

Nebraska City
A G E N D A
City Council Meeting
November 7, 2016 - 6:00 p.m.
Call to Order

“I am required by law to inform the public that a copy of the Open Meetings Act is posted on the bulletin board to your right. This meeting is being recorded. If you wish to speak, come to the podium, state your name and address and speak directly towards the microphone the entire time you are addressing the governing body. Thank you”.

1. **PLEDGE OF ALLEGIANCE**
2. **ROLL CALL**

CONSENT

3. Approve [minutes](#) from the October 17, 2016 City Council Meeting
4. Accepting the report of new claims against the City and approving disposition of claims set for the period of October 18, 2016 to November 7, 2016

PROCLAMATIONS AND PRESENTATIONS

5. [Jaycee Family Week](#) Proclamation.
6. [Veteran's Day](#) Proclamation.

NEW BUSINESS

7. Discussion/action to address appeal of [Louie Peterson](#) to maintain 5th Ave West to the end of street.
8. Discussion on Health, Life, Vision, Dental and AD&D employee insurance benefits renewal.
9. Discussion/action on [City Engineer and Street Superintendent](#) RFQ for 2017 service.
10. Discussion/action to approve agreement with [NDOR](#) for relocation of additional sewer main East of the SE corner of the South Interchange.
11. Discussion/action to approve and authorize the Mayor to sign the Snapshot Audit Agreement and Letter of Agency with [The Spyglass Group, LLC](#) to complete a no-cost assessment of our communications expenses in order to find areas where expenditures can be reduced.
12. [Ordinance 2981-16](#) reducing street width at 4th Rue between 4th and 5th Terrace.

ADJOURNMENT

Nebraska City
 CITY OF NEBRASKA CITY, NEBRASKA
 MINUTES OF CITY COUNCIL REGULAR MEETING
 October 17, 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 October 17, 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: Vic Johns, Gloria Glover and Mayor Bequette. Absent: Erv Friesen, and Jeff Crunk. The following City Officials were present: City Administrator Grayson Path, City Clerk-Treasurer Randy Dunster, Police Chief David Lacy, Utilities Director Leroy Frana, Utilities Treasurer Jeff Kohrs, Library Director Rasmus Thøegerson, and Construction and Facility Manager Marty Stovall.

Mayor Bequette moved to approve the following consent items:

Approve minutes from the October 3, 2016 City Council Meeting.

Accepting the report of new claims against the City and approving disposition of claims set for the period of October 4, 2016 to October 17, 2016.

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

| CLAIMS LIST | | | | | | |
|---------------------|---------------|-----------|--|-------------------------|--------------|-----------|
| October 17, 2015 | | | | | | |
| Abbott, C. | Rfnd | 25.00 | | Mead Lumber | Lumber | 90.81 |
| Adkins Signs | Rep/Maint | 60.00 | | Mercer's Do-It-B | Fasteners | 173.05 |
| Alamar Uniforms | Unif | 620.00 | | Midwest Farmers | Chems | 116.04 |
| Alfred Bensech | Constr | 12,494.64 | | Midwest Turf and Co | Rep/Maint | 190.27 |
| Arbor Mart, Inc | Fuel | 1,705.86 | | Mullenax Auto Sup | Rep/Maint | 95.67 |
| Asphalt & Concrete | Asphalt | 398.94 | | Napa Auto Parts | Rep/Maint | 204.79 |
| Bill Walters & Son | Rep/Maint | 453.60 | | Nat. Entertainment | Pland Events | 360.00 |
| Bob's Welding | Rep/Maint | 68.00 | | Nationwide | Inv | 12,068.33 |
| Bohl Plumbing | Rep/Maint | 92.06 | | Nationwide Trust | Inv | 2,146.00 |
| Bound Tree | Sup | 1,493.14 | | NC Clerk - Treas | Rep/Maint | 23.25 |
| Casey's General | Fuel | 29.79 | | NCU | Utilities | 8,618.86 |
| City of NC | Artists | 1,943.82 | | NE Statewide Arboretum | Dues | 130.00 |
| CompuTech Comp | Contr Sup/Ser | 250.00 | | Nebraska UC Fund | Unemp | 752.32 |
| Concrete Industries | Concrete | 269.00 | | Neopost | Postage | 400.00 |
| Crown Awards | Pland Events | 228.05 | | O'Reily | Sup | 108.65 |
| Danko Emergency | Unif | 795.77 | | Otoe Co Clerk | Contr | 4,423.46 |
| Douglas Tire Co. | Rep/Maint | 41.00 | | Otoe Co Court | Court Exp | 9.00 |
| Eakes Office | Sup | 179.31 | | Payroll | Payroll | 94,068.67 |
| EMS Billing Serv | Contr | 4,047.92 | | Prairie Home Builders | Rfnd | 200.00 |
| Fareway Stores | Concessions | 28.36 | | Precision Pool & Covers | Rfnd | 200.00 |

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Nebraska City

| | | | | | |
|-----------------------|----------------|------------|------------------------|------------------|----------|
| Galls, LLC | Unif | 866.72 | King, R. | Rfnd | 200.00 |
| Gatehouse Media | Adv | 50.71 | Quality Brands of Linc | Bev | 49.05 |
| Grimm's Gardens | Flwer Bskt | 625.38 | Remboldt Develop. | Rfnd | 200.00 |
| Helena Chemical | Rep/Maint | 2,450.00 | Schneider Electr | Rep/Maint | 361.80 |
| Hireright LLC | Bkground Check | 250.00 | Steve Walters & Sons | Rep/Maint | 770.00 |
| Hopkins Automotive | Rep/Maint | 32.34 | TASC | Ins | 1,839.75 |
| Ideal Pure Water | Sup | 76.95 | Thiele Geotech | CDBG | 1,774.00 |
| Iowa League of Cities | Adv | 130.00 | Tielke's Sandwich | Concessions | 36.73 |
| JEO Consulting G | Constr | 2,060.00 | Tyco Integrated | Contr Sup/Ser | 166.58 |
| Jordan Machinery Co | Rep/Maint | 300 | UHC | HRA | 2542.58 |
| Landis Engine Co | Rep/Maint | 292.48 | Unifirst Corpora | Contract Sup/Ser | 64.41 |
| Lant, T. | Rfnd | 25.00 | VAIRKKO | Computer | 270.90 |
| Lathem | Sup | 58.02 | Verizon Wireless | Tele | 14.06 |
| League of Nebr. | Conference | 1,352.00 | Westlake Ace | Rep/Maint | 176.87 |
| M.E. Collins Co | Constr | 126,255.56 | Windstream, Inc. | Tele | 1,410.69 |
| Matheson Tri-Gas | Med Sup | 108.00 | Zimco Supply Co. | Rep/Maint | 1,950.00 |

Mayor Bequette called for the consent of the council to appoint Jim Kuhn to the Wildwood Period House Board. He is filling the vacancy left by Cindy Patton who previously served on the Board. Upon roll call the following voted YES: Johns, Glover, and Mayor Bequette. Voting NO: None. Motion carried.

