

CITY OF NEBRASKA CITY, NEBRASKA  
MINUTES OF CITY COUNCIL REGULAR MEETING  
June 15, 2015

Pursuant to due call and notice thereof, a Regular Meeting of the City Council of the City of Nebraska City was conducted in the William F. Davis Room at City Hall, 1409 Central Avenue, on June 15, 2015. Notice of the meeting was given in advance thereof by posting in at least three public places, the designated method for giving notice, as shown by the Certificate of Posting Notice attached to these minutes. Availability of the agenda was communicated in advance to the media, Mayor and Commissioners of this proceeding and said meeting was open to the public.

Mayor Bequette called the meeting to order at 6:00 p.m. The Mayor publicly stated to all in attendance that a current copy of the Nebraska Open Meetings Act was available for review and indicated the location of such copy posted in the room where the meeting was being held. Mayor Bryan Bequette then led in the Pledge of Allegiance. Upon roll call the following answered present: Jim Stark, Jeff Crunk, Vic Johns, Mindy Briley and Mayor Bequette. The following City Officials were present: City Administrator Grayson Path, City Clerk-Treasurer Mark Marcotte, Police Chief David Lacy, Building Inspector Alan Viox, and Public Properties Director/Zoning Director Dan Gittinger.

Commissioner Crunk moved to approve the minutes of the June 1, 2015, City Council Regular Meeting, seconded by Commissioner Briley. Upon roll call the following voted YES: Johns, Briley, Crunk and Mayor Bequette. Abstain: Stark. Voting NO: None. Motion adopted.

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

CLAIMS LIST						
June 15, 2015						
	ACCO	Maint	1,556.79	Kreifels Electric	Rep	191.08
	Alamar Uniforms	Unif	206.95	Kuhn, J.	Rfnd	100.00
	Arbor Mart, Inc	Fuel	2,138.46	Landis Engine Co.	Maint	645.64
	BCBS EMS	Rfnd	459.16	Mead Lumber	Rep	154.33
	Beacon Athletics	Sup	116.00	Mercer's Do-It-Best	Sup	361.09
	Beelner Serv	Sup	209.00	Mid-Con Systems, In	Sup	770.30
	Benefiel	Rep	90.00	Midwest Farmers	Sup	150.35
	Berry	Adv	22.80	Midwest Serv & Sales	Sup	255.00
	Katherine Boatright	Dance	294.00	Miller Monroe	Ins	113.00
	Bohl P & H	Rep	223.43	Mullenax	Rep	536.75
	Bound Tree Medical	Sup	1,094.09	Nationwide	Inv	13,326.81
	BSN Sports	Sup	151.73	NC Area Econ Develop	LB840	495.00
	Capital Business Sys	Contr	127.85	NC Utilities	Util	6,499.23
	Card Services	Misc.	1,249.16	NE Dept of Rev	Sls Tax	1,907.19
	Casey's	Fuel	59.03	NE Dept of Roads	Contr	11,769.00
	Citizen Printing Co	Sup	340.00	Nebraska Turfgrass	Trainin g	60.00
	City of NC WW	Artist	1,766.55	O'Reilly Auto Parts	Rep	288.05
	Coca-Cola Ref	Bev	212.1	Ohlsen, S.	Rfnd	150.00
	Concrete Industries	Sup	568.9	Omaha Tractor, Inc.	Sup	831.20
	D & K Products	Chem	3,237.00	Otoe County Clerk	Contr	4,423.46
	Don's Johns & Septic	Misc	125.00	Payroll	Payroll	101,481.81
	Double Eagle	Bev	298.15	Productivity Plus	Rep	250.26
	Douglas Tire Co.	Rep	2,294.54	Purchase Power	Postag e	402.5
	Eakes Office Sol	Sup	297.48	Royalties	Mdse	112.59
	EMS Billing Service	Contr	3,187.45	Safety & Health Council	Trainin g	875.00
	Fareway Stores, Inc	Conc	139.99	Juan Sanchez	Rfnd	25.00
	Fastenal Co	Maint	0.71	Southeast Nebr. Dev	CDBG	3,373.93
	Fireguard	Rep	286.28	Shell	Fuel	1,861.15

Galls	Unif	64.97	Teaya Smith	Dance	515.00
Gatehouse Media	Adv	477.35	St. Mary's	Med	295.68
Giittinger, D.	Mileage	22.04	Thurman's	Mdse	45.00
Grimm's Gardens	Sup	30.96	Tielke's Sandwiches	Conc	56.09
GUARDIAN	Ins	4,112.61	Tree Worx	Contr	2,820.00
HireRight Solutions	Med	51.50	UHC	Ins	60,979.08
International Code	Dues	135.00	Unifirst Corp	Contr	88.97
Ideal Pure Water	Contr	88.92	Van Wall Turf & Irr	Rep	1,199.16
Jebro Inc.	Sup	1,056.09	Verizon	Tele	49.65
Jensen, E.	Dance	120.00	Warner Construction	Maint	2,940.00
K&Z	Bev	98.80	Westlake	Sup	178.28
KBIE FM 103.1	Adv	162.00	Windstream, Inc.	Tele	1,810.80
KR Creative	Contr	40.00			

