

CITY OF NEBRASKA CITY, NEBRASKA  
 MINUTES OF CITY COUNCIL REGULAR MEETING  
 October 5, 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 October 5, 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: Jeff Crunk, Vic Johns and Mayor Bequette. Absent: Jim Stark. The following City Officials were present: City Administrator Grayson Path, City Clerk-Treasurer Mark Marcotte, City Attorney David Partsch, Police Chief David Lacy and Public Properties Director/Zoning Director Dan Güttinger.

Commissioner Johns moved to approve the minutes of the September 21, 2015, City Council Regular Meeting, seconded by Commissioner Crunk. Upon roll call the following voted YES: Crunk, Johns and Mayor Bequette. Voting NO: None. Motion adopted.

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

Adkins Signs	Sup	140.00		MD Aquatics, LLP	Contr	1,178.00
Alamar Uniforms	Unif	55.26		Mead Lumber	Sup	204.62
American Lawncare	Rfnd	25.00		Mercer's Do-It-Bes	Sup	340.58
American Recycling	Contr	184.50		Midwest Service an	Rep	1,281.41
Anthony, E.	Misc.	600.00		Molly McNeely Dent.	TIF Reim	2,644.58
Arbor Mart, Inc	Fuel	2,547.43		Mullenax Auto	Sup	242.41
AVAC	Contr	92.47		Napa Auto Parts	Sup	245.75
Baxter Ford	Rep	26.98		Nationwide	Inv	10,419.57
Berry	Adv	22.80		NC Clerk - Treasurer	Postage	39.99
Bill Walters & Son	Rep	377.06		NC Museum Assoc.	Contr	2,406.25
Boatright, K	Dance	909.00		NC Public School	Contr	300.00
Bound Tree Medical	Sup	830.83		NC Rotary	Dues	375.00
Brown's Shoe Fit	Unifm	11.05		NCTC	Contr	7,083.33
Brown's Shoe Fit	Postage	76.50		NE Dept of Roads	ROW	99,725.18
Callaway Golf Sale	Mdse	909.00		NE Golf Assoc.	Dues	18.00
Citizen Printing Co	Sup	465.00		O'Reilly Auto Parts	Sup	365.65
Coca-Cola	Bev	213.82		Omaha Tractor, Inc	Equip	785.00
Concrete Industries	Sup	159.00		Orschlens	Sup	372.07
D & D Comm	Rep	47.17		Otoe County Clerk	Contr	1,302.25
Dia, Tina	Fine Arts			Pakradooni, L.	Fine Arts	

		135.12			150.00	
Don's Johns & Septic	Misc.	102.00		Payroll	Payroll	97,103.42
Eakes Office Sol	Sup	279.72		Rice, M.	Fine Arts	161.28
EMC National Life	Ins	488.25		River View Pest Control	Contr	362.00
Emergency Rep Serv	Rep	166.90		Roumf, K.	Rfnd	25.00
EMS Billing Serv.	Rfnd	4,322.29		Schaulis, S.	Dance	1,003.80
Ervin, B	Rfnd	25.00		Seton Identification	Sup	289.70
Fareway Food Stores	TIF Reim	7,674.89		Shelter Home Serv	Rfnd	25.00
Fareway Stores	Conc.	37.52		Smith, T.	Rfnd	200.00
Feld Fire	Rep	149.50		Smith, T.	Dance	205.00
Friedli, P.	Fine Arts	121.08		St. Mary's	Sup	14.29
Gatehouse Media NE	Adv	68.67		State Chemical Sol	Sup	269.97
Giittinger, D.	Mileage	22.04		Stehling, E.	Fine Arts	34.67
Grimm's Gardens	Sup	32.97		Sunset Law Enforce	Training	1,660.50
Heng, R.	Rfnd	25.00		TASC	Reim	3,798.75
Henry Motors South	Rep	119.42		The Toolkit Group	Sup	552.00
Home Transformation	Rfnd	25.00		Thurman's Bike	Unif	870.00
Hopkins Automotive	Sup	47.36		Tielke's Sandwiche	Concession s	76.16
J. Park, LLC	Contr	900.00		Tim Engel Construct	Rfnd	25.00
Jensen, E.	Dance	315.00		Tree City Tees	Unif	91.00
JEO Consulting	Contr	5,017.50		Turf Supply Co.	Chem	2,700.00
Jones Automotive	Equip	1,800.00		Unifirst Corp.	Contr	53.77
KR Creative	Contr	40.00		Van Wall Turf & Irr.	Sup	77.50
Landis Engine Co.	Sup	8.75		Westlake	Sup	17.98
Luhn, M.	Rfnd	200.00		Windstream,Inc.	Tele	57.74
Matheson Tri-Gas	Sup	162.00				

