

CITY OF NEBRASKA CITY, NEBRASKA  
MINUTES OF CITY COUNCIL REGULAR MEETING  
March 21, 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 March 21, 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: Jeff Crunk, Vic Johns, Gloria Glover 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, Library Director Rasmus Thoeners and Public Properties Director/Zoning Director Dan Gittinger.

Mayor Bequette moved to approve the following consent items:  
 Approve minutes from the March 7, 2016 City Council Meeting  
 Accepting the report of new claims against the City and approving disposition of claims set for the period of March 5, 2016 to March 18, 2016  
 Approve Application for Electrical Registration to Work for Jamie Frederick  
 Approve request from Lied Lodge to allow parking on the South side of Sylvan Road on April 30, 2016 from 4:00 pm to 11:00 pm  
 Approve request from NC Jaycees for use of 9 picnic tables at the Fly-In Breakfast on May 1, 2016  
 Approve request from St. Benedict's Preschool to waive reservation fee at the Wildwood Shelter for class Picnic on May 13, 2016  
 Approve request from NCTC to use Stone Cabin on March 26, 2016 to provide dinner to the 1st winner of 2, from the fundraiser for the Scholarship Fund  
 Authorize the Mayor to sign the BPW recommended Maintenance and Readiness Testing of Emergency Status Stationary Reciprocating Internal Combustion Engine Generators  
 Approve BPW recommended Water WO #378 for replacement of the overhead crane for Chlorine Cylinder handling  
 Consider approval of Release of Lien for properties located at 1314 4th Avenue and 310 S 12th Street  
 Motion seconded by Commissioner Johns. Upon roll call the following voted YES: Crunk, Glover, Johns and Mayor Bequette. Voting NO: None. Motion carried

<b>CLAIMS LIST</b>					
March 21, 2016					
Action Technology	Contr	3,100.00	Midwest Turf and	Rep	733.78
Arbor Mart, Inc	Fuel	1,733.89	Molly McNeely Dentistr.	TIF	122.86
Arrow Int'l	Sup	782.09	Mullenax Auto Sup	Sup	263.88
Bill Walters & Son	Rep	710.61	National Entertainment	Sup	480.00
Bob's Welding Shop	Fine Arts	1,498.40	Nationwide Trust	Inv	2146.00
Bohl P & H	Rep	16.33	Nationwide	Inv	11673.65
Bound Tree	Sup	101.65	NC Utilities	Util	7803.33
Callaway Golf	SUp	1,102.74	NE Dept of Rev	Sls Tax	1818.00
Capital Business	Contr	153.97	NE Environmental	Sup	285.70
Card Services	Fuel	1,107.07	NE Law Enforcemen	Training	190.00
Casey's General	Fuel	30.80	NE Methodist Hosp	Investigation	350.00
Channing Bete Com	Training	163.23	NE Salt & Grain	Sup	4932.00
City of NC	Contr	10,500.00	O'Reilly Auto Par	Rep	19.97
Coca-Cola	Beverages	391.32	Odey's Inc.	Maint	4007.75
Commercial State	TIF	22,998.96	Omaha World-Herald	Adv	703.58
Concrete Industries	Sup	354.25	Otoe County Clerk	Contr	4423.46
Douglas Tire Co.	Rep	287.95	Payroll	Payroll	94306.49
Eakes Office Solu	Sup	220.23	Schroeder, A	Rfnd	200.00
Eggers Brothers	Rep	216.85	Schumacher, G.	Mileage	326.00
Fareway Food	TIF	356.56	SENDD	Contr	7417.19

Store					
Fareway Stores	Concessions	14.67	Shaffer Comm	Communication	1235.40
Fastenal Company	Rep	102.68	Shell	Fuel	1120.73
Fire Protection Serv	Rep	184.00	Shelter Home Serv	Rfnd	25.00
Guardian	Ins	4,259.60	Sprial	Tele	1036.97
Hopkins Automotive	Sup	64.55	Steenblock Erectors Inc	Rfnd	200.00
Hotsy Equipment	Rep	157.77	Thurman's	TIF	209.25
Ideal Pure Water	Sup	73.95	Tielke's Sandwich	Concessions	54.19
JEO Consulting	Contr	1,282.50	UHC	Ins	62919.45
KR Creative	Fine Arts	50.70	UHC - HRA	Ins	6401.26
Landis Engine	Tools	167.14	Verizon	Tele	16.99
Larson Motors	Rep	32.62	Westlake Ace	Sup	680.89
Lincoln Financial	Ins	2,563.44	Windstream,Inc.	Tele	1428.80
Matheson Tri-Gas	Sup	41.33	Windy Prairie Sys	Equip	13600.00
Mercer's Do-It-Be	Sup	269.98	Winn Incorporated	Mdse	194.75

Mayor Bequette Administered the Oath of Office to Randy Dunster, City Clerk-Treasurer.

Mayor Bequette proclaimed the dates of April 29 through May 1, 2016 as the official dates of observance of Arbor Day

Mayor Bequette made a proclamation recognizing and commending the Lourdes Central Catholic High School Basketball team for its accomplishments in winning the 2016 Nebraska D1 Basketball Championship.

