

CITY OF NEBRASKA CITY, NEBRASKA
 MINUTES OF CITY COUNCIL REGULAR MEETING
 December 7, 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 7, 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. Citizen, Bill Moore 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 and Public Properties Director/Zoning Director Dan Giittinger.

Mayor Bequette moved to approve the following consent items:
 Approve minutes of the November 16, 2015, City Council Regular Meeting.
 Accepting the report of new claims as presented against the City and approving disposition of claims set for the period of November 14, 2015 to December 4, 2015.
 Approve Master Plumbers and Drain Layers License – Anthony Leonardo.
 Approve Application of Manager for Steven C. Roker, Walgreen Company Liquor License.
 Approve parking exception for Lied Lodge to allow parking on the South side of Sylvan Road on January 9, 2016.
 Motion seconded by Commissioner Stark. Upon roll call the following voted YES: Crunk, Glover, Stark and Mayor Bequette. Voting NO: None. Abstain: Johns. Motion adopted.

CLAIMS LIST					
December 7, 2015					
A-1 Locksmith	Sup	74.99		Matheson Tri-Gas	Sup 263.29
Alamar Uniforms	Unif	359.74		Mead Lumber	Sup 152.45
American Recycling	Contr	184.50		Mercer's Do-It-Best	Rep 58.33
Amerine Builders	Rfnd	200.00		Midwest Machine	Rep 65.34
Arbor Mart	Fuel	2,233.90		Miller Monroe Farrell	Ins 157.00
AVAC	Contr	133.56		Missoula Children's	Dues 500.00
Asphalt & Concrete	Sup	152.50		Mullenax Auto Supply	Sup 201.45
Barco Municipal Prod	Sup	116.74		Napa Auto Parts	Rep 385.71
BCBS EMS	Rfnd	2,548.82		Nationwide	Inv 18,627.80
Behrends, T	Rfnd	100.00		NC Clerk - Treasurer	Postage 43.90
Bill Walters & Son	Rep	1,041.64		NC Museum Assoc	Contr 2,406.25
Blue Tarp Financial	Rep	393.27		NC Utilities	Util 46.49
Boatright, K.	Dance	1,110.00		NCTC	Contr 7,083.33
Bohl Plumbing & Heating	Rep	198.25		NE Arborist Assoc	Dues 125.00
Borrejo, Raul	Rfnd	25.00		DHHS	Dues 115.00
Bound Tree	Sup	1,503.42		NE Enviromental Prod	Rep 182.88
Brown's Shoe Fit	Postage	181.70		NE Salt & Grain	Sup 3,334.50

Capital Appraisal	Misc	4,600.00	NE Turfgrass Associa	Dues	950.00
Cede and Company	Bond/BAN S	3,678.75	New Tech Properties	Rfnd	200.00
Channing Bete Company	Training	59.45	O'Reilly Auto Parts	Rep	77.65
Citizen Printing Co	Sup	190.65	Omaha Tractor, Inc.	Sup	112.27
Concrete Industries	Sup	25.80	Orschlens	Rep	566.56
Consolidated Manag	Training	291.75	Otoe County Clerk	Rfnd	1,832.50
D & D Communications	Sup	533.00	Payroll	Payroll	208,623.1 7
Data Technologies	Dues	6,496.37	Peterson, C.	Rfnd	25.00
Don's Johns & Septic	Misc	76.50	Physio-Control	Maint	5,798.88
Duo Safety Ladder	Sup	87.00	Quality Remodeling	Contr	23,405.00
Eakes Office Solutions	Sup	716.78	Quill Corporation	Sup	57.25
Emblem Enterprises	Unif	289.85	R & R Products Co.	Sup	44.43
EMS Billing Services	Rfnd	3,844.57	River View Pest Control	Contr	196.00
Eschen, D.	Rfnd	25.00	Schneider Electric	Rep	832.08
Fareway Stores	Conc	59.11	Schumacher, G.	Mileage	647.49
Fastenal Company	Sup	46.08	SEND	Contr	1,368.62
Fire Protection Service	Contr	59.75	Sirchie Finger Print Labs	Med	49.50
Gatehouse Media	Adv	53.07	Smith, T.	Dance	205.00
Giittinger, D.	Mileage	24.86	Spiral	Tele	1,064.09
Guardian	Ins	13.96	Steve Walters & Son	Contr	113,983.7 0
HireRight Solutions	Med	51.50	Sunset Law Enforcement	Sup	2,556.88
Hydraulic Equipment	Rep	5,345.43	Toolkit Group	Sup	371.00
J. Park, LLC	Dance	1,000.00	Tree City Tees	Unif	127.92
J.P. Cooke Company	Sup	104.52	UHC	Ins	4,513.94
Jensen, E.	Dance	225.00	Unifirst	Contr	53.77
JEO Consulting	Contr	135.00	Verizon	Tele	251.56
Johnny's Cycle	Rep	55.00	Westlake	Sup	172.60
Langfeldt Overhead	Rep	165.00			

