

CITY OF NEBRASKA CITY, NEBRASKA  
MINUTES OF CITY COUNCIL REGULAR MEETING  
November 4, 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 November 4, 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 Bryan 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 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 Drew Graham, Police Captain Lonnie Neeman, Building Inspector Keith Morrison, Utilities Director Jeff Kohrs, 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 October 21, 2019 City Council Meeting.

Approve the NCTC Request for use of Old Stone Cabin for Santa’s visit on Sunday December 8, 2019 from 12:00pm to 2:00pm.

Approve a Liquor License Manager Application for Bucksnot Grill and Sports Bar for Melony Francis.

Approve the Engagement Letter Agreement with BKD for auditing services of the City of Nebraska City FY18/19 financial statements and authorize the City Administrator to sign.

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 proclaimed November 10-16 of 2019 as NC Jaycees Family Week. Laura Liesemeyer was present to receive the proclamation.

Mayor Bequette proclaimed November 11-15 of 2019 as #Be Kind Week. Rex Feil, Carla Zaroban & Teresa Fields were present to receive the proclamation.

Mayor Bequette opened the Public Hearing to amend the Nebraska City Economic Development Plan to allow early childhood infrastructure development pursuant to Legislative Bill 160. Dan Mauk spoke to explain the request. No comments were made by the public. 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 intent to use Nebraska City Growth Funds from the Economic Development Plan for Inspired Hope, LLC. as a forgivable loan in the amount of \$196,133.00 for elevator modernization and fire alarm system replacement to be ADA compliant. Commissioner Johns Declared a Conflict of Interest as a member of Inspired Hope LLC and left the room at 6:12pm. Dan Mauk, Jeri Johns and Brad Barkos spoke to explain the request. No comments were made by the public. Mayor Bequette moved to close the Public Hearing, seconded by Commissioner Wehling. Upon roll call the following voted YES: Wehling, Glover, Davis and Mayor Bequette. Voting NO: None. Motion carried.

Moved by Commissioner Glover and seconded by Davis to accept the report of new claims and approving disposition of claims set for the period of October 22, 2019 to November 4, 2019. 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. Motion carried.

Claims List					
November 4, 2019					
Action Technology Services	Services	400	Loveland Grass Pad	Rep/Maint	127.86
Ag Solutions Group LLC	Equipment	59.64	Matheson Tri-Gas, Inc.	Sup	46.35
AMERICAN NATIONAL BANK	Loan	1699.86	Mead Lumber	Sup	2271.69
Ameritas	Ins	9403.59	Mercer's Do-It-Best	Rep/Maint	284.48
Arbor Mart, Inc	Fuel	2,714.74	Midwest Turf and Irrigation	Rep/Maint	215.98
Arbor Valley Animal Clinic	Anim Exp	444	Miller Monroe	Ins	180348
Bill Walters & Son Shop, Inc.	Rep/Maint	66.2	Mullenax Auto Supply	Rep/Maint	54.41
BlueCross Blue Shield	Ins	133,510.74	NAPA AUTO PARTS	Rep/Maint	765
Bohl Plumbing and Heating	Rep/Maint	189.33	NATIONAL ENTERTAINMENT TE	Sup	360
Bound Tree Medical LLC	Supplies	806.39	NC Tourism & Commerce	Tourism	7,083.33
Brown Glass Company	Rep/Maint	86	Nebraska City Museum Assoc.	Curator	2,416.66
Card Services (Orscheln)	Multiple	772.64	Nebraska City Rotary Club	Due	500
CHI HEALTH ST. MARY'S	Agreement	7,602.60	Nebraska City Utilities	Utilites	132.66
Citizen Printing Company	Sup	309	NEOPOST USA	Postage	98.82
Consolidated Management Co	Traing	173.55	OAK WOODS CONTRACTING LLC	Rfund	200
Corporate Risk Holding III, Inc	Subscription	277.03	Omaha Door & Window Co.	Project/labor	7,544.75
Creighton University Medical	Sup	2,528.00	Otoe County Clerk	Reimbursement	999
Douglas Tire Co.	Rep/Maint	1,041.47	Payroll	Payroll	139160.07

