

CITY OF NEBRASKA CITY, NEBRASKA
MINUTES OF CITY COUNCIL REGULAR MEETING
December 17, 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 17, 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 Jeff Kohrs, Building Inspector Keith Morrison and City Clerk-Treasurer Randy Dunster.

Mayor Bequette moved to approve the following consent items:

Approve minutes from the December 3, 2018 City Council Meeting.

Approve the BPW WWO #306 to install a new line well casing on well #2 in the amount of \$27,870.

Approve the Application for Master Plumbers and Drain Layers License for Keith Morrison.

Approve the New Corporate Manager application for the Buck Snort Liquor License.

Approve the CDBG project #16-CD-104 Drawdown #7 for \$8,347.58.

Approve a contract with Bryant Air Conditioning & Heating Co. in the amount of \$385,812.00, including alternative addition for Daikin Equipment, for the Library HVAC project and authorize the Mayor to sign.

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

Moved by Mayor Bequette to Re-appointment of Rex Nelson to the Nebraska City Housing Authority Board. 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 November 30, 2018, Total Nebraska City funds of \$9,097,294.49. Total Cash and Reserve for Nebraska City Utilities of \$17,421,224.84. Total City of Nebraska City and Utility funds \$26,518,519.33.

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, 2018.

Council acknowledged receipt of Utility Financial Report for period ending October 31, 2018.

Council acknowledged receipt of Utility Claims for period ending November 30, 2018.

Moved by Commissioner Glover and seconded by Davis to accept the report of new claims against the City and approving disposition of claims set for the period of December 4, 2018 to December 17, 2018. Upon roll call the following voted YES: Davis, Wehling, Johns, Glover and Mayor Bequette. Voting NO: None. Motion carried.

Claims List					
December 17, 2018					
4Imprint, Inc	Donation	182.64	Lamb, M.	Artist Sales	36.00
Access Systems	Contract	252.40	Language Line Serv	Telephone	35.40
Almquist, D.	Artist Sales	21.00	Larson Motors	Rep/Maint	1,826.08
American Nat Bank	Loan/Lease	3,362.74	Law Enforcement Sys	Invest Exp	71.00
Arbor Mart, Inc	Fuel	2,405.39	M. J. Amerine	Refund	200.00
Arbor Valley Anim Cl	Anim Exp	207.00	Macy, B.	Artist Sales	5.63
Arrow Int'l	Sup	1,345.50	Matheson Tri-Gas, Inc.	Sup	361.86
Asphalt & Concrete	Asphalt	375.99	McGinty, P.	Artist Sales	15.00
Bassinger, C.	Artist	23.22	Mercer's Do-It-Best	Sup	364.37
Beelner Services	Irrigation	660.00	Merchant Services	CC Service Fee	338.15
Benefiel Truck Repair	Rep/Maint	325.00	Merz Ink	Clean Up	564.00
Richard D. Bennett, Jr.	Contract	595.00	Michael Todd &Comp	Rep/Maint	938.00
Berger, D.	Artist Sales	7.50	Midwest Farmers Coop	Asphalt	44.80
Bergman, S.	Artist Sales	15.00	Midwest Serv & Sales	Rep/Maint	406.25
Vivial	Adv	15.55	Miller Monroe Farrell	Bond	100.00
Bishop Plumb & Heat	Rep/Maint	518.33	MPPC LLC	Equip Rent	80.00
BKD	Audit	13,500.00	Mullenax Auto Supply	Rep/Maint	83.44
Robert Moyer	Chem	145.28	Municipal Emergency Serv	Uniforms	4,447.11
Bohl Plumbing & Heating	Rep/Maint	75.00	Napa Auto Parts	Cap Outlays	3,580.40
Bound Tree Medical	Sup	379.74	Nationwide	Inv	15004.57
Boyd, E.	Artist Sales	12.00	Nationwide Bonds	BOnd	100.00
Briley, C.	Artist Sales	18.75	Nationwide Trust Contr	Pension	2,146.00
Brown Glass Co	Rep/Maint	206.00	NC Newspress	Adv	212.80
Brown's Shoe Fit Co	Postage	11.17	NC Utilities	Utilities	6,900.72
Capital Business Sys	Contract	160.54	Nichols, P & S.	Artist Sales	15.19
Card Services	Multiple	1,208.79	Nieburgge, D.	Rfnd	200.00
Carmichael, A.	Artist Sales	3.71	Nitsick, J.	Artist Sales	15.00
Carpenter, S.	Artist Sales	36.00	O'Reilly Auto Parts	Rep/Maint	322.98