Treasurer's report was given, as of September 30, 2016, Total Nebraska City funds of \$7,449,327.01. Total Cash and Reserve for Nebraska City Utilities of \$16,451,462.68. Total City of Nebraska City and Utility funds \$23,900,789.69.

Council acknowledged receipt of City Administrator Report. Grayson Path spoke regarding his report.

Council acknowledged receipt of Utility Financial Report for period ending August 31, 2016.

Council acknowledged receipt of Utility Claims for period ending September 30, 2016.

Mayor Bequette led a discussion regarding the request for carriage rides for the Keeping Room Christmas Open House November 6th from 3:00 PM – 5:00 PM. City Attorney David Partsch explained that the Council's approval was not required since they are not asking for any street closures.

Moved by Mayor Bequette and seconded by Glover to approve the Board of Public Works recommendation to approve Electric Work Order #110 in the amount of \$38,071.73. Leroy Frana spoke to explain the request. Upon roll call, the following voted YES: Johns, Glover and Mayor Bequette. Voting NO: None. Motion carried.

Moved by Commissioner Johns and seconded by Glover to approve contract change order number 1 dated October 11, 2016 in the amount of \$10,147.50. Grayson Path and Leroy Frana spoke to explain the request. Upon roll call, the following voted YES: Johns, Glover and Mayor Bequette. Voting NO: None. Motion carried.

Moved by Commissioner Johns and seconded by Mayor Bequette to approve the Interlocal Agreement between the City of Nebraska City and City of Syracuse for Building Inspection services. Mayor KC Ortiz and Jerry Stilmock, Grayson Path, David Partsch and Marty Stovall spoke to explain the request. Upon roll call, the following voted YES: Johns, Glover and Mayor Bequette. Voting NO: None. Motion carried.

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Moved by Mayor Bequette and seconded by Glover to approve the new Wildwood Period House fee structure of \$5.00 admission per adult and \$2.00 per child and the rental of the Victorian Gardens for \$200.00 with a damage deposit of \$100.00. Pat Friedli spoke to explain the request. Upon roll call, the following voted YES: Johns, Glover and Mayor Bequette. Voting NO: None. Motion carried.

Moved by Mayor Bequette and seconded by Johns to accept the Wildwood Period House Rules of Use changes. Pat Friedli spoke to explain the request. Upon roll call, the following voted YES: Johns, Glover and Mayor Bequette. Voting NO: None. Motion carried.

Moved by Commissioner Johns and seconded by Glover to approve the request of CHI St. Mary's hospital to install an "H" Sign at the entrance light pole at Grundeman Blvd at a height of 12 feet. Marty Stovall spoke to explain the request. Upon roll call, the following voted YES: Johns, Glover and Mayor Bequette. Voting NO: None. Motion carried.

Grayson Path led a discussion on finalizing the draft of the annual appropriation bill.

Meeting Adjourned at 6:46 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.

Randy A. Dunster, City Clerk-Treasurer

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PROCLAMATION

JAYCEE FAMILY WEEK

WHEREAS, the United States Junior Chamber of Commerce designates a week to be recognized as FAMILY WEEK, and

WHEREAS, the mission of the Jaycee organization is to provide young people the opportunity to develop personal and leadership skills through local community service and organization involvement while expanding the Jaycee movement, and

WHEREAS, the Nebraska City Jaycees have made youth and family activities a local chapter priority, recognizing the importance of community involvement and family values.

**NOW, THEREFORE, I Bryan Bequette, Mayor of the City of Nebraska City, do hereby proclaim the week of November 15 - 21, 2015, as:
“FAMILY WEEK.”**

Dated this 16th day of November in the year of our Lord, 2015.

Bryan Bequette, Mayor

Nebraska City

CITY OF NEBRASKA CITY

1409 Central Avenue

Nebraska City, NE 68410-2223

Phone: 402-873-5515

Fax: 402-873-5685



WHEREAS: Across our great nation and throughout the world, Americans will pause today to honor the men and women who for more than 240 years have courageously preserved our freedom through their selfless, and dedicated service; and

WHEREAS: We recognize that all veterans, regardless of their service and the era in which they served, have paid the price for our cherished liberties and have given a piece of themselves to defend the constitution and framework of this great country; and

WHEREAS: Our veterans have courageously defended our United States, our interests, and our allies through both the best and worst of times and have done so tirelessly while seeking neither favor nor fame. They answered a calling, a call to arms for the preservation of a country they simply love. They rallied to the battle cry of freedom and for this we are in their debt; and

WHEREAS: At all times but especially today, we should all hold in the highest regard our fellow citizens who have honorably worn the uniform of this great nation and take some time in our day to reflect on their willingness to serve, to fight, and if need be to give their all—to lay down their lives to defend the freedoms we hold so dear; and

WHEREAS: To all our veterans we have no means to repay the debt we owe but offer a simple yet heartfelt *message-Thank You, all of you, for your service.* It is our hope that your example will serve to inspire others to follow in your footsteps.... to emulate your selfless-service in peacetime and in war, here in this nation and throughout the world;

NOW THEREFORE: I Bryan Bequette, Mayor of the City of Nebraska City, Nebraska do hereby proclaim Nebraska City's gratitude and esteem for all Veterans and encourage all Nebraska City residents to recognize, in whatever means possible, our Veterans and their service on Friday November 11, 2016. And further, after this date, to continue to support our Soldiers, Sailors, Airmen, and Marines in thought, word, prayer, and service if called.

Bryan Bequette, Mayor

Nov 7th



City of Nebraska City

1409 Central Avenue
Nebraska City, NE 68410-2223

HOME OF ARBOR DAY

Phone: 402-873-5515 Fax: 402-873-5685

REQUEST FOR COUNCIL AGENDA OR PUBLIC INFORMATION / RECORDS

Your request will be reviewed and possibly scheduled for a future meeting,
or forwarded to City Staff for appropriate action*

Name: Louie Peterson
Address: 603 N 22nd St.
Phone #: (402) 713-9630
Email Address: louie-peterson@yahoo.com

CC: Police Dept.: Street Dept.: Park Dept.: Other:

Item Title: 5th AVE West (22nd St to the end)

Explanation of Request:
Have gone to City Council Meetings regarding west 5th AVE Street. Street Dept. was supposed to get back to us and have not.

