

CITY OF NEBRASKA CITY, NEBRASKA
 MINUTES OF CITY COUNCIL REGULAR MEETING
 January 15, 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 15, 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, Fire Chief Alan Viox, Utilities Director Leroy Frana, Utilities Treasurer Jeff Kohrs, Library Director Donna Kruse, 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 2, 2018 City Council Meeting.
 Approve application for a Nebraska Department of Environmental Quality Waste Reduction and Recycling Incentive Grant.
 Approve the Professional Services Agreement with KPE - Consulting Engineers, Inc. in the amount of \$6,000.00 for the Library HVAC Engineering Phase I and authorize the Mayor to sign.
 Approve the Nationwide Retirement Agreements for General City, Fire and Police Plans and authorize City Clerk-Treasurer to sign.
 Approve the NCTC requests for Street Signs, Stone Cabin Picnic, Pool Family Pass, Golf Course 10-punch play card as NCTC Banquet auction items.
 Approve the NCTC request to allow parking on the South side of Sylvan Road on January 27, 2018.
 Approve the list of qualified recipients for the Emergency Responders Incentive Act.
 Motion seconded by Commissioner Glover. 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 Report & Public Hearing on the Citizen's Advisory Review Committee's progress report. Dan Mauk and Jeanna Staves spoke to explain the report. 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 the rezone request of Nebraska City Senior Patio Homes LP for the property located at the end of Oak St off Grundman from R-2 to PUD. Marty Stovall, Andrew Danner, Dan Mauk & Tracy Wieckhorst spoke in favor of 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 rezone request of New Tech Properties, LLC for the property located at 2005 4th Corso from R-2 to C-3. Marty Stovall spoke to explain the request. Mayor Bequette moved to close the Public Hearing, seconded by Commissioner Wehling. Commissioner Johns explained that he would abstain from voting due to a conflict of interest as the selling agent for the property. Upon roll call the following voted YES: Wehling, Glover, Davis and Mayor Bequette. Voting NO: None. Abstain: Johns. Motion carried.

Donna Kruse presented the Morton James Public Library annual report for 2016-2017. Treasurer's report was given, as of December 31, 2017, Total Nebraska City funds of \$6,239,812.44. Total Cash and Reserve for Nebraska City Utilities of \$16,427,439.80 Total City of Nebraska City and Utility funds \$22,667,252.24. Council acknowledged receipt of City Administrator Report. Grayson Path spoke regarding his report. Council acknowledged receipt of Utility Financial Report for period ending September 30, October 31 & November 30, 2017. Council acknowledged receipt of Utility Claims for period ending November 30 & December 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 January 3, 2018 to January 15, 2018. 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					
January 15, 2018					
A-1 Locksmith	Rep/Maint	65.00	NC Newspress	Adv	344.38
Access Sys Leasing	Contract	247.90	NC Rotary Club	Dues	375.00
American Nat Bank	Loan/Lease	1117.56	NCU	Utilities	6248.59
American Recycling	Trash	343.75	Ne Dept of Revenue	Sls Tax	327.23
Arbor Mart, Inc	Fuel	1752.86	Ne Technical Services	Rfnd	20.00
AVAC	Anim. Exp	30.00	Nebraska UC Fund	Unemploy	1632.00
Bound Tree Medical LLC	Sup	556.39	Neopost Postage	Postage	400.00
Capital Business Sys	Contract	190.18	O'Reilly Auto Parts	Supplies	188.77

Card Services	Multiple	2643.73	Office Depot	Supplies	298.59
Citizen Printing Co	Supplies	96.00	Omaha Track Equip	Rep/Maint	206.81
Douglas Tire Co.	Rep/Maint	25.00	Otoe County Clerk	Dispatch	4987.50
Eakes Office Solutions	Supplies	49.75	Paper Tiger Shredding	Trash	35.00
EMS Billing Services	Billing Serv	6492.14	Payroll	Payroll	100,392.07
First Wireless	Commui	456.00	Schneider Electric & Ref	Rep/Maint	184.20
Gatehouse Media NE	Adv	41.39	Shaffer Communications		1282.40
Gerdas, M.	Rfnd	200.00	Shell	Fuel	2067.43
Henry Motors Serv	Rep/Maint	71.62	Shipley Flooring	Rep/Maint	2328.00
Hopkins Automotive Inc.	Supplies	12.47	Sutphen Corporation	Rep/Maint	398.47
Ideal Pure Water	Supplies	57.20	TASC	Group Ins	1886.81
Landis Engine Company	Rep/Maint	28.08	Lumberjack Company		900.00
Larson Motors	Rep/Maint	43.84	Titlest	Clubs	1368.20
League of Ne Munic	Conf	210.00	Tree City Tees	Uniform	272.45
Matheson Tri-Gas, Inc.	Supplies	287.26	Tyco Integrated Security	Contract	175.74
Mercer's Do-It-Best	Rep/Maint	91.96	UHC	HRA	1,205.94
Michael Todd and Co	Rep/Maint	338.90	Unifirst Corporation	Contract	191.77
Moser, D.	Rfnd	387.18	Van Wall Turf & Irrigati	Cap Exp	24620.01
Mullenax Auto Supply	Supplies	48.50	Verizon Wireless	Tele	14.04
Municipal Emergency	Uniform	2423.78	Warner, J.	Rfnd	200.00
Napa Auto Parts	Supplies	201.80	Westlake Ace Hardware	Rep/Maint	29.00
Nationwide	Inv	14,895.92	Witmer Public Safety	Rep/Maint	170.95
Nationwide Trust Cont	Inv	2146.00			

