

CITY OF NEBRASKA CITY, NEBRASKA
MINUTES OF CITY COUNCIL REGULAR MEETING
January 3, 2017

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 January 3, 2017. 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: Paul Davis, Patrick Wehling, Vic Johns, Gloria Glover and Mayor Bequette. Absent: None. The following City Officials were present: City Administrator Grayson Path, City Attorney David Partsch, City Clerk-Treasurer Randy Dunster, Police Chief David Lacy, Fire Chief Alan Viox, Utilities Director Leroy Frana, Director of Parks and Recreation Scooter Edmisten, and Construction and Facility Manager Marty Stovall.

Mayor Bequette moved to approve the following consent items:

Approve minutes from the December 19, 2016 City Council Meeting.

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

Moved by Commissioner Glover and seconded by Johns to accepting the report of new claims against the City and approving disposition of claims set for the period of December 20, 2016 to January 3, 2017. Upon roll call the following voted YES: Davis, (Yes, with the abstention regarding claims from Westlake Hardware), Wehling, Glover, Johns and Mayor Bequette. Voting NO: None. Motion carried

Claims List						
January 3, 2017						
ANB	Loan Pmt	669.05		Nationwide	Inv	12,917.67
American Recycling	Trash Rem	144.50		NC Church of Christ	Rfnd	200.00
Arbor Mart, Inc	Fuel	1461.32		NC Museum Assoc	Contr	2406.25
Asphalt & Concrete Mat	Asphalt	401.38		NC News Press	Adv	413.20
Associated Fire Pro	Rep/Maint	440.00		NC Rotary	Dues	375.00
Barrett Construction	Contr Labor	2100.00		NCTC	Contr	7083.33
Vivial	Adv	24.69		NE Environmental Prod	Rep/Maint	1645.59
Bill Walters & Son	Rep/Maint	486.65		NE Salt and Grain	Chem	3351.96
Blankenship, C.	Sup	83.91		NE Specialty Network	Med Exp	33.00
Bound Tree Medical	Sup	1357.05		O'Reilly Auto Parts	Sup	25.98
Don's Johns & Septic	Equip. Rent	102.00		Office Warehouse	Sup	149.95
Douglas Tire Co.	Rep/Maint	411.90		Orschlen	Sup/Animal Exp	26.45
Eakes Office Solutions	Sup	136.65		Otoe County Clerk	Election Exp	3996.96
Fastenal Company	Rep/Maint	12.70		Otoe County Treasurer	Real Estate Taxes	2570.06
Galls, LLC	Unif	226.59		Paredes, J.	Rfnd	25.00
Gatehouse Media	Adv	163.93		Payroll	Payroll	109,763.16
Guardian	Ins	8,364.61		Physio-Control, Inc	Contr Sup/Serv	78.96
W. W. Grainger	Rep/Maint	10.34		Quill Corporation	Sup	154.54
Hireright	Bkground/Screen	27.03		River View Pest Cont	Pst Control	176.00
JEO Consulting Group	Engineering	6000.00		Shaffer Comm.	Communications	1235.40
Johnny's Cycle	Rep/Maint	75.00		Spiral	Tele/Int	1048.26
Larson Motors	Rep/Maint	545.78		Stitt, R.	Rfnd	25.00
Lincoln Financial	Ins	4,979.95		The Garage Co.	Rfnd	100.00
Matheson Tri-Gas, Inc.	Sup	94.70		UHC	Ins	103,799.31
Mead Lumber	Rep/Maint	196.96		Unifirst Corporation	Contr Sup/Serv	122.76
Mercer's Do-It-Best	Rep/Maint	96.93		Verizon Wireless	Tele/Int	195.10
Midwest Service	Rep/Maint	472.00		Wenzl Hardware	Sup	1.50
Mullenax Auto Supply	Sup	171.25		Westlake Ace	Sup	69.34
Napa Auto Supply	Rep/Maint	191.27				

Moved by Mayor Bequette to appoint Marty Stovall to the Nebraska City Recreation Authority Board. Upon roll call the following voted YES: Johns, Wehling, Glover, Davis and Mayor Bequette. Voting NO: None. Motion carried.

Mayor Bequette proclaimed June 11, 2017 as a day of remembrance for Dean Handy and called upon all citizens to honor the life and legacy of Mr. Handy by serving others on that special day.

Mayor Bequette opened the Public Hearing on Notice of Intent to Use City of Nebraska City Growth Funds concerning the use of \$16,000 of City of Nebraska City Economic Development Program Funds to be granted to the Nebraska City Museum Association for the purpose of providing a Museum Pass program for 2017. Dan Mauk and Brian Volkmer spoke to explain the request. Mayor Bequette moved to close the Public Hearing, seconded by Commissioner Glover. Upon roll call the following voted YES: Johns, Wehling, Glover, Davis and Mayor Bequette. Voting NO: None. Motion carried.

Moved by Mayor Bequette and seconded by Glover to approve Resolution 2727-17 extension of Time Warner Cable Franchise Agreement for negotiations on renewal. Upon roll call, the following voted YES: Glover, Wehling, Johns, Davis and Mayor Bequette. Voting NO: None. Motion carried.