Mayor Bequette brought forward the re-appointment of Brad Kingery to the Board of Adjustments, Arnold Beckman and Jan Allgood to Board of Appeals, Roxie Barker and Bertha Sammons to Cemetery Board, and Mike Dehart to Housing Authority, seconded by Commissioner Johns. Upon roll call the following voted YES: Stark, Crunk, Glover, Johns and Mayor Bequette. Voting NO: None. Motion passed.

Mayor Bequette brought forward the appointment of Molly McNeely to the Library Board, seconded by Commissioner Crunk. Upon roll call the following voted YES: Glover, Johns, Stark, Crunk and Mayor Bequette. Voting NO: None. Motion passed.

Public Hearing for Workhorst Mfg. & Truck Sales LLC for Property Rezone was not held due to the withdrawal of application.

Commissioner Crunk and Commissioner Stark gave an update regarding the aquatic center.

Moved by Commissioner Stark and seconded by Crunk to table 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, Crunk, Stark and Mayor Bequette. Voting NO: None. Motion carried.

Mayor Bequette moved and seconded by Glover to pay one half of the NDOR claim for 2011 South 11th Street project in the amount of \$27,608.41 this fiscal year and the other half next fiscal year. Upon roll call the following voted YES: Stark, Crunk, Johns, Glover and Mayor Bequette. Voting NO: None. Motion carried.

Beau Reid, of Holmes Murphy, discussed the City's insurance renewal options. Moved by Commissioner Johns and seconded by Stark to renew with Holmes Murphy and utilize the savings under Option 2 and United Health Care. Upon roll call, the following voted YES: Crunk, Glover, Stark, Johns and Mayor Bequette. Voting NO: None. Motion carried.

Mayor Bequette introduced Resolution 2688-15; Directing the City Clerk-Treasurer to file with the Otoe County Treasurer Special Assessments. Moved by Mayor Bequette and seconded by Johns to approve Resolution 2688-15 for passage after reading. Upon roll call, the following voted YES: Crunk, Stark, Glover, Johns and Mayor Bequette. Voting NO: None. Motion carried. A true and correct copy of said resolution is as follows:

RESOLUTION 2688-15

BE IT RESOLVED BY THE MAYOR AND BOARD OF COMMISSIONERS OF THE CITY OF NEBRASKA CITY, NEBRASKA;

WHEREAS, Section 18-58, of the Code of Ordinances, Nebraska City, Nebraska provides that the City may have a lien upon real property for the mowing of weeds, grasses and worthless vegetation or clean up of litter, which under said Ordinance constitutes a nuisance; and,

WHEREAS, Notice to abate and remove such nuisance was given to each of the owner(s) and occupant(s) of the following described property(s) at least five (5) days prior to removal by the City of Nebraska City, Nebraska; and,

WHEREAS, The City of Nebraska City, Otoe County, Nebraska has mowed weeds, grasses, worthless vegetation or cleaned up the following described real estate, to-wit:

422 5th Corso – Lot 6; Blk 22; South Nebraska City Addition; Nebraska City, Otoe County, Nebraska; - \$86.49 003574500

712 10th Avenue – Lot 9 and S ½ Vacated ADJ Alley; Blk 69; Greggspport Addition; Nebraska City, Otoe County, Nebraska: 86.49 005418000

310 S 12th Street –S 33.25', Lots 1 & 2; Blk 101; Nebraska City Proper Nebraska City, Otoe County, Nebraska; - \$86.49 002186500

623 3rd Avenue – Lot 6; Blk 35; Nebraska City Proper; Nebraska City, Otoe County, Nebraska; - \$86.49 004839000

1010 N 4th Street – Lots 7 & 8 & ADJ N 20' Vac Street; Blk 104; Greggspport Addition; Nebraska City, Otoe County, Nebraska; - \$136.49 002198000

410 13th Corso – Lots 3-12; Blk 16: Anderson's Addition; Nebraska City, Otoe County, Nebraska – \$96.49 002818500

1314 4th Avenue E 1/3 Lot 9; All Lot 10; Blk 14; Prairie City Addition; Nebraska City, Otoe County, Nebraska - \$142.98 002590500

524 7th Avenue – Lot 7, Blk 84, Greggspport Addition, Nebraska City, Otoe County, Nebraska - \$216.47 005580500

After failure of the owner(s) to abate and remove the same from said real estate; and

WHEREAS, the City of Nebraska City, Otoe County, Nebraska has incurred the cost relative to the mowing of weeds, grasses and worthless vegetation or cleaned up said real estate in the amount s reflected above and,

WHEREAS, the City sent the property owners a bills for said cleanup which have not been paid, and

WHEREAS, the City may file Special Assessments for Improvements against properties for which City bills for services have not been paid, and

WHEREAS, Said Special Assessments shall draw interest at the rate provided by Section 45-104.01 of the Revised Statutes of Nebraska, from the effective date hereof.

