

CITY OF NEBRASKA CITY, NEBRASKA  
MINUTES OF CITY COUNCIL REGULAR MEETING  
September 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 September 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: Erv Friesen, Jeff Crunk, Vic Johns, Gloria Glover and Mayor Bequette. Absent: None. The following City Officials were present: City Administrator Grayson Path, City Clerk-Treasurer Randy Dunster, Police Chief David Lacy, Fire Chief Alan Viox, Utilities Director Leroy Frana, Library Director Rasmus Thoenegerson, Director of Parks and Recreation Scooter Edmisten, Golf Professional Jon Casey, Golf Course Professional Michael West and Construction and Facility Manager Marty Stovall.

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 August 16, 2016 to September 6, 2016.

Discussion/action to approve release of lien for 610 11th Avenue Nebraska City, NE 68410.

Discussion/action to approve no parking areas on 1st Ave for emergency vehicle routes during Applejack weekend.

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

CLAIMS LIST					
September 6, 2016					
Action Tech Serv	Contr	400.00	Miller Monroe Farrell	Ins	6,966.00
Adkins Signs	Sup	210.00	Mullenax Auto Supply	Rep	323.42
Alamar Uniforms	Unifm	517.00	Municipal Emerg. Sup	Donation	609.61
American Recycling	Garabage	242.89	Napa Auto Parts	Rep	785.93
Anderson Auto	Rep	306.30	Nationwide	Inv	27,188.90
Arbor Mart, Inc	Fuel	2,986.09	NC Clerk - Treasurer	Misc	20.00
AVAC	Contr	452.81	NC Museum Assoc.	Contr	2,406.25
Associated Supply Co	Chem	1,505.90	NCTC	Contr	7,083.37
Bando, T.	Rfnd	25.00	NE Dept of Ag	Contr	175.00
Behrends, D.	Rfnd	25.00	NE Dept of Roads	Constr	8,388.73
Berry	Adv	49.38	NE Golf Assoc.	Membership	18.00
Bill Walters & Son	Rep	49.93	Flagship Publishing	Adv	315.00
Bishop, F.	Rfnd	25.00	NE Public Health Env.	Investigat.	105.00
Bob's Welding Shop	Maint	147.50	NEOPOST	Postage	89.85
Bohl P & H	Rep	98.22	NJC CONTRACTING	CDBG	5,650.00
Bound Tree Medical	Sup	528.98	North American Direc	Adv	200.00
Brown's Glass Co	Rep/Maint	141.00	O'Reilly Auto Parts	Rep	117.35
Cede & Co	Bond & Int	61,260.00	Orschlen	Misc	189.11
Coca-Cola of Linc	Bev	119.52	Otoe County Clerk	Rfnd	1,932.50
Cruse Control Bus	Rep/Maint	312.25	Painter, M.	Sup	36.42
Don's Johns & Septic	Misc.	125.00	Payroll	Payroll	236,808.85
Douglas Tire Co.	Rep/Maint	563.95	Power Solutions	Generator	6,925.00
Eakes Office Solution	Sup	320.95	Quality Brands of Linc	Bev	238.20
Eisenhauser, L.	Rfnd	200.00	Quill Corporation	Sup	171.92
Electronic Contracting	Rep	362.50	S Systems	Misc	90.00
EMC National Life Co	Ins	446.25	Schneider Electric	Rep	504.05
Fareway Stores, Inc.	Sup	303.61	Security Equipment	Rep	624.00
Frazier Construction	Rfnd	200.00	Shell	Fuel	1,678.57
Gatehouse Media NE	Adv	29.35	Spiral Communication	Contr	1,519.25
Grimm's Gardens	Flwr Bskt	1,356.69	Stutheit Implement	Rep	35.39
Guardian	Ins	7,611.40	Sysco Lincoln	Concession	620.53
Henry Motors	Rep	616.12	Tag's One Stop	Fuel	48.06
JEO Consulting	Constr	2,820.00	Lumberjack Company	Removal	1,600.00
Landis Engine Co	Rep/Maint	16.90	Tree City Tees	Unifm	33.00
Larson Motors	Rep	32.10	Tree Worx Tree Serv	Removal	1,410.00
Lincoln Financial	Ins	4,645.46	Tricare West Region	Rfnd	1,228.08
Loveland Grass Pad	Chem	748.00	UHC	HRA	4,928.37
Matheson Tri-Gas, Inc.	Sup	219.77	UHC	Ins	107,294.83
Mead Lumber	Generator	36.43	Unifirst Corporation	Contr	247.36
Mercer's Do-It-Best	Sup	194.56	Verizon Wireless	Tele	151.75
Midwest Farmers Coo	Chem	97.28	Westlake Ace	Maint	155.20
Midwest Turf and Irr	Rep	71.74	Gail Wurtele	Sup/Rep	165.65

Moved by Mayor Bequette and seconded by Friesen to re-appoint Lynn Heng, Kathy Davenport, and Jolene Block to the Planning Commission. Upon roll call the following voted YES: Johns, Crunk, Glover, Friesen and Mayor Bequette. Voting NO: None. Motion carried.