Mayor Bequette gave a report regarding status of the hunt for a Finance Commissioner. He indicated that at this time he is not able to bring a name at this time but will continue to work diligently to find someone with the qualifications, time and desire to serve in this position, but if this is not possible, the other option down the road would be possibly a special election. Commissioner Johns asked if there was any idea of the cost of a special election. City Attorney, David Partsch indicated he had looked into this and the cost would be possibly \$6,000 to \$10,000 with revisions on the cost due to a new law allowing for mail ballot elections for a position. Harvey Varenhorst spoke, saying we are fortunate to have the mayor we have right now, however, if we appoint somebody, that means 40% of the City Council has been appointed and that raises concern with him that the voters haven't elected somebody.

Mayor Bequette proclaimed the week of October 4-10, 2015, as Public Power Week and Public Natural Gas Week and resolved that our community joins hands with more than 2,000 other public power and natural gas systems in the United States in this celebration of public power and natural gas.

Mayor Bequette moved and seconded by Johns to suspend the rules and move the action item regarding Dance Studio Lease until later in the agenda until a representative shows up. Upon roll call the following voted YES: Crunk, Johns and Mayor Bequette. Voted NO: None. Motion carried.

Commissioner Crunk gave an update on the aquatic center. He said we are 18 to 20 days behind on this construction. The major hold up is the rain and the current weather is no conducive to drying the dirt out. He said we need extended dry weather and warming days.

Moved by Commissioner Johns and seconded by Crunk to approve the Commercial Lease Addendum effective October 1, 2015 which increases the rent from \$900 to \$1,000 for the rental of the Dance Studio. Stacie Higgins, representing the Dance Studio explained how the enrollment has grown at the dance studio from 40 to 110. She said the are currently seeking a 501(C)3 and hopefully by the end of the calendar year will be able to break ties with the City. Upon roll call, the following voted YES: Crunk, Johns and Mayor Bequette. Voting NO: None. Motion carried.

Moved by Mayor Bequette and seconded by Johns to direct the Roads Department to move ahead with option #2 with a start date of May 1, 2016. Option #2 is Concrete Overlay: Mill top 2" to 4" of pavement. Remove full depth of paving outside of the 38 feet wide roadway. Construct 8" Concrete Base Coarse in areas outside of the existing pavement and inside of the 38 feet roadway. Construct 6" deep concrete overlay with integral curbs for the South 11<sup>th</sup> Street Design. Upon roll call, the following voted YES: Crunk, Johns and Mayor Bequette. Voting NO: None. Motion carried.

Moved by Mayor Bequette and seconded by Crunk to re-market the Deer Trail Subdivision lots as an open listing. Upon roll call, the following voted YES: Crunk and Mayor Bequette. Voting NO: None. Abstain: Johns. Motion carried.

Mayor Bequette introduced Resolution 2681-15 Setting of New Property Tax Levy. Moved by Mayor Bequette and seconded by Crunk to approve Resolution 2681-15 for passage after reading. Upon roll call, the following voted YES: Johns, Crunk and Mayor Bequette. Voting NO: None. Motion carried. A true and correct copy of said resolution is as follows:

RESOLUTION NO. 2681-15

WHEREAS, Nebraska Revised Statute 77-1601.02 provides that the property tax request for the prior year shall be the property tax request for the current year for the purpose of setting the levy by the County Board of Equalization unless the Governing Body of the City passes by a majority vote a resolution or ordinance setting the tax request at a different amount; and

