

CITY OF NEBRASKA CITY, NEBRASKA  
MINUTES OF CITY COUNCIL REGULAR MEETING  
June 6, 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 June 6, 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 Randy Dunster, City Attorney David Partsch, Library Director Rasmus Thøgersen, Fire Chief Alan Viox and Chief of Police David Lacy.

Mayor Bequette moved to approve the following consent items:

Accepting the report of new claims against the City and approving disposition of claims set for the period of May 17, 2016 to June 6, 2016

Approve the MT Hospitality, LLC SDL for June 25, 2016 from 4:30PM – 1:00AM with an alternate date of June 26, 2016 to be held at Larson Motors Inc. 1801 Frontage Road Nebraska City, NE.

Approve NCTC use of the Sunken parking lot and use of the public restrooms from 8-10:30pm each Saturday evening from July 11th – August 6th 2016 for the Summer Saturday Film Series.

Approve the NCTC date change on a previously approved date for Lemon Days July 9th to move the date of the sidewalk sale only to June 28-30, 2016.

Approve the Applejack Car Show parking for the River City Classic Car Club September 18, 2016 as submitted.

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

CLAIMS LIST					
June 6, 2016					
ACCO	Chem	470.65	Larson Motors	Rep	3,058.72
Action Technology	Contr	400.00	Loveland Grass Pad	Chem	109.75
Adkins Signs	Rep	50.00	Matheson Tri-Gas, Inc.	Sup	203.34
ADT Security	Contr	602.04	MD Aquatics, LLP	Chem	1,178.00
Alfred Benesch & Co	Constr	14,625.16	Mead Lumber	Maint	19.45
American Recycling	Contr	237.00	Mercer's Do-It-Best	Sup	972.79
Anderson Auto	Rep	906.95	Meredith, M.	Fine Arts	20.00
Arbor Mart, Inc	Fuel	3,112.42	Midwest Farmers	Chem	44.55
Arbor Outdoor Power	Rep	94.71	Midwest Serv & Sales	Cap. Outlays	15,000.00
AVAC	Contr	280.00	Midwest Turf and Irr	Rep	261.13
Atchison County Mail	Adv	96.00	Molly McNeely Dent.	TIF	122.86
Award Plus	Training	96.00	Mullenax Auto Supply	Rep	248.68
B.C. Meyer Constr.	Rfnd	200.00	Napa Auto Parts	Rep	303.04
Barco Municipal Prod	Signs	471.04	Nationwide	Inv	11,820.21
Bare, Cathy	Fine Arts	80.00	NC Clerk - Treasurer	Rep	26.85
Richard D. Bennett, Jr.	Sup	8,282.13	NC Museum	Contr	2,406.25
Berry	Adv	24.69	NCU	Util	1,490.22
Boarders Inn & Suites	Training	545.00	NCTC	Contr	7,083.33
Bob's Welding Shop	Donation	20.00	NE Enviromental Prod	Rep	257.55
Bohl's Pluming	Rep	519.48	NE Health & Human Serv	Misc	40.00
Bound Tree Medical	Sup	1,908.79	NE Law Enforcement	Training	50.00
Briley, D.	Training	63.62	O'Reilly Auto Parts	Rep	184.32
Capital Business Sys	Contr	208.13	Odey's Inc.	Maint	1,430.95
Chase Bank	Bond & Int	63,678.75	Omaha Tractor, Inc.	Rep	628.77
Chase Bank	Interest	17,186.89	Orschlen's	Supp	89.45
Chase Bank	Bond & Int	49,048.75	Otoe County Clerk	Contr	5,692.70
Citizen Printing Co	Sup	90.00	Otoe Co Mutual Aid	Dues	20.00
Wildwood	Artist	1,622.91	Paper Tiger Shredding	Garagbage	35.00
Coca-Cola of Linc	Bev	1,242.51	Path, G.	Mileage	58.61
Commercial State	TIF	514.56	Payroll	Payroll	116,046.20
CompuTech Comp	Contr	250.00	PGA of America	Dues	484.00
Concrete Industries	Sup	25.80	Physicians Network	Med Exp	10.06
Consolidated Manag	Traning	298.99	Pitney Bowes	Contr	189.00
D & D Communication	Comm	675.00	PNC Equip	Lease	2,728.00
Dia, T.	Fine Arts	520.00	Quality Brands	Bev	400.10
Douglas Tire Co.	Rep	0.37	Rembolt Dev	Rfnd	200.00
Dunster, R.	Mileage	200.28	Right Choice Painting	Misc	30,000.00
Eakes	Sup	1,893.41	Adkins, R.	Rfnd	106.55
Edmisten, S.	Reim	131.02	S Systems	Rep	384.98
Eggers Brothers, Inc.	Rep	415.87	Sedlachek, D.	Rfnd	25.00