Action Requested of Council:
Fix and maintain Street

Will this item require the expenditure of funds? Yes: No: Estimate \$

Council meetings are held on the 1st & 3rd Mondays of the month. All requests for inclusion on a Council Meeting Agenda must be submitted by 5 P.M. on the Tuesday preceding the Council meeting. Once a request is received, staff will review it and determine if it requires Mayor/Council action, or if the item can be handled by staff.
*You will be notified as to how your request will be handled as soon as possible.

For staff use only: Action Required.

Examination of Public Records are covered under Neb. Rev. State. §84-712 or other appropriate state statutes.
Fees: \$0.25 per page

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Agenda Information Support Sheet

To: Mayor and Commissioners

Council Meeting: November 7, 2016
Agenda Item: # _____
Submitted By: Street Commissioner Vic Johns
Marty Stovall, Construction and Facility Manager
Grayson Path, City Administrator

A. Synopsis of Issue:

- a. According to City Code 2-142, the City Council shall appoint a City Engineer for the City of Nebraska City.
- b. According to the County Highway and City Street Superintendent Act (sections 39-2301 through 39-2311), the City is allowed to have a Street Superintendent for the purposes of completing required State Reporting (such as the One & Six Year Plan, Lane Mile Report, NDOR NBCS forms 1-11, etc.) and to such, the State will fund to have that position. For the City at a population of 5,001 – 10,000, to have a Class A license holder, the City receives \$6,000.00.
- c. Last year, the City completed contracts for both positions with JEO and Evan Wickersham respectively. Evan serves as JEO's direct contact for the City Engineer agreement as well.
- d. It was discussed last year that the City Council would consider sending out RFQs in preparation for the December re-appointment.
- e. After discussing this, Street Commissioner Vic Johns, Construction and Facility Manager Marty Stovall and City Administrator Grayson Path would request that the City Council not RFQ this out, but instead re-appoint JEO as the City's City Engineer and Evan Wickersham as the Street Superintendent.

B. Options:

- a. Re-appoint JEO Consulting Group as the City Engineer and Evan Wickersham as the Street Superintendent.
- b. Request that either the City Engineer, Street Superintendent or both be placed for RFQ prior to the December 5th or 19th council meetings. It is strongly recommended that both positions be kept with the same firm for simplicity and to prevent confusion.

C. Fiscal Note:

- a. Currently, the City only pays the City Engineer when services are requested. There has not been a retainage fee.
- b. The Street Superintendent revenue collected from the State has never been exceeded as it has always been (and is now written as) a not-to-exceed amount.
- c. Pricing for engineering firms is normally based on their published schedule of hourly rates which is amended the beginning of the calendar year. Engineers are normally priced based on experience. If the City were to seek savings, the true savings is if the City can find an inexperienced engineer whose hourly rate is less, but that is not the recommended goal. Instead, it is recommended that the City seek experience which therefore consequently means a higher cost. To that point, bidding this service will not be a RFP but rather a RFQ.

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Nebraska City

- d. An additional cost will be mileage, which the City has not had much of using a local engineering firm (JEO). All other firms would have to travel to Nebraska City when their schedules allow for it which could cause delays and problems.

D. Recommendation:

- a. Re-appoint JEO Consulting Group as the City Engineer and Evan Wickersham as the Street Superintendent. Contracts will be prepared in time for the December 5, 2016 council meeting and re-appointments.

E. Background:

- a. The pros of using JEO are 1) Local Engineer – avoid the mileage costs and time issues of waiting to get an engineer on site when emergencies happen (ex: 4th Corso Viaduct hole when it originally formed) and 2) History – JEO has served as the City’s engineer firm and Evan has served as the City’s superintendent for many years thus they have the experience and knowledge of our community that exceeds others. Cons would be having used the same firm for as long as the City has could mean that the City has only been influenced in certain ways, but we do not feel that is true because the City routinely RFQs large projects.
- b. Commissioner Johns and Marty have enjoyed their working experience with Evan Wickersham over the past year and feel it should continue.
- c. The City is not required to use JEO for all projects – nothing prevents the City from RFQ’ing any project (ex: North 11th Street Project). The City Engineer Agreement just streamlines small projects that are beyond staffing’s ability to design and prevent us from having to go through the time consuming RFQ process.
- d. It must be remembered that selecting an engineering firm and engineer for the City Engineer and Street Superintendent roles is not about hourly rates, but rather experience, qualifications and availability.

Department Heads: Submit this form to Dave Partsch and Grayson Path by 5:00 pm of the day the Agenda meeting is held.

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Nebraska City



Pete Ricketts
Governor

STATE OF NEBRASKA

DEPARTMENT OF ROADS

Kyle Schneeweis, P.E., Director

1500 Highway 2 • PO Box 94759 • Lincoln NE 68509-4759
Phone (402) 471-4567 • FAX (402) 479-4325 • www.roads.nebraska.gov

October 27, 2016

Leroy Frana
General Manager
Nebraska City Utilities
100 Central Avenue PO Box 670
Nebraska City NE 68410

Re: Utility Agreement
Project No.: S-75-2(1040)
Control No.: 10800B
Nebraska City Southeast

Dear Mr. Frana:

Enclosed are duplicate originals of an Agreement between the City of Nebraska City and the State of Nebraska Dept. of Roads providing for payment of:

Sewer Facilities

Please have the appropriate official sign and date both agreements in the presence of a witness, who should then sign under the word, "ATTEST".

Return both originals to this office. One will be sent back to you for your files after the state signature is secured.

If you have any questions, please call me at (402) 479-4767.

Sincerely,

A handwritten signature in black ink, appearing to read "C.H. Rex Wilson".

C.H. Rex Wilson
Utilities Coordinator
Planning and Project Development Division
(402) 479-4425

Enclosure

Nebraska City
A G R E E M E N T

STATE OF NEBRASKA, DEPARTMENT OF ROADS
CITY OF NEBRASKA CITY
PROJECT NO. 5-75-2(1040)
CONTROL NO. 10800B
NEBRASKA CITY SOUTHEAST
SEWER SYSTEM RELOCATION

THIS AGREEMENT, made and entered into by and between City of Nebraska City hereinafter referred to as the "City" and the State of Nebraska, Department of Roads, hereinafter referred to as the "State".

WITNESSETH:

WHEREAS, the State has plans for the PLANS Information, construction of a new single point urban interchange at the junction of US Highway 75 and Nebraska Highway 2.

