

Nebraska City  
**A G E N D A**  
**City Council Meeting**  
January 4, 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 December 21, 2015 City Council Meeting**
- 4. Accepting the report of new claims against the City and approving disposition of claims set for the period of December 19, 2015 to December 31, 2015**
- 5. Approve request from [NCTC](#) for free family pool pass to be auctioned at NCTC Banquet on Jan. 23, 2016.**

**6. PROCLAMATIONS AND PRESENTATIONS**

**Mayor Bryan Bequette, Police Chief David Lacy and Assistant Chief Paramedic Andrew Snodgrass to present Life Saving Commendations**

**7. PUBLIC HEARINGS**

**Public Hearing on Proposed new Comprehensive Plan**

**NEW BUSINESS**

- 8. Discussion/Action on recommendation from the [Planning](#) Commission to change the maximum height regulations in the R-1, R-2, R-0 districts; Code 410.09, 411.09, 412.10**
- 9. [Ordinance](#) 2971-16; Creating Street Improvement District No. 2016-1**
- 10. [Resolution](#) 2691-16; To hold hearing as to the sufficiency of any written objections filed objecting to the creation of Street Improvement District No. 2016-1**
- 11. [Ordinance](#) 2972-16; An ordinance amending Code Section 2-201 to increase dollar threshold triggering mandatory cost estimates by City Engineer.**
- 12. Discussion on 4<sup>th</sup> Corso Viaduct**
- 13. Discussion on Destination Development**
- 14. Closed Session for the purpose of discussing threatened and/or pending litigation (Arnold M. Ehlers vs. City of Nebraska City) with the City Attorney, and for the reason of protecting the City’s litigation strategies from becoming known to the Complaint.**

**15. ADJOURNMENT**

Nebraska City  
 CITY OF NEBRASKA CITY, NEBRASKA  
 MINUTES OF CITY COUNCIL REGULAR MEETING  
 December 21, 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 December 21, 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, Gloria Glover and Mayor Bequette. Absent: None. The following City Officials were present: City Administrator Grayson Path, City Clerk-Treasurer Mark Marcotte, City Attorney David Partsch, Police Chief David Lacy, Fire Chief Alan Viox, Recreation Director Scooter Edmisten, Library Director Rasmus Thøgersen and Public Properties Director/Zoning Director Dan Giittinger.

Approval of Minutes from the December 15, 2015 Special Meeting were pulled from the consent items by Commissioner Crunk.

Mayor Bequette moved to approve the following consent items:

Minutes of the December 7, 2015, City Council Regular Meeting.

Accepting the report of new claims against the City and approving disposition of claims set for the period of December 5, 2015 to December 18, 2015.

Application for NC Volunteer fire & Rescue Membership for Jose Fernando Estrada, Wendi Ann Cook, Jenny Liz Haberer, Travis Gillespie, Yom Mubior Aleu, Bret William Kochanowicz and Joseph Grubbs.

BPW recommended Electric Work Order No. 194 to rebuild & relocate Talmage Substation in the amount of \$123,025.82.

Purchase of a CMD2410-XDS2.0 Channel Monster Grinder for the Main Lift Station at the Waste Water Treatment Plant in the amount of \$36,100.00

BPW recommended 3 service contracts with NGPL for Natural Gas Service and authorize Mayor to sign.

BPW recommended Natural Gas Work Order No. 288 for a main extension to Serve Midwest Farmers COOP in the estimated amount of \$100,887.00.

BPW recommended Water Work Order No. 374 for modification & update of Water Treatment Plant Supervisor Control and Data Acquisition System in the estimated amount of \$50,264.00.

BPW recommended Water Work Order No. 376 for replacement of Water Treatment Plant water filter and backwash controls in the estimated amount of \$37,560.00.

BPW recommended purchase of HFE Process Lift Station equipment for the Steinhart Park Station replacement for \$49,200.00

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

CLAIMS LIST						
December 21, 2015						
Alamar Uniforms	Unif	325.14		Mullenax Auto Supply	Sup	10.77
Alfred Benesch	Contr	11,353.00		Napa Auto Parts	Sup	31.32
Allied Insurance	Ins	100.00		Nationwide	Inv	12,313.07
Arbor Mart, Inc	Fuel	1,675.18		NC Newspress	Adv	298.90

