

CITY OF NEBRASKA CITY, NEBRASKA
MINUTES OF CITY COUNCIL REGULAR MEETING
September 21, 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 Memorial Room of the Rowe Safety Complex, 1518 Central Avenue and by video conference on the Zoom meeting platform, on September 21, 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. The agenda was made available via the City Website and 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 and stated that the meeting was being conducted under the Open Meetings Act. This meeting is also being recorded. When you speak, please first state your name and address. 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, Paramedic Manager Andrew Snodgrass, Paramedic Cathy Blankenship, EMT Mary Johnson and City Clerk-Treasurer Randy Dunster.

Mayor Bequette moved to approve the following consent items:

Approve the Application for Electricians Registration to Work for Andersen Electric.

Approve the Application for Electricians Registration to Work for Urban Electric and Lighting, LLC. Motion seconded by Commissioner Wehling. Upon roll call the following voted YES: Davis, Wehling, Glover, Johns and Mayor Bequette. Voting NO: None. Motion carried

Moved by Mayor Bequette to appoint Sue Little to the Morton James Public Library Board. Upon roll call the following voted YES: Johns, Wehling, Glover, Davis and Mayor Bequette. Voting NO: None. Motion carried.

Paramedic Manager Andrew Snodgrass presented Paramedic Cathy Blankenship and EMT Mary Johnson with Stork Pin Recognition Awards for successfully delivering twins in the pre-hospital environment while in transport.

Mayor Bequette Proclaimed September 26, 2020 as a Day of Prayer.

Treasurer's Monthly report was given, as of August 31, 2020, Total Nebraska City funds of \$7,202,328.48. Total Cash and Reserve for Nebraska City Utilities of \$16,283,487.68. Total City of Nebraska City and Utility funds \$23,485,816.62. Council acknowledged receipt of City Administrator Report. Gloria Glover spoke regarding the report. Council acknowledged receipt of Utility Financial Report for period ending July 2020. Council acknowledged receipt of Utility Claims for period ending August 2020.

Moved by Mayor Bequette and seconded by Johns approve minutes from the September 8, 2020 City Council Meeting with an amendment to state that Dan Mauk provided a letter from the Nebraska City Area Economic Development Corporation Board stating opposition and a letter from the Executive Board stating that the Corporation is now in a neutral position. 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 amend item on page two paragraph 1H of the agreement with NCTC to state that the annual report would be provided at least 30 days before the end of each fiscal year and approve entering into an agreement between the City of Nebraska City and Nebraska City Tourism & Commerce, Inc. Amy Allgood spoke regarding the item. 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 September 9, 2020 to September 21, 2020. Upon roll call the following voted YES: Davis, Wehling, Johns, Glover and Mayor Bequette. Voting NO: None. Motion carried.

Claims List					
September 21, 2020					
Payroll	Multiple	121136.36	NE Dept of Revenue	Multiple	2605.30
K&Z Distributing	10-54-5402	242.80	Discovery Benefits	10-36-5009	212.70
Quality Brands of Lincoln	10-54-5402	814.50	Loveland Grass Pad	Rep/Maint Grounds	373.40
911 CUSTOM	Uniform	1071.00	MACY, BETH	Artist Sales	28.13
A-1 Locksmith	Rep/Maint Bldg	1252.50	Matheson Tri-Gas, Inc.	Supplies	422.65
ACCESS SYSTEMS LEASING	Contract Serv	262.80	MCGINTY, PAT	Artist Sales	90.00
Craig Adamek	Artist Sales	75.75	MD Aquatics, LLC	Chemicals	1178.00
Adkins Signs	Adv	30.00	Mead Lumber	Rep/Maint Bldg	943.81
ADVANCED EXTERIORS, LLC	Rep/Maint Grounds	4050.00	MENARDS - BELLEVUE	Rep/Maint	109.44
ALBRECHT CONSTRUCTION, INC.	Rep/Maint Bldg	936.72	Mercer's Do-It-Best	Supplies	274.24
AMERICAN NATIONAL BANK	Loan	3362.74	MERZ INK	Planned Rec Events	339.60
AQUASHIELD PRODUCTS, LLC	Equip	1125.00	BILLY MEYER	Refund	155.00
Arbor Mart, Inc	Fuel	1393.48	Midwest Turf and Irrigation	Rep/Maint Equip	1732.55
Arbor Valley Animal Clinic	Animal Expense	196.00	MILLER SEED	Rep/Maint Grounds	398.20

