the cost of such improvement shall be assessed to the property, an estimate of the cost thereof shall be made by the city engineer and submitted to the council.

(Neb. Rev. Stat. § 16-321(3))

SECTION 2. REPEAL:

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

SECTION 3. PUBLICATION AND EFFECTIVE DATE:

This ordinance is adopted and approved for publishing in pamphlet form, and shall be in full force and effect from and after 15 days after its passage, approval, and publication or posting as provided by law. The provisions of this Ordinance shall become and be made part of the Nebraska City Municipal Code and sections of this Ordinance may be renumbered to accomplish such intention.

Passed and approved this ____ day of _____, 2016.

Mayor

ATTEST:

City Clerk-Treasurer

Mayor Bryan Bequette, Police Chief David Lacy and Assistant Chief Paramedic Andrew Snodgrass presented Life Saving Commendations to members of the Police Department and Fire & Rescue Department. Members of the departments worked tirelessly to save the life of Greg Kotschwar who had gone into cardiac arrest.

Council held a discussion on the 4th Corso Viaduct. Jeff Sockel and Patrick Kastl, representatives of Alfred Benesch & Company, spoke and answered questions on the timeline of the project, consequences of stopping the project and other options available for alternative design.

Mayor, Bryan Bequette, explained Destination Development, to make everyone aware of what is looked at in making a community a tourist destination, and the plan going ahead.

Moved by Mayor Bequette and seconded by Stark for the Council to go into closed session for the purpose of discussing threatened and/or pending litigation (Arnold M. Ehlers vs. City of Nebraska City) with the City Attorney, and for the reason of protecting the City's litigation strategies from becoming known to the Complaint. Upon roll call, the following voted YES: Johns, Glover, Stark and Mayor Bequette. Voting NO: None. Motion carried.

Council moved into closed session at 7:52 P.M.
Council returned from closed session at 8:15 P.M.

Meeting Adjourned at 8:16 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