

CITY OF NEBRASKA CITY, NEBRASKA  
 MINUTES OF CITY COUNCIL REGULAR MEETING  
 January 18, 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 18, 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, Jeff Crunk, Vic Johns, Gloria Glover and Mayor Bequette. Absent: None. The following City Officials were present: City Administrator Grayson Path, City Clerk-Treasurer Mark Marcotte, City Attorney David Partsch, Police Chief David Lacy, Fire Chief Alan Viox, Recreation Director Scooter Edmisten, Library Director Rasmus Thoegersen and Public Properties Director/Zoning Director Dan Giittinger.

Approval of Minutes from the January 4, 2015 Meeting were pulled from the consent items by Commissioner Crunk.

Mayor Bequette moved to approve the following consent items:

Accepting the report of new claims against the City and approving disposition of claims set for the period of January 1, 2016 to January 15, 2016.

BPW recommended approval of Wastewater WO# 414 for the construction of a sewer lift station at Steinhart Park in the amount of \$91,964.00.

BPW recommended approval of the bid from Barrett Construction to place a manhole at the alley between 2<sup>nd</sup> and 3<sup>rd</sup> Avenue on 22<sup>nd</sup> Street in the amount of \$11,200.00.

Motion seconded by Commissioner Johns. Upon roll call the following voted YES: Stark, Crunk, Glover, Johns and Mayor Bequette. Voting NO: None. Abstain: None. Motion carried.

CLAIMS LIST					
January 18, 2015					
Alamar Uniforms	Unif	107.63	Moore, Patty	Mileage	414.71
Arbor Mart, Inc	Fuel	1089.85	Mullenax Auto Supply	Sup	233.92
Arbor Valley Animal	Contr	105.00	Napa Auto Parts	Rep	112.03
Arrow Int	Sup	575.00	Nationwide Trust Co	Inv	15,093.27
AS Central Services	Sup	140.00	NC NEWS PRESS	Adv	244.25
BC Meyer Constr	Rfnd	200.00	NC Rotary	Dues	375.00
Bennett, Richard	Sup	3431.85	NC Utilities	Utilities	6195.69
Benton, Barbara	Rfnd	25.00	NCTC	Dues	200.00
Bound Tree Medical	Sup	711.35	NE Cemetery Assoc	Dues	40.00
Brown's Shoe Fit Co	Postage	13.94	NE Dept of Revenue	Sls Tax	543.74
BSN Sports	Rep	175.95	NE Law Enforcement	Training	50.00
Capital Business Sys	Contr	195.71	NE Rural Water Assoc	Dues	100.00
Card Services	Misc	331.48	NE Workforce Develop	Unemploy	976.00
Casey's General	Fuel	94.14	O'Reilly Auto Parts	Sup	155.20
Consolidated Manage	Training	139.50	Omaha Tractor, Inc.	Rep	1435.94
Coventry Healthcare	Rnf	1057.84	Otoe County Clerk	Contr	4423.46
Douglas Tire Co.	Rep	421.45	Packaging Horizons	Sup	31.02
Eakes	Sup	402.53	Payroll		104262.58
Eggers Brothers	Rep	90.34	S Systems	Sftwre	90.00
EMS Billing Service	Contr	4070.92	Schebaum, D	Sup	74.89
Gatehouse Media NE	Adv	74.59	Schneider Electric	Rep	330.00
Dan Giittinger	Dues/Mile	57.91	Schumacher, G	Mileage	815.01
Henry Motors South,	Rep	191.04	SEND D	Contr	974.58
Hopkins Automotive	Sup	110.95	Shell	Fuel	1316.64
Hourly CIO	Dues	884.00	Sirchie Finger	Sup	65.63
HUMANA	Rfnd	64.52	Sleuth Systems	Sftwre	1657.92
Ideal Pure Water	Sup	48.85	St. Mary's Communit	Med	99.00
JEO Consulting	Contr	1360.00	The Toolkit Group	Sup	301.00
KBIE FM 103.1	Adv	135.00	Top Quality Glove	Sup	124.40
KR Creative	Contr	84.00	Tyco Integrated Sec	Contr	154.95

