

CITY OF NEBRASKA CITY, NEBRASKA
MINUTES OF CITY COUNCIL REGULAR MEETING PART B
December 3, 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 December 3, 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 6:13 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. Upon roll call the following answered present: Patrick Wehling, Vic Johns, Gloria Glover and Mayor Bequette. Absent: Paul Davis. The following City Officials were present: City Administrator Grayson Path, City Attorney David Partsch, Police Chief David Lacy, Fire Chief Alan Viox, Building Inspector Keith Morrison, Construction and Facility Manager Marty Stovall, Director of Parks and Recreation Scooter Edmisten, Golf Shop Manager Ashli Leyden and City Clerk-Treasurer Randy Dunster.

Mayor Bequette administered the Oath of Office to Vic Johns as the newly re-elected Commissioner of the Department of Streets, Public Improvements and Public Property.

Mayor Bequette administered the Oath of Office to Gloria Glover as the newly elected Commissioner of the Department of Public Accounts and Finances.

Mayor Bequette re-appointed Grayson Path as City Administrator, Randy Dunster as City Clerk – Treasurer, Patricia Moore as Deputy City Clerk–Treasurer, David Lacy as Chief of Police, David Partsch as City Attorney, John R Palmtag as Deputy City Attorney, Dr. Brad Vasa as City Physician, Marty Stovall as City Traffic Engineer. Upon roll call the following voted YES: Johns, Wehling, Glover and Mayor Bequette. Voting NO: None. Motion carried.

Mayor Bequette re-appointed Kiel VanderVeen to the Citizen’s Advisory Review Committee. Upon roll call the following voted YES: Johns, Wehling, Glover and Mayor Bequette. Voting NO: None. Motion carried.

Mayor Bequette recognized Alan Viox prior to his retirement at the end of the year for his years of service as the City and County Building Inspector.

Mayor Bequette appointed Keith Morrison as Plumbing Inspector. Upon roll call the following voted YES: Johns, Wehling, Glover and Mayor Bequette. Voting NO: None. Motion carried.

Mayor Bequette administered the Oath of Office to Keith Morrison as the newly appointed Plumbing Inspector.

Mayor Bequette moved to approve the following consent items:

Approve the City Engineer Agreement with JEO Consulting Group.

Approve Change Order #001, items #1-5, for the City Hall and Fire Station Roof Replacement Project for a net deduction of \$520.00 to the contract sum total with McCoy Construction.

Approve the payment of SENDD Drawdown #6 for project 16-CD-104 in the amount of \$51,832.93.

Approve the Master Plumbers and Drain Layers License application for Kurt Vodicka.

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

Mayor Bequette opened the Public Hearing to authorize the pursuit of a \$425,000 Tourism CDBG Grant for the Veterans Memorial Building and authorize the Mayor to sign applicable documents. Ted Bielman, Betsy Samuelson from SENDD, Dan Mauk and Jim Kuhn each spoke in favor. Mayor Bequette moved to close the Public Hearing, seconded by Commissioner Johns. Upon roll call the following voted YES: Johns, Wehling, Glover and Mayor Bequette. Voting NO: None. Motion carried.

Dean Schissler reported on the Nebraska City Museum Association 2018 Annual Visitation Report.

Doug Friedli presentation on the updated Nebraska City Trail Study cost estimates.

Moved by Commissioner Glover and seconded by Johns to approve Resolution 2806-18 to submit a Tourism Community Development Block Grant project grant application in the amount of \$425,000.00 for construction of an elevator, ramps, and ADA accessible bathrooms in the Veterans Memorial Building and authorize the Mayor to sign. Upon roll call the following voted YES: Wehling, Johns, Glover and Mayor Bequette. Voting NO: None. Motion carried.

Ordinance 3022-18 to change the City Ordinance pertaining to raising backyard chickens was read for the first of three readings.

Moved by Commissioner Johns to amend Ordinance 3022-18 to include the requirement that applicants obtain the signatures of all adjacent property owners failed to pass due to the lack of a second.

