

CITY OF NEBRASKA CITY, NEBRASKA  
MINUTES OF CITY COUNCIL REGULAR MEETING  
February 1, 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 February 1, 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: 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, Library Director Rasmus Thoeners and Public Properties Director/Zoning Director Dan Gittinger.

Mayor Bequette moved to approve the following consent items:  
Minutes of the January 18, 2016, City Council Regular Meeting.  
Accepting the report of new claims against the City and approving disposition of claims set for the period of January 16, 2016 to January 29, 2016.  
Reinstatement of Chris Griepenstroh as Volunteer Fire Fighter.  
Motion seconded by Commissioner Johns. Upon roll call the following voted YES: Stark, Crunk, Glover, Johns and Mayor Bequette. Voting NO: None. Abstain: None. Motion carried.

<b>CLAIMS LIST</b>					
February 1, 2015					
Adkins Signs	Sup	275.00	Mullenax Auto Supply	Rep	229.49
Arbor Mart, Inc	Fuel	1421.99	NAPA Auto	Sup	234.30
Asphalt & Concrete Materials	Sup	193.98	Nationwide		11816.03
Benefiel Truck Repair	Rep	90.00	NC Clerk - Treasurer	Misc.	90.00
Berry	Adv	45.60	NE City Museum Assoc.	Contr	2406.25
BKD	Audit	7500.00	NC Public School	Contr	210.00
Bound Tree Medical LLC	Sup	1045.92	NC Tourism & Commerce	Contr	7083.33
Callaway Golf Sales Company	Mrchdse	1075.11	NE Public Health Environ	Contr	105.00
Jonathan Casey	Mileage	47.46	NE Salt and Grain Co.	Sup	3373.50
Consolidated Management Co	Training	144.75	O'Reilly Auto Parts	Sup	107.97
Data Technologies	Sup	448.49	Omaha Tractor, Inc.	Rep	1337.36
DEAN, WILLIAM	Rfnd	25.00	Orschlen	Rep	15.98
Dell Marketing L.P.	Sup	4991.84	Otoe County Clerk	Contr	1090.00
Douglas Tire Co.	Rep	944.58	Payroll		162776.7
Eakes Office Solutions	Sup	31.31	Pitney Bowes	Contr	189.00
Eggers Brothers, Inc.	Rep	175.88	Richardson, C.	Rfnd	54.46
Fareway Stores, Inc.	Conc	5.50	River View Pest Control	Contr	176.00
Fastenal Company	Sup	32.01	Rojas, Beatrice	Rfnd	25.00
FBINAA	Dues	100.00	Southeast Nebr. Develop. Dist.	Contr	4580.97
Ferguson, K.	Misc.	47.58	Southeast Plumbing & Heating	Rep	50.00
Gatehouse Media NE Holdings	Adv	139.91	Spiral Communications	Tele	1052.13
HireRight Solutions, Inc	Med	81.15	The Toolkit Group	Sup	301.00
JEO Consulting Group, Inc.	Contr	5532.50	Tree City Tees	Rep	30.00
Jim Doty Construction	Contr	6050.00	Tri-State Excavating	Rep	240.00
Landis Engine Company, Inc.	Sup	24.99	UHC	Ins	5662.21
Lant, J.	Sup	11.77	Unifirst Corporation	Contr	106.32
Matheson Tri-Gas, Inc.	Sup	146.49	USPS	Sup	49.00
Mead Lumber	Sup	61.97	Verizon Wireless	Tele	250.71
Mercer's Do-It-Best	Sup	182.83	Westlake Ace Hardware	Sup	86.78
Michael Todd and Company	Sup	832.37	Wurtele, G.	Sup	133.50
Midwest Machine, Inc.	Rep	25.20	Zahn, D.	Rfnd	25.00

Mayor Bequette brought forward the appointment of Tim Engel to the Civil Service Commission. Seconded by Commissioner Stark. Upon roll call the following voted YES: Glover, Johns, Crunk, Stark and Mayor Bequette. Voting NO: None. Motion passed.

Mayor Bequette proclaimed the week of January 31 through February 6, 2016, as Catholic Schools Week.

Mayor Bequette opened the Public Hearing on Six Year Road and Street Plan. Evan Wickersham of JEO Consulting Group explained the one and six year street plan. No one spoke in favor of the plan. No one spoke in opposition of the plan. Mayor Bequette moved to close the public hearing, seconded by Commissioner Glover. Upon roll call the following voted YES: Johns, Crunk, Stark, Glover and Mayor Bequette. Voting NO: None. Motion carried.

Mayor Bequette opened the Public Hearing on use of LB840 funds for Nebraska City Museum Association in the amount of \$16,000.00. Dan Mauk, Executive Director of NCAEDC and Brian Volkmer, Director of Nebraska City Museum Association, spoke about the application. Mr. Mauk explained the Economic Development Committee recommended the application for approval. Commissioner Glover and Commissioner Stark declared they would be abstaining from the vote due to serving on museum boards. No one spoke in favor of the plan. No one spoke in opposition of the plan. Mayor Bequette moved to close the public hearing, seconded by Commissioner Johns. Upon roll call the following voted YES: Stark, Crunk, Johns, Glover and Mayor Bequette. Voting NO: None. Motion carried.

