

CITY OF NEBRASKA CITY, NEBRASKA  
MINUTES OF CITY COUNCIL REGULAR MEETING  
November 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 November 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, Utilities Operations Superintendent Dan Patton, 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 November 6, 2017 City Council Meeting.

Approve Electricians Registration Application for Joseph Lutter dba Acme Electrical Contracting based out of 4201 N 11th St Lincoln, NE 68521.

Approve the request from the Lied Lodge to approve a parking exception for the South side of Sylvan Road on Saturday, January 6th 2018 from 5:00 pm – 1:00 am.

Approve NCTC Community Development Committee request to use the Old Stone Cabin on December 10th to host Santa from 1:00 PM -3:00 PM.

Approve an Installation Agreement with Inland Marine Construction, Inc. to extend the Steinhart Park Pond Wall for \$73,150.00. Motion seconded by Commissioner Johns. Upon roll call the following voted YES: Davis, Wehling, Glover, Johns and Mayor Bequette. Voting NO: None. Motion carried

Dean Shissler gave the annual Museum Visitation Report for 2017.

Treasurer's report was given, as of October 31, 2017, Total Nebraska City funds of \$6,427,048.73. Total Cash and Reserve for Nebraska City Utilities of \$17,107,232.78. Total City of Nebraska City and Utility funds \$23,534,281.51.

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

Council acknowledged receipt of Utility Claims for period ending October 31, 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 November 7, 2017 to November 20, 2017. Upon roll call the following voted YES: Davis with abstention to any claims pertaining to West Lake Ace Hardware, Wehling, Johns, Glover and Mayor Bequette. Voting NO: None. Motion carried.

**CLAIMS LIST**

November 20, 2017

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A-1 Locksmith	Rep/Maint	735.00	Jones Automotive, Inc.	Donation	357.81
Access Systems Leasing	Contract	438.42	Kennedy, S.	Artist Sales	26.25
Adkins Signs	Printing	80.00	Kohtz, S.	Artist Sales	94.50
Alegent Creighton Health	Insyrance	1245.00	Korytowski, D.	Artist Sales	30.00
Alloway, P.	Artist Sales	29.63	Kubota of Omaha	Cap Out	6000.00
Almquist, P.	Artist Sales	65.25	Lamb, M.	Artist Sales	36.00
American National Bank	Loan/Lease	1786.61	Landis Engine Co	Rep/Maint	11684.44
Apley, P.	Artist Sales	24.00	Lyon, P.	Artist Sales	50.81
Arbor Mart, Inc	Fuel	1521.25	Matheson Tri-Gas, Inc.	Med Sup	163.60
Arbor Valley Animal Clini	Anim Exp	139.45	McGinity, P.	Artist Sales	22.50
Aupperele, M.	Artist Sales	76.50	Menards-Bellevue	Donation	2371.84
Bell, C.	Rep/Maint	11.79	Mercer's Do-It-Best	Sup	168.63
Bennett, R.	Rock & Sand	431.15	Meyer, R.	Rfnd	200.00
Bergman, S.	Artist Sales	11.25	Missoula Children's Theat	Missoula	500.00
Bishop Plumbing & Heating	Rep/Maint	70.00	Moffett, M.	Artist Sales	15.00
Bohl Plumbing and Heating	Rep/Maint	109.95	Moyer, N.	Artist Sales	29.26
Bound Tree Medical LLC	Med Sup	1967.00	Mullenax Auto Supply	Rep/Maint	24.74
Boyd, E.	Artist Sales	62.27	Napa Auto Parts	Rep/Maint	378.75
Brammier, T.	Donation	2600.00	Nationwide Trust Contribu	Inv	14976.56
Briley, C.	Artist Sales	15.00	NC News Press	Adv	414.65
Capital Business Systems	Contract	157.91	NC Utilities	Utilities	400.17
Card Services	Mutiple	790.93	NE Dept of Rev	Sls Tax	561.60
Carmichael, A.	Artist Sales	69.64	Neopost Postge	Postage	264.94
Citizen Printing Company	Printing	525.10	Nichols, P&S.	Artist Sales	63.00
C N A Surety	Officials Bond	100.00	Nitsick, N.	Artist Sales	30.00
Consolidated Mang.	Training	11.82	O'Reilly Auto Parts	Rep/Maint	141.62
Copenhaver, P.	Artist Sales	21.00	Odey's Inc.	Donation	63964.83
Douglas Tire Co.	Rep/Maint	18.00	Omaha World-Herald Buildi	Adv	217.92
Draeger, S.	Artist Sales	40.52	Otoe County Clerk	Dispatch	4987.50