Cede & Co	Bond & Int	3423088.05	Odey's	Donation	54186.13
Douglas Tire Co.	Rep/Maint	1,523.00	Otoe County Clerk	Dispatch	4,987.50
Eakes Office Sol	Sup	137.24	Painter, M.	Artist Sales	14.00
Eastman, L.	Artist Sales	13.15	Payroll	Payroll	114788.46
Eggers Brothers, Inc.	Rep/Maint	166.00	Potter, M.	Artist Sales	18.00
EMS Billing Serv	Billing Serv	2,962.85	Ramage, S.	Artist Sales	7.50
Engel, B.	Artist Sales	13.50	Reid, R.	Artist Sales	3.75
ETS Corporation	CC Service Fee	38.41	River View Pest Control	Pest Cntrl	183.00
Frame, J.	Artist Sales	4.50	Schneider Electric & Refr	Rep/Maint	777.60
Friedli, P.	Artist Sales	24.00	SEND D	CDBG	8,347.58
Fritschle, K.	Artist Sales	88.00	Shefferd, C.	Artist Sales	24.00
Galls, LLC	Uniforms	7.53	Shelter Home Service LLC	Refund	25.00
Gatehouse Media	Adv	40.77	Simon Contractors	CDBG	54,110.86
Gillespie, P.	Artist Sales	15.75	SE Plumbing & Heating	Cap Improv	12,300.00
Green, J.	Artist Sales	53.88	Stryker Medical	Rep/Maint	1,321.02
Grundman Constr	Refund	200.00	UHC	HRA	288.65
Hall, J.	Artist Sales	15.00	Unifirst Corporation	Contract	210.86
Hanna, S.	Rfnd	200.00	VAIRKKO	Computers	84.00
Hargis, M.	Artist Sales	28.13	Verizon Wireless	Telephone	46.12
Heine, L.	Rfnd	45.00	Viox, L.	Artist Sales	3.75
Henry Motors Service	Rep/Maint	714.40	Wahl, R.	Artist Sales	18.75
Holliway, M.	Artist Sales	10.00	Walde, S.	Artist Sales	5.99
Hunzeker, M.	Artist Sales	15.75	Walters, A.	Artist Sales	62.21
Ideal Pure Water	Sup	49.45	Wellsandt, K.	Artist Sales	12.00
Inland Truck Parts	Rep/Maint	29.63	Westlake Ace Hardware	Rep/Maint	61.00
JEO Consulting Group	Constr/Grant	10,770.70	Windstream, Inc.	Telephone	1,457.22
KNCB	Clean-Up	465.05	Windy Prairie Systems	Contract	1,500.00
Kozer, C.	Rfnd	200.00	Wurtele, G.	Artist Sales	13.00
Kubota of Omaha	Rep/Maint	1,730.48			

Moved by Mayor Bequette and seconded by Johns to Direct the City Attorney to draft an ordinance to vacate the portion of Park Road west of Centennial Ave and accept the purchase offer of \$100.00 from Tad Hammond. Dave Schmitz spoke to explain the request. Upon roll call, the following voted YES: Davis, Wehling, Johns, Glover and Mayor Bequette. Voting NO: None. Motion carried.

Moved by Mayor Bequette and seconded by Glover to approve a new Employment Agreement with the City Administrator. Dave Partsch spoke to explain the item. Upon roll call, the following voted YES: Davis, Wehling, Johns, Glover and Mayor Bequette. Voting NO: None. Motion carried.

Moved by Commissioner Glover and seconded by Wehling to adopt the new language of the Budget and Financial Policy. Grayson Path spoke to explain the item. Upon roll call, the following voted YES: Davis, Wehling, Johns, Glover and Mayor Bequette. Voting NO: None. Motion carried.