The Public Hearing concerning 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 was not held because there were no objections.

Library Director, Rasmus Thoegersen, gave the annual Morton James Public Library report.

Moved by Commissioner Crunk and seconded by Commissioner Johns to approve request from Carissa Phillips for donation of 10 daily pool passes for the Legally Prom Charity Event. Upon roll call, the following voted YES: Johns, Glover, Stark, Crunk and Mayor Bequette. Voting NO: None. Motion carried.

Moved by Commissioner Johns and seconded by Stark to approve SDL for Lourdes Central Catholic Schools to hold Trivia Night at the school on April 16, 2016. Upon roll call, the following voted YES: Glover, Crunk, Stark, Johns and Mayor Bequette. Voting NO: None. Motion carried.

Moved by Mayor Bequette and seconded by Johns to approve the LB840 application for the NC Museum Association and execute the Grant Agreement in the amount of \$16,000.00 for the Museum Pass Program. Upon roll call, the following voted YES: Crunk, Johns and Mayor Bequette. Voting NO: None. ABSTAIN: Stark and Glover. Motion carried.

Chris Lindner an audit director for BKD presented the City of Nebraska City annual audit for the fiscal year of 2015.

Commissioner Crunk left the meeting at 7:27 PM.

Jeff Kohrs, of Nebraska City Utilities and Shelly Stromp of KPMG presented the City of Nebraska City Utilities Department annual audit for the fiscal year of 2015.

Moved by Commissioner Stark and seconded by Glover to accept the City of Nebraska City audit and also the Nebraska City Utilities audit as presented. Upon roll call, the following voted YES: Johns, Stark, Glover and Mayor Bequette. Voting NO: None. Motion carried.

Mayor Bequette introduced Ordinance #2975-16 entitled: AN ORDINANCE AMENDING SECTION 17-43 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; and moved that the statutory rule requiring reading on three different days be suspended. Stark seconded the motion to suspend the rules and upon roll call, the following voted YES: Glover, Johns, Stark 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 Glover. The Mayor then stated the question: "Shall Ordinance #2975-16 be passed and adopted?" Upon roll call, the following voted YES: Stark, Johns, Glover 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. 2975-16

AN ORDINANCE AMENDING SECTION 17-43 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 17-43 of the Code of the City of Nebraska City, Nebraska, is hereby amended to read as follows:

**Sec. 17-43. - Exclusive franchise.**

**It shall be unlawful for any person or entity without a franchise agreement to haul or collect for hire any garbage, rubbish, trash or waste for others in the City.**

**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 1st day of February, 2016.

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Mayor

ATTEST:

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City Clerk-Treasurer

Mayor Bequette introduced Resolution 2693-16; One Year and Six Year Plan for Street Improvement Program. Moved by Commissioner Johns and seconded by Stark to approve Resolution 2693-16; One Year and Six Year Plan for Street Improvement Program. Upon roll call, the following voted YES: Glover, Stark, Johns and Mayor Bequette. Voting NO: None. Motion carried. A true and correct copy of said resolution is as follows:

**RESOLUTION**

2693-16

The following resolution was introduced by Johns, who moved its adoption, seconded by Stark,

“WHEREAS, the City Street Superintendent has prepared and presented a One Year and Six Year Plan for Street Improvement Program for the City of Nebraska City, and


WHEREAS, a public meeting was held on the 1st day of February, 20 16, to present this plan and there were no objections to said plan;

THEREFORE, BE IT RESOLVED BY THE Mayor and City Council of Nebraska City, Nebraska, that the plans and data as furnished are hereby in all things accepted and adopted.”

Upon roll call vote as follows:

- Commissioner Glover - Yes
- Commissioner Stark - Yes
- Commissioner Johns - Yes
- Mayor Bequette - Yes

  
\_\_\_\_\_  
Mayor

ATTEST:   
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Clerk



Council discussed final designs for the 11<sup>th</sup> Street Improvement Project. Pat Kastl, Project Manager, with Alfred Benesch Company and Public Properties Director/Zoning Director Dan Giittinger presented the plans. Moved by Commissioner Johns and seconded by Glover to proceed with Alfred Benesch on the final design of the 11<sup>th</sup> Street Improvement Project and advertise for bids. 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 Stark to approve the City Engineering Agreement with JEO Consulting Group, as per form. Upon roll call, the following voted YES: Glover, Stark, Johns and Mayor Bequette. Voting NO: None. Motion carried.

Moved by Commissioner Johns and seconded by Glover to approve the City Street Superintendent Agreement with Evan Wickersham. Upon roll call, the following voted YES: Stark, Glover, Johns and Mayor Bequette. Voting NO: None. Motion carried.

Meeting Adjourned at 7:53 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