

CITY OF NEBRASKA CITY, NEBRASKA
MINUTES OF CITY COUNCIL REGULAR MEETING
December 5, 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 December 5, 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.

Commissioner Glover called the meeting to order at 6:25 p.m. Commissioner Glover 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. Commissioner Glover 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 Clerk-Treasurer Randy Dunster, Police Chief David Lacy, Fire Chief Alan Viox, and Construction and Facility Manager Marty Stovall.

Commissioner Glover administered the Oath of Office to Mayor Bryan Bequette.
Mayor Bequette administered the Oath of Office to Patrick Wehling as the Parks and Recreation Commissioner.
Mayor Bequette administered the Oath of Office to Paul Davis as the Public Works Commissioner.

Mayor Bequette re-appointed Grayson Path as City Administrator, Randy Dunster as City Clerk – Treasurer, Patricia Moore as Deputy City Clerk–Treasurer, David Lacy as Chief of Police, David Partsch as City Attorney, John R Palmtag as Deputy City Attorney, Dr. Brad Vasa as City Physician, JEO Consulting as City Engineer, Evan Wickersham from JEO Consulting Group, Inc. as the City Street Superintendent, Marty Stovall as City Traffic Engineer, Alan Viox as Plumbing Inspector.

Moved by Mayor Bequette and seconded by Johns to approve a new Employment Agreement with the City Administrator. 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 approve signing agreement with JEO Consulting as City Engineer. Upon roll call the following voted YES: Johns, Davis, Glover, Wehling and Mayor Bequette. Voting NO: None. Motion carried.

Moved by Commissioner Johns and seconded by Davis to approve signing agreement with Evan Wickersham as the City Street Superintendent. 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 approve the City Council Retreat Facilitator proposal with Christian Janousek, PhD. and estimated retreat expenditures up to \$2,500.00 of which \$1,000.00 is a grant. Upon roll call the following voted YES: Johns, Davis, Glover, Wehling and Mayor Bequette. Voting NO: None. Motion carried.

Moved by Mayor Bequette and seconded by Glover 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 Johns for final passage of **Ordinance 2982-16** adopting the economic development plan. Upon roll call the following voted YES: Johns, Wehling, Glover, Davis and Mayor Bequette. Voting NO: None. Motion carried.

ORDINANCE 2982-16

AN ORDINANCE ESTABLISHING THE NEBRASKA CITY ECONOMIC DEVELOPMENT PROGRAM; MAKING DETERMINATIONS OF FACT; APPROVING AND ADOPTING THE NEBRASKA CITY ECONOMIC DEVELOPMENT PLAN; PROVIDING FOR THE CONTINUANCE OF A CITIZEN ADVISORY REVIEW COMMITTEE; CONTINUING THE SEPARATE ECONOMIC DEVELOPMENT FUND; PROVIDING FOR THE ALLOCATION OF FUNDS AND ALLOWING THE ISSUANCE OF BONDS; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND CITY COMMISSIONERS OF THE CITY OF NEBRASKA CITY, NEBRASKA, as follows:

Section 1: The Mayor and City Commissioners of the City of Nebraska City, Nebraska, hereby find and determine as follows:

- (a) That there has previously been prepared a proposed plan for an economic development program for the City of Nebraska City, Nebraska (“City”), continuing as amended the City’s previous economic development program. The program is entitled “Nebraska City Economic Development Plan” (“Plan”) which Plan provides for a formula use of local option sales tax receipts.

- (b) That a public hearing was held on the Plan, which hearing occurred on August 15, 2016, with notice of such hearing being published in the *Nebraska City News-Press* on August 5, 2016.
- (c) That by Resolution 2712-16 duly adopted by the City on August 25, 2016, the Plan was presented to the voters of the City at the general election held on November 8, 2016 following notice of such election and Plan questions published in the *Nebraska City News-Press* on September 27, 2016.
- (d) That at such election, according to the report of the Otoe County Election Commissioner conducting such election, 1969 voters voted in favor of the question of continuing the economic development program as amended and described in the Plan and 746 voters voted against such question.
- (e) That at such election, according to the same report, 1737 voters voted in favor of the question of funding the Plan through the use of local option sales taxes as described in the Plan, and 971 voters voted against such question.
- (f) That more than a majority of the voters voting on the aforementioned questions voted in favor of the same and the City is authorized to establish an economic development program and give final approval to and adopt the Plan in all of its particulars including the funding.

Section 2: The Plan, in its final form, is hereby approved and adopted. A copy of the Plan is attached to this Ordinance as Exhibit "A", and hereby incorporated in its entirety by reference as if set forth fully herein. The Mayor and City Commissioners hereby establish, as amended by the Plan, the Economic Development Program of the City of Nebraska City which shall operate under and be governed by the terms of the Plan and this Ordinance.

Section 3: The Citizen Advisory Review Committee consisting of persons who are registered voters of the City to be appointed by the Mayor and approved by the City Commissioners is hereby continued as stated in the Plan. The City is authorized to enter into a contract with the Nebraska City Area Economic Development Corporation (NCAEDC) and to authorize the Executive Director to act as Program Administrator. The Program Administrator is designated to have responsibility for administration of the Program hereby established and shall serve as an *ex-officio* member of such committee with responsibility to assist the committee and provide it with necessary information and advice regarding the Economic Development Program. Such committee shall be governed by the terms of Neb. Rev. Stat. § 18-2715, as may be amended from time to time.

Section 4: The City of Nebraska City Economic Development Fund is hereby continued as amended and shall now be designated as the "City of Nebraska City Growth Fund". Into such fund there shall be deposited all funds derived from local sources for the Economic Development Program hereby established.

Section 5: In accordance with the Plan and subject to applicable law, the City may issue bonds from time to time to provide funds for the Economic Development Program. Such bonds may be payable from any monies in the City of Nebraska City Growth Fund, and the Mayor and City Commissioners in issuing such bonds may provide for conditions and terms relating to the priority of payment and payment from specific sources.

Section 6: In accordance with the Plan and with applicable law, the City will collect funds from a portion of the local option sales tax to provide for the Economic Development Program hereby established.

Section 7: The Program hereby established shall be in accordance with and subject to the terms of the Nebraska Local Option Municipal Economic Development Act ("Act"), as it may be amended from time to time, and in accordance with the Plan. Any provisions of this Ordinance determined to be in conflict with either the Act or the Plan are void to the extent inconsistent with the Act or Plan, but shall not invalidate other terms of this Ordinance.

Section 8: This Ordinance shall be published in the *Nebraska City News-Press* (without Exhibit A but with reference to such Exhibit which shall be placed on file with the City Clerk-Treasurer at City Hall) and shall be in full force and effect from and after its passage, approval and publication as provided by law.

PASSED AND APPROVED this 5th day of December, 2016.

Bryan Bequette, Mayor

ATTEST:

Randy Dunster, Clerk-Treasurer

Moved by Mayor Bequette and seconded by Glover to approve signing the non-disclosure agreement with ADP. Upon roll call the following voted YES: Johns, Davis, Glover, Wehling and Mayor Bequette. Voting NO: None. Motion carried.

Moved by Commissioner Glover and seconded by Wehling to authorize Mayor to sign a letter of subordination for housing rehab lien at deeds instrument # 201102079. Upon roll call, the following voted YES: Wehling, Johns, Glover, Davis and Mayor Bequette. Voting NO: None. Motion carried.

Meeting Adjourned at 7:10 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