

CITY OF NEBRASKA CITY, NEBRASKA
 MINUTES OF CITY COUNCIL REGULAR MEETING
 February 6, 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 February 6, 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 6:14 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, Police Chief David Lacy, Fire Chief Alan Viox, Utilities Director Leroy Frana, Utilities Treasurer Jeff Kohrs, Construction and Facility Manager Marty Stovall and City Clerk-Treasurer Randy Dunster.

Mayor Bequette moved to approve the following consent items:

Approve minutes from the January 16, 2017 City Council Meeting.

Approve changes to the City of Nebraska City, Nebraska Housing Rehabilitation Program Guidelines and authorize the Mayor to sign a letter requesting NDED approval.

Approve release of lien for 917 3rd Corso Nebraska City, NE 68410.

Approve BPW recommendation to purchase a used 2000 Sterling Truck. Motion seconded by Davis. Upon roll call the following voted YES: Davis, Wehling, Glover, Johns and Mayor Bequette. Voting NO: None. Motion carried

Mayor Bequette opened the Public Hearing on the forgivable loan of \$350,000 of Growth Funds to Nebraska City Lodging, LLC for the proposed hotel development at Arbor Crossing. John Klimpel and Dan Mauk spoke to explain the request. Mayor Bequette moved to close the Public Hearing, seconded by Commissioner Johns. Upon roll call the following voted YES: Johns, Wehling, Glover, Davis and Mayor Bequette. Voting NO: None. Motion carried.

Mayor Bequette opened the Public Hearing on the loan of \$70,000 of Growth Funds to A1-Locksmith and Security Solution for the property at 709 Central Avenue. Nick Shimmel, Dan Mauk and Jacque Smith spoke to explain the request. Mayor Bequette moved to close the Public Hearing, seconded by Commissioner Wehling. Upon roll call the following voted YES: Johns, Wehling, Glover, Davis and Mayor Bequette. Voting NO: None. Motion carried.

Mayor Bequette opened the Public Hearing on the Redevelopment Plan. Grayson Path, Lonnie Dixon, Andrew Willis and Dan Mauk 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.

Mayor Bequette opened the Public Hearing on property rezone for 7th Corso between 11th & 12th Street. Brad Maybee and Marty Stovall spoke to explain the request. It was stated that a letter of objection was received from Mark O'Brian. Mayor Bequette moved to close the Public Hearing, seconded by Commissioner Wehling. Upon roll call the following voted YES: Johns, Wehling, Glover, Davis and Mayor Bequette. Voting NO: None. Motion carried.

Council acknowledged receipt of Utility Financial Report for period ending November 30, 2016.

Council acknowledged receipt of Utility Claims for period ending December 31, 2016.

Moved by Commissioner Glover and seconded by Johns to accept the report of new claims against the City and approving disposition of claims set for the period of January 17, 2017 to February 6, 2017. Upon roll call the following voted YES: Davis with abstention on the claim pertaining to West Lake Ace Hardware, Wehling, Johns, Glover and Mayor Bequette. Voting NO: None. Motion carried.

CLAIMS LIST					
February 6, 2017					
Action Technology Services	Comp	400.00	Mick Neukirch Const	Rfnd	200.00
Adkins Signs	Equip	100.00	Miller Monroe Farrell	Bond	53.33
Alfred Ben. & Co.	Const	1,305.00	Napa Auto Parts	Rep/Maint	575.79
American Nat. Bank	Loan	669.05	Nationwide	Inv	25,918.54
American Recycling	Garbage	144.50	Nationwide Bonds	Bond	350.00
Anderson Auto Group	Rep/Maint	791.96	NC Museum Assoc.	Curator	2,406.25
Arbor Mart, Inc	Fuel	1,887.89	NC NEWS PRESS	Adv	948.06
Baxter Ford	Rep/Maint	77.99	NC Public School	Lic Fee	195.00
Benefiel Truck Repair	Rep/Maint	620.00	NC Tourism & Commerce	Tourism	7,083.33
Vivial	Adv	24.69	NE Cemetery Assoc	Dues	40.00
Bishop P & H	Rep/Maint	70.00	NE Dept of Rev	Sls Tax	51.18
BKD	Audit	11,750.00	Ne Dept of Road	Const	316,508.24
Bob's Welding Shop	Rep/Maint	40.00	NE Enviromental Prod	Rep/Main	321.35
Bound Tree Medical LLC	Sup	1,154.87	NE Rural Water Assoc.	Training	75.00
Commercial State Bank	TIF	22,209.20	NE Salt and Grain	Chem	1,708.00
Cummins Central	Rep/Maint	2,616.43	NE Technical Serv	Rfnd	20.00
D & D Communications	Communications	540.00	Nelson Foundation	Rfnd	10,000.00