Landis Engine	Sup	690.20	UHC	Ins	66,000.25
Larson Motors	Rep	36.81	Unifirst Corporatio	Contr	159.72
League of NE Munic	Dues	1053.69	Van Wall Turf & Irr	Sup	766.70
Lincoln Financial	Ins	2,726.72	Verizon Wireless	Tele	14.04
Matheson Tri-Gas, I	Sup	203.45	Westlake Ace Hardware	Sup	97.88
Mead Lumber	Sup	22.39	Windstream,Inc.	Tele	1649.44
Mercer's Do-It-Best	Sup	223.43	WPS Medicare	Rfnd	642.08

Mayor Bequette brought forward the appointment of Todd Smith to the Nebraska City Airport Authority. Upon roll call the following voted YES: Stark, Crunk, Johns, Glover and Mayor Bequette. Voting NO: None. Motion passed.

Mayor Bryan Bequette presented service awards for their time working for the City to Alan Viox (10 years), Christopher Bando (15 years), Paul Chaney (20 years), James Teten (20 years), Steven Recker (25 years), Lonnie Neeman (25 years), Suzanne Bennett (25 years) and Raymond Doiel (30 years).

Treasurer's report was given, as of December 31, 2015, Total Nebraska City funds of \$8,558,112.84. Total Cash and Reserve for Nebraska City Utilities of \$16,558,351.94. Total of City of Nebraska City funds \$25,116,464.78.

Council acknowledged receipt of City Administrator Report.

Council acknowledged receipt of Utility Financial Report for period ending November 30, 2015.

Council acknowledged receipt of Utility Claims for period ending December 31, 2015.

Commissioner Johns moved to approve minutes from the January 4, 2016 City Council Meeting, seconded by Commissioner Stark. Upon roll call the following voted YES: Glover, Stark, Johns and Mayor Bequette. Voting NO: None. Abstain: Crunk. Motion carried.

Commissioner Crunk gave an update on the aquatic center.

Moved by Commissioner Crunk and seconded by Stark to approve the 2016 Wildwood Golf Course Rates as presented by Mr. Jon Casey with the amendment of \$100 credit at Pro Shop or pool cost for a family membership. Upon roll call, the following voted YES: Johns, Glover, Stark, Crunk and Mayor Bequette. Voting NO: None. Motion carried.

Discussion was held on the City parks winter hours. No changes were made.

Mayor Bequette introduced Ordinance #2973-16 entitled: AN ORDINANCE AMENDING SECTIONS 410.09, 411.09, AND 412.10 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. Crunk seconded the motion to suspend the rules and upon roll call, the following voted YES: Stark, Johns, Glover, 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 Stark. The Mayor then stated the question: "Shall Ordinance #2973-16 be passed and adopted?" Upon roll call, the following voted YES: Crunk, 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. 2973-16

AN ORDINANCE AMENDING SECTIONS 410.09, 411.09, and 412.10 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. AMENDMENTS:**

That Section 410.09 of the Code of the City of Nebraska City, Nebraska, is hereby amended to read as follows:

**Sec. 410.09. – *Maximum height:* The maximum height for any structure or building shall be fifty (50) feet, except for any applicable height restriction of the Airport Hazard Zone District Regulations.**

That Section 411.09 of the Code of the City of Nebraska City, Nebraska, is hereby amended to read as follows:

**Sec. 411.09 - *Maximum height:* The maximum height for any structure or building shall be fifty (50) feet, except for any applicable height restriction of the Airport Hazard Zone District Regulations.**

That Section 412.10 of the Code of the City of Nebraska City, Nebraska, is hereby amended to read as follows:

**Sec. 412.10 - *Maximum height:* The maximum height for any structure or building shall be fifty (50) feet, except for any applicable height restriction of the Airport Hazard Zone District Regulations.**

**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 January, 2016.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk-Treasurer

Mayor Bequette introduced Ordinance #2974-16 entitled: AN ORDINANCE AMENDING SECTION 20-26 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: Crunk, 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 #2974-16 be passed and adopted?” Upon roll call, the following voted YES: Stark, Crunk, Glover, 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. 2974-16