NOW THEREFORE BE IT RESOLVED, that the City Clerk-Treasurer of Nebraska City is hereby authorized to file with the Otoe County Treasurer Special Assessments for Improvements in the amount(s) and against the property(s) specified above, all located within Nebraska City, Otoe County, Nebraska City, Nebraska.

Passed and approved this 7th day of December, 2015.

Bryan Bequette, Mayor

Attest: _____
Mark Marcotte, Clerk - Treasurer

Mayor Bequette introduced Resolution 2689-15; Approving Nebraska Department of Economic Development CDBG Contract No. 14-CIS-003 and authorizing Mayor to sign. Moved by Commissioner Stark and seconded by Johns to approve Resolution 2689-15 for passage after reading. Upon roll call, the following voted YES: Glover, Crunk, Johns, Stark and Mayor Bequette. Voting NO: None. Motion carried. A true and correct copy of said resolution is as follows:

Resolution 2689-15

Authorizing Chief Elected Official To Execute Contract & All Necessary Documents for
#14-CIS-003 Comprehensive Investment & Stabilization (CIS) Grant
Between the Nebraska Dept. of Economic Development (NDED) and the City of Nebraska City

WHEREAS, the City of Nebraska City, Nebraska, as an eligible unit of general purpose government, has been awarded by the Nebraska Department of Economic Development, a Comprehensive Investment & Stabilization Grant in the amount of \$220,000 for the purpose of funding the Kearney Hill Road Paving Project.

In-Kind Matching funds from the City of Nebraska City will be \$195,420 for land acquisition/easements, street paving, and storm sewers; and,

WHEREAS, the City of Nebraska City, Nebraska will find it in its best interest to enter into such a contract with NDED for said #14-CIS-003 Comprehensive Investment & Stabilization Grant; and,

WHEREAS, the City of Nebraska City, Nebraska has received said contracts from NDED; and,

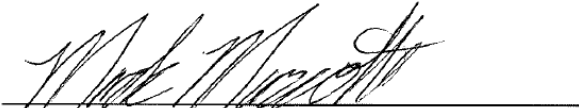
NOW, THEREFORE, BE IT RESOLVED, the City Council of the City of Nebraska City, Nebraska, hereby directs and authorizes the Mayor of the City of Nebraska City, Nebraska to proceed with the execution of any and all necessary contracts, documents, or other memoranda so as to implement the noted #14-CIS-003 Comprehensive Investment & Stabilization grant project award.

Passed and approved this 7th day of December, 2015.



Bryan Bequette, Mayor, City of Nebraska City, Nebraska

ATTEST:



Mark Marcotte, City Clerk, City of Nebraska City, Nebraska



Commissioner Crunk left the meeting at 7:18pm.

Mayor Bequette introduced Resolution 2690-15; Approving bid on Federal Aid Project No. ENH-66(34). Moved by Commissioner Stark and seconded by Mayor Bequette to approve Resolution 2690-15 for passage after reading. Upon roll call, the following voted YES: Glover, Johns, Stark and Mayor Bequette. Voting NO: None. Motion carried. A true and correct copy of said resolution is as follows:

RESOLUTION

WHEREAS, there has been signed by the City of Nebraska City on the 6th day of June, 2011, and the State on the 14th day of June, 2011, an agreement providing for the construction of a Federal Aid City Project at the following location: approximately 1-mile long, 6-inch thick concrete surfaced trail connecting Steinhart Park to Arbor Day Farm and Arbor Lodge State Park, and includes a 120-foot long pedestrian bridge across South Table Creek. The trail continues northwest behind the park through City property along Central Avenue to a crossing at Steinhart Road, at which point it will turn north and travel past the High School to Arbor Avenue turning west along Arbor Avenue and crossing Arbor Avenue to continue along the north side of the street. The project ends at the entrance to Arbor Lodge State Park on Steamwagon Road.

