

CITY OF NEBRASKA CITY, NEBRASKA
MINUTES OF CITY COUNCIL REGULAR MEETING
February 20, 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 20, 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, Police Chief David Lacy, 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 February 6, 2017 City Council Meeting.

Approve publication for three-year renewal of alfalfa/hay ground lease west of cemetery.

Approve First Addendum to Access and Hold Harmless Agreement with Terracon Consulting Inc.

Approve the relocation of the NCTC Street sign auction item to 10th St and 1st Ave.

Approve SDL request for Nebraska City Lourdes High School fund raiser event to be held March 18, 2017 as organized by the Knights of Columbus. Motion seconded by Commissioner Johns. Upon roll call the following voted YES: Davis, Wehling, Glover, Johns and Mayor Bequette. Voting NO: None. Motion carried

Mayor Bequette proclaimed March as Problem Gambling Awareness Month.

Mayor Bequette opened the Public Hearing on the use of \$25,000 of City Economic Growth Funds for Nebraska City Tourism & Commerce. Dan Mauk and Amy Allgood 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.

Treasurer's report was given, as of January 31, 2017, Total Nebraska City funds of \$6,561,349.61. Total Cash and Reserve for Nebraska City Utilities of \$15,499,797.43. Total City of Nebraska City and Utility funds \$22,061,147.07.

Council acknowledged receipt of City Administrator Report. Grayson Path spoke regarding his report.

Council acknowledged receipt of Utility Financial Report for period ending December 2016.

Council acknowledged receipt of Utility Claims for period ending January 2017.

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 February 7, 2017 to February 20, 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.

Moved by Commissioner Johns and seconded by Wehling to approve **Resolution 2740-17** on the use of \$25,000 of City Economic Growth Funds for Nebraska City Tourism & Commerce. Amy Allgood 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 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 Johns for final passage of **Ordinance 2987-17** to issue bonds to pay off the 2016-01 BANS used to build the South 11th Street Project. John Tresec and Grayson Path 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. 2987-17

AN ORDINANCE AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION VARIOUS PURPOSE BONDS, SERIES 2017, OF THE CITY OF NEBRASKA CITY, NEBRASKA, IN THE PRINCIPAL AMOUNT OF ONE MILLION NINE HUNDRED TEN THOUSAND DOLLARS (\$1,910,000) ISSUED FOR THE PURPOSE OF PAYING THE COST OF CONSTRUCTING PAVING IMPROVEMENTS IN STREET IMPROVEMENT DISTRICT NO. 2016-1; PRESCRIBING THE FORM OF SAID BONDS; PROVIDING FOR A SINKING FUND AND FOR THE LEVY AND COLLECTION OF TAXES TO PAY SAID BONDS; PROVIDING FOR THE SALE OF THE BONDS; AUTHORIZING THE DELIVERY OF THE BONDS TO THE PURCHASER; PROVIDING FOR THE DISPOSITION OF THE BOND PROCEEDS AND ORDERING THE ORDINANCE PUBLISHED IN PAMPHLET FORM

Bruce Kreifels led a discussion regarding a land lease of 80 acres for the Three Hills Event Center proposal for October.

Moved by Mayor Bequette and seconded by Johns to re-adjust the request of Ordinance 2981-16 as stated for the difference in the right-of-way and have the City Attorney draft a new ordinance after coordination with Utilities and Landlords. 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 approve the Farm to Fork Dinner and Sip & Stroll event on Sunday August 20th and request the closure of Central Ave from 7th Street to 9th Street from 12:00 PM to 10:00 PM. Upon roll call the following voted YES: Johns, Wehling, Glover, Davis and Mayor Bequette. Voting NO: None. Motion carried.

Chelley Straup and Jeff Kohrs led the discussion on Nebraska City Utilities KPMG Audit results.

Dr. Christian Janousek led the discussion regarding the City Council Retreat conclusions.

Moved by Commissioner Davis and seconded by Johns to approve the BPW recommendation to approve an amendment to the Nebraska Department of Roads Electric Facilities Relocation Agreement for \$72,312.19 for the South Intersection of Highway #75 and #2. 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 Commissioner Davis and seconded by Mayor Bequette to approve the BPW recommendation to purchase three trucks and one fiberglass box for \$116,147. 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 Commissioner Davis and seconded by Wehling to approve the BPW recommendation to accept the final report and submittal of the 2016 Integrated Resource Plan. 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.

Tom Bales, President of the Nebraska City Baseball Association and Commissioner Wehling led a discussion regarding the Baseball Association's funding to increase fencing around the Legion field to increase spectator safety and organize admissions.

Moved by Commissioner Johns and seconded by Glover to approve **Resolution 2741-17** to approve and authorize the Mayor to sign Supplemental Agreement #2 regarding the 4th Corso Viaduct Project. Upon roll call the following voted YES: Johns, Wehling, Glover, Davis and Mayor Bequette. Voting NO: None. Motion carried.

Mayor Bequette introduced the second 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 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 Wehling for final passage of **Ordinance 2988-17** regarding the Unite Franchise Agreement. Upon roll call the following voted YES: Johns, Wehling, Glover, Davis and Mayor Bequette. Voting NO: None. Motion carried.

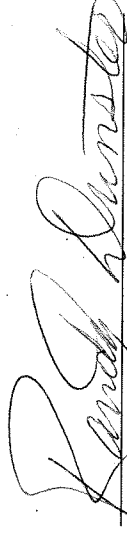
**ORDINANCE NO. 2988-17
A FRANCHISE ORDINANCE**

AN ORDINANCE OF THE CITY OF NEBRASKA CITY ("CITY") GRANTING Unite Private Networks, LLC, 7200 NW 86th Street, Suite M. Kansas City, MO 64153, ("FRANCHISEE"), A NONEXCLUSIVE TELECOMMUNICATION CABLE, FIBER OPTIC CABLE, COAXIAL CABLE, OR OTHER COMMUNICATION CABLE (COLLECTIVELY, "COMMUNICATION CABLES") AND BROADBAND SERVICE FRANCHISE TO INSTALL, OPERATE, MAINTAIN, OR OTHERWISE LOCATE COMMUNICATION CABLES AND/OR CONDUCTORS, OPERATE AN BROADBAND SYSTEM OR SIMILAR COMMUNICATION SYSTEM, AND PROVIDE BROADBAND SERVICES OR SIMILAR SERVICES IN THE CITY OF NEBRASKA CITY; SETTING FORTH THE TERMS AND CONDITIONS ACCOMPANYING THE GRANT OF SAID FRANCHISE; TO REPEAL ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; TO PROVIDE AN EFFECTIVE DATE; AND TO PUBLISH SAID ORDINANCE IN PAMPHLET FORM.

Meeting Adjourned at 8:00 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