Moved by Mayor Bequette and seconded by Johns to re-appoint Brad Kingery to the Board of Adjustment. Upon roll call the following voted YES: Johns, Crunk, Glover, Friesen and Mayor Bequette. Voting NO: None. Motion carried.

Mayor Bequette opened the Public Hearing on the SAI Properties, LB840 Grant Application. Dan Mauk and Deven Patel spoke in favor of the application. Jackie Smith spoke concerning awarding the grant before any construction has been started. Jim McKim spoke against the application. Mayor Bequette moved to close the Public Hearing, seconded by Commissioner Glover. Upon roll call the following voted YES: Johns, Crunk, Glover, Friesen and Mayor Bequette. Voting NO: None. Motion carried.

Mayor Bequette opened the Public Hearing on the Community Development Block Grant Comprehensive Development application with the Department of Economic Development. Judi Meyer from SENDD spoke to explain the program and to explain that as of today she has not received any comments from the public regarding the public hearing. Mayor Bequette moved to close the Public Hearing, seconded by Commissioner Friesen. Upon roll call the following voted YES: Johns, Crunk, Glover, Friesen and Mayor Bequette. Voting NO: None. Motion carried.

Mayor Bequette opened the Public Hearing on the Proposed Budget. Michael West and Scooter Edmisten spoke regarding the proposed budget cuts for the Wildwood golf course. Mayor Bequette moved to close the Public Hearing, seconded by Commissioner Johns. Upon roll call the following voted YES: Johns, Crunk, Glover, Friesen and Mayor Bequette. Voting NO: None. Motion carried.

Mayor Bequette opened the Public Hearing to set Final Tax Request. Grayson spoke to explain the request. Mayor Bequette moved to close the Public Hearing, seconded by Commissioner Crunk. Upon roll call the following voted YES: Johns, Crunk, Glover, Friesen and Mayor Bequette. Voting NO: None. Motion carried.

Mayor Bequette moved and Commissioner Crunk seconded to suspend the rules and address item 15 after 16, 17, and 18 because of the impact it would have. Upon roll call the following voted YES: Johns, Crunk, Glover, Friesen and Mayor Bequette. Voting NO: None. Motion carried.

Moved by Commissioner Glover and seconded by Johns to approve the minutes from the August 15, 2016 meeting with clarification that Commissioner Friesen was sworn in by Mayor Bequette and took his seat and that Resolution 2712-16 was tabled at the recommendation of the City Attorney for re-wording the ballot verbiage. Upon roll call the following voted YES: Johns, Crunk, Glover, Friesen and Mayor Bequette. Voting NO: None. Motion carried.

Moved by Commissioner Glover and seconded by Johns to table **Resolution 2713-16** and direct the City Attorney to redraft the Resolution regarding the grant agreement to approve a LB840 Grant to SAI Properties Inc. for \$250,000. Upon roll call the following voted YES: Johns, Crunk, Glover, Friesen and Mayor Bequette. Voting NO: None. Motion carried.

Amy Allgood from NCTC presented utilization of city funds.

Moved by Commissioner Friesen and seconded by Glover to approve **Resolution 2715-16** and authorize Mayor to sign the Comprehensive Development application. Upon roll call the following voted YES: Johns, Glover, Friesen and Mayor Bequette. Voting NO: Crunk. Motion carried.

Moved by Mayor Bequette and seconded by Glover to approve **Resolution 2716-16** to increase restricted revenue by an additional 1%. Upon roll call the following voted YES: Johns, Glover, Friesen and Mayor Bequette. Voting NO: Crunk. Motion carried.

Moved by Mayor Bequette to have unanimous consent to accept the adjustments to the lines within the overall golf budget as proposed by Michael West and Scooter Edmisten. The Mayor and Commissioners were all unanimous in their consent.

Moved by Mayor Bequette and seconded by Glover to approve the 2016-2017 Fiscal Year Budget. Upon roll call the following voted YES: Johns, Crunk, Glover, Friesen and Mayor Bequette. Voting NO: None. Motion carried.

Moved by Mayor Bequette and seconded by Crunk to approve **Resolution 2714-16** Fiscal Year 2016-2017 Step Pay Schedule for City Employees. Upon roll call the following voted YES: Johns, Crunk, Glover, Friesen and Mayor Bequette. Voting NO: None. Motion carried.