WHEREAS, said construction will be undertaken under the project designation S-75-2(1040), and

WHEREAS, the City owns and operates a sewer line facility along and adjacent to a portion of this project, some of which is resting outside of the limits of the old highway right of way and on private property, and

WHEREAS, because of the widened right of way which the State has acquired for the new construction, and because of the construction itself, it becomes necessary for the City to adjust some, if not all, of its facility along this project, and

WHEREAS, the City is willing to rehabilitate its facility where necessary in accordance with the conditions hereinafter provided in this agreement, and

WHEREAS, the State is willing to reimburse the City for its nonbetterment costs to rehabilitate its facilities when the sewer facility is presently located outside of the old public right-of-way and on private property, and

WHEREAS, the State is willing to pay the City for eligible nonbetterment expenses incurred in connection with the rehabilitation of its facilities as provided by Federal-Aid Policy Guide 23 CFR 645A, "Utility Relocations, Adjustments and Reimbursement", and Federal-Aid Policy Guide, 23 CFR 645B, "Accommodation of Utilities" issued by the Federal Highway Administration.

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NOW THEREFORE, in consideration of these facts, the parties hereto agree as follows:

SECTION 1. The City hereby agrees to furnish, or cause to be furnished, all of the tools, labor, equipment and materials necessary for the rehabilitation of its facility as made necessary by construction.

SECTION 2. The description of work to be performed and the estimate of costs prepared by the City have been approved by the State and are hereby made a part of this agreement. These items are attached as Exhibit "B". The total amount of this estimate is \$64,634.80 of which \$64,634.80 is the share of the cost chargeable to the State. It is expressly understood that notwithstanding this estimate the State will reimburse the City for 100% of its actual nonbetterment expenses less any credits for salvaged or junked materials.

SECTION 3. The City agrees, as a part of the above described estimate to advise the State as to the method which will be used in accumulating the actual costs. If this method is prescribed by a Federal or State regulatory body, a statement to that effect shall be made by the City. If the accounting method is not prescribed by an agency of the State or Federal Government, it shall be described in the City's estimate and be approved as a part of this agreement.

SECTION 4. The City may submit progress billings for the portions of its rehabilitation that have been completed. The City agrees not to submit progress billings for amounts less than \$2,500.00. The State will make progress payments, based upon satisfactory prosecution of work, for 95 percent of the amount billed. The State will limit its payments to 95 percent of the approved estimate referenced in Section 2 of this agreement pending the results of the final cost audit. The State will make every effort to pay the City within thirty days of receipt of the City's invoice.

SECTION 5. If the City wants to let a construction contract, the City shall do the following:

- A. Comply with State public bidding statutes. If the City solicits bids from a list of known contractors, the list must be submitted to the State for concurrence prior to the soliciting of bids.
- B. Submit the bid proposal, plans and construction schedule to the State for approval prior to letting a contract.
- C. Require the contractor to abide by the provisions of the Nebraska Fair Employment Practices Act as provided by Neb.Rev.Stat. §48-1101 through 48-1126 (Reissue 2004), as amended, and all regulations relative to nondiscrimination in federally assisted programs of the Department of Transportation, Title 49 CFR,

Project No. S-75-2(1040)
Control No. 10800B
Nebraska City Southeast
Sewer System Relocation

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Parts 21 and 27 as set forth in Exhibit "A" attached hereto and made a part of this agreement.

- D. Submit a copy of the bids received and the City's recommendation of award to the State for concurrence prior to any award.
- E. Require any contractor or subcontractor engaged under this agreement to fully comply with the provisions of the Nebraska Employment Security Law as provided by Neb.Rev.Stat. §48-601 through 48-671 (Reissue 2004), as amended, and the same are incorporated herein by this reference.

SECTION 6. It is agreed and understood by the parties hereto that Federal-Aid Policy Guide 23 CFR 645A, "Utility Relocations, Adjustments and Reimbursement", and Federal-Aid Policy Guide, 23 CFR 645B, "Accommodation of Utilities" issued by the U.S. Department of Transportation, Federal Highway Administration, as supplemented, revised or updated heretofore, is hereby expressly made a part of and incorporated into this agreement by this reference.

SECTION 7. In consideration of the payment as mentioned in Section 4 of this agreement the City agrees to relinquish or subordinate sufficient property rights or interests that it may have in property upon which it has an easement or similar right that will be occupied by the proposed highway improvement as are necessary for the construction, operation and maintenance of the highway facility.

SECTION 8. All traffic controls must comply with the latest edition of the Manual on Uniform Traffic Control Devices (MUTCD). If the State furnishes the City a traffic control plan, the City must comply with the plan. The State has the right to shut down a City work area not in compliance with the Manual on Uniform Traffic Control Devices.

SECTION 9. The City shall comply with the regulations relative to nondiscrimination in federally-assisted programs of the Department of Transportation, Title 49 CFR, Parts 21 and 27, as set forth in Exhibit "A" attached hereto and hereby made a part of this agreement.

SECTION 10. The City agrees that it and any contractor or subcontractor engaged under this agreement will fully comply with the provisions of the Nebraska Employment Security Law as provided by Neb.Rev.Stat. §48-601 through 48-671 (Reissue 2004).

SECTION 11. The City agrees that the billing will be prepared and submitted in a manner to allow comparison with the approved estimate.

Project No. S-75-2(1040)
Control No. 10800B
Nebraska City Southeast
Sewer System Relocation

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SECTION 12. BUY AMERICA LAW

BUY AMERICA REQUIREMENT – STEEL AND IRON PERMANENTLY INCORPORATED IN THE WORK

12.1 Overview. The Parties agree that all steel and iron permanently incorporated into Utility's relocation project must be manufactured or produced, including the application of coatings, in the United States, as required under the federal Buy America requirements of 23 USC § 313 and applicable regulations, including but not limited to 23 CFR § 635.410 and guidance of the Federal Highway Administration.

12.2 Duties of Utility. Utility agrees to fully comply with all federal Buy America requirements applicable to this Federal-aid transportation project and to not incorporate into utility facility relocation any materials, supplies, parts or equipment that do not fully comply with all Buy America requirements.

12.3 Process and Documentation Requirements. Utility shall not accept delivery of any iron or steel to be incorporated in the work without a certification from the supplier or provider stating that the iron or steel complies with the federal Buy America requirements. Utility shall immediately notify State if Utility becomes aware that steel or iron was permanently incorporated into the work without a proper certification of compliance with the Buy America requirements. When requested, Utility shall take any or all actions deemed necessary by State to remedy non-compliance or to prove compliance with the Buy America provisions. Utility shall retain and make readily available to State or FHWA, all Buy America documentation, including but not limited to, certifications, for ten years following final payment to Utility. The requirements of this section do not include (a) products for which Buy America waivers have been granted under 23 CFR § 635.410 or other applicable provisions or (b) materials excluded from the Buy America requirements, including but not limited to, the following: Assembly materials, attachment materials, miscellaneous electronics and hardware, encasements, fittings, associated materials required for maintenance, materials associated with temporary utility relocation, materials necessary to repair equipment that was discovered or damaged during construction and requires immediate action to restore to safe condition or to minimize adverse public impact, and existing utility materials that are relocated from one location to another within project limits.

