

CITY OF NEBRASKA CITY, NEBRASKA
MINUTES OF CITY COUNCIL MEETING
September 8, 2020

Pursuant to due call and notice thereof, a Regular Meeting of the City Council of the City of Nebraska City was conducted in the Gary White Room at the ROWE Public Safety Building, 1518 Central Avenue, on September 8, 2020. 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 6:15 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: Interim City Administrator Marty Stovall, City Attorney Drew Graham, Police Chief David Lacy, Building Inspector Keith Morrison, Utilities Director Jeff Kohrs and City Clerk-Treasurer Randy Dunster.

Mayor Bequette moved to approve the following consent items:

Approve minutes from the August 24, 2020 City Council Meeting.

Approve the use of the Wildwood Golf Course fairway on September 12, 2020 starting at 8:00 PM for the annual Wildwood Star Party. 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 intent to use Nebraska City Growth Funds from the Economic Development Plan for Cornhusker Beef Company, LLC as a low interest loan in the amount of \$92,000.00 for building materials and equipment needed to outfit a retail beef market and beef processing facility on the property at 815 Central Avenue. Dan Mauk and Derek Grotrian spoke in favor of the application. No other 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: Johns, Wehling, Glover, Davis and Mayor Bequette. Voting NO: None. Motion carried.

Mayor Bequette opened the Public Hearing on a request for a preliminary plat known as Studio One Townhomes Subdivision located at 1212 12th Avenue. Mike Eckert, Dan Mauk and Ryan Funk spoke in favor of the application. Julie Walther, John Schreiner, Donny Walters and Bill Mesner spoke in opposition to the application and an opposition letter from Greg Ketchwar was read. Marty Stovall spoke to further explain the request. No other comments were made by the public. 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 to consider an amendment to the Redevelopment Plan of the City of Nebraska City regarding development of property located at 1212 12th Ave. Ryan Funk spoke in favor of the application. No other 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 to consider an amendment to the Redevelopment Plan of the City of Nebraska City regarding development of property located at 1001 Highway 2. Michael Sands, Derek Katz, Andrea Holmes, Ty Stukenholtz, Brett Gay, Alan Ottewall, Diane Katz spoke in favor of the application. Dan Mauk spoke in opposition to the application. No other 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: Johns, Wehling, Glover, Davis and Mayor Bequette. Voting NO: None. Motion carried.

Mayor Bequette opened the Public Hearing on the One and Six Year Road and Street Plan for the City of Nebraska City. Marty Stovall spoke to explain the proposed plan. No other 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 for the purpose of hearing support, criticism, suggestions, or observations of taxpayers relating to setting the FY20/21 final tax request at a different amount than the FY19/20 tax request. Mayor Bequette explained the request. No comments were made by the public. 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 for the purpose of hearing support, criticism, suggestions, or observations of taxpayers relating to the proposed FY20/21 Budget. Mayor Bequette explained 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.

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 August 18, 2020 to September 8, 2020. 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.