Mayor Bequette brought forward the appointment of Tim Engel as alternate on Board of Appeals. Commissioner Crunk moved to approve the appointment, seconded by Commissioner Johns. Mr. Engel will be replacing Brian Lowe. Upon roll call the following voted YES: Stark, Briley, Johns, Crunk, and Mayor Bequette. Voting NO: None. Motion passed.

Mayor Bequette administered Oath of Office to Grayson Path, as City Administrator.

Treasurer's report was given, As of May 31, 2015, Total Nebraska City funds of \$3,473,376.27, Total Cash and Reserve for Nebraska City Utilities of \$16,523,468.77. Total of City of Nebraska City funds \$19,996,845.04.

Lars Larson presented an update to an Annual MMA Event held by Dynasty Combat Sports at Larson Motors, 1801 Frontage Road, on June 27, 2015 with a rainout date of June 28, 2015. Mayor Bequette noted this as a discussion item only because it is on private property. Concern for the activities at the softball complex on the same day were discussed. Mr. Larson said the activities should be over around 7:00 pm and their event starts at 8:00 pm. Mr. Larson stated parking would not be a problem as they clear the entire lot, which provides plenty of parking and security would not be a problem. Police Chief Lacy indicated there had been no problems in the past when the event was held.

Moved by Commissioner Crunk and seconded by Johns to table request from UNITE until July 6, 2015 to use ROW to provide fiber support to Lourdes Central Catholic Schools. Unite Private Networks Construction Manager explained the project and explained it was a part of a 32 site plan with the Diocese of Lincoln Catholic schools. Commissioner Stark spoke of a current Franchise Agreement with a local provider. Commissioner Stark spoke of the importance of honoring the commitment to our local provider. Terry Bellinger of Unite Private Networks said they have met with Spiral Communications and are in talks about potentially using Spirals fiber to get to the school. Mr. Belinger said they are here to try to enhance the network, not take away from our local provider. Commissioner Crunk suggested the City Attorney look this request over. Upon roll call, the following voted YES: Stark, Briley, Johns, Crunk, and Mayor Bequette. Voting NO: None. Motion carried.

Mayor Bequette introduced Resolution 2669-15 Overpass Agreement Supplement #1. Moved by Commissioner Stark and seconded by Briley to approve Resolution 2668-15 for passage after reading. Upon roll call, the following voted YES: Johns, Crunk, Briley, Stark and Mayor Bequette. Voting NO: None. Motion carried. A true and correct copy of said resolution is as follows:

#### **RESOLUTION 2669-15**

**WHEREAS,** The City of Nebraska City and the Department of Roads of the State of Nebraska entered into an Agreement (Project No. S-75-2 (1040) Control No. 10800B) to improve the operation and safety of the Highway 2 and Highway 75 intersection approved in Resolution 2370-08.

**WHEREAS,** The City of Nebraska City and the Department of Roads of the State of Nebraska, wish to enter into a Supplemental Agreement No. 1 setting out modifications and/or additional duties and/or funding responsibilities for the project.

**WHEREAS**, said Supplemental Agreement has been presented to the Mayor and City Commissioners of the City of Nebraska City, for their approval.

**NOW THEREFORE**, ON THIS 15<sup>TH</sup> DAY OF June, 2015, the Mayor and City Commissioners of Nebraska City, Nebraska, approve the terms and conditions of said Agreement and by this Resolution authorize Bryan Bequette, Mayor and Mark E. Marcotte, City Clerk, to execute said Supplemental Agreement on behalf of the City of Nebraska City, Nebraska.

Passed and approved this 15<sup>th</sup> day of June 2015.

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Bryan Bequette, Mayor

Attest:

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Mark E. Marcotte, Clerk-Treasurer

Moved by Commissioner Stark and seconded by Johns to prepare an RFP to go out to bonding companies for BANS for Hwy 2- Hwy 75 Interchange project. Public Properties Director, Dan Giittinger, discussed how funding of the project should be handled and said he should be able to prepare the RFP by July 6, 2015 Council Meeting. Upon roll call, the following voted YES: Crunk, Briley, Johns, Stark and Mayor Bequette. Voting NO: None. Motion carried.

Moved by Commissioner Stark and seconded by Crunk to approve request from John Mercado to block 4<sup>th</sup> Rue between 3<sup>rd</sup> & 4<sup>th</sup> Terrace from 2pm to 11pm on June 20, 2015 for Garden Wedding. Mr. Mercado, said it will only be part of the street and that there is very little traffic on the street. Upon roll call, the following voted YES: Johns, Briley, Crunk, Stark and Mayor Bequette. Voting NO: None. Motion carried.