Duke & Assoc.	Refund	200.00
Eakes Office Solutions	Off Sup	116.97
Eastman, L.	Artist Sales	97.55
Eklund, D.	Artist Sales	31.50
Emergency Repair Service	Rep/Maint	188.00
Engel, B.	Artist Sales	51.00
Fareway Stores, Inc.	Events	131.23
Fey, J.	Artist Sales	22.50
Frame, J.	Artist Sales	88.50
Frerichs, J.	Artist Sales	16.50
Fritschle, K.	Artist Sales	56.00
Galeton Gloves	Sup	168.16
Galls, LLC	Unif	455.79
Gatehouse Media	Adv	90.82
Gillespie, P.	Artist Sales	11.25
Green, G.	Artist Sales	15.00
Hargis, M.	Artist Sales	15.00
Heine, L.	Artist Sales	18.75
Heritage Falls Candles	Artist Sales	61.11
Holliway, M.	Artist Sales	111.00
Hopkins Automotive Inc.	Rep/Maint	5.39
Hunseker, M.	Artist Sales	99.00
Ideal Pure Water	Off Sup	84.70
JEO Consulting Group, Inc	Engineering	41311.00
Johnny's Cycle	Flwr Bskt	66.25

Painter, M.	Artist Sales	39.00
Partsch, T.	Artist Sales	38.92
Payroll	Payroll	94452.83
Quill Corporation	Sup	76.37
Reid, R.	Artist Sales	15.00
River Oaks Communication	Legal/Litigation	225.00
Shell	Fuel	1978.37
Southard's Autobody	Rep/Maint	605.80
Spiral Communications	Telephone/Int	1083.70
State Chemical Manuf	Rep/Maint	231.90
Steve Walters & Son, Inc	Rep/Maint	1000.00
Syracuse Museum of Mem	Artist Sales	5.00
The Knox Co.	Donation	1879.00
Tree Worx Tree	Stump Rem	2060.00
UHC	HRA	2,340.32
Unifirst Corporation	Contract	97.76
Verizon Wireless	Telephone/Int	14.04
Viox, L.	Artist Sales	28.50
Wahl, R.	Artist Sales	67.50
Walde, R.	Artist Sales	13.50
Walters, A.	Artist Sales	28.13
Westlake Ace Hardware	Sup	96.70
Wiles, C.	Rfnd	100.00
Windstream, Inc.	Telephone/Int	1443.83

Mayor Bequette introduced Ordinance 2998-17. 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 Johns for final passage of **Ordinance 2998-17** granting a cable franchise to Time Warner Cable Midwest, LLC, locally known as Charter Communications. 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. 2998-17

AN ORDINANCE GRANTING A CABLE FRANCHISE TO TIME WARNER CABLE MIDWEST LLC, LOCALLY KNOWN AS CHARTER COMMUNICATIONS, TO CONSTRUCT, OPERATE AND MAINTAIN A CABLE SYSTEM IN THE CITY OF NEBRASKA CITY, NEBRASKA; SETTING FORTH CONDITIONS ACCOMPANYING THE GRANT OF THE FRANCHISE; AND PROVIDING FOR REGULATION AND USE OF THE SYSTEM; TO REPEAL ORDINANCE #2536-01 AND ALL OTHER ORDINANCES, OR PARTS OF ORDINANCES, IN CONFLICT WITH THIS ORDINANCE; TO PROVIDE AN EFFECTIVE DATE; AND TO PUBLISH SAID ORDINANCE IN PAMPHLET FORM.

Moved by Commissioner Glover and seconded by Davis to adopt the revised renewal for United Health Care and the adjoining benefits for dental, vision, long-term disability, and basic life, using the same carriers that we had in the prior year. Bo Reed with Holmes Murphy spoke to explain the options. Upon roll call, the following voted YES: Wehling, Johns, Davis, Glover and Mayor Bequette. Voting NO: None. Motion carried.

Mayor Bequette introduced Ordinance 2999-17. Mayor Bequette introduced **Ordinance 2999-17** for the voluntary annexation of the CHI Health St Mary's Hospital location, and requested the second of three readings.

ORDINANCE NO. 2999-17

AN ORDINANCE OF THE CITY OF NEBRASKA CITY, NEBRASKA, TO EXTEND THE BOUNDARIES AND INCLUDE WITHIN THE CORPORATE LIMITS OF AND ANNEX TO THE CITY OF NEBRASKA CITY, NEBRASKA, CERTAIN CONTIGUOUS AND ADJACENT LANDS OUTSIDE THE CITY OF NEBRASKA CITY, OTOE COUNTY, NEBRASKA, AS DESCRIBED IN SECTION 2 HEREOF, AND TO PROVIDE FOR SERVICE BENEFITS THERETO; REPEALING ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; APPROVING PUBLICATION IN PAMPHLET FORM; AND DECLARING AN EFFECTIVE DATE.

Moved by Commissioner Wehling and seconded by Davis to approve an Installation Agreement with ProTech Electric Services to install the new softball lighting for \$106,000.00. Upon roll call, the following voted YES: Johns, Glover, Wehling, Davis and Mayor Bequette. Voting NO: None. Motion carried.