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 3006-18** approving the Rezone request of Nebraska City Senior Patio Homes LP for the property located at the end of Oak St off Grundman from R-2 to PUD. Upon roll call the following voted YES: Johns, Wehling, Glover, Davis and Mayor Bequette. Voting NO: None. Motion carried.

ORDINANCE NO. 3006-18

AN ORDINANCE APPROVING A PRELIMINARY PLAN OF A PLANNED UNIT DEVELOPMENT AND 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 PUD PLANNED UNIT DEVELOPMENT 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.

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: Wehling, Glover, Davis and Mayor Bequette. Voting NO: None. Abstain: Johns. 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 3007-18** approving the Rezone request of New Tech Properties, LLC for the property located at 2005 4th Corso from R-2 to C-3. Upon roll call the following voted YES: Wehling, Glover, Davis and Mayor Bequette. Voting NO: None. Abstain: Johns. Motion carried.

ORDINANCE NO. 3007-18

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 C-3 GENERAL COMMERCIAL 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.

Moved by Mayor Bequette and seconded by Johns to approve the Library application for the Community and Civic Center Financing Fund (CCCF) grant for \$300,000.00 for building restoration/preservation project. Donna Kruse 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 that the statutory rule requiring reading on three different days be suspended. Upon roll call the following voted YES: Wehling, Glover, Davis, Johns 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 3003-18** repealing the Billiard Hall, Poolroom tax (Sec 34-58). Dave Partsch spoke to explain the request. Upon roll call the following voted YES: Wehling, Glover, Davis, Johns and Mayor Bequette. Voting NO: None. Motion carried.

ORDINANCE 3003-18

AN ORDINANCE REPEALING SECTION 34-58 (TAXATION; BILLIARD HALL, POOLROOM) OF THE CODE OF THE CITY OF NEBRASKA CITY, NEBRASKA; APPROVING PUBLICATION IN PAMPHLET FORM; AND DECLARING AN EFFECTIVE DATE.

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: Wehling, Glover, Davis, Johns 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 3004-18** repealing license requirements and regulations specific to public pool halls, billiard halls, and bowling alleys (Sec. 6-40 through 6-57). Dave Partsch spoke to explain the request. Upon roll call the following voted YES: Wehling, Glover, Davis, Johns and Mayor Bequette. Voting NO: None. Motion carried.

ORDINANCE 3004-18

AN ORDINANCE REPEALING ARTICLE II OF CHAPTER 6 (AMUSEMENTS; BILLIARD HALLS, POOL HALLS, BOWLING ALLEYS) OF THE CODE OF THE CITY OF NEBRASKA CITY, NEBRASKA; APPROVING PUBLICATION IN PAMPHLET FORM; AND DECLARING AN EFFECTIVE DATE.

Mayor Bequette introduced **Ordinance 3005-18** for the voluntary annexation of the Nebraska City Senior Patio Homes LP location, (first reading). Dave Partsch spoke to explain the request.

ORDINANCE 3005-18

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.

Marty Stovall led a discussion regarding the 1 & 6 Year Street Improvement Plan.

Moved by Commissioner Davis and seconded by Johns to approve the BPW recommendation to purchase a 69Kv/24.9Kv/14.4Kv/13.8Kv Switched Delta Mobil Substation from Jordan Transformer in the amount of \$724,721 plus applicable Sales Taxes. 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 Mayor Bequette and seconded by Johns for the Council to go into closed session with the City Attorney, City Administrator and the Facilities and Construction Manager for the purpose of having a strategy session with respect to develop the purchase amount for a sealed bid price to be submitted for the purchase of an air compressor for the Street Department. The City Attorney excused himself from the closed session since the equipment is being sold by the County and he is also the County Attorney. Upon roll call, the following voted YES: Glover, Wehling, Johns, Davis and Mayor Bequette. Voting NO: None. Motion carried. Council began the closed session at 7:20 PM.

Council resumed Open Session at 7:28 PM.

Moved by Commissioner Johns and seconded by Davis to approve a sealed bid be submitted for the purchase of an air compressor for the Street Department. Upon roll call, the following voted YES: Glover, Wehling, Johns, Davis and Mayor Bequette. Voting NO: None. Motion carried.

Meeting Adjourned at 7:30 PM.

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