WHEREAS, a special public hearing was held as required by law to hear and consider comments concerning the property tax request; and

WHEREAS, it is in the best interests of the City that the property tax request for the current year be a different amount than the property tax request for the prior year,

NOW, THEREFORE, THE MAYOR AND CITY COMMISSIONERS OF THE CITY OF NEBRASKA CITY, NEBRASKA, BY A MAJORITY VOTE, RESOLVE THAT: 1. The property tax request for the fiscal year beginning October 1, 2015, be set at the following amounts:

Property Taxes for Non-Bond Purposes	\$1,199,604.96
Principal and Interest on Bonds	\$405,000.00
Total Personal and Real Property Tax Required	\$1,604,604.96

2. The City Clerk-Treasurer shall certify and forward a copy of this resolution to the County Clerk prior to October 10, 2015. PASSED and APPROVED this 5th day of October, 2015.

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Bryan Bequette, Mayor

Attest:

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Mark Marcotte, Clerk/Treasurer

Moved by Mayor Bequette and seconded by Johns to acknowledge we are closing the 4<sup>th</sup> Corso Viaduct permanently at this point and authorize the Roads Department to go ahead and purchase K-rails and signage to close it accordingly. Public Properties Director Dan Giittinger reviewed the latest inspection from JEO with the Council. He said there are multiple issues with the beams on the South side of the bridge from a rust standpoint and a failure standpoint. He said the North Side, which we were trying to understand if we could keep open or not, has several significant issues as well. Along with that, they have still not looked at the Eastern section of the bridge. He said the report indicated multiple issues with delamination, rust and also pins that have broken, along with additional holes in some of the beams on the South side, and of course the first beam that they found which has basically failed. He said JEO is confident in the report that there is a lot of liability if we wanted to reopen the lanes and additional inspections would need done on the Eastern end of the bridge and the pins would need ultrasonically inspected for further damage not visible to the eye. Mayor Bequette, said it states in the report that with all the known issues described above, the entire viaduct should remain closed. Jim Mounce asked if it was going to be closed for 3 years. He said he is tremendously upset with all of this. He said let's get the ball rolling on this. He realizes the railroad has something to do with all this, but we shouldn't have to suffer because of all this. He said the bridge should have been replaced several years ago. Mayor Bequette said we have a replacement project in motion already. Dan Giittinger said the actual start of the project began 3 years ago. Mr. Mounce said the 3 years the bridge will be closed is ridiculous. He said he can't imagine any town spending 3 years to replace a bridge, particularly a bridge like that with grain trucks relying on that, besides the pedestrians. He said let's stop half stepping on this and get things done. Mayor Bequette indicated the 3 years is conservative and Dan Giittinger said, best case is 2 years. Grayson Path pointed out 2 years is for the design to be finished. Mayor Bequette said of those 2 years approximately 1 year would be tied up with Union Pacific. Mayor Bequette said he is just telling you what the Department of Roads has conveyed to us. Mayor Bequette said we will keep the pressure on Union Pacific to see if we can condense that years' time that it typically takes a bridge project that spans over their tracks and every step we will be pushing and trying to accelerate. Joyce Boyles spoke, she wondered why they can't close South 3<sup>rd</sup> Street from Central Avenue to 5<sup>th</sup> Street that way they could still use the 3<sup>rd</sup> Street river crossing. Harvey Varenhorst spoke, said the other concern he has, which has arisen because of the 4<sup>th</sup> Corso bridge, is the 1<sup>st</sup> Street between 4<sup>th</sup> Corso and Central Avenue. He said a lot have traffic goes through there and few people stop at the stop sign at the tracks. He suggested a Yield or flashing red light. He thinks this would help move traffic. He also suggested the truck route should be removed from Main Street from 6<sup>th</sup> down to 1<sup>st</sup>. He thinks they should use the bypass. Upon roll call, the following voted YES: Crunk, Johns and Mayor Bequette. Voting NO: None. Motion carried.