Moved by Commissioner Glover and seconded by Mayor Bequette to amend Ordinance 3022-18 to add to the language of section 11 such that it would say eggs produced by the licensed chickens may be sold by the license holder in compliance with the Home-Based Business Certificate of Occupancy Section 5.15. Dave Partsch, Marty Stovall, Chief Lacy, Randy Dunster spoke to explain the ordinance. Phil Weaver, Betsy Goodman spoke in favor of the ordinance. Duane Smith and Jackie Smith spoke regarding questions about the ordinance. Upon roll call the following voted YES: Wehling, Johns, Glover and Mayor Bequette. Voting NO: None. Motion carried.

Moved by Commissioner Wehling and seconded by Johns to amend Ordinance 3022-18 section C-1 to allow no more than four total hens and/or hen bantams to be kept on any one zoning lot. Upon roll call the following voted YES: Wehling, Johns, Glover and Mayor Bequette. Voting NO: None. Motion carried.

Mayor Bequette declared a conflict of interest as part owner of The Keeping Room and holds a current sidewalk café permit and asked that Vice President Glover take the lead with this item as he would abstain from voting on this issue. Moved by Commissioner Glover and seconded by Wehling to amend Ordinance 3023-18 regarding renewal process for sidewalk café permits to say "...application form on which a renewal applicant must provide any known written complaints." Upon roll call the following voted YES: Johns, Wehling and Glover. Voting NO: None. Abstain: Mayor Bequette. Motion carried.

Moved by Vice President Glover 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 and Glover. Voting NO: None. Abstain: Mayor Bequette. Motion carried. Vice President Glover 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 Vice President Glover and seconded by Wehling for final passage of Ordinance 3023-18. Dave Partsch spoke to explain the request. Upon roll call the following voted YES: Johns, Wehling and Glover. Voting NO: None. Abstain: Mayor Bequette. Motion carried.

ORDINANCE NO. 3023-18

AN ORDINANCE CREATING A STREAMLINED RENEWAL PROCESS FOR SIDEWALK CAFÉ PERMITS; 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 Johns that the statutory rule requiring reading on three different days be suspended. Upon roll call the following voted YES: Johns, Wehling, Glover 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 3024-18 for the sale of a City-owned lot at 301 Central Ave. Dave Partsch spoke to explain the request. Upon roll call the following voted YES: Johns, Wehling, Glover and Mayor Bequette. Voting NO: None. Motion carried.

ORDINANCE 3024-18

AN ORDINANCE DIRECTING THE SALE AND CONVEYANCE OF A VACANT LOT AT 301 CENTRAL AVENUE, NEBRASKA CITY, NEBRASKA, MORE PARTICULARLY DESCRIBED IN SECTION 1 HEREOF, TO RANDY BISHOP OR HIS ASSIGNEE; DIRECTING NOTICE OF SALE BY PUBLICATION; AND TO PROVIDE FOR AN EFFECTIVE DATE.

Moved by Commissioner Wehling and seconded by Glover to approve the proposed 2019 Pool Rates for the 2019 season. Scooter Edmisten spoke to explain the proposed rate changes. Upon roll call the following voted YES: Johns, Wehling, Glover and Mayor Bequette. Voting NO: None. Motion carried.

Moved by Commissioner Wehling and seconded by Johns to approve the proposed rate changes for the 2019 Wildwood Golf Course. Ashli Leyden spoke to explain the proposed rate changes. Upon roll call the following voted YES: Johns, Wehling, Glover and Mayor Bequette. Voting NO: None. Motion carried.

Moved by Commissioner Glover and seconded by Mayor Bequette to adopt the amendments to the Budget and Financial Policy with proposed items #3, #5, #7 and #8. Grayson Path, Scooter Edmisten and Marty Stovall spoke to explain the item. Upon roll call the following voted YES: Johns, Wehling, Glover and Mayor Bequette. Voting NO: None. Motion carried.

Mayor Bequette introduced Ordinance 3025-18 amending downtown vacant building regulations which was read for the first of three readings. Dave Partsch, Grayson Path and Jim Kuhn spoke to explain the ordinance.

Moved by Commissioner Wehling and seconded by Mayor Bequette to allow the Nebraska City Ballfield Improvement Association to modify the softball complex and parking for better ADA accessibility. Grayson Path, Scooter Edmisten and Marty Stovall spoke to explain the item. Upon roll call the following voted YES: Johns, Wehling, Glover and Mayor Bequette. Voting NO: None. Motion carried.

Meeting Adjourned at 9:15 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