

CITY OF NEBRASKA CITY, NEBRASKA  
 MINUTES OF CITY COUNCIL REGULAR MEETING  
 January 2, 2018

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 2, 2018. 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 recognized Michael Schulte, an MPA student at UNO, who is serving as the new City Administration Intern.

Mayor Bequette moved to approve the following consent items:

Approve minutes from the December 18, 2017 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

Mayor Bequette clarified that at the last City Council Meeting he re-appointed Ed Sasse to the Board of Adjustments in error when he should have re-appointed Gary Sasse to the Board of Adjustments. As a correction, Mayor Bequette called for the consent of the council to re-appoint Gary Sasse to the Board of Adjustments. Upon roll call the following voted YES: Davis, Johns, Wehling, Glover, and Mayor Bequette. Voting NO: None. Motion carried.

Moved by Mayor Bequette and seconded by Wehling to accept the report of new claims against the City and approving disposition of claims set for the period of December 19, 2017 to January 2, 2018. Upon roll call the following voted YES: Davis with abstention to any claims pertaining to West Lake Ace Hardware, Wehling, Glover and Mayor Bequette. Voting NO: None. Abstain: Johns, due to a refund payable to Upright Building which is a company that he owns. Motion carried.

| Claims List              |              |           |  |                             |                 |            |
|--------------------------|--------------|-----------|--|-----------------------------|-----------------|------------|
| January 2, 2018          |              |           |  |                             |                 |            |
| A-1 Locksmith & Security | Rep/Maint    | 144.00    |  | Mercer's Do-It-Best         | Sup             | 38.86      |
| Adkins Signs             | Rep/Maint    | 100.00    |  | Midwest Farmers Coop        | Asphalt         | 60.00      |
| ADT Security Serv        | Contract     | 236.44    |  | Mullenax Auto Supply        | Rep/Maint       | 251.47     |
| American National Bank   | Loan Pmt     | 669.05    |  | Musco Sports Lighting       | Grant           | 120,000.00 |
| Arbor Mart, Inc          | Fuel         | 1,729.24  |  | Napa Auto Parts             | Rep/Maint       | 78.15      |
| AVAC                     | Anim Exp     | 65.05     |  | Nationwide                  | Inv             | 13,768.87  |
| Auburn Country Club      | Equip        | 300.00    |  | NC Clerk - Treasurer        | Multiple        | 20.99      |
| B.C. Meyer Construction  | Refnd        | 200.00    |  | NC Museum Association       | Curator         | 2,406.25   |
| Benefiel Truck Repair    | Rep/Maint    | 435.00    |  | NCTC                        | Tourism         | 17,076.31  |
| Bob's Welding Shop       | Rep/Maint    | 1,230.00  |  | O'Reilly Auto Parts         | Rep/Maint       | 60.78      |
| Bound Tree Medical LLC   | Donation     | 2,509.42  |  | Odey's Inc.                 | Rep/Maint       | 461.50     |
| Brown's Shoe Fit Co      | Postage      | 9.30      |  | Payroll                     | Payroll         | 104,306.73 |
| Card Services            | Misc         | 142.37    |  | Quill Corporation           | Sup             | 78.85      |
| Data Technologies        | Off Supplies | 320.25    |  | Schwartz, K.                | Grant           | 9,500.00   |
| Douglas Tire Co.         | Rep/Maint    | 18.00     |  | River View Pest Control     | Pest Cntrl      | 176.00     |
| Eakes Office Solutions   | Supplies     | 19.84     |  | Rose Equipment, Inc.        | Asphalt         | 2,984.15   |
| Essman, P.               | Comparabil   | 2,000.00  |  | Schneider Electric & Ref    | Rep/Maint       | 3,188.60   |
| Galls, LLC               | Uniforms     | 143.94    |  | Sister Cities International | Dues/Membership | 300.00     |
| Gatehouse Media          | Adv          | 22.72     |  | Spiral Communications       | Telephone       | 1,072.55   |
| Green Lamb Properties    | Grant        | 4,500.00  |  | Tree Worx Tree Serv         | Stump Removal   | 235.00     |
| Guardian                 | Ins          | 9,237.29  |  | UHC                         | Ins             | 130,622.17 |
| Hopkins Automotive Inc.  | Donation     | 5.97      |  | Unifirst Corporation        | Contract        | 97.76      |
| Inland Marine Constr     | Grant        | 24,383.00 |  | Upright Buildings           | Rfnd            | 200.00     |
| JEO Consulting Group, In | Superint.    | 6,000.00  |  | VAIRKKO                     | Computers       | 270.90     |
| Kubota of Omaha          | Rep/Maint    | 760.91    |  | Van Diest Supply Co.        | Pest Cntrl      | 85.80      |
| Landis Engine Company    | Rep/Maint    | 195.99    |  | Verizon Wireless            | Telephone       | 275.90     |
| Lincoln Financial        | Ins          | 5,606.25  |  | Werger, J.                  | Rfnd            | 200.00     |
| Martinez, P.             | Rfnd         | 200.00    |  | Westlake Ace Hardware       | Sup             | 6.63       |
| Matheson Tri-Gas, Inc.   | Sup          | 377.97    |  |                             |                 |            |