The following definitions of materials that are not subject to BA apply to utilities:

- Assembly Materials (miscellaneous steel) – The collection of miscellaneous materials used to fasten, hold, attach, secure and/or assemble materials including but not limited to nuts, bolts, U-bolts, screws, washers, clips, fittings, sleeves, lifting hooks, mounting brackets, pole steps, clamps, brackets, mountings, straps, fasteners, hooks, pins, braces, disks, clevises,

Project No. S-75-2(1040)
Control No. 10800B
Nebraska City Southeast
Sewer System Relocation

- 4 -

City Council may hold a closed session by the affirmative vote of a majority of its voting members if a closed session is clearly necessary for the protection of the public interest or for the prevention of needless injury to the reputation of an individual and if such individual has not requested a public meeting. The subject matter and the reason necessitating the closed session shall be identified in the motion to close.

Nebraska City

couplers, swivels, snaps, crimps, trunnions, dead-ends, compression swages, and other miscellaneous materials used to assemble.

- Attachment Materials – An item or material that is not an integral part or permanently attached to the pole, pipe, or valve. Cross arms are an exception to this rule and do not qualify as attachment materials. Attachment materials include but are not limited to, cross arm bracing, insulators, avian equipment, miscellaneous hardware (defined below), fittings racks, ladders, encasements, guy wire, strand, conductors and tubing 0.75 inch diameter or less.
- Conductor – A material (specifically wires and cables) that allows the flow of energy including electricity, heat, data, audio/video transmissions, etc.
- Encasements – Include cabinets, housings, boxes, vaults, covers, shelves, and other items used to protect or house equipment or miscellaneous electronics.
- Fittings – Individual parts used to join, adjust or adapt a system of pipes including but not limited to, elbows, tees, wyes, crosses, nipples, reducers, end caps, couplers, o-lets, transitions, connectors (steady state, seismic and flexible), unions, mechanical flanges (not permanently affixed to the pipe), bushings, ferrules, gaskets, O-rings, plugs, or taps.
- Maintenance – An action or application of materials necessary to keep a system functioning safely and at optimal capacity; general up-keep.
- Miscellaneous Electronics – Manufactured products or assemblies consisting of many components such as electronic equipment, routers, switches, radios, processors, power supplies, batteries, antennas, splice cases, pre-connectorized hubs and terminals, and cross-boxes.
- Miscellaneous Hardware – An assembly of small parts that are compiled to form a finished product that is often used independently or as an attachment material, including but not limited to, transformers, locks, switches, cutouts, regulators, gauges, meters, barometers, strainers, filters, pilots, arrestors, insulators, ball bearings, dampeners, needle valves, braces, pipe supports, actuators, motors, and pumps.

12.4 Reimbursement. Utility shall provide to State copies of all certifications received when Utility submits invoice(s) for payment. Utility agrees that State will not pay any invoices submitted by Utility if Utility cannot prove compliance with the Buy America requirements for federal-aid transportation projects. Utility shall repay State all funds previously paid by State to Utility in the event State subsequently determines Utility has not met the federal Buy America requirements.

12.5 Non-Compliance. Utility understands that State will not monitor Utility's project or Utility's compliance with the federal Buy America requirements. In the event the Utility completes its project

Nebraska City

but is unable to provide all necessary Buy America certifications, Utility may, in State's sole discretion, be required at its sole cost to remove all non-compliant or non-certified materials and install compliant materials.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed by their proper officials thereunto duly authorized as of the dates below indicated.

EXECUTED by the _____ this ____ day of _____, 20__.

ATTEST:

CITY OF NEBRASKA CITY

Clerk

Mayor

EXECUTED by the State this ____ day of _____, 20__.

STATE OF NEBRASKA
DEPARTMENT OF ROADS

Utilities Engineer

Planning and Project Development Engineer

AGR17-za

Nebraska City

NONDISCRIMINATION CLAUSES

During the performance of this contract, the contractor, for itself, its assignees and successors in interest (hereinafter referred to as the "contractor"), agrees as follows:

- (1) Compliance with Regulations: The Contractor will comply with the Regulations of the Department of Transportation relative to nondiscrimination in federally assisted programs of the Department of Transportation (Title 49, Code of Federal Regulations, Parts 21 and 27, hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.
- (2) Nondiscrimination: The contractor, with regard to the work performed by it after award and prior to completion of the contract work, will not discriminate on the basis of disability, race, color, sex, religion or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix "A," "B," and "C" of Part 21 of the Regulations.
- (3) Solicitations for Subcontracts, Including Procurements of Materials and Equipment: In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor's obligations under this contract and the Regulations relative to nondiscrimination on the ground of handicap, race, color or national origin.
- (4) Information and Reports: The contractor will provide all information and reports required by the Regulations, or orders and instructions issued pursuant thereto, and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the State Highway Department or the Federal Highway Administration to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information, the contractor shall so certify to the State Highway Department, or the Federal Highway Administration as appropriate, and shall set forth what efforts it has made to obtain the information.
- (5) Sanctions for Noncompliance: In the event of the contractor's noncompliance with the nondiscrimination provisions of this contract, the State Highway Department shall impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including but not limited to,
 - (a) withholding of payments to the contractor under the contract until the contractor complies, and/or
 - (b) cancellation, termination or suspension of the contract, in whole or in part.
- (6) Incorporation of Provisions: The contractor will include the provisions of paragraph (1) through (6) in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, order, or instructions issued pursuant thereto. The contractor will take such action with respect to any subcontract or procurement as the State Highway Department or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for noncompliance: Provided, however, that, in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request the State to enter into such litigation to protect the interests of the State, and in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

EXHIBIT "A"

City Council may hold a closed session by the affirmative vote of a majority of its voting members if a closed session is clearly necessary for the protection of the public interest or for the prevention of needless injury to the reputation of an individual and if such individual has not requested a public meeting. The subject matter and the reason necessitating the closed session shall be identified in the motion to close.

Wilson, Rex

From: Leroy Frana <lfrana@nebraskacityutilities.com>
Sent: Monday, October 10, 2016 7:43 AM
To: Wilson, Rex; Habegger, Mike
Cc: Tom Liesemeyer; ewickersham@jeo.com
Subject: RE: Mall Sewer
Attachments: VF Mall Sewer Relocation.pdf; S-140763-PP-PP1.3A.PDF

Rex,

Nebraska City Utilities agrees with the solution for the Sewer Service for the Mall at the Nebraska City South Intersection of #2 and #75. We as does our Engineer Evan Wickersham of JEO Consulting believe that the Proposal by ME Collins is fair. We understand that NDOR will reimburse Nebraska City for the full cost (\$51,634.80) of this relocation of the Sewer. Please let us know if you approve of this moving forward and the cost reimbursement.