Moved by Commissioner Stark and seconded by Crunk to accept the low bid of \$20,535.00 from Christiansen Painting for painting of Fire Apparatus Room. Fire Chief, Alan Viox, discussed how funding of the project had previously been budgeted for this year. Upon roll call, the following voted YES: Briley, Johns, Crunk, Stark and Mayor Bequette. Voting NO: None. Motion carried.

Moved by Commissioner Johns and seconded by Crunk to approve request from NCTC to use sunken parking lo on July 24, 2015 from 4pm – Midnight for Nebraska Concert and Art Festival. NCTC representative, Tim Pendrell, said it is an all ages, free event. Tim also said they are not requesting a liquor license or SDL at this time, however they may be back later due to a Brewing Co. located in Nebraska showing some interest in the event. Upon roll call, the following voted YES: Stark, Briley, Crunk, Johns and Mayor Bequette. Voting NO: None. Motion carried.

Moved by Commissioner Crunk and seconded by Briley to approve request from NCTC to allow them to hold events on July 4, 2015 weekend. NCTC representative, Tim Pendrell, requested the use of a portion of Steinhart Park to hold a Carnival. Mr. Pendrell said they have been working with the NC Jaycees on a location for the Carnival. Mr. Pendrell said they had been looking for an event which will not take away from the Jaycees activities and but would enhance the weekend celebration. Upon roll call, the following voted YES: Stark, Johns, Briley, Crunk and Mayor Bequette. Voting NO: None. Motion carried.

Crunk left the meeting at 7:15pm during discussion of below item.

Discussion was held regarding LB840 application review procedures and how LB840 works and how it is administered. Stephanie Shrader, Executive Director of NCAEDC, gave information about the program. Stephanie stated the funds are generated from tax dollars and repayment of loans. Stephanie Shrader explained the process of receiving application, reviewing application, requesting additional documents and review by Citizens Review Board. The recommendation from the board then goes to the Council for their approval or denial. Commissioner Crunk requested that the rejected applications also get sent to the Council to determine why they were rejected. Commissioner Stark spoke of the importance in helping not only industries and new businesses, but also existing businesses which are interested in growth. Commissioner Stark

would like the City Attorney to take a look at the program, making sure it is being used as the voters intended.

Moved by Mayor Bequette and seconded by Commissioner Stark to table approval of the LB840 Downtown District Assistance Program adoption again until it can be determined what the value of the program is. Stephanie Shrader, Executive Director of NCAEDC, gave information about the program. Commissioner Stark questioned the need for the program with the original LB840 program available and with fewer strings attached. Mrs. Shrader explained this program was strictly grants. Mr. Stark questioned the need when only about one third of the original \$150,000 has been used so far. Upon roll call, the following voted YES: Johns, Briley, Stark and Mayor Bequette. Voting NO: None. Motion carried.

Moved by Mayor Bequette and seconded by Commissioner Briley to table de-obligating LB840 funding of \$200,000 for PTT Project until July 20, 2015. Commissioner Briley questioned that if this was voted down tonight, the PTT Project would have to through the process again. Mayor Bequette said he was less sure of the project being taken off the table as he was a couple weeks ago. Commissioner Stark stated he would like the funding removed since they have shown to not like what they had been offered. Stephanie Shrader stated he was happy with the offer, but other circumstances played a factor. She asked to have this tabled for sixty days to show we are still interested in companies to come to Nebraska City. Commissioner Stark stated sixty days is too long to wait. Upon roll call, the following voted YES: Stark, Johns, Briley and Mayor Bequette. Voting NO: None. Motion carried.

Moved by Mayor Bequette and seconded by Commissioner Briley to table de-obligating LB840 funding of \$150,000 for Industrial Site Sewer Line Project until CDA makes a recommendation at the July 6, 2015 meeting. Mayor Bequette said it may be better to wait for the CDA to release the funds before the City de-obligates the funds. Upon roll call, the following voted YES: Stark, Johns, Briley and Mayor Bequette. Voting NO: None. Motion carried.

Moved by Commissioner Stark and seconded by Johns to approve request from First Evangelical Lutheran Church to hold 5K – Family Fun Run/Walk on Oct. 17, 2015 with a new route eliminating Steinhart Park. Police Chief Lacy stated this had been done in the past with no problems. Dan Gittinger, Public Properties Director, brought up that a different route will need to be found because Steinhart Park will be closed. Upon roll call, the following voted YES: Briley, Johns, Stark and Mayor Bequette. Voting NO: None. Motion carried.