WHEREAS, in the above agreement, the City has pledged sufficient funds to finance its share of the cost of the construction of this project identified as ENH-66(34), and

WHEREAS, the above mentioned agreement provided that the City would pay costs as set forth in the agreement, and

WHEREAS, the State, on behalf of the City received bids for the construction of this project based on the final plans and specifications on November 19, 2015, at which time 3 bids were received for the construction of the proposed work, and

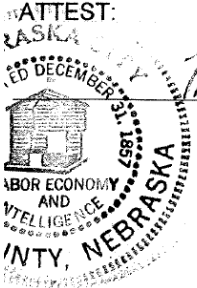
WHEREAS, the following contractor(s) for the items of work listed has/have been selected as the low bidder(s) to whom the contract(s) should be awarded:

TAB Holding Company, Inc. DBA TAB Construction, Omaha, NE
Grading, Concrete Pavement, Culverts, Bridge, General Items: \$759,783.29

NOW THEREFORE, in consideration of the above facts, the City Council of the City of Nebraska City, by this resolution, takes the following official action:

1. If for any reason the Federal Highway Administration rescinds, limits its obligations, or defers payment of the Federal share of the cost of this project, the City hereby agrees to provide the necessary funds to pay for all costs incurred until and in the event such Federal funds are allowed and paid.
2. The Council hereby concurs in the selection of the above mentioned contractor(s) for the items of work listed, to whom the contract(s) should be awarded.
3. The Council hereby approves of the final plans and specifications that were used in the bidding process for this project.
4. The Council hereby authorizes the Mayor to sign the contract(s) with the above mentioned Contractor(s) for the above mentioned work on behalf of the City.

DATED THIS 7th DAY OF December, A.D. 2015



Mark Mazetto
(City Clerk)

CITY OF NEBRASKA CITY
[Signature]
(Mayor)

Council Member Stark

Moved the adoption of said resolution.
Roll Call: 4 yea, 0 nay.
Resolution adopted, signed and billed as adopted.

Moved by Mayor Bequette and seconded by Johns to approve Change Order No. 2, with Steve Walters & Son Inc. for 2015 Nuckolls Square Park Improvement contract. Upon roll call, the following voted YES: Stark, Glover, Johns and Mayor Bequette. Voting NO: None. Motion carried.

Moved by Mayor Bequette and seconded by Johns to approve Grant Extension Request to Nebraska Department of Economic Development for 13-CIS-103 – Nuckolls Square Park Grant extending to April 30, 2016. Upon roll call, the following voted YES: Stark, Glover, Johns and Mayor Bequette. Voting NO: None. Motion carried.

Moved by Commissioner Johns and seconded by Glover to accept the two year warranty from Steve Walters Construction for the construction of the Nuckolls Square project and authorize the Mayor to sign the addendum. Upon roll call, the following voted YES: Stark, Glover, Johns and Mayor Bequette. Voting NO: None. Motion carried.

Moved by Mayor Bequette and seconded by Johns to approve Pay Application No. 1, for Steve Walters & Son Inc. in the amount of \$113,983.70 for 2015 Nuckolls Square Park Improvements. Upon roll call, the following voted YES: Stark, Glover, Johns and Mayor Bequette. Voting NO: None. Motion carried.

Moved by Mayor Bequette and seconded by Stark to approve Drawdown No. 8 in the amount of \$85,487.77 for construction invoice from Steve Walters and Son for 13-CIS-103, Nuckolls Square Park Grant. 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 to approve Drawdown No. 7 in the amount of \$974.58 for General Administration Services to SENDD for 13-CIS-103, Nuckolls Square Park Grant. Upon roll call, the following voted YES: Stark, Glover, Johns and Mayor Bequette. Voting NO: None. Motion carried.

Moved by Mayor Bequette and seconded by Stark to approve CGI Communications Agreement regarding Community Video Productions. City Administrator, Grayson Path, presented the product. Upon roll call, the following voted YES: Glover, Johns, Stark and Mayor Bequette. Voting NO: None. Motion carried.

Moved by Commissioner Stark and seconded by Johns to authorize the Mayor to sign the letter for the Hazard Mitigation Grant with City share of 25 percent to replace the generator for City Hall. Upon roll call, the following voted YES: Glover, Johns, Stark and Mayor Bequette. Voting NO: None. Motion carried.

Moved by Commissioner Stark and seconded by Mayor Bequette to approve the advertisement for RFP for a used Dump Truck and authorize Street Commissioner to award purchase of used Dump Truck on December 16, 2015 as long as it's within the boundaries of the budget. Upon roll call, the following voted YES: Glover, Johns, Stark and Mayor Bequette. Voting NO: None. Motion carried.

Meeting Adjourned at 7:22 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.

Mark E. Marcotte, City Clerk-Treasurer