WorldPay CC Fees	Multiple	\$1,009.89	Payroll	Multiple	\$138,997.30
Wex Bank-Shell Fuel	10-60-5505	\$1,807.33	Harland Clarke	10-36-5028	\$43.50
Blue Cross Blue Shield	Multiple	\$131,557.60	Discovery Benefits	10-36-5009	\$212.70
Ameritas Dental & Vision	Multiple	\$9,574.89	Republic National	10-54-5402	\$292.84
Lincoln Financial Group	Multiple	\$6,832.41	NAPA AUTO PARTS	Multiple	\$430.11
Quality Brands of Lincoln	10-54-5402	\$854.55	Nebraska City Museum Assoc.	City Curator	\$2,416.67
K&Z Distributing	10-54-5402	\$298.70	NC Tourism & Commerce	Tourism	\$7,083.33
911 CUSTOM	Uniforms	\$739.00	NSVFA	Dues	\$800.00
Action Technology Services	Contract Serv	\$400.00	O'Reilly Auto Parts	Rep/Maint Veh	\$70.19
Adkins Signs	Rep/Maint Equip	\$335.00	Otoe County Clerk	County	\$2,795.00
AKRS Equipment	Rep/Maint Equip	\$103.13	PAINTER, MICHELLE	Rep/Maint Bldg	\$193.84
American National Bank	Loan	\$3,754.72	Paper Tiger Shredding, Inc.	Shredding	\$35.00
American Recycling &	Trash	\$389.72	Pepsi-Cola of Lincoln	Resale	\$254.90
Arbor Mart, Inc	Fuel	\$3,145.94	REAMS Sprinkler Supply Co.	Rep/Maint Grounds	\$194.99
Arbor Valley Animal Clinic	Animal Exp	\$517.90	River View Pest Control	Pest Control	\$333.00
Barrett Construction Company	Rep/Maint Ballfields	\$1,250.00	S Systems	Computer	\$997.93
Benefiel Truck Repair	Rep/Maint Veh	\$621.91	ADAM SCHLORHOLTZ	Rfnd	\$25.00
Richard D. Bennett, Jr.	Multiple	\$8,161.94	Security Equipment, Inc.	Contract Serv	\$624.00
Robert Moyer	Rep/Maint Veh	\$495.00	Sirchie Finger Print Labs	Investigation Exp	\$104.13
Brown Glass Company	Rep/Maint Bldg	\$4,060.00	Southeast Plumbing & Heating	Rep/Maint Bldg	\$417.79
BSN Sports	Equipment	\$455.83	SPIRAL COMMUNICATIONS	Phone	\$1,228.65
Card Services	Rep/Maint Equip	\$66.98	Sutphen Corporation	Equipment	\$56.42
CHI HEALTH ST. MARY'S	Multiple	\$221.00	THE GARAGE CO.	Rfnd	\$200.00
Commercial State Bank	TIF	\$15.92	Thurman's Bike & Sport	TIF	\$6.47
Commercial Turf & Tractor	Rep/Maint Grounds	\$1,800.00	UL, LLC	Rep/Maint Equip	\$1,545.00
Consolidated Management Co	Training	\$182.29	Unifirst Corporation	Contract Serv	\$241.75
DAS STATE ACCTG - CENTRAL	Radio Systems Fee	\$290.00	Van Wall Turf & Irrigation	Rep/Maint Equip	\$96.24
Douglas Tire Co.	Rep/Maint Veh	\$1,629.30	VERIZON WIRELESS	Phone	\$660.93
Eakes Office Solutions	Multiple	\$161.56	VIVIAL MEDIA	Adv	\$16.75
FAREWAY FOOD STORE	TIF	\$11.02	WESTLAKE ACE HARDWARE	Multiple	\$200.18
Fareway Stores, Inc.	Multiple	\$336.52	Windstream, Inc.	Phone	\$836.18
FIRST WIRELESS, INC.	Communications	\$771.82	WINN RACK	Rep/Maint Bldg	\$250.00
FLAGSHIP PUBLISHING, INC	Adv	\$450.00	GUL AHMAD	Rfnd	\$48.22
FRONTIER COOPERATIVE	Chemicals	\$25.00	AT&T MOBILITY	Wireless Tablets	\$7.66
GALLS, LLC	Investigation Exp	\$170.75	Bound Tree Medical LLC	Medical Supplies	\$2,599.87
Gatehouse Media NE Holdings	Adv	\$801.11	WOODENE DANNER	Rfnd	\$116.24
ANNA GIGSTAD	Training	\$40.00	Matheson Tri-Gas, Inc.	Supplies	\$152.83
Drew Graham	Dues	\$210.00	Concrete Industries, Inc.	Multiple	\$5,804.93
GREAT PLAINS UNIFORMS	Uniforms	\$313.53	DIAMOND VOGEL	Road Marking	\$1,278.40
Grimm's Gardens	Multiple	\$2,039.74	GRAINGER	Asphalt	\$678.00
GRUNDMAN CONSTRUCT	Rfnd	\$200.00	Lyman Richey	Sand	\$2,401.02
KENT HECKMAN	Rfnd	\$25.00	Tree Worx Tree Service, LLC	Tree	\$3,485.00
HINCAPIE, JOSE	Rfnd	\$25.00	TY'S OUTDOOR POWER & SERVICE	Equipment	\$9,170.00
Corporate Risk Holding III, Inc	Background Screening	\$81.09	Professional Property Valuatio	PRR	\$900.00
Infinity Aviation	Interlocal Agreement	\$4,382.67	ENTERPRISE BANK	TIF	\$45.72
Kreifels Electric L.L.C.	Rep/Maint Ballfields	\$511.08	HORIZON BANK	TIF	\$16.04
BRET KRUSE	Rfnd	\$200.00	MOLLY MCNEELY DENTISTRY	TIF	\$3.98
Ag Solutions Group LLC	Rep/Maint Equip	\$204.75	Mullenax Auto Supply	Rep/Maint Veh	\$156.14
Landis Engine Company, Inc.	Rep/Maint Equip	\$15.68	MUNICIPAL EMERGENCY SERV	Multiple	\$502.59
Larson Motors	Rep/Maint Veh	\$49.38	JEO Consulting Group, Inc.	Const	\$5,468.75
DAVID LEMOINE	Rfnd	\$25.00	Mead Lumber	Multiple	\$431.16
LINCOLN POLICE GARAGE	Rep/Maint Veh	\$20.70	Mercer's Do-It-Best	Multiple	\$476.17
Loveland Grass Pad	Multiple	\$845.45	Miller Monroe Farrell	Insurance	\$2,378.00
MANNSCHRECK MASONRY, LLC	Rep/Maint Bldg	\$2,100.00			