Eyman, C.	Rfnd	25.00	Shell	Fuel	1,603.94
Fareway Food	TIF	356.56	Spiral Comm.	Tele	1,036.97
Fareway Stores, Inc.	Concessions	24.15	Sysco Lincoln	Concessions	391.57
Fastenal Company	Sup	19.79	The Toolkit Group	Computer	301.00
Fire Station Sftwre	Comm	82.00	Thurman's Bike	TIF	9,367.05
First Wireless	Comm	697.00	Tielke's Sandwiches	Concessions	78.51
Gatehouse Media NE Holding	Adv	72.75	Trade Well Pallet, Inc.	Sup	1,000.00
Grimm's Gardens	Flwr/Sup	6,967.02	Tree City Tees	Uniform	14.00
Henry Motors Serv	Rep	1,175.27	Tri-State Excav.	Rep	3,100.00
Hopkins Automotive	Sup	43.56	UHC	HRA-City	385.63
Internation CC	Dues	135.00	UHC	HRA-NCU	4,608.98
JEO Consulting	CDBG	3,760.00	Unifirst Corporation	Sup	58.52
Johnny's Cycle	CDBG	11,500.00	Van Wall & Tuff	Sup	455.58
Johnson, R.	Fine Arts	20.00	Verizon Wireless	Tele	250.59
K & Z Distributing	Bev	182.65	Westlake Ace	Sup	951.70
Kreifels Electric L.L.C.	Grant	630.00	Williams, S.	Fine Arts	280.91
Kuhn, J.	Fine Arts	152.56	Windstream, Inc.	Tele	101.07
Landis Engine Comp	Rep	1,203.70	Zimco Supply Co.	Chem	5,376.70

Moved by Commissioner Glover and seconded by Johns to approve the minutes from the May 16, 2016 City Council Meeting with amended clarification to change "it" to "Verizon" in the third paragraph from the end. Upon roll call the following voted YES: Crunk, Glover, Johns and Mayor Bequette. Voting NO: None. Motion carried.

Application to approve Tyson Hermann/Bing's Sports Bar SDL and use of the Sunken Parking lot for Applejack Beer Garden on Sep 17, 2016 was withdrawn for application corrections. Tyson Hermann and Amy Allgood spoke regarding the request and agreed to reapply with application corrections.

Council acknowledged receipt of announcement regarding the City-Wide Garage Sales Event scheduled for June 25, 2016.

Moved by Commissioner Crunk and seconded by Johns to approve the NCHS Dance Marathon Fundraiser event on July 2, 2016 from 5:00PM – 12:00AM at the high school football field for the Weekend Lunch Program. Upon roll call the following voted YES: Crunk, Glover, Johns and Mayor Bequette. Voting NO: None. Motion carried.

Moved by Commissioner Crunk and seconded by Glover to approve the use of Steinhart Park for a carnival June 30 – July 2, 2016 and use of the parking lot to the East of the public restrooms and the road in front of the restrooms for Jaycee's concession stand with the logistics worked out as to where we can actually have it. Amy Allgood spoke to explain the request. Upon roll call the following voted YES: Crunk, Glover, Johns and Mayor Bequette. Voting NO: None. Motion carried.

Moved by Commissioner Johns and seconded by Glover to approve application for Nebraska City Housing Rehabilitation Program as per application 14-08. Upon roll call the following voted YES: Crunk, Glover, Johns and Mayor Bequette. Voting NO: None. Motion carried.

Moved by Mayor Bequette and seconded by Crunk to approve the NCTC Nebraska City IOS/Android App for development and ask the City Attorney to draft an agreement with party. Erv Friesen, Amy Allgood and Caleb Walker spoke to describe the request. Upon roll call the following voted YES: Crunk, Glover, Johns and Mayor Bequette. Voting NO: None. Motion carried.

Moved by Mayor Bequette and seconded by Glover to move forward with Miller/Monroe Ferrell as our agency broker and proceed with bidding out city insurance. Scott and Joe Miller spoke to describe the request. Upon roll call the following voted YES: Crunk, Glover and Mayor Bequette. Abstain: Johns Voting NO: None. Motion carried.

Moved by Commissioner Crunk and seconded by Johns to approve the Aquatic Center Insurance Payment with Miller Monroe in the amount of \$2,720.00. Scott and Joe Miller spoke to describe the request. Upon roll call the following voted YES: Crunk, Glover, Johns and Mayor Bequette. Voting NO: None. Motion carried.

Moved by Commissioner Johns and seconded by Glover to approve the agreement on ownership and use of ATV for the Flower Basket Program and authorize the Mayor to sign the agreement. Upon roll call the following voted YES: Crunk, Glover, Johns and Mayor Bequette. Voting NO: None. Motion carried.