If you have any questions please feel free to contact Tom, Evan, or myself.

Thanks,

Leroy Frana
General Manager
Nebraska City Utilities
100 Central Avenue
P.O. Box 670
Nebraska City NE 68410-0670
(402) 873-3353 Office 24/7 coverage
(402) 317-9069 Cell
(402) 873-7164 Home
(402) 873-5397 Fax

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PROJECT | 2015 NEBRASKA CITY HIGHWAY 2 UTILITY RELOCATIONS

JEO PROJECT NO. | 140763.00

LOCATION | NEBRASKA CITY, NE

| VF Mall Sanitary Sewer Relocation | | | | | |
|-----------------------------------|------|------|------------------------------------|--------------------|--------------------|
| Item | Qty. | Unit | Description | Unit | Total |
| 1 | 469 | LF | 8" PVC Sanitary Sewer Main, SDR 35 | \$48.00 | \$22,512.00 |
| 2 | 37.3 | VF | 48" Dia. Concrete Manhole | \$556.00 | \$20,738.80 |
| 3 | 1 | EA | Connect to Existing Manhole | \$2,014.00 | \$2,014.00 |
| 4 | 130 | SY | Remove Existing Pavement | \$17.00 | \$2,210.00 |
| 5 | 130 | SY | Build 8-inch Concrete Pavement | \$32.00 | \$4,160.00 |
| TOTAL | | | | | \$51,634.80 |
| | | | Engineering | | \$8,000.00 |
| | | | Administration | | \$5,000.00 |
| | | | | Grand Total | \$64,634.80 |

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CITY OF NEBRASKA CITY

1409 Central Avenue
Nebraska City, NE 68410-2223
Phone: 402-873-5515
Fax: 402-873-5685



Agenda Information Support Sheet

To: Mayor and Commissioners

Council Meeting: November 7, 2016

Agenda Item: # _____

Submitted By: Randy Dunster

A. Synopsis of Issue:

- a. The Spyglass Group, LLC is offering to do a no-cost assessment of our communications expenditures by reviewing our last two months of Phone, Cell Phone, and Internet bills to determine if we can save money by recovering money from overcharging, analyzing service utilization, and analyzing expenditures to see where savings can be found.

B. Options:

- a. Do nothing – Status Quo.
- b. Perform an in-house assessment of number of lines used, etc. and try to reduce costs.
- c. Authorize the assessment then consider the resulting options.

C. Fiscal Note:

- a. The City has budgeted \$41,510.00 for telephone and internet expenses for the FY 16-17. There is no charge for the assessment to be completed. The fee structure is based on the savings realized by the actions we choose to have Spyglass implement on our behalf based on the results of the assessment. Should there be a cost-savings measure implemented, then the FY16-17 budget may be affected by resulting fee paid to Spyglass (12 months of savings), but with future savings resulting to the City.

D. Recommendation:

- a. Authorize the company's assessment and then consider the resulting options. A detailed in-house review is not recommended at this time due to the complexity of the services and the lack of personnel available to perform the necessary tasks.
- b. *Recommended Motion:*
 - i. I move that we approve and authorize the Mayor to sign the Snapshot Audit Agreement and Letter of Agency with The Spyglass Group, LLC to complete a no-cost assessment of our communications expenses in order to find areas where expenditures can be reduced.

E. Background:

- a. The Spyglass Group, LLC would like to do a no-cost assessment of our communications expenditures in order to reduce expenses for internet, email, phone, cell phone, etc. The City would provide the past two months of bills and a letter of authorization, then allow Spyglass two-to-four weeks to break down the bills to show where cost savings could be realized. Spyglass would then call or meet with us again to present the savings options, if any. If no action is implemented, then there is no fee for the analysis. If we decide to implement any of the cost

Nebraska City

savings options, Spyglass will implement the corrective action(s) and once the money is recovered and deposited into our account, we will pay Spyglass in two ways as listed under fees.

I have contacted four Nebraska counties that Spyglass has completed assessments for and found that Spyglass has saved three of the four counties money. The fourth county did not take any action on the assessment results because they switched phone companies in the middle of the assessment, nullifying the results. Each of the three counties said Spyglass was good to work with and they would recommend them and choose to work with them again in the future. The City Attorney also indicates that Otoe County contracted with Spyglass in 2014 and also found some cost savings.

Services Offered:

- b. Recovery: Seeking compensation by looking for over-billing of taxes and tariffs.
- c. Service Utilization: will show under-utilized services.
- d. Cost Analysis: to see where savings can be found.

Fees on implemented services:

- e. Refund = 50/50 split of any money recovered through a refund.
- f. Monthly cost savings realized x12 for any "Service Elimination Savings".
- g. Monthly cost savings realized x12 for any "Cost Reduction Savings".

Department Heads: Submit this form to Dave Partsch and Grayson Path by 5:00 pm of the day the Agenda meeting is held.

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SPYGLASS EXECUTIVE SUMMARY

Company Overview – The SpyGlass Group, LLC

- ◆ Specialized cost consulting firm focused on auditing telecommunications service billing (local and long distance voice billing, internet and data line billing, including T1s, and wireless billing).
- ◆ Totally vendor independent with no agency or distributor relationships with carriers.
- ◆ Organizations that engage SpyGlass typically have one or more of these concerns:
 - ◆ They desire cost savings and more transparency into the complex bills they receive.
 - ◆ They are interested in identifying the services they pay for but don't use.
 - ◆ They don't feel their carriers have their best fiscal interests in mind.
- ◆ Actively operating in all 50 states and Canada with more than 8,000 clients

The SpyGlass Process for Your Organization

- ◆ SpyGlass' proprietary analytical process will identify opportunities in the following areas:
 - ◆ Recovery of past bill mistakes - billing inconsistent with contracts or tariffs
 - ◆ Elimination opportunities - usage analysis to uncover dormant services
 - ◆ Cost reduction opportunities – overall optimization of the cost center
 - ◇ Consolidation and volume leveraging
 - ◇ Geographic market analysis to streamline rate structures
 - ◇ Slamming and cramming identification
 - ◇ Fraud, tariff, and tax analysis
- ◆ Steps of the audit process
 - ◆ Kickoff to collect materials needed (2 months billing and Letter of Agency)
 - ◆ Analysis completed at SpyGlass HQ and takes SpyGlass four weeks to complete
 - ◆ Findings are presented to client along with account inventories
 - ◆ Client determines which recommendations it would like to implement
 - ◆ SpyGlass performs all implementation work
- ◆ Success based fees
 - ◆ If we don't find anything or you choose not to implement anything, you pay zero
 - ◆ Fees only pertain to the recommendations your organization selects
 - ◆ 50% of Cost Recovery (refunds or credits we are bringing back in the door)
 - ◆ 12 times any monthly service elimination and cost reduction savings, which ensures that your ROI will be realized within 12 months of the engagement