Moved by Mayor Bequette and seconded by Wehling to approve Resolution 2726-17 on the use of \$16,000 of City of Nebraska City Growth Funds to be granted to the Nebraska City Museum Association for the purpose of providing a Museum Pass program for 2017. Upon roll call, the following voted YES: Wehling, Johns, Davis and Mayor Bequette. Voting NO: None. Abstain: Glover. Motion carried.

Moved by Commissioner Wehling and seconded by Johns to approve the NDED Contract for Phase I funding for the Comprehensive Development (CD) program. Upon roll call the following voted YES: Johns, Wehling, Glover, Davis and Mayor Bequette. Voting NO: None. Motion carried.

Moved by Commissioner Glover and seconded by Johns to approve the Professional Service Agreement between the City of Nebraska City and SENDD and authorize the Mayor to sign. Upon roll call the following voted YES: Johns, Wehling, Glover, Davis and Mayor Bequette. Voting NO: None. Motion carried.

Moved by Mayor Bequette and seconded by Wehling to consider joining the Sister Cities International Program. Upon roll call, the following voted YES: Wehling, Johns, Glover, Davis and Mayor Bequette. Voting NO: None. Motion carried.

Moved by Mayor Bequette and seconded by Glover to direct the City Attorney to draft a permit Resolution to bring back to the Council that would authorize Unite Private Networks to go ahead with this project and also to go into negotiations to develop a franchise agreement with Unite as well. Upon roll call, the following voted YES: Glover, Wehling, Davis and Mayor Bequette. Voting NO: Johns. Motion carried.

Moved by Commissioner Glover and seconded by Wehling to approve the new fee changes for the Steinhart Pool. Upon roll call the following voted YES: Johns, Wehling, Glover, Davis 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, Wehling, Glover, Davis 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 Davis for final passage of **Ordinance 2983-17** regarding sewer connection fees. Leroy Frana spoke to explain the request. Upon roll call the following voted YES: Johns, Wehling, Glover, Davis and Mayor Bequette. Voting NO: None. Motion carried.

ORDINANCE NO. 2983-17

AN ORDINANCE AMENDING SECTION 36.63.7 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:

That Section 36.63.7 of the Code of the City of Nebraska City, Nebraska, is hereby amended to read as follows:

Sec. 36.63.7 – Same – Sewer connection fee.

(a) All applicants for connection to main or belt line sewers, whether inside or outside of the corporate limits, whose property shall not have been charged by way of special assessments for lateral sewer service, shall pay, in addition to the construction permit fee as provided by the Code of the City of Nebraska City, a sewer connection fee to the city clerk-treasurer in an amount which shall either be two (2) times the amount of any special assessments originally levied against other property in the block, area or district in which said premises are located, or if such property was outside the boundary of the special assessment district, then such connection fee shall be based upon the same formula used to determine the amount of special assessments in the original district where said connection is made.

(b) The following properties have not have been charged by way of special assessments for lateral sewer service, are outside the boundary of any special assessment district, and if improved, are served by septic tanks: Lots 1-6, Block 1, Maple Crest Subdivision; Lots 1-3, Block 3, Maple Crest Subdivision; Lot 3, J & S Billups Subdivision; Lot A, Gigstad's Subdivision A; and Lots 1 & 2, Wildflower Prairie. Upon onsite wastewater system failure as described in Sec. 36-62.1.1 and inability to meet the requirements of Sec. 36-62.2, such properties shall connect to the city sewer system with connection fees

as follows, determined by parcel square footage:

- a. Lots 1-5, Block 1, Maple Crest Subdivision; \$2,447.06 per lot;
- b. Lot 6, Block 1, Maple Crest Subdivision; \$2,773.34 total;
- c. Lots 2-3, Block 3, Maple Crest Subdivision; \$6,224.29 total;
- d. Lot 1, Block 3, Maple Crest Subdivision and Lot 3, J & S Subdivision; \$56,850.17 total;
- e. Lots 1 & 2, Wildflower Prairie; \$25,582.58 per lot;
- f. Lot A, Gigtsad's Subdivision A; \$63,785.74 total.

(c) No property shall be connected to the sanitary sewer system until the permit fee and appropriate sewer connection fee shall have been paid in full. Such sewer connection fee shall, when collected, be handled by the city clerk-treasurer as follows:

- a. If the special assessments in the preexisting sewer district have been paid in full and the resolution assessing special assessments in said district provides that such assessment is subject to a conditional reduction which runs with the land, then the city clerk-treasurer shall reimburse such property owners in accordance with the terms of the original resolution or agreement.
- b. If the special assessments in the preexisting district have not been paid in full, and if the resolution assessing special assessments in said district provides that such assessment is subject to a conditional reduction which runs with the land, then the city clerk-treasurer shall first apply such payment to the unpaid special assessments, and if there are excess funds remaining, then the city clerk-treasurer shall reimburse such property owners, or their assigns, in accordance with the terms of the original resolution or agreement to the extent of the funds remaining after such payment.
- c. In the event there are no property owners entitled to reimbursement as provided in the original resolution or agreement, then the city clerk-treasurer shall credit such payments to the Nebraska City Utilities.

SECTION 2. REPEAL:

That all ordinances or portions of ordinances in conflict herewith are hereby repealed.

SECTION 3. PUBLICATION AND EFFECTIVE DATE:

That 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 3rd day of January, 2017.

Mayor Bryan Bequette

ATTEST:

Randy Dunster, City Clerk-Treasurer

SEAL:

Meeting Adjourned at 7:54 PM.

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