Eakes Office Solutions	Sup	113.73	Quality Brands	Bev	18.35
Fareway Stores, Inc.	Concessions	42.03	River View Pest Control	Pest Control	352
Fastenal Company	Sup	3.5	Robert Moyer	Supplies	128.34
FRONTIER	Chemicals	15.5	Shelter Home Service LLC	Rfund	25
Gatehouse Media NE Holdings	Adv	43.61	STAR EQUIPMENT LTD	Parts/equipment	369.36
Gregory Welding Inc	EDRLF loan	135154.86	Stryker Medical	Med Sup	676.17
GRUNDMAN CONSTRUCT	Rfund	200	THE GRAPHIC EDGE	Apparel	205.91
HELENA CHEMICAL COMPANY	Chemicals	375	TODD CHANEY	Rfund	100
Hopkins Automotive Inc.	Rep/Maint	27.97	Tom's Radio	Reimbursement	125
Infinity Aviation	Interlocal	4,382.67	TONY MARTINEZ	Rfund	25
J.P. Cooke Company	Sup	152.5	Unifirst Corporation	Contract	339.23
Jason Warner	Rfund	25	VAN DIEST SUPPLY COMPANY	Chemicals	3,601.50
JEO Consulting Group, Inc.	Projects	17,940.00	Van Wall Turf & Irrigation	Equipment	230.28
Jerad Sornson	Rfund	196.8	VERIZON WIRELESS	Telephone	666.1
JERRY BARRETT	Rfund	509.07	Vivial	Directory	16.2
KENT VOLKMER	Rfund	25	WESTLAKE ACE HARDWARE	Rep/Maint	512.58
Landis Engine Company, Inc.	Rep/Maint	97.19	WILSON SIGERSON	Account: SIGWIL	110.46
Lincoln Financial	Ins	6746.4	Windstream,Inc.	Tele/Int	496.64

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. 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 3036-19** to amend the Nebraska City Economic Development Plan to allow early childhood infrastructure development pursuant to Legislative Bill 160. Upon roll call the following voted YES: Wehling, Glover, Davis and Mayor Bequette. Voting NO: None. Motion carried.

#### ORDINANCE NO. 3036-19

AN ORDINANCE TO AMEND ORDINANCE 2982-16 BY ADDING AN EXTENSION OF AND AMENDMENTS TO THE ECONOMIC DEVELOPMENT PROGRAM FOR THE CITY OF NEBRASKA CITY, NEBRASKA, BY ADDING EARLY CHILDHOOD DEVELOPMENT TO THE LIST OF ELIGIBLE ACTIVITIES AND QUALIFYING BUSINESSES.

Moved by Mayor Bequette and seconded by Wehling to approve **Resolution 2837-19** on the intent to use Nebraska City Growth Funds from the Economic Development Plan for Inspired Hope, LLC. as a forgivable loan in the amount of \$196,133.00 for elevator modernization and fire alarm system replacement to be ADA compliant and with the attached hereto specify the attached as a 3% rate authorized over a period of ten (10) years with the first payment due 24 months after the disbursement of funds and the forgivable portion being hiring and maintaining a minimum average of 12 full time equivalent employees and documents thereof showing such level of employment for a period of 24 months starting at the beginning of the loan and providing the holder with a performance report every six (6) months for a period of 24 months starting at the beginning of the loan. Upon roll call the following voted YES: Wehling, Glover, Davis and Mayor Bequette. Voting NO: None. Motion carried.

Commissioner Johns returned to the meeting at 6:44pm.

Melissa Money-Beecher lead the discussion regarding the Trap, Spay/Neuter & Release of feral cats, (TNR) Program and potential Grant funding options that Nebraska City could utilize. Elaine Boyer, Rachel Inman and Tina Lant also spoke in support of the program. No action was taken by the Council.