**\*\*REMINDER\*\* ROBERTS RULES 1. PRESENTATION 2. MOTION 3. DEBATE 4. VOTE**

Nebraska City

Arrow Manufact.	Sup	582.01	NC Police Fund	Misc	525.00
Asphalt & Concrete Mat	Sup	289.14	NC Public Schools	Contr	640.00
Beelner Service, Inc.	Rep	650.00	NC Utilities	Util	5,616.60
Benefiel Truck Repair	Rep	85.00	NE Dept of Rev	Sls Tax	202.63
Berry	Adv	22.80	NE Dept of Roads	ROW	13,804.20
BKD	Aud	17,500.00	NE Floodplain & Storm	Dues	35.00
Boatright, K.	Dance	1,470.00	NE Salt & Grain	Sup	3,250.50
Bohl P&H	Rep	340.16	NE Section PGA	Dues	15.00
Bound Tree	Sup	1,073.91	NMC Exchange, LLC	Cup A & Freight	145.03
Capital Business Syst	Contr	153.98	O'Reilly Auto Parts	Sup	165.24
Card Services	Misc	205.42	Omaha Tractor, Inc.	Assy Fil	727.20
Carrot-Top Industries	Sup	97.66	Otoe County Clerk	Contr	4,423.46
Cede and Company	Bonds	102,240.00	Payroll	Payroll	100,105.77
Consolidated Manag	Training	172.25	Purchase Power	Postage	402.24
Douglas Tire Co.	Rep	193.00	Quality Remodeling	Contr	1,280.00
Eakes Office Solutions	Sup	247.74	Ramada Inn-Kearney	Training	83.00
Fastenal Company	Sup	139.96	Richardson, C.	Reim	185.36
Galls	Unif	94.90	SEND D	Contr	3,995.18
Gatehouse Media	Adv	74.32	Shell	Fuel	1,408.78
Henry Motors	Rep	186.26	Smith, T	Dance	205.00
Ideal Pure Water	Sup	64.95	Spiral	Tele	1,195.53
Jensen, E.	Dance	240.00	State Treasurer of NE	Contr	97.00
KBIE FM 103.1	Adv	27.00	TCB Contracting	Rfnd	200.00
KR Creative	Contr	40.00	Thurman's Bike & Sport	Sup	66.00
Lacy, D.	Donation	225.00	Tim Engel Construction	Rfnd	125.00
Larson Motors	Rep	109.39	Unifirst Corporation	Contr	158.87
Loveland Grass Pad	Sup	389.55	Verizon	Tele	40.85
Mark Hughes Homes	Rfnd		Westlake	Sup	

**\*\*REMINDER\*\* ROBERTS RULES 1. PRESENTATION 2. MOTION 3. DEBATE 4. VOTE**

Nebraska City

		200.00			34.77
Mercer's Do-It-Best	Sup	492.41	Windstream,Inc.	Tele	1,380.35
Midwest Farmers Coop	Fuel	62.92	Zerofriction	Mdse	45.00

Moved by Mayor Bequette and seconded by Glover to table appointment of JEO Consulting Group, Inc. as the City Engineer for the year 2016. Upon roll call, the following voted YES: Stark, Crunk, Glover and Mayor Bequette. Voting NO: None. Abstain: Johns. Motion carried.

Moved by Mayor Bequette and seconded by Crunk to appoint Evan B. Wickersham from JEO Consulting Group, Inc. as Street Superintendent with the understanding City Attorney is going to draft a contract vehicle for us to look at, at the next meeting. Upon roll call, the following voted YES: Glover, Crunk and Mayor Bequette. Voting NO: Stark and Johns. Motion carried.

Mayor Bequette proclaimed a future date yet to be determined which coincides with a future 192<sup>nd</sup> MP Detachment drill weekend as 192<sup>nd</sup> Military Police Detachment day.

Mayor Bequette opened the Public Hearing on a recommendation from the Planning Commission to change the maximum height regulations in the R-1, R-2, R-0 districts; Code 410.09, 411.09, 412.10. No one spoke in favor of the application. No one spoke in opposition of the application. Mayor Bequette moved to close the public hearing, seconded by Commissioner Crunk. Upon roll call the following voted YES: Glover, Johns, Stark, Crunk and Mayor Bequette. Voting NO: None. Motion carried.

Treasurer's report was given, as of November 30, 2015, Total Nebraska City funds of \$5,723,175.51, Total Cash and Reserve for Nebraska City Utilities of \$16,878,618.57. Total of City of Nebraska City funds \$22,601,794.08.

City Administrator Report was given. Council acknowledged receipt.

Commissioner Stark moved to approve minutes from the December 15, 2015 Special Meeting, seconded by Commissioner Johns. Upon roll call the following voted YES: Glover, Johns, Stark and Mayor Bequette. Voting NO: None. Abstain: Crunk. Motion carried.

Moved by Commissioner Crunk and seconded by Stark to deny request from Robert Earl to purchase City property located North and East of the old land fill. Upon roll call, the following voted YES: Johns, Glover, Stark, Crunk and Mayor Bequette. Voting NO: None. Motion carried.

Council did not act on request from Blue Star Mothers to block 1<sup>st</sup> Corso in front of Middle School to hold a "Home for the Holidays" theme for Service members. The Service members returned home earlier in the day and this had been fulfilled.

Moved by Commissioner Stark and seconded by Johns to approve Utilities grant of permission to Windstream to bury communications in the public ROW as per the attached drawing. Upon roll call, the following voted YES: Crunk, Glover, Johns, Stark and Mayor Bequette. Voting NO: None. Motion carried.

## Nebraska City

Moved by Commissioner Glover and seconded by Stark to approve the transfer of Dance Studio funds and book keeping to the Dance Studio. Upon roll call, the following voted YES: Johns, Crunk, Stark, Glover and Mayor Bequette. Voting NO: None. Motion carried.