Treasurer's report was given, as of February 29, 2016, Total Nebraska City funds of \$7,746,708.19. Total Cash and Reserve for Nebraska City Utilities of \$16,344,493.31. Total of City of Nebraska City funds \$24,091,201.50.

Council acknowledged receipt of City Administrator Report.

Council acknowledged receipt of Utility Financial Report for period ending January 31, 2016.

Council acknowledged receipt of Utility Claims for period ending February 29, 2016.

Council acknowledged receipt of Wildwood Historic Center 2015 Annual Report.

Commissioner Crunk gave an update on the aquatic center.

Moved by Commissioner Crunk and seconded by Johns to approve request from NC Farmers Market to use Memorial Building parking lot, cones blocking entrance, 2 picnic tables and permission to hang sign every Thursday from May 5<sup>th</sup> to Sept. 8<sup>th</sup> from 3:45 pm to 6:00 pm. Amy Allgood, representing Nebraska City Tourism and Commerce, explained the request. Upon roll call, the following voted YES: Glover, Johns, Crunk and Mayor Bequette. Voting NO: None. Motion carried.

Moved by Commissioner Johns and seconded by Crunk to approve the Wall of Hope Chalkboard project sponsored by LNC to be built in Memorial Way as a class project. Upon roll call, the following voted YES: Glover, Crunk, Johns and Mayor Bequette. Voting NO: None. Motion carried.

Moved by Mayor Bequette and seconded by Glover to approve request from Jim Kuhn to build out onto sidewalk for safety at residence located at 410 Central Avenue. Upon roll call, the following voted YES: Crunk, Johns, Glover and Mayor Bequette. Voting NO: None. Motion carried.

Moved by Commissioner Glover and seconded by Mayor Bequette to approve request from Pioneer Holdings to close Memorial Building parking lot for live music and a beer garden on April 30, 2016 following the Arbor Day Parade. Tim Pendrell, representing Pioneer Holdings, LLC, discussed the request. Upon roll call, the following voted YES: Crunk, Glover and Mayor Bequette. Voting NO: None. Abstain: Johns. Motion carried.

Moved by Commissioner Glover and seconded by Mayor Bequette to approve SDL to Pioneer Holdings for the beer garden at Memorial Building Parking Lot on April 30, 2016 from 10am to midnight. Upon roll call, the following voted YES: Crunk, Glover and Mayor Bequette. Voting NO: None. Abstain: Johns. Motion carried.

Moved by Commissioner Glover and seconded by Johns to authorize the Mayor to sign the Certificate of Participant for the Separate Electric System Revenue Bonds Series 2016A, and

refinancing of Bonds. Upon roll call, the following voted YES: Crunk, Johns, Glover and Mayor Bequette. Voting NO: None. Motion carried.

Moved by Commissioner Glover and seconded by Johns to authorize the Mayor to sign the Continuing Disclosure Agreement for the Separate Electric System Revenue Series 2016A, and a refinancing of such Bonds. Upon roll call, the following voted YES: Crunk, Johns, Glover and Mayor Bequette. Voting NO: None. Motion carried.

Mayor Bequette introduced Resolution 2698-16; authorizing City Clerk-Treasurer and Deputy Clerk-Treasurer to do City banking. Moved by Mayor Bequette and seconded by Glover to approve Resolution 2698-16; authorizing City Clerk-Treasurer and Deputy Clerk-Treasurer to do the City banking. Upon roll call, the following voted YES: Crunk, Johns, Glover and Mayor Bequette. Voting NO: None. Motion carried. A true and correct copy of said resolution is as follows:

### **RESOLUTION NO. 2698-16**

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF NEBRASKA CITY, NEBRASKA, that Randy Dunster, City Clerk-Treasurer of the City of Nebraska City, Nebraska, and Patricia Moore, Deputy Clerk-Treasurer of the City of Nebraska City, be and are hereby authorized to draw checks, drafts, or other orders for the payment of money on behalf of the City of Nebraska City and Nebraska City Utilities, on the accounts of Nebraska City, Nebraska, at American National Bank, Premier Bank, First Nebraska Bank, Commercial State Bank, and Arbor Bank all in Nebraska City, Nebraska, and Farmers & Merchants Bank in Palmyra, Nebraska, Countryside Bank in Syracuse, Nebraska, First Bank of Nebraska in Syracuse, Nebraska and First Nebraska Bank in Unadilla, Nebraska, said banks are hereby authorized to honor the same.

BE IT FURTHER RESOLVED, that Randy Dunster, City Clerk-Treasurer of the City of Nebraska City, Nebraska, and Patricia Moore, Deputy Clerk-Treasurer of the City of Nebraska City, be and are hereby authorized to purchase and redeem Certificates of Deposit on behalf of the City of Nebraska City, at the banks and institutions referred to above; are authorized to make deposits to the accounts of the City of Nebraska City at said banks; and is further authorized to mortgage, pledge, assign, endorse and deliver to said banks any assets of the City of Nebraska City, as security for all obligations of any kind of the City of Nebraska City to said banks, with full power to withdraw, exchange, and substitute other securities for those originally pledged.