Moved by Commissioner Wehling and seconded by Glover regarding procurement of services to procure agent and broker services for our Property Casualty, Worker's Comp, Auto & Liability insurance for the City in 2019. Grayson Path spoke to explain the item. The Council discussed shifting the renewal dates of our insurance from October 1st to October 1st so the new insurance rates can be included in the budget rather than the after the budget has been set, then procure the insurance in 2020. Commissioner Wehling recommended procuring the different services on a three-year basis but offset them over three years so health insurance would be procured in 2020, Property Casualty would be procured in 2021 and Retirement would be procured in 2022. Audit services would be procured in 2019 at the end of the contract that the Utilities currently has with their auditor. Upon roll call, the following voted YES: Davis, Wehling, Johns, Glover and Mayor Bequette. Voting NO: None. Motion carried.

Commissioner Wehling departed the meeting at 7:15 PM.

Moved by Commissioner Johns and seconded by Glover to approve the second reading of Ordinance 3022-18 to change the City Ordinance pertaining to raising backyard chickens as currently drafted. Upon roll call, the following voted YES: Davis, Johns, Glover and Mayor Bequette. Voting NO: None. Motion carried.

Moved by Mayor Bequette and seconded by Johns to approve the second reading of **Ordinance 3025-18** amending downtown vacant building regulations as currently drafted. Dave Partsch spoke to explain the Ordinance. Upon roll call, the following voted YES: Davis, Johns, Glover 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, 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 3026-18** to amend section 2-37, to provide for a time for the closing of the agenda for regular meetings of the City Council and the method for giving notice of such meetings. Dave Partsch spoke to explain the request. Upon roll call the following voted YES: Johns, Glover, Davis and Mayor Bequette. Voting NO: None. Motion carried.

ORDINANCE NO. 3026-18

AN ORDINANCE TO AMEND SECTION 2-37, TO PROVIDE FOR A TIME FOR THE CLOSING OF THE AGENDA FOR REGULAR MEETINGS OF THE CITY COUNCIL, AND THE METHOD FOR GIVING SUCH NOTICE OF SUCH MEETINGS, TO REPEAL ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH, AND TO DECLARE AN EFFECTIVE DATE.

Moved by Commissioner Glover and seconded by Johns to approve **Resolution 2807-18** for the partial release of liens on 1422 13th Corso. Dave Partsch spoke to explain the Ordinance. Upon roll call, the following voted YES: Davis, Johns, Glover and Mayor Bequette. Voting NO: None. Motion carried.

Moved by Commissioner Glover and seconded by Mayor Bequette to amend **Resolution 2808-18** to change the \$35,000 to \$32,000. Upon roll call, the following voted YES: Davis, Johns, Glover and Mayor Bequette. Voting NO: None. Motion carried.

Moved by Mayor Bequette and seconded by Johns to approve **Resolution 2808-18** as amended to obtain a loan for the purchase of a dump truck for the Parks & Rec Department. Upon roll call, the following voted YES: Davis, Johns, Glover 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, 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 3027-18** to repeal Chapter 34, Article II of our Code (Sections 34-15 through 34-20) regarding the Fire Insurer Occupation Tax. Commissioner Glover spoke to explain the request. Upon roll call the following voted YES: Johns, Glover, Davis and Mayor Bequette. Voting NO: None. Motion carried.

ORDINANCE NO. 3027-18

AN ORDINANCE REPEALING THE CITY'S FIRE INSURANCE TAX; 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 that the statutory rule requiring reading on three different days be suspended. Upon roll call the following voted YES: Johns, 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 3028-18** approving the formation of a nonprofit corporation to be known as the Nebraska City Municipal Facility Corporation. Commissioner Glover spoke to explain the request. Upon roll call the following voted YES: Johns, Glover, Davis and Mayor Bequette. Voting NO: None. Motion carried.

ORDINANCE NO. 3028-18

AN ORDINANCE APPROVING THE FORMATION OF A NONPROFIT CORPORATION TO BE KNOWN AS CITY OF NEBRASKA CITY MUNICIPAL FACILITIES CORPORATION FOR THE PURPOSES OF ACQUIRING BUILDINGS, EQUIPMENT AND FACILITIES FOR THE LEASE THEREOF TO THE CITY OF NEBRASKA CITY.

Meeting Adjourned at 7:49 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