Mayor Bequette introduced Ordinance #2968-15 entitled: AN ORDINANCE CREATING STREET IMPROVEMENT DISTRICT NO. 2015-1 IN THE CITY OF NEBRASKA CITY, NEBRASKA, ORDERING THE CONSTRUCTION OF STREET IMPROVEMENTS THEREIN AND ORDERING THE PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM; and moved that the statutory rule requiring reading on three different days be suspended. Johns seconded the motion to suspend the rules and upon roll call, the following voted YES: Crunk, Johns and Mayor Bequette. Voting NO: None. The Motion to suspend was adopted by three-fifths of the council and the statutory rule was declared suspended for consideration of said ordinance.

Said ordinance was then read by title and thereafter Mayor Bequette moved for final passage of the ordinance, which motion was seconded by Crunk. The Mayor then stated the question: "Shall Ordinance #2968-15 be passed and adopted?" Upon roll call, the following voted YES: Johns, Crunk 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. 2968-15

AN ORDINANCE CREATING STREET IMPROVEMENT DISTRICT NO. 2015-1 IN THE CITY OF NEBRASKA CITY, NEBRASKA, ORDERING THE CONSTRUCTION OF STREET IMPROVEMENTS THEREIN AND ORDERING THE PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM.

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

Section 1. That there be and hereby is created in the City of Nebraska City, Nebraska, a paving district to be known and designated as Street Improvement District No. 2015-1 of the City of Nebraska City, Nebraska.

Section 2. That the following streets shall be improved by grading, concrete pavement, culverts, bridge construction, and all necessary appurtenances thereto;

Those portions of U.S. Highway 75 and Nebraska Highway 2, lying within the corporate limits of the City of Nebraska City, Nebraska, which are found to constitute intersecting streets.

Section 3. Said streets shall be improved at public cost and said improvements shall be made in accordance with the plans, specifications and estimate prepared by the special engineers for the City and in accordance with an agreement for such improvements entered into between the City and the State of Nebraska, all as approved or to be approved by the Mayor and Board of Commissioners.

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

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

PASSED AND APPROVED this 5th day of October, 2015.

ATTEST:

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Mark Marcotte, City Clerk

Bryan Bequette, Mayor

(S E A L)

Mayor Bequette introduced Resolution 2682-15 To hold hearing as to the sufficiency of any written objections filed objecting to the creation of Street Improvement District No. 2015-1. Moved by Mayor Bequette and seconded by Crunk to approve Resolution 2682-15 for passage after reading. Upon roll call, the following voted YES: Johns, Crunk and Mayor Bequette. Voting NO: None. Motion carried. A true and correct copy of said resolution is as follows:

RESOLUTION NO. 2682-15

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

The Mayor and Board of Commissioners hereby find and determine that the Mayor and Board will meet on the 2nd day of November, 2015, at 6:00 o'clock P.M. at the regular meeting place of the Board, at which time a hearing will be held as to the sufficiency of the written objections filed objecting to the creation of Street Improvement District No. 2015-1 of the City and as to the existence of the required facts and conditions relative to the creation of the District. The Clerk is hereby instructed to cause notice of this hearing to be included in the Notice of Creation of the District, published as provided by law.

PASSED AND APPROVED this 5th day of October, 2015.

ATTEST:

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Bryan Bequette, Mayor

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Mark Marcotte, City Clerk

(SEAL)

Moved by Commissioner Crunk and seconded by Johns to approve SDL for MT Hospitality, LLC to hold fundraiser event at NC Museum of Firefighting located at 1320 Central Avenue on October 15, 2015, from 3pm to 1am. Upon roll call, the following voted YES: Johns, Crunk and Mayor Bequette. Voting NO: None. Motion carried.

Moved by Commissioner Johns and seconded by Crunk to approve request from Philip K. Grotheer to pave parking stall on ROW adjacent to 1721 2<sup>nd</sup> Corso, on Corso side. Upon roll call, the following voted YES: Crunk, Johns and Mayor Bequette. Voting NO: None. Motion carried.

Moved by Mayor Bequette and seconded by Johns to approve request from Ben Kruse to place Historical Marker in front of 1416 Central Avenue at SW corner in ROW. Upon roll call, the following voted YES: Crunk, Johns and Mayor Bequette. Voting NO: None. Motion carried

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