Moved by Mayor Bequette and seconded by Johns that the statutory rule requiring reading on three different days be suspended. Upon roll call the following voted YES: Johns, Crunk, Glover, Friesen and Mayor Bequette. Voting NO: None. Motion carried. Mayor Bequette declared that the motion adopted by three fifths vote of the council and the statutory rule suspended for the consideration of said ordinance.

Moved by Mayor Bequette and seconded by Friesen for final passage of **Ordinance 2979-16**. Upon roll call the following voted YES: Johns, Crunk, Glover, Friesen and Mayor Bequette. Voting NO: None. Motion carried.

Moved by Mayor Bequette and seconded by Glover to approve **Resolution 2717-16** for our Tax Request. Upon roll call the following voted YES: Johns, Crunk, Glover, Friesen and Mayor Bequette. Voting NO: None. Motion carried.

Moved by Mayor Bequette and seconded by Friesen to approve AppleJack Festival Plans for September 16<sup>th</sup>, 17<sup>th</sup> and 18<sup>th</sup> 2016. Amy Allgood of NCTC explained the request. Upon roll call the following voted YES: Johns, Crunk, Glover, Friesen and Mayor Bequette. Voting NO: None. Motion carried.

Moved by Commissioner Johns and seconded by Friesen to approve the request for the Bullriding Event September 23<sup>rd</sup> and 24<sup>th</sup> 2016 at Hidden Falls and the use of 12 picnic tables. Amy Allgood of NCTC explained the request. Upon roll call the following voted YES: Johns, Crunk, Glover, Friesen and Mayor Bequette. Voting NO: None. Motion carried.

Moved by Mayor Bequette and seconded by Johns to approve **Resolution 2718-16** to accept USDA Grant funds of \$12,500 for the Memorial Building Project. Upon roll call the following voted YES: Johns, Crunk, Glover, Friesen and Mayor Bequette. Voting NO: None. Motion carried.

Moved by Mayor Bequette and seconded by Johns for the Council to go into closed session with the City Attorney, City Administrator, Director of the Utilities and the Construction Manager for the purpose of having a strategy session with respect to Mr. Jim Kuhn's offer to purchase all four lots of the Deer Trail Subdivision. Upon roll call, the following voted YES: Glover, Crunk, Johns, Friesen and Mayor Bequette. Voting NO: None. Motion carried. Council relocated to Administrator Path's office for the closed session at 8:51 PM

Moved by Mayor Bequette and seconded by Glover to come out of closed session and resume the Open Session at 9:35 PM. Upon roll call, the following voted YES: Crunk, Glover, Johns, Friesen and Mayor Bequette. Voting NO: None. Motion carried.

Moved by Mayor Bequette and seconded by Johns for the City to counter with accepting the offer of \$18,000 per lot for the Eastern lots, but \$22,000 per lot for the two Western lots of the Deer Trail subdivision which would make the total asking price \$80,000 rather than the offer of \$72,000. Also the sale would be contingent upon building four houses and that Mr. Kuhn would come back after further looking into the water situation with a plan for strategic placement of driveways and possible runoff flow of the water off of 21<sup>st</sup> street with a higher curb. Jim Kuhn accepted the counter offer proposed by the City Council. City Attorney Partsch explained that the process would require the lots be sold by passage of Ordinance and allow for a 30 day remonstrance period after the ordinance is passed for the public to file a petition. Upon roll call, the following voted YES: Glover, Crunk, Johns, Friesen and Mayor Bequette. Voting NO: None. Motion carried.

Moved by Mayor Bequette and seconded by Johns that the statutory rule requiring reading on three different days be suspended. Upon roll call the following voted YES: Johns, Crunk, Glover, Friesen and Mayor Bequette. Voting NO: None. Motion carried. Mayor Bequette declared that the motion adopted by three fifths vote of the council and the statutory rule suspended for the consideration of said ordinance.

Moved by Mayor Bequette and seconded by Friesen for final passage of **Ordinance 2978-16**. Upon roll call the following voted YES: Johns, Crunk, Glover, Friesen and Mayor Bequette. Voting NO: None. Motion carried.

Grayson Path announced that the Nebraska Department of Roads has already awarded Nebraska City \$4,000,000 to go toward the 4<sup>th</sup> Corso Viaduct Project of the \$8,000,000 required and now they have set aside an additional \$2 to \$3 million repurposed Federal earmarked funds to go toward the project.

Meeting Adjourned at 9:44 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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Randy A. Dunster, City Clerk-Treasurer