Mayor Bequette declared a potential conflict of interest with agenda item #11 item as it dealt with The Keeping Room of which he is part owner and announced his intention to leave the room while the item was being discussed. Mayor Bequette left the meeting at 8:30 PM and Vice President Glover took over in the Mayor's absence.

Moved by Commissioner Wehling and seconded by Johns to approve the request to extend a temporary addition to the Liquor License boundaries for the Keeping Room to include the tables on the sidewalk as allowable through current DHM with a minimum requirement of a 30" tall perimeter. Drew Graham, Keith Morrison and Randy Dunster spoke to explain the request. Upon roll call, the following voted YES: Davis, Wehling, Johns and Vice President Glover. Voting NO: None. Motion carried.

Mayor Bequette returned at 8:36 PM and resumed control of the meeting.

Moved by Mayor Bequette and seconded by Wehling to direct the City Attorney to draft an Ordinance to vacate the street at 2nd Rue and 5th Terrace adjacent to the properties of Mr. McAlexander and Ms. Mueller. Greg McAlexander and Ms. Mueller and 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 Wehling and seconded by Davis to approve a Special Designated Liquor License, (SDL), Application and use of the Memorial Building Parking lot for Dinty Moore's Beer Garden event on September 26, 2020 from 11:00 AM to Midnight. Cari Lee and Jim Kuhn 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 Johns to approve **Resolution 2855-20** on the intent to use Nebraska City Growth Funds from the Economic Development Plan for Cornhusker Beef Company, LLC as a low interest loan in the amount of \$92,000.00 for building materials and equipment needed to outfit a retail beef market and beef processing facility on the property at 815 Central Avenue. Upon roll call the following voted YES: Johns, Wehling, Glover, Davis and Mayor Bequette. Voting NO: None. Motion carried.

Moved by Commissioner Wehling and seconded by Glover to approve the Preliminary Plat for Studio One Townhomes. 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 Johns to approve **Resolution 2852-20** to Amend the Redevelopment Plan for the Nebrara Investments Redevelopment Project. 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 2859-20** to approve Tax Increment Financing Application from Nebrara Investments, LLC. Andrew Willis spoke to explain the item. Upon roll call the following voted YES: Johns, Wehling, Glover, Davis and Mayor Bequette. Voting NO: None. Motion carried.

Moved by Commissioner Wehling and seconded by Glover to approve **Resolution 2853-20** to Amend the Redevelopment Plan for the KORE Holdings Redevelopment Project. Drew Graham and Michael Sands spoke to explain the item. Upon roll call the following voted YES: Wehling and Glover. Voting NO: Johns, Davis and Mayor Bequette. Motion failed.

No action was taken on item #19 regarding **Resolution 2860-20** to approve Tax Increment Financing Application from KORE Holdings, LLC.