Amy Allgood and Mark Kattleman lead the discussion regarding the NCTC Downtown Speaker Project update

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: 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 3038-19** to authorize issuance of General Obligation Various Purpose Bonds, Series 2019, for the North 11th Street and Bridge Project, in a principal amount not to exceed \$2,300,000.00 to pay a portion of the Bond Anticipatory Notes, Street Improvement District No. 2017-1. Andrew Forney spoke to explain the Bond. Upon roll call the following voted YES: Wehling, Glover, Davis, Johns and Mayor Bequette. Voting NO: None. Motion carried.

#### ORDINANCE NO. 3038-19

AN ORDINANCE OF THE CITY OF NEBRASKA CITY, NEBRASKA, AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION VARIOUS PURPOSE BONDS, SERIES 2019, OF THE CITY OF NEBRASKA CITY, IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED TWO MILLION THREE HUNDRED THOUSAND DOLLARS (\$2,300,000) TO PAY A PORTION OF THE COSTS (INCLUDING PAYMENT OF OUTSTANDING BOND ANTICIPATION NOTES, SERIES 2018B, DATE OF ORIGINAL ISSUE – JUNE 7, 2018) OF CERTAIN IMPROVEMENTS WITHIN STREET IMPROVEMENT DISTRICT NO. 2017-1; PRESCRIBING THE FORM OF SAID BONDS; AND AUTHORIZING CERTAIN FINAL TERMS OF THE BONDS TO BE DETERMINED BY AUTHORIZED OFFICERS OF THE CITY; PROVIDING FOR THE LEVY

**OF TAXES TO PAY THE SAME; AND ORDERING THE ORDINANCE PUBLISHED IN PAMPHLET FORM.**

Moved by Commissioner Johns and seconded by Wehling to approve **Resolution 2832-19** to approve the Municipal Annual Certification of Program Compliance for 2019. Marty Stovall 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 Johns to approve **Resolution 2833-19** to declare 1409 5th Corso a Nuisance and an Unsafe building. Keith Morrison 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 Commissioner Johns and seconded by Wehling to approve **Resolution 2834-19** for the Year End Certification of the City Street Superintendent. Marty Stovall 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 Commissioner Johns and seconded by Wehling to approve the re-appointment of JEO Consulting Group, Evan Wickersham as the Street Superintendent and authorize the Mayor to sign the agreement. Marty Stovall 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 Johns to approve **Resolution 2836-19** to approve the filing of a Special Assessment for Improvements against the property located at 408 5th Terrace, for costs associated with the demolition of a building on said property. Drew Graham 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 Commissioner Glover and seconded by Wehling to approve Mayor to appoint City Attorney as Successor Trustee for Nebraska City Lodging, LLC Deed of Trust and to approve City Attorney to file a Deed of Reconveyance for Nebraska City Lodging, LLC. Drew Graham 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 Commissioner Johns and seconded by Davis to award the Purchase-Rehab-Resell Appraisal Services bid to Professional Property Valuations LLC and authorize the Mayor to sign the Memorandum of Understanding. Grayson Path 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 Commissioner Johns and seconded by Wehling to approve the Sign Lease Agreement with Lamar Advertising for updated leasing terms for billboard owned by the City at 2120 4th Corso and authorize the Mayor to sign. Drew Graham 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 Johns to approve the proposed Renewal Agreement with the Nebraska City Police Officers Bargaining Unit #79 as well as the corresponding Memorandum of Understanding, and authorize the Mayor to sign. Grayson Path 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 Wehling to approve **Resolution 2835-19** to approve the revised FY19/20 Step Pay Schedule for City Employees to include a revised Step Pay Schedule for the Nebraska City Police Officers Bargaining Unit #79. Upon roll call the following voted YES: Johns, Wehling, Glover, Davis and Mayor Bequette. Voting NO: None. Motion carried.

Moved by Commissioner Johns and seconded by Mayor Bequette to approve the Amendment to the Architect Professional Services Agreement with Leo A Daly for additional restroom fixture design for the Veterans Memorial Building CDBG Project 18-TD-002 in an amount of \$5,900.00 and authorize the Mayor to sign. Drew Graham and Jim Kuhn spoke to explain the request. Upon roll call the following voted YES: Johns, Wehling, Glover, Davis and Mayor Bequette. Voting NO: None. Motion carried.

Meeting Adjourned at 8:27 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