

CITY OF NEBRASKA CITY, NEBRASKA
MINUTES OF CITY COUNCIL REGULAR MEETING
April 1, 2019

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 April 1, 2019. 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 Administration Intern Clayton Keller, City Attorney David Partsch, Police Chief David Lacy, Utilities Director Jeff Kohrs, Utilities Treasurer Mona Kuhlenengel, 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 March 18, 2019 City Council Meeting.

Approve the contract renewal for our postage meter with NeoPost.

Approve the Jaycees use of the small and middle ball diamonds at Steinhart Park for the Easter Egg Hunt April 20, 2019.

Approve the Application for Master Plumbers and Drain Layers License for Ben Peters, ProPlumb Inc.

Approve the application from the City of Omaha for a Sludge Permit for 2019.

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 proclaimed Electric Utility Line workers Day April 8, 2019. Paul Davis, Jeff Kohrs, Carl Abbott and John Greedy were present to receive the Proclamation.

Mayor Bequette presented the Public Power Association Safety Award of Excellence to our Nebraska City Utility Department. Paul Davis, Jeff Kohrs and Carl Abbott were present to receive the Proclamation.

Mayor Bequette proclaimed April 7-13, 2019 as National Library Week. Donna Kruse was present to receive the Proclamation.

Mayor Bequette proclaimed April 26, 2019 as Arbor Day. Pam Frana and Sally DuBois were present to receive the Proclamation.

Grayson Path presented the report pursuant to Nebraska Revised Statute 18-2117.02 for Tax Increment Financing in the City of Nebraska City.

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 March 19, 2019 to April 1, 2019. 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					
April 1, 2019					
2 Brothers Blue Line BBQ	Awards Din	1,610.00	Merz Ink	Uniforms	701.67
American National Bank	Loan	1,199.34	Midwest Farmers Coop	Asphalt	32.31
Asphalt & Concrete Mat.	Asphalt	2,460.32	Molly McNeely Dent	TIF	118.46
Bankers Fidelity Life Ins.	Rfnd	136.94	Mullenax Auto Supply	Sup	26.80
BCBS EMS	Rfnd	1,104.15	Municipal Emergency	Uniforms	117.70
Boettcher, M.	Rfnd	25.00	Napa Auto Parts	Sup	219.45
Bound Tree	Sup	581.92	Nationwide	Inv	13737.99
Brownville Village Thea.	Adv	50.00	NC Clerk - Treasurer	Multiple	337.35
Card Services	6594 - Propane Tank	159.99	NC Museum Association	Curator	2,416.67
Citizen Printing Co.	Anim/Sup	180.50	NC Volunteer Fire Dept.	Awards Din	194.21
Commercial State Bank	TIF	473.45	NCTC	Tourism	7,083.33
Concrete Industries	Concrete	297.50	NE Salt & Grain	Chem	1,701.90
DAS State Accounting	Communication	290.00	NE Secretary of State	Dues/Memb	30.00
Douglas Tire Co.	Rep/Maint	598.63	NEOFUNDS	Postage	1,200.00
Eakes Office Solutions	Sup	588.07	North American Direct.	Adv	300.00
Ennis-Flint Trading	Equip	844.38	O'Reilly Auto Parts	Sup	33.49
Enterprise Bank	TIF	445.47	Odey's Inc.	Ballfield	8,443.88
Fareway Food Store	TIF	327.80	Payroll	Payroll	111706.97
Fareway Stores, Inc.	Sup	159.74	Pepsi-Cola of Lincoln	Bev	261.70
First Wirelss	Communication	355.00	Peterson, B.	Code Compl	115.00
Galls, LLC	Sup	36.55	Physio-Control, Inc	Contract	6,380.00
Gaylord Brothers	Sup	98.79	Quality Brands of Linc	Bev	327.70
General Fire & Safety	Rep/Maint	206.48	R & R Products Co.	Sup	113.70
Guardian	Ins	9878.84	Right Choice Painting	Grant	7,000.00
Helena Chemical Co.	Chem	652.50	River View Pest Control	Pst Cntrl	183.00
Henry Motor Serv.	Rep/Maint	129.48	Royaltees Golf	Mdse	113.40
Hireright	Background	54.06	Spiral Communications	Tele	1,114.33
Hopkins Automotive Inc	Sup	84.12	St. Mary's Hospital	Background	66.00

Infinity Aviation	Intrlocal Agr	4,382.67	Stutheit Implement	Sup	142.36
Jones Automotive, Inc.	Rep/Maint	33.26	Thurman's Bike & Sport	TIF	192.37
Kreifels Electric L.L.C.	Rep/Maint	3,640.36	Time Warner Cable	Misc	109.47
Larson Motors	Rep/Maint	971.56	UHC	Ins	134520.29
League of Nebr. Munic	Conference	175.00	Unifirst Corporation	Contract	229.13
Leyden, A.	Rep/Maint	29.79	Verizon Wireless	Tele	662.00
Lincoln Financial	Ins	5915.03	Westlake Ace Hardware	Rep/Maint	204.10
Matheson Tri-Gas, Inc.	Sup	51.07	Windstream, Inc.	Tele	2,431.20
Mercer's Do-It-Best	Rep/Maint	342.50	Witmer Public Safety	Vol Uniforms	101.96

Moved by Commissioner Wehling and seconded by Johns to approve the NCTC requests for Arbor Day Events April 26-28, 2019. Pam Frana 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 allow the Clerk to move forward with processing the Application for Tobacco License from Central Avenue Smoke Shop. David Partsch spoke to explain the request. Eric Schallenberger spoke against approving the Tobacco License. Seth Kinnison spoke in favor of approving the Tobacco License. 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: 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 Davis for final passage of **Ordinance 3031-19** for Electric Rate Adjustments. Jeff Kohrs 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. 3031-19

AN ORDINANCE ESTABLISHING A SCHEDULE OF RATES TO BE CHARGED FOR ELECTRIC SERVICE FURNISHED BY THE COMBINED UTILITY SYSTEM OF THE CITY OF NEBRASKA CITY, NEBRASKA; TO REPEAL ORDINANCE NO. 2931-14 AND ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; AND TO DECLARE 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: 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 Davis for final passage of **Ordinance 3032-19** for Natural Gas Rate Adjustments. Jeff Kohrs 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. 3032-19

AN ORDINANCE ESTABLISHING A SCHEDULE OF RATES TO BE CHARGED FOR NATURAL GAS SERVICE FURNISHED BY THE COMBINED UTILITY SYSTEM OF THE CITY OF NEBRASKA CITY, NEBRASKA; TO REPEAL ORDINANCE NO. 2995-17 AND ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; AND TO DECLARE AN EFFECTIVE DATE.

Moved by Mayor Bequette and seconded by Johns for the Council to go into closed session with the City Attorney, City Administrator and City Administrator Intern for the purpose of having a strategy session and for the protection of the public interest regarding litigation strategy and direction to legal counsel for the Ehlers v City lawsuit. 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 6:40 PM

Council resumed the Open Session at 7:32 PM and stated that no action was taken during closed session.

Meeting Adjourned at 7:34 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.

Randy A. Dunster, City Clerk-Treasurer