BE IT FURTHER RESOLVED, that the powers and authority granted by this Resolution shall continue in full force and effect until notice in writing is given of the cancellation or modification thereof; and all other persons previously authorized by the City shall be removed from the signature cards of said institutions and shall have no authority to act for the City from and after the signing of the new authorizations by Randy Dunster, City Clerk-Treasurer, and Patricia Moore, Deputy Clerk-Treasurer.

Passed and Approved this 21st day of March, 2016

APPROVED

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Bryan Bequette, Mayor

ATTEST:

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Mark Marcotte, City Clerk - Treasurer

Moved by Mayor Bequette and seconded by Glover to approve request from Unite Private Network to extend their network from existing facilities on N 11<sup>th</sup> Street to the newly purchased School property at 1700 14<sup>th</sup> Avenue. Rosalyn Beaver and Ronda Plummer, representing Unite Private Networks, spoke on the request. Upon roll call, the following voted YES: Johns, Crunk, Glover and Mayor Bequette. Voting NO: None. Motion carried.

Mayor Bequette provided an update from the 4<sup>th</sup> Corso Safety Committee. The Committee agreed to meet again on the 2<sup>nd</sup> Monday in April, 2016. Commissioner Glover provided an update from the 4<sup>th</sup> Corso Finance Committee. Finance Committee decided to suspend further meetings for now and commence as needed.

Moved by Commissioner Johns and seconded by Glover to approve the final design option number one and select Alfred Benesch as lead project engineer for the replacement of the 4<sup>th</sup> Corso Viaduct. Upon roll call, the following voted YES: Crunk, Glover, Johns and Mayor Bequette. Voting NO: None. Motion carried.

Commissioner Crunk departed from the meeting at 7:18 pm.

Moved by Commissioner Glover and seconded by Johns to authorize Mayor to sign Preliminary Application form for Nebraska Affordable Housing Program. Judy Meyer, representing SENDD, spoke on the proposal. Upon roll call, the following voted YES: Johns, Glover and Mayor Bequette. Voting NO: None. Motion carried.

Moved by Mayor Bequette and seconded by Johns to approve the City Administrator to work with John Beal of Action Technology Services to purchase and install the cameras as previously listed to cover critical access points, and if the cost is over \$6,000 the Administrator will come back to the Council. Upon roll call, the following voted YES: Glover, Johns and Mayor Bequette. Voting NO: None. Motion carried.

Mayor Bequette introduced Resolution 2699-16; to adopt changes to pre-employment drug testing. Moved by Glover and seconded by Johns to approve Resolution 2699-16; Adopting changes to pre-employment drug testing. Upon roll call, the following voted YES: Johns, Glover and Mayor Bequette. Voting NO: None. Motion carried. A true and correct copy of said resolution is as follows:

#### RESOLUTION NO. 2699-16

WHEREAS, the Mayor and Commissioners of the City of Nebraska City, Nebraska, have previously adopted and revised a Personnel Manual for the employees of the City of Nebraska City, and,

WHEREAS, the Personnel Manual is periodically updated as needed to reflect the current policies of the City affecting its employees, and

WHEREAS, the City administration and Department Heads are recommending changes to certain provisions of the Manual.

NOW THEREFORE, Be It Resolved by the Mayor and Commissioners of the City of Nebraska City:

Section 1. That Section 2.1 of the Personnel Manual of the City of Nebraska City, Nebraska, last revised March 8, 2016, is hereby amended to read as follows:

#### **“SECTION 2: EMPLOYMENT POLICIES**

#### **2.1 PROCEDURES**

(a) Applicants for employment must:

(1) be citizens of the United States or have filed for citizenship and be able to produce documents to establish identity and employment eligibility as required by the United States Citizenship and Immigration Services Form I-9;

(2) be at least sixteen (16) years of age, unless applying to be a lifeguard, in which case Applicants must be at least fifteen (15) years of age;

(3) be physically fit for the performance of the duties of the position for which application is made;

(4) be subject to a drug test prior to beginning employment if working in a position which involves driving a motor vehicle on a public roadway during the regular performance of duties of the position held;

(5) be of good moral character.”

Section 2. That Section 8.4(d)(5) of the Personnel Manual of the City of Nebraska City, Nebraska last revised May 4, 2015, is hereby amended to read as follows:

(5) Pre-Employment Screening – Employees whose positions involve the operation of a motor vehicle on a public roadway in the regular performance of duties of the position held will be required to pass a drug test prior to beginning employment.

Section 3. That such revised Manual, shall be published in pamphlet form with the original to be maintained in the office of the City Clerk-Treasurer, and copies to be made available to all employees of the City.

Passed and Approved this 22<sup>nd</sup> day of March, 2016.

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Bryan Bequette, Mayor

Attest:

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Mark Marcotte, City Clerk-Treasurer

Meeting Adjourned at 7:38 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