Why Organizations Need SpyGlass

- ◆ Organizations struggle to find these savings on their own because the carrier billing only provides about 25% of the data needed to control the cost center. SpyGlass can get the rest of the data
- ◆ Carrier billing statements are notoriously vague and difficult to understand
- ◆ Client staff is stretched thin and lack expertise to thoroughly conduct review internally
- ◆ Organizations cannot use their own providers to find these savings because their providers aren't financially motivated to audit their own billing. This is taking money out of their own pockets. On the other hand, SpyGlass is only compensated if savings are found

"From beginning to end, SpyGlass was very professional and delivered what was expected. As promised, the audit process was non-invasive and a minimal time commitment on our end...After getting basic starting materials into your hands, SpyGlass definitely did all the heavy lifting while we focused on other priorities in our business. The recoveries and savings generated were a very welcomed result. SpyGlass certainly assisted with this by uncovering various opportunities to recover past over-billings by our providers and correcting inefficiencies that will save us money for years into the future." - Bel S. Klockenga, CFO, The Village Network

"Thank you for the good work your company did on the telecom audit for the City of Marco Island. You worked well with our people, taking up very little of our time, but delivered great results. As a result of the audit you found errors made by our providers that have been repeated month after month. If you did not catch the mistakes, we would still be paying for them. In addition to finding the billing errors, your people worked in great detail to locate services we either no longer use or that are underutilized. Your firm is truly a customer's advocate and we would recommend your service to other organizations that find it difficult to effectively analyze the detailed and confusing billings from the service providers. Your firm has helped us to better understand the issues, and we feel better equipped to control these costs in the future." - William P Harrison, Finance Director, City of Marco Island

25777 DETROIT RD, STE 400 * WESTLAKE, OHIO 44145 * 800.466.2186
WWW.SPYGLASS.NET

Nebraska City
Snapshot Audit Agreement

This agreement, effective as of the later of the dates of signature below ("Effective Date"), is between **City of Nebraska City** ("Company"), and The SpyGlass Group, LLC, an Ohio limited liability company ("Auditor").

1. **Primary Audit Services.** Company is engaging Auditor as an independent contractor to analyze its primary telecommunications service accounts (local voice, long distance voice, data, Internet, and wireless) to seek cost recovery, service elimination and cost reduction recommendations. Auditor will deliver the recommendations to Company, implement recommendations that Company elects for Auditor to implement, and deliver a complete telecommunications inventory to Company.

While Auditor is performing its analysis, Company will not make changes or perform internal cost reduction analysis with respect to provider accounts which Company has included within the scope of Auditor's review.

2. **Fees.** Company will pay Auditor the applicable fee set forth below ONLY for Auditor recommendations implemented within twelve (12) months of Auditor delivering the recommendation to Company:

- 50% of any "Cost Recovery", as defined below
- 12 times any "Service Elimination Savings", as defined below
- 12 times any "Cost Reduction Savings", as defined below

"Cost Recovery" is any refund, credit or compensation received by Company relating to past services or charges.

"Service Elimination Savings" is any monthly cost reduction received by Company relating to cancellation of any service, including monthly usage cost reduction (calculated as the average of the last 2 months of usage costs associated with the cancelled service).

"Cost Reduction Savings" is any monthly cost reduction received by Company relating to the modification, consolidation or negotiation of any service, account or contract, including post discount usage rate improvement (calculated as the (a) decrease in post discount per unit pricing realized by Company for any service, times (b) the average of Company's last two (2) months usage levels measured in such units for the modified service).

3. **Invoicing and Payment.** Fees for Cost Recovery are due as a one-time payment within 10 days of verification that Company has been issued the refund, credit or compensation resulting in such fees. Fees for Service Elimination Savings and Cost Reduction Savings are due as a one-time payment within 10 days of verification that the cancellation or other activity resulting in the Service Elimination Savings or Cost Reduction Savings has been completed. Auditor may issue separate invoices as different fees are earned.

4. **Miscellaneous.** This agreement is governed by the laws of the State of Nebraska, without regard to principles of conflicts of law, and may be executed by facsimile and simultaneously in multiple counterparts. Company agrees that Auditor does not warranty the overall performance, Company satisfaction, or data accuracy of any telecommunications related carrier, provider, software manufacturer or vendor at any time whatsoever during or after the term of this agreement. Each person signing this agreement on behalf of a party represents that he or she has been duly authorized to sign this agreement and to bind the party on whose behalf this agreement is being signed by that signatory. AUDITOR SHALL NOT BE LIABLE TO THE COMPANY FOR INCIDENTAL, CONSEQUENTIAL, SPECIAL OR PUNITIVE DAMAGES, INCLUDING, WITHOUT LIMITATION, LOST PROFITS OR BUSINESS INTERRUPTION, WHETHER SUCH LIABILITY IS ASSERTED ON THE BASIS OF CONTRACT, TORT OR OTHERWISE, EVEN IF EITHER PARTY HAS BEEN WARNED OF THE POSSIBILITY OF ANY SUCH LOSS OR DAMAGE IN ADVANCE. IN ADDITION, IN NO EVENT SHALL AUDITOR'S LIABILITY TO COMPANY EXCEED THE FEES ACTUALLY PAID BY COMPANY TO AUDITOR.

IN WITNESS WHEREOF, the parties hereto have executed this agreement as of the Effective Date.

COMPANY

AUDITOR

City of Nebraska City

The SpyGlass Group, LLC

Signature: _____

Signature: _____

Print Name: Mayor Bryan Bequette

Print Name: Edward M. DeAngelo

Date: _____

Date: _____

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CITY OF NEBRASKA CITY

1409 Central Avenue
Nebraska City, NE 68410-2223
Phone: 402-873-5515
Fax: 402-873-5685



Letter of Agency – Authorization to Access

Telephone Provider Records

By signing this letter below, I am giving authorization to The SpyGlass Group, LLC and its affiliates (a) to access any and all customer service records, account information, contracts, long distance carrier information, pending order activity and/or any other information relevant to my local or long distance telecommunications service (voice or data), and (b) to establish electronic or online access to any billing for such service, if not already established, or if already established, to be provided login information for such electronic or online access. At SpyGlass' request, I give authorization to Provider to transmit customer service records and any requested documentation via email, fax to 440-348-9355 or mail to The SpyGlass Group, LLC, 25777 Detroit Rd., Ste. 400, Westlake, Ohio 44145. I represent that I have the authority to execute this form and grant this permission and I hereby desire for SpyGlass to be added as an authorized point of contact (POC) for these accounts. This permission shall remain in effect until I affirmatively revoke it. If I withdraw the authorization set forth in this Letter, I will notify Provider immediately in writing.