Moved by Commissioner Wehling and seconded by Davis to amend the purchase and installation agreement for the Steinhart Park Pond Sea Wall project. Upon roll call, the following voted YES: Wehling, Davis, Johns, Glover and Mayor Bequette. Voting NO: None. Motion carried.

Moved by Mayor Bequette and seconded by Johns to approve the Agreement with the Fraternal Order of Police. David Partsch spoke to explain the changes to the agreement. Upon roll call, the following voted YES: Wehling, Davis, Johns, Glover and Mayor Bequette. Voting NO: None. Motion carried.

Moved by Commissioner Davis and seconded by Johns to approve the acceptance of a Public Water System Security Grant from the NHHS in the amount of \$10,000 and authorize the mayor to sign. Leroy Frana spoke to explain the recommendation from the BPW. Upon roll call, the following voted YES: Wehling, Davis, Johns, Glover and Mayor Bequette. Voting NO: None. Motion carried.

Moved by Commissioner Davis and seconded by Glover to approve the acceptance of a Litter Reduction & Recycling Grant from NDEQ in the amount of \$37,342 toward the purchase of a Chipper in the amount of \$93,438. Dan Patton spoke to explain the recommendation from the BPW. Upon roll call, the following voted YES: Wehling, Davis, Johns, Glover and Mayor Bequette. Voting NO: None. Motion carried.

Moved by Commissioner Johns and seconded by Wehling to approve **Resolution 2765-18** awarding the lowest bid for Construction of the 4th Corso Viaduct to Hawkins Construction Company in the amount of \$5,793,241.05 and authorizing the Mayor to sign the contract. Grayson Path spoke to explain the resolution. Upon roll call, the following voted YES: Wehling, Davis, Johns, Glover and Mayor Bequette. Voting NO: None. Motion carried.

Moved by Commissioner Johns and seconded by Mayor Bequette to approve **Resolution 2766-18** authorizing the Mayor to sign an agreement with the State of Nebraska Department of Transportation and the Union Pacific Railroad Company for the removal and replacement of the grade separation at 4th Corso and also a Temporary Construction Easement Agreement. Upon roll call, the following voted YES: Wehling, Davis, Johns, Glover 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 3002-18** directing conveyance of 0.33 acres of land to Bartlett Grain Company, L.P. to correct 1959 transfers. David Partsch spoke to explain the ordinance. Upon roll call the following voted YES: Johns, Wehling, Glover, Davis and Mayor Bequette. Voting NO: None. Motion carried.

### **ORDINANCE NO. 3002-18**

AN ORDINANCE DIRECTING THE CONVEYANCE OF CERTAIN REAL ESTATE WITHIN THE CITY OF NEBRASKA CITY, OTOE COUNTY, NEBRASKA, AS DESCRIBED IN SECTION 1 HEREOF, TO BARTLETT GRAIN COMPANY, L.P.; DIRECTING NOTICE OF CONVEYANCE BY PUBLICATION; AND TO PROVIDE FOR AN EFFECTIVE DATE.

Meeting Adjourned at 6:34 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