AN ORDINANCE AMENDING SECTION 20-26 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 20-26 of the Code of the City of Nebraska City, Nebraska, is hereby amended to read as follows:

**Sec. 20-26. – Annual Report**

**The library board shall, on or before the second Monday in February in each year, make a report to the City Commissioners of the condition of its trust on the last day of the prior fiscal year. The report shall show:**

- a) all money received and credited or expended;**
- b) the number of materials held, including books, video and audio materials, software programs, and materials in other formats;**
- c) the number of periodical subscriptions on record, including newspapers;**
- d) the number of materials added and the number withdrawn from the collection during the year;**
- e) the number of materials circulated during the year; and**
- f) other statistics, information, and suggestions as the library board may deem of general interest or as the City Commissioners may require.**

**The report shall be verified by affidavit of the proper officers of the library board.**

**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 January, 2016.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk-Treasurer

Mayor Bequette introduced Resolution 2692-16; Designation of Handicap Parking Stall. Moved by Commissioner Stark and seconded by Johns to approve Resolution 2692-16; Designation of Handicap Parking Stall. Upon roll call, the following voted YES: Crunk, Glover, Johns, Stark and Mayor Bequette. Voting NO: None. Motion carried. A true and correct copy of said resolution is as follows:

## RESOLUTION 2692-16

### DESIGNATION OF HANDICAP PARKING STALL

WHEREAS, St. Mary's Episcopal Church has indicated the need and desire for a handicap parking stall in the on-street parking stalls at 1<sup>st</sup> Corso and 9<sup>th</sup> Street near the church's handicap ramp;

WHEREAS, the City Council deems it in the interest of the church, the City, and its citizens that such handicap stall be designated;

IT IS THEREFORE RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NEBRASKA CITY as follows:

The City of Nebraska City hereby designates the on-street parking stall 3<sup>rd</sup> from the east located on the north side of 1<sup>st</sup> Corso in the 900 block as handicap parking with the removal of loading zone parking to the east. The City Street Department is hereby authorized and directed to erect a handicap parking sign at such designated stall and to paint lines and markings accordingly when weather permits.

PASSED AND APPROVED this 18<sup>th</sup> day of January, 2016.

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Bryan W. Bequette, Mayor

ATTEST:

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Mark Marcotte Clerk-Treasurer

Moved by Commissioner Johns and seconded by Stark to approve NO PARKING HERE TO CORNER sign on West side of 16<sup>th</sup> Street, approximately 45 feet North of intersection with 4<sup>th</sup> Corso. Upon roll call, the following voted YES: Glover, Crunk, Stark, Johns and Mayor Bequette. Voting NO: None. Motion carried.

Moved by Commissioner Stark and seconded by Johns to approve the additional signage on the existing detour routes for the closing of the 4<sup>th</sup> Corso Bridge. Upon roll call, the following voted YES: Glover, Crunk, Johns, Stark and Mayor Bequette. Voting NO: None. Motion carried.

Council discussed the possibility of changing the Road Closed or adding No Truck Traffic to both the East and West Detour Signs and allowing Mary's Café and Car quest to put their own signs on the existing barricades or adjacent to the barricade. No Action was taken.

Ted Beilman gave an update on Memorial Building status with the Nebraska Historical Resources Inventory and the National Register of Historical Places. After a unanimous decision by the State Historical Review board the application was sent back to the National Parks Service for a decision.

Commissioner Crunk left the meeting at 7:31 PM.

Commissioner Glover gave a summary of the 4<sup>th</sup> Corso Finance Committee meeting and Mayor Bequette gave a summary of the 4<sup>th</sup> Corso Safety Committee meeting. Commissioner Glover announced the next Finance Committee meeting will be held at City Hall on February 8<sup>th</sup> at 6:00 PM. Mayor Bequette said the Safety Committee had added new members, Ernie and Judy Glockel, and John Brust. He announced the next Safety Committee meeting will be held at City

Hall on February 8<sup>th</sup> at 5:00 PM. Linda Wilberger expressed her concern of the plowing done on 4<sup>th</sup> Corso in the area turning to go to Kearney Hill.

Meeting Adjourned at 7:39 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