Client Information:

Signing Employee's Name: Mayor Bryan Bequette
Company Name: City of Nebraska City
Address: 1409 Central Ave
City, State, Zip: Nebraska City, NE 68446
Telephone: 402-873-5515

Provider Information:

Provider Name: Spiral Communications
Account Number (s): _____
Authorized Signature: _____
Date: _____

Nebraska City

GLBUDGRP 10/20/16
11:21

CITY OF NEBRASKA CITY
BUDGET REPORT
CALENDAR 10/2016, FISCAL 1/2017

PAGE 1
OPER: CRB

| ACCOUNT NUMBER | ACCOUNT TITLE | TOTAL BUDGET | PTD BALANCE | YTD BALANCE | PERCENT EXPENDED | UNEXPENDED |
|----------------|----------------------|-----------------|----------------|----------------|---------------------|------------|
| 10-36-5023 | Admin - Telephone | 4,200.00 | 135.54 | 135.54 | 3.23 | 4,064.46 |
| 10-38-5023 | B/Z - Telephone | 1,400.00 | .00 | .00 | .00 | 1,400.00 |
| 10-40-5023 | Cemetery - Telephone | 2,600.00 | 133.81 | 133.81 | 5.15 | 2,466.19 |
| 10-44-5023 | Att - Telephone | .00 | .00 | .00 | .00 | .00 |
| 10-46-5023 | Fire - Telephone | 4,000.00 | .00 | .00 | .00 | 4,000.00 |
| 10-50-5023 | Library - Telephone | 2,600.00 | .00 | .00 | .00 | 2,600.00 |
| 10-52-5023 | Park - Telephone | 1,000.00 | 63.24 | 63.24 | 6.32 | 936.76 |
| 10-54-5023 | Golf - Telephone | 3,000.00 | 227.76 | 227.76 | 7.59 | 2,772.24 |
| 10-56-5023 | Pool - Telephone | 540.00 | .00 | .00 | .00 | 540.00 |
| 10-58-5023 | Rec - Telephone | 3,500.00 | 212.98 | 212.98 | 6.09 | 3,287.02 |
| 10-60-5023 | Police - Telephone | 4,120.00 | 236.34 | 236.34 | 5.74 | 3,883.66 |
| 10-62-5023 | PP - Telephone | 1,900.00 | .00 | .00 | .00 | 1,900.00 |
| 10-64-5023 | Rescue - Telephone | 4,400.00 | 67.56 | 67.56 | 1.54 | 4,332.44 |
| 10-68-5023 | WW - Telephone | 1,370.00 | 112.74 | 112.74 | 8.23 | 1,257.26 |
| 12-12-5023 | Street - Telephone | 5,400.00 | 432.70 | 432.70 | 8.01 | 4,967.30 |
| 22-78-5023 | Airport - Telephone | 1,480.00 | 121.60 | 121.60 | 8.22 | 1,358.40 |
| | DIFFERENCE | 41,510.00 | 1,744.27 | 1,744.27 | 4.20 | 39,765.73 |
| | PROOF | 41,510.00 | 1,744.27 | 1,744.27 | 4.20 | 39,765.73 |

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CITY OF NEBRASKA CITY

1409 Central Avenue
Nebraska City, NE 68410-2223
Phone: 402-873-5515
Fax: 402-873-5685



Agenda Information Support Sheet

To: Mayor and Commissioners

Council Meeting: November 7, 2016
Agenda Item: Vacating Width of 4th Rue
Submitted By: David J. Partsch, City Attorney

A. Synopsis of Issue:

- a. A taxpayer proposal to narrow the street ROW on 5th Terrace and 4th Rue was originally proposed, but subsequently limited in scope to just address 4th Rue area where landowners were cooperating with the request. The ROW is currently 100' and will be 45' at its narrowest points.

B. Options:

- a. Cancel the project and leave the ROW as it is.
- b. Pass the Ordinance as drafted.
- c. Purchase a survey and redraft.

C. Fiscal Note:

- a. Nominal recording costs.

D. Recommendation: Passage of the Ordinance. The ROW on 4th Rue can be vacated by 55 feet, still leaving 45 feet width for the roadway, and this ordinance does so without a survey by using number of feet and corners from the existing roadways and alley. Should markers be necessary, the landowners could purchase their own surveys.

E. Background:

The Council previously approved a request from a landowner with property at the corner of 5th Terrace & 4th Rue to vacate street ROW in order to narrow the width to be more in line with ROW in other areas of the community. Currently the ROW on 4th Rue is 100'; the ROW on 5th Terrace is 80'. The proposal would vacate a portion of 4th Rue ROW so that it would allow the owners to the north to maintain their bushes and trees and also build an extended handicap ramp. The City will still retain at least 45' for the street, which is comparable to many areas in town.

Nebraska City

ORDINANCE 2981-16

AN ORDINANCE TO VACATE A PORTION OF CITY STREET WIDTH ON 4TH RUE WITHIN NEBRASKA CITY, OTOE COUNTY, NEBRASKA, AS DESCRIBED IN SECTIONS 1 AND 2 HEREOF; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, a request has been made that the width of the street known as 4th Rue in Nebraska City, Otoe County, Nebraska, at the portion 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 said City roadway property to be its current width, and hereby approves the narrowing of the street by vacation of said property as described herein.

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

SECTION 1. That a portion of 4th Rue between 4th Terrace and 5th Terrace in Nebraska City, Otoe County, Nebraska, be and the same is hereby vacated so as to reduce the road right-of-way width; said portion vacated shall consist of thirty-three feet (33') on the north side of the roadway from 5th Terrace north to 4th Terrace and also twenty-two feet (22') on the south side of the roadway from 5th Terrace north to the mid-point of the alley between 5th Terrace and 4th Terrace, all points to run parallel to the existing property lines.

Section 2. Said property vacated shall revert to the adjoining landowners, subject to the reservation of an easement for existing municipal utilities, if any, over or buried within the above-described real estate vacated by this ordinance.

Section 3. 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 _____ day of November, 2016.

Bryan W. Bequette, Mayor

Attest:

Randy Dunster, City Clerk-Treasurer