Mayor Bequette introduced Ordinance 3000-17 amending City Code Sec. 1-8.5. - Schedule of ordinance violations and schedule of fines. 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 Commissioner Glover and seconded by Mayor Bequette to remove the revision to 35-158. Upon roll call the following voted YES: Johns, Wehling, Glover, Davis and Mayor Bequette. Voting NO: None. Motion carried.

Mayor Bequette introduced Ordinance 3000-17 as amended by the previous motion. 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 3000-17** amending City Code Sec. 1-8.5. - Schedule of ordinance violations and schedule of fines as amended. Dave Partsch spoke to explain the fines schedule. Upon roll call the following voted YES: Johns, Wehling, Glover, Davis and Mayor Bequette. Voting NO: None. Motion carried.

#### ORDINANCE NO. 3000-17

AN ORDINANCE AMENDING SECTION 1-8.5 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.

Moved by Mayor Bequette and seconded by Glover table the request to consider the acceptance of Security Grant of \$10,000.00 from NHHS for water well security improvements and authorize the Mayor to sign. Leroy Frana spoke to explain the request to table the item. Upon roll call, the following voted YES: Davis, Wehling, Johns, Glover and Mayor Bequette. Voting NO: None. Motion carried.

Moved by Commissioner Davis and seconded by Johns to approve NC Utilities W.O. 150 to extend 3 Phase Primary from Riser Pole to 3 Phase Transformer for the Holiday Inn Express project for \$48,173.49. Leroy Frana spoke to explain the request. Upon roll call, the following voted YES: Wehling, Johns, Glover, Davis and Mayor Bequette. Voting NO: None. Motion carried.

Moved by Commissioner Davis and seconded by Wehling to approve NC Utilities W.O. 152 to provide electric infrastructure improvements in the Nemaha Valley Subdivision Phase in Bennet NE \$227,905.06. Leroy Frana spoke to explain the request. Upon roll call, the following voted YES: Wehling, Johns, Glover, Davis and Mayor Bequette. Voting NO: None. Motion carried.

Moved by Commissioner Davis and seconded by Mayor Bequette to approve NC Utilities recommendation to approve the low bids for Substation 904 improvements, Control and Metering Building from Keystone Electrical Mfg - \$119,617.02, 69 kV Circuit Switcher from Kriz-Davis Co. - \$59,871.00, 24.9 kV Circuit Breaker from Siemens Industry - \$17,574.00, Plus applicable sales taxes on all three items.. Leroy Frana and Dan Patton spoke to explain the request. Upon roll call, the following voted YES: Wehling, Johns, Glover, Davis and Mayor Bequette. Voting NO: None. Motion carried.

Mayor Bequette introduced Ordinance 3001-17. 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 Glover for final passage of **Ordinance 3001-17** Public Safety Anticipation Bond issued to cover shared expenses through the Interlocal Agreement with Otoe County for Dispatch equipment upgrades. 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. 3001-17

AN ORDINANCE AUTHORIZING THE ISSUANCE OF A PUBLIC SAFETY DEPARTMENT TAX ANTICIPATION BOND, 2017 SERIES, OF THE CITY OF NEBRASKA CITY, NEBRASKA, OF THE PRINCIPAL AMOUNT OF THREE HUNDRED NINETY-THREE THOUSAND FIVE HUNDRED DOLLARS (\$393,500); ISSUED FOR THE PURPOSE OF PURCHASING CERTAIN PUBLIC SAFETY EQUIPMENT AND FUNDING THE CITY'S CAPITALIZED INTEREST IN CERTAIN OTHER EQUIPMENT FOR THE PUBLIC SAFETY DEPARTMENT OF THE CITY; PRESCRIBING THE FORM OF SAID BOND; PROVIDING FOR THE LEVY OF TAXES TO PAY SAID BOND; PROVIDING FOR THE SALE OF THE BOND; AUTHORIZING THE DELIVERY OF THE BOND TO THE PURCHASER; PROVIDING FOR THE DISPOSITION OF THE BOND PROCEEDS AND ORDERING THE ORDINANCE PUBLISHED IN PAMPHLET FORM

Moved by Mayor Bequette and seconded by Johns for the Council to go into executive closed session to protect the public interest for the purpose of discussing lease negotiations regarding the Steinhart Lodge communication tower site lease agreement and this discussion shall include Dave Partsch the City Attorney, as well as Grayson Path the City Administrator. Upon roll call, the following voted YES: Glover, Wehling, Johns, Davis and Mayor Bequette. Voting NO: None. Motion carried. The closed session began at 7:25 PM. Moved by Mayor Bequette and seconded by Glover to come out of closed session and resume the Open Session at 7:35 PM. Upon roll call, the following voted YES: Wehling, Glover, Johns, Davis and Mayor Bequette. Voting NO: None. Motion carried.

Mayor Bequette stated that the Council decided not to take any action on this item.

Meeting Adjourned at 7:36 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