Mayor Bequette introduced Resolution 2670-15 Director Appointment for Public Power Generation Agency, Replacing Resolution 2325-07. Moved by Mayor Bequette and seconded by Commissioner Briley to approve Resolution 2670-15 for passage after reading. Upon roll call, the following voted YES: Johns, Briley, and Mayor Bequette. Abstain: Stark. Voting NO: None. Motion carried. A true and correct copy of said resolution is as follows:

Resolution No. 2670-15

DIRECTOR APPOINTMENT FORM  
FOR  
PUBLIC POWER GENERATION AGENCY

I hereby certify, as an authorized representative of Nebraska City, Nebraska (the "Member"), a Member of Public Power Generation Agency ("PPGA"), that the Member adopted the following resolution at a meeting of the governing body of said Member, and that such resolution constitutes the binding action of the Member:

Whereas, pursuant to Section 3.02 of the PPGA Bylaws, the Member has heretofore designated the following individual as its Director:

<u>Name</u>	<u>Title</u>	<u>Signature</u>
Leroy Frana	Utilities General Manager	

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WHEREAS, the member desires that the following persons be authorized to appoint an Alternate Director to serve in the event the named Director is not available to participate in any actions to be taken by PPGA.

NOW, THEREFORE, BE IT RESOLVED that the Director or one of the following members of the Board of Public Works of the Member be, and hereby are authorized by the Member to appoint an Alternate Director to PPGA, such appointment to be conditioned upon the approval of the Public Works Commissioner of the Member. Such appointment shall be made on behalf of the Member according to the terms and provisions of Section 3.02 of the Bylaws of PPGA.

Title

Chairman, Board of Public Works

Secretary, Board of Public Works

BE IT FURTHER RESOLVED that the powers and authority granted by this resolution shall continue in full force and effect until written notice is given to the Assistant Secretary Treasurer of PPGA of the cancellation or modification thereof. Pursuant to the Bylaws of PPGA, this resolution shall be effective upon delivery of this form to the Assistant Secretary Treasurer of PPGA.

I further certify that the foregoing is a full and correct copy of the resolution as it appears on the books of the Member, and said resolution has not been rescinded, modified or amended, and is now in full force and effect.

Dated: 15<sup>th</sup> day of June, 2015.

Signed:

\_\_\_\_\_  
Mayor

ATTEST:

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Mark E. Marcotte, City Clerk-Treasurer

Leroy Frana presented the recommendation to approve Electric Work Order #166 in the estimated amount of \$86,747.22 to provide for the installation of a 3 phase 4,160 volt Electric Primary Distribution Line due to the need to relocate the existing circuit that feeds the present swimming pool and will feed the new swimming pool as well as a single phase 4,160 volt line that feeds the main ball diamond and the transformer that feeds the middle ball diamond. Moved by Commissioner Stark and seconded by Johns to approve Work Order #166 in the amount of \$86,747.22. Upon roll call, the following voted YES: Briley, Johns, Stark, and Mayor Bequette. Voting NO: None. Motion carried.

Leroy Frana presented the recommendation to approve Electric Work Order #170 in the estimated amount of \$19,362.91 to provide for the installation of one overhead span of 4,160 volt Primary Distribution Line and approximately 400' of underground 4,160 volt Primary Distribution Line and the setting of a single phase transformer to serve the new tennis courts in Steinhart Park along Central Avenue. This installation will replace an older direct buried underground Distribution Line in need of replacement and will be installed in underground duct. Moved by Commissioner Stark and seconded by Briley to approve Work Order #170 in the amount of \$19,362.91. Upon roll call, the following voted YES: Johns, Briley, Stark, and Mayor Bequette. Voting NO: None. Motion carried.

Leroy Frana presented the recommendation to approve Electric Work Order #172 in the amount of \$17,215.26 to provide for the extension of a 13.8KV primary underground Electric Line to serve the property of MGS Enterprises, LLC located on the North 11<sup>th</sup> Street and "G" Road for a new building on their property at that location. Moved by Commissioner Stark and seconded by Johns to approve Work Order #172 in the amount of \$17,215.26. Upon roll call, the following voted YES: Briley, Johns, Stark, and Mayor Bequette. Voting NO: None. Motion carried.

Leroy Frana presented the recommendation to approve Electric Work Order #174 in the amount of \$36,107.60 to provide for the extension of a 13.8KV three phase primary underground line in the Jack Olson Industrial Site, formerly known as "Red Fox Run" to a sectionalizing cabinet and then a single phase primary line extension to a transformer to serve five cabins. In accordance with Nebraska City Utility Policy, the customer will contribute \$18,375.93 and do all boring or trenching. Moved by Commissioner Stark and seconded by Johns to approve Work Order #174 in

the amount of \$36,107.60. Upon roll call, the following voted YES: Briley, Johns, Stark, and Mayor Bequette. Voting NO: None. Motion carried.

Meeting Adjourned at 8:47 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