Data Technologies	Sup	287.82	NEOPOST	Postage	89.85
Davis, J.	Rfnd	100.00	O'Reilly Auto Parts	Rep/Maint/Sup	131.07
Douglas Tire Co.	Rep/Maint	1,675.88	Card Services (Orscheln)	Fuel	47.45
Driever, K.	Rfnd	784.00	Otoe County Clerk	County Permit	1,758.50
Eakes Office Solutions	Sup	158.52	Otoe County Mutual Aid	Dues	20.00
Fareway Stores, Inc.	Meals	21.10	Paper Tiger Shredding	Garabage	35.00
Fire Protection Service	Rep/Maint	32.00	Payroll	Payroll	112,978.08
Fireguard	Rep/Maint	814.50	Payroll 2	Payroll	89,847.83
Friedli, P.	Fine Arts	30.16	River Oakes Comm	Litigation	1,395.00
Galls, LLC	Sup	36.99	River View Pest Control	Pest Control	176.00
Gatehouse Media	Adv	434.37	RR Donnelly	Sup	151.51
Gerdes Towing	Invest	149.20	Shaffer Communications, In	Rep/Maint	774.00
Guardian	Ins	8,660.86	Siter Cities International	Dues/Mem	295.00
Hireright	Backgrnd	55.43	Spiral Communications	Tele	1,052.07
Hopkins Automotive Inc.	Sup	48.08	St. Mary's Hosp	Backgrnd	77.00
Inland Truck Parts	Rep/Maint	860.76	Stutheit Implement	Rep/Maint	16.25
JEO Consulting Group	Engineering	2,439.00	TASC	Ins	1,839.75
Keim Farm Equipment	Rep/Maint	383.42	The Garage Co.	Rfnd	100.00
Kubota of Omaha	Rep/Maint	171.22	Tree City Tees	Rep/Maint/Unif	31.00
Landis Engine Company	Rep/Maint	637.47	UHC	HRA	1,569.34
Leafguard of Midlands	Rep/Maint	8,107.87	UHC	Ins	105,339.71
League of NE Mun	Conf	1,005.00	Unifirst Corporation	Contr Serv/Sup	181.11
Lincoln Financial	Ins	4,876.24	UNO	Training	2,000.00
Lynn Peavey Company	Investigate	92.25	Vander Haags, Inc.	Rep/Maint	75.81
Matheson Tri-Gas, Inc.	Sup	71.05	Verizon Wireless	Tele	195.01
Mead Lumber	Road Mark	184.89	Westlake Ace Hardware	Sup	111.83
Mercer's Do-It-Best	Rep/Maint/Sup	246.70	Windstream,Inc.	Tele	1,701.06

Moved by Mayor Bequette and seconded by Wehling to direct the City Attorney to re-draft **Resolution 2736-17** for the loan of \$350,000 of Growth Funds to Nebraska City Lodging, LLC for the proposed hotel development at Arbor Crossing as a forgivable loan with the current conditions \$175,000 this year and \$175,000 next year or a time in which we have the fund replenished and also put more rigor to the actual employment requirement. John Klimpel and Dan Mauk spoke to explain the request. 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 Davis to approve **Resolution 2737-17** on the loan of \$70,000 of Growth Funds to A1-Locksmith and Security Solution for the property at 709 Central Avenue. 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 **Resolution 2730-17** to remove the blighted and substandard designation from a portion of redevelopment area #1 of the City previously declared blighted and substandard. 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 2731-17** to declare a portion of the City of Nebraska City, Nebraska known as Redevelopment Area #3 to be blighted and substandard. Upon roll call the following voted YES: Wehling, Glover, Davis and Mayor Bequette. Voting NO: None. Abstain: Johns. Motion carried.

Moved by Mayor Bequette and seconded by Wehling to approve **Resolution 2732-17** to declare a portion of the City of Nebraska City, Nebraska known as Redevelopment Area #4 to be blighted and substandard. Upon roll call the following voted YES: Wehling, Glover, Davis and Mayor Bequette. Voting NO: None. Abstain: Johns. Motion carried.