Moved by Mayor Bequette and seconded by Johns to approve passage of Resolution 2705-16 for the Supplemental Agreement #1 to BM1119 for the 4th Corso Viaduct. Upon roll call the following voted YES: Crunk, Glover, Johns and Mayor Bequette. Abstain: None. Voting NO: None. Motion carried. A true and correct copy of said resolution is as follows:

**CITY OF NEBRASKA CITY  
RESOLUTION NO. 2705-16  
SIGNING OF THE LPA PROGRAM AGREEMENT  
SUPPLEMENTAL #1 – FEDERAL-AID FUNDING**

**Whereas:** City of Nebraska City (City) is proposing to develop and construct a transportation project for which it would like to obtain Federal funds;

**Whereas:** City understands that it must strictly follow all Federal, State and local laws, rules, regulations, policies and guidelines applicable to the funding of the Federal-aid project;

**Whereas:** City and State of Nebraska, Department of Roads (State) wish to enter into an **LPA Program Agreement Supplemental #1 – Federal-Aid Funds** which will set out the various duties and funding responsibilities for the Federal-aid project; and

**Whereas:** City wishes to designate its representative for this project.

**Be It Resolved by the City Council of the City of Nebraska City that:**

The Mayor, Bryan Bequette, is hereby authorized to sign the attached **LPA Program Agreement Supplemental #1 – Federal-Aid Funds** between the City and the State.

City hereby designates **Grayson Path** to serve as City’s representative and Project Liaison (PL) with State for this project.

City of Nebraska City is committed to providing local funds for the project as required by the **LPA Program Agreement Supplemental #1 – Federal-Aid Funds**.

NDOR Project Number: URB-6217(4)

NDOR Control Number: 13159

NDOR Project Name: 4<sup>th</sup> Corso Viaduct

Adopted this 6<sup>th</sup> day of June, 2016, at Nebraska City, Nebraska.

City Council of the City of Nebraska City

Commissioners: Jim Stark, Jeff Crunk, Vic Johns, Gloria Glover, and Mayor Bryan Bequette

Commissioner \_\_\_\_\_

Moved the adoption of said resolution

Commissioner \_\_\_\_\_ Seconded the Motion

Roll Call: \_\_\_\_\_ Yes; \_\_\_\_\_ No; \_\_\_\_\_ Abstained; \_\_\_\_\_ Absent

Resolution adopted, signed and billed as adopted

\_\_\_\_\_  
Bryan Bequette, Mayor

Attest:

\_\_\_\_\_  
Randy Dunster, City Clerk-Treasurer

Moved by Commissioner Crunk and seconded by Johns to approve an EDRLF Administrative Assistance Contract with the Southeast Nebraska Development District. Dave Taladay and Dan Mauk spoke on behalf of SENDD. Upon roll call the following voted YES: Crunk, Glover, Johns and Mayor Bequette. Voting NO: None. Motion carried.

Commissioner Crunk left at 7:19 PM.

Moved by Mayor Bequette and seconded by Johns to table the discussion to vacate right-of-way on 5th Terrace & 4th Rue until the next City Council meeting because we no longer have a quorum with a declared conflict of interest. Susan Burgman and Harvey Varenhorst spoke in favor of the request. Upon roll call the following voted YES: Johns, Glover and Mayor Bequette. Voting NO: None. Motion carried.

Moved by Mayor Bequette and seconded by Glover for passage of Resolution 2706-16 regarding the Otoe County EMS Tax. Andrew Snodgrass spoke to describe the request. 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. 2706-16

WHEREAS, the City Council of the City of Nebraska City has been made aware of the possibility of the County of Otoe, State of Nebraska, enacting a county-wide EMS tax to provide EMS services using existing providers for the current EMS Districts;

AND WHEREAS, the City finds it to be in the best interests of the citizens of Nebraska City for the county-wide EMS tax and creation of partnerships between the County, the City, and the additional EMS service providers in the County to be explored;

THEREFORE, BE IT RESOLVED that the City Council expresses approval of continuing research and exploration of the creation of partnerships utilizing a potential county-wide EMS tax.

Passed and approved this 6<sup>th</sup> day of June, 2016.

---

Bryan Bequette, Mayor

ATTEST:

---

Randy Dunster, City Clerk-Treasurer

Erv Friesen, Rasmus Thøegersen and Amy Allgood spoke to describe the purpose of Nebraska City's 150th Anniversary Committee and invite ideas from the community.

At 7:35 PM Mayor Bequette moved for the Council to go into closed Session with the City Attorney and City Administrator for the purpose of discussion and action regarding starting pay and benefits for the new possible Construction Facility Manager. Motion was seconded by Glover. Upon roll call the following voted YES: Johns, Glover and Mayor Bequette. Voting NO: None. Motion carried.

At 7:44 PM Commissioner Johns moved for the Council to resume into Open Session and was seconded by Glover. 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 that given the applicant's superior qualifications, over 28 years of experience in Program and Construction Management, and employee supervision that we offer as discussed and offer at step 3. Upon roll call the following voted YES: Glover, Johns and Mayor Bequette. Voting NO: None. Motion carried.

Meeting Adjourned at 7:54 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.

---

Randy A. Dunster, City Clerk-Treasurer