Moved by Commissioner Johns and seconded by Wehling to approve **Resolution 2856-20** to approve the One and Six Year Street Plan for the City of Nebraska City. 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 Mayor Bequette to approve **Resolution 2857-20** to set the FY20/21 final property tax rate for the General Fund and the Bonded Indebtedness Fund as amended. 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 Johns to approve **Resolution 2854-20** to approve the FY20/21 Step Pay Schedule for City Employees. 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 Johns 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 Glover for final passage of **Ordinance 3049-20** to adopt the FY20/21 Budget.

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

ORDINANCE NO. 3049-20

AN ORDINANCE TO ADOPT THE BUDGET STATEMENT TO BE TERMED THE 2020-2021 ANNUAL APPROPRIATION BILL; TO APPROPRIATE SUMS FOR NECESSARY EXPENSES AND LIABILITIES; AND TO PROVIDE FOR 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, 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 Glover for final passage of **Ordinance 3048-20** to vacate part of 11th Corso adjacent to Lots 16, 17 & 18 in Block 65, Kearney Street Addition. Upon roll call the following voted YES: Johns, Wehling, Glover, Davis and Mayor Bequette. Voting NO: None. Motion carried.

ORDINANCE NO. 3048-20

AN ORDINANCE TO VACATE A PORTION OF 11TH CORSO IN KEARNEY STREET ADDITION TO NEBRASKA CITY, OTOE COUNTY, NEBRASKA, AS DESCRIBED IN SECTION 1 HEREOF; AND TO DECLARE AN EFFECTIVE DATE.

Moved by Commissioner Johns and seconded by Davis to direct the City Attorney to prepare an Ordinance to approve an offer of purchase for the property located at 11th Corso adjacent to Lots 16, 17 & 18 in Block 65, Kearney Street Addition for a purchase price of \$250.00 to Patricia Coates. 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 Johns to approve **Resolution 2858-20** - Exempting Nebraska City Public Schools and Lourdes Central Catholic School from Resolution 2842-20. Drew Graham 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 Johns to approve entering into modified Facility Use Agreements for the Use of Municipal Property for Sports or Recreational Activities with Nebraska City Public Schools and Lourdes Central Catholic School. Drew Graham spoke to explain the item. Upon roll call, the following voted YES: Davis, Wehling, Johns, Glover and Mayor Bequette. Voting NO: None. Motion carried.

City Council directed the City Attorney to re-draft an agreement between the City of Nebraska City and Nebraska City Tourism & Commerce, Inc. Drew Graham and Amy Allgood spoke to explain the item.

Moved by Mayor Bequette and seconded by Glover to approve the subordination agreement for the Down Payment Assistance loan at 1813 1st Avenue. Drew Graham spoke to explain the item. 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 move forward with the purchase of a house at 1117 3rd Avenue for the 16-CD-204 CDBG Purchase-Rehab-Resell Program in the amount of \$75,000.00 to be purchased after the Public Hearing and approval of the proper Ordinance. 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 Contract with Cheever Construction for the Nebraska City Veterans Memorial Building Mechanical and Electrical Upgrades and New Elevator in the amount of \$1,040,225.00 and allow the Mayor to sign. Marty Stovall and Jim Kuhn 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 Mayor Bequette and seconded by Johns to approve the AppleJack Festival Plans for September 2020 which will be contingent upon the current stated DHMs. Upon roll call the following voted YES: Johns, Wehling, Glover, Davis and Mayor Bequette. Amy Allgood and Larry Stevenson spoke to explain the event plans. Voting NO: None. Motion carried.

Moved by Commissioner Johns and seconded by Wehling to approve a Special Designated Liquor License, (SDL), for NCTC to be held at Hidden Falls the Camp, 2005 4th Corso on Sunday September 27, 2020 from 10:30 AM to 3:00 PM. Amy Allgood spoke to explain the item. Upon roll call, the following voted YES: Davis, Wehling, Johns, Glover and Mayor Bequette. Voting NO: None. Motion carried.

Mayor Bequette gave a summary of the Board of Health Meeting that took place prior to this meeting.

Meeting Adjourned at 10:40 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