Moved by Mayor Bequette and seconded by Glover to approve **Resolution 2733-17** to approve the General Redevelopment Plan for Redevelopment Area #1A of the City of Nebraska City, including a project-specific Redevelopment Plan amendment included in the Redevelopment Plan. 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 2738-17** to approve the Redevelopment Agreement for Tax Increment Financing in the amount of \$808,080.00 for Nebraska City Lodging, LLC. Upon roll call the following voted YES: Johns, Wehling, Glover, Davis and Mayor Bequette. Voting NO: None. Motion carried.

Mayor Bequette introduced the first reading of **Ordinance 2986-17** for the annexation of Lot A-1 and Lot A-2 at W1/2NW1/4, 21-8-14 (Arbor Crossing development).

Moved by Mayor Bequette and seconded by Wehling 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 Glover to approve **Ordinance 2985-17** on property rezone for 7th Corso between 11th & 12th Street. Upon roll call the following voted YES: Johns, Wehling, Glover, Davis and Mayor Bequette. Voting NO: None. Motion carried.

ORDINANCE NO. 2985-17

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF NEBRASKA CITY BY CHANGING THE ZONING CLASSIFICATION OF THE PROPERTY DESCRIBED IN SECTION 1 HEREOF FROM R-2 RESIDENTIAL DISTRICT TO I-1 LIGHT INDUSTRIAL DISTRICT; INCORPORATING SAID CHANGE INTO THE OFFICIAL ZONING MAP OF THE CITY; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; APPROVING PUBLICATION IN PAMPHLET FORM; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, application for a change of zoning classification has been made by Brad Maybee of River City Investments, LLC, and said application has been referred to the Nebraska City Planning Commission for a recommendation; and,

WHEREAS, the Planning Commission held a public hearing on said application on February 1, 2017, and has recommended to the Mayor and City Commissioners approval of the requested change in zoning classification; and,

WHEREAS, the Mayor and City Commissioners held a public hearing on the matter on February 6, 2017, after giving due notice thereof as required by law;

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSIONERS OF THE CITY OF NEBRASKA CITY, NEBRASKA:

SECTION 1. That in accordance with the provisions of Section 404.01 of the City's Code of Ordinances, the Official Zoning Map of the City of Nebraska City, Nebraska, is hereby amended from R-2 Residential District to I-1 Light Industrial District, in so far as the same relates to the property described as:

LOTS 2-12, Block 58, Hail & Company's Addition, Nebraska City Proper, Otoe County, Nebraska.

SECTION 2. That the amendment to the Official Zoning Map of the City of Nebraska City by designating the zoning classification as provided by this ordinance shall be completed promptly with an entry being made on the official zoning map as follows:

"On the 6th day of February, 2017, by official action of the city council, the following change was made in the official zoning map: Lots 2-12, Block 58, Hail & Company's Addition, Nebraska City Proper, Otoe County, Nebraska, rezoned from being an R-2 Residential District to being an I-1 Light Industrial District."

which entry shall be signed by the mayor and attested by the signature of the city clerk. No amendment shall be effective until after such change and entry have been made on said official zoning map.

SECTION 3. All Ordinances or parts of Ordinances in conflict with this ordinance are hereby repealed.

SECTION 4. 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.

Passed and approved this 6th day of February, 2017.

Mayor

ATTEST:

City Clerk-Treasurer

Moved by Mayor Bequette and seconded by Johns to approve Margaret Spiers request to install a raised bed garden. Margaret Spiers and 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.

Moved by Mayor Bequette and seconded by Glover to direct the City Attorney to find out the tax assessments what the conditions would be before we move forward on this item regarding the Three Hills Event Center proposal from Bruce Kreifels. Bruce Kreifels, Chief David Lacy, Dave Partsch, Alan Viox and Terry Stukenholtz spoke to explain the request.

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

Chris Linder presented the BKD City Audit results.

Moved by Mayor Bequette and seconded by Glover to approve **Resolution 2734-17** regarding Special Assessments for mowing and brush removal. 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 Wehling to approve Change Order #2 for the South 11th Street project and authorize the Mayor to sign. Jeff Sockel spoke to explain the request. Upon roll call the following voted YES: Johns, Wehling, Glover, Davis and Mayor Bequette. Voting NO: None. Motion carried.

Moved by Commissioner Johns and seconded by Wehling to accept the low bid of ME Collins in the amount of \$307,801.10 for the Kearney Hill paving Project. Marty Stovall spoke to explain the request. Upon roll call the following voted YES: Johns, Wehling, Glover, Davis and Mayor Bequette. Voting NO: None. Motion carried.

Meeting Adjourned at 9:04 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