Discussion was held on Wildwood Golf Course Rates for 2016. Council did not take action and will revisit this item at a later time after more information has been gathered and presented.

Commissioner Crunk left at 7:20 P.M.

Moved by Mayor Bequette and seconded by Stark to approve the NCRA recommendation for Swimming Pool rates of 2016 as listed out on the sheet of paper. Upon roll call, the following voted YES: Glover, Johns, Stark and Mayor Bequette. Voting NO: None. Motion carried.

Moved by Mayor Bequette and seconded by Johns not to renew Website Maintenance Agreement. City Administrator, Grayson Path, explained that this could be done in house. Upon roll call, the following voted YES: Stark, Glover, Johns and Mayor Bequette. Voting NO: None. Motion carried.

Moved by Commissioner Stark and seconded by Mayor Bequette to approve amending the Police Department Capital Outlay budget for this year to allow the unspent \$8,300.00 to go towards repairs of an existing vehicle and add a new radar and camera system to the new vehicle. Upon roll call, the following voted YES: Johns, Glover, Stark and Mayor Bequette. Voting NO: None. Motion carried.

Council discussed creating committees for the 4<sup>th</sup> Corso Viaduct. It was decided to create a Safety Committee with Mayor Bequette, Fire Chief Alan Viox, Police Chief David Lacy and Commissioner Vic Johns serving on the committee. It was also decided to create a Revenue Committee with Commissioner Gloria Glover, City Administrator Grayson Path and Mayor Bryan Bequette serving on the committee.

Moved by Commissioner Johns and seconded by Stark to authorize the City Clerk-Treasurer to obtain financing for said Dump Truck in the amount of \$44,000.00 for a 5 year term at 2.7% interest. Upon roll call, the following voted YES: Glover, Stark, Johns and Mayor Bequette. Voting NO: None. Motion carried.

Meeting Adjourned at 8:24 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

**\*\*REMINDER\*\* ROBERTS RULES 1. PRESENTATION 2. MOTION 3. DEBATE 4. VOTE**



**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: Pam Frana  
Address: 2323 Park Lane, NC  
Phone #: 402-873-7164 / chamber 402-873-6654  
Email Address: pamfrana@gmail.com

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

**Item Title:**

**Explanation of Request:** <sup>Family</sup> Requesting Free pool pass to auction @ NCTC banquet. On Jan. 23, 2016

**Action Requested of Council:**

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

Council meetings are held on the 1<sup>st</sup> & 3<sup>rd</sup> Mondays of the month. All requests for inclusion on a Council Meeting Agenda must be submitted by 5 P.M. on the Wednesday 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

**December 2, 2015**

**Planning Commission**

**Height restriction change**

Applicant                      Board of Adjustment  
Address                         1409 Central Avenue  
Legal Description  
Phone Number                402-873-5515  
Filing Date                    November 16, 2015  
Parcel ID

Request/Purpose:                To address language issues with certain zoning regulations.

Narrative:                      The current language in section 410.09, 411.09, and 412.10 reads: The maximum height for any structure or building shall be fifty (50) feet, and the maximum height for all other buildings and structures shall be unlimited except for any applicable height restriction of the Airport Hazard Zone District regulations and any limitations of height imposed on any authorized conditional use. The board of adjustment believes these regulations to be confusing and improper. The zoning regulations for these sections should read: The maximum height for any structure or building shall be fifty (50) feet, except for any applicable height restriction of the Airport Hazard Zone District regulations. I have also included a copy of the supplemental regulations on Height Exceptions as general information.

Current Zoning:

Suggested Motion:            “..... recommend approval/denial of the language for height Restrictions in the R-1, R-2, and R-O Districts.

Nebraska City  
ORDINANCE NO. 2971-16

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

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

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

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

11<sup>th</sup> Street from 14<sup>th</sup> Corso to a point even with the Walmart Drive.

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

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

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

PASSED AND APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2016.

ATTEST:

\_\_\_\_\_  
Mayor

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

(S E A L)



Nebraska City  
RESOLUTION NO. 2691-16

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

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

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

ATTEST:

\_\_\_\_\_  
Mayor

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

(SEAL)

Nebraska City

ORDINANCE NO. 2972-16

AN ORDINANCE AMENDING SECTION 2-201 OF THE CODE OF THE CITY OF NEBRASKA CITY, NEBRASKA; REPEALING ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; APPROVING PUBLICATION IN PAMPHLET FORM; AND DECLARING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF NEBRASKA CITY, OTOE COUNTY, NEBRASKA, AS FOLLOWS:

**SECTION 1. AMENDMENT:**

That Section 2-201 of the Code of the City of Nebraska City, Nebraska, is hereby amended to read as follows:

**Sec. 2-201. - Certain contracts limited.**

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

(Neb. Rev. Stat. § 16-321(3))

**SECTION 2. REPEAL:**

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

**SECTION 3. PUBLICATION AND EFFECTIVE DATE:**

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

Passed and approved this \_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Mayor

ATTEST:

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