AT&T MOBILITY	Wireless Tablet	92.96	Municipal Code Corporation	Contract Serv	275.00
Robert Moyer	Rep/Maint Bldg	1449.30	MUNICIPAL EMERGENCY SERV	Uniforms	7626.95
Kolton Bohac	Training	2130.90	NAPA AUTO PARTS	Multiple	685.08
Bound Tree Medical LLC	Medical Supplies	2295.05	Nationwide Trust Contributions	Retirement Plan	2146.00
BOYD, EVELYN	Artist Sales	31.00	NC Area Econ Development Corp	Admin Exp	225.00
Rachel Brodeur	Artist Sales	48.75	NC Clerk - Treasurer	Filing Fee	53.25
Brown Glass Company	Rep/Maint Bldg	1430.31	Nebraska City Utilities	Utilities	16421.93
Capital Business Systems	Contract Serv	263.24	NE GENERATOR SERVICE, LLC	Rep/Maint Veh	164.00
Card Services	Multiple	2576.00	NEBRASKA STATE FIRE MARSHALL	Training	100.00
CARMICHAEL, ANITA	Artist Sales	47.98	NEVCO INC	Donations Purchase	5876.33
CHARLESWORTH CONSULTING	Contract Serv	9750.00	NITSICK, JANET ANN	Artist Sales	30.00
CM'S OUTDOOR SOLUTIONS GROUP	Rep/Maint Grounds	642.50	Otoe County Clerk	Dispatch	4987.50
Consolidated Management Co	Training	279.40	PAINTER, MICHELLE	Artist Sales	30.00
DAS STATE ACCTG - CENTRAL	Radio Systems	290.00	Paper Tiger Shredding, Inc.	Shredding	35.00
Douglas Tire Co.	Rep/Maint Veh	3745.20	PARTSCH, TAMMY	Artist Sales	33.90
Eakes Office Solutions	Supplies	283.98	Pepsi-Cola of Lincoln	Beverages	335.60
Emergency Repair Service	Rep/Maint Veh	4995.00	Roger Pieper	Artist Sales	30.00
Fareway Stores, Inc.	Resales	215.84	QUADIENT FINANCE USA, INC	Postage	400.00
FARMERS & MERCHANTS BANK	Loan	14570.32	QUICK MED CLAIMS	Ground Trips/Revenue	3739.12
Fastenal Company	Supplies	396.62	Christopher D Richardson	Multiple	920.78
ROBERT FERGUSON	Refund	200.00	SCHMITZ, JEFF	Artist Sales	33.75
FEY, JIM	Artist Sales	82.50	Schneider Electric & Refrig.	Rep/Maint Bldg	100.50
FIRST WIRELESS, INC.	Communications	4300.00	Shaffer Communications, Inc	Communications	1450.00
FRIEDLI, PAT	Artist Sales	40.50	Shipley Flooring	Rep/Maint Bldg	2990.80
GALLS, LLC	Uniforms	245.99	Southeast Plumbing & Heating	Rep/Maint Bldg	324.00
GENESIS CONTRACTING	Refund	200.00	SPIRAL COMMUNICATIONS	Phone/Internet	1168.61
CRYSTAL GHEE	Refund	25.00	STOUFFER, LINDA	Artist Sales	84.75
Tim & Laura Glas	Artist Sales	61.50	Time Warner Cable	Cable	115.60
Mary Gradoville (Kaspar)	Artist Sales	93.75	Todd Valley Farms, Inc.	Rep/Maint Grounds	378.00
GRAINGER	Rep/Maint Equip	1034.96	Tom's Radio	Tower Rent	900.00
Grimm's Gardens	Capital Improv	249.83	Tree Worx Tree Service, LLC	Tree	5000.00
Lisa Gustafson	Artist Sales	33.75	Unifirst Corporation	Contract Serv	241.75
HART GOLF	Resale	371.00	United Seeds, Inc.	Rep/Maint Grounds	3119.05
HEINE, LORI	Artist Sales	82.50	VAIRKKO	Computer	84.00
HELENA CHEMICAL COMPANY	Chemicals	350.00	Video Home Theater	Capital Improv	2045.00
HOG WILD PIT BAR-B-Q	Refund	55.00	WAHL, RON	Artist Sales	176.25
HOLLIWAY, MARCIA	Artist Sales	138.00	WALTERS, ANDREA	Artist Sales	85.50
Hopkins Automotive Inc.	Rep/Maint Veh	8.85	WELLSANDT, KRIS	Artist Sales	97.50
HUNZEKER, MARSHA	Artist Sales	99.75	WESTLAKE ACE HARDWARE	Rep/Maint	20.76
Ideal Pure Water	Supplies	74.00	WEX BANK	Fuel	1606.68
Inland Truck Parts	Rep/Maint Veh	91.50	Windstream, Inc.	Phone/Internet	509.95
JEO Consulting Group, Inc.	Multiple	2295.00	ROBERT WOMOCHIL	Refund	25.00
KOHTZ, KAREN	Artist Sales	49.50	Gail Wurtele	Artist Sales	27.00
Ag Solutions Group LLC	Rep/Maint Equip	207.82	Landis Engine Company, Inc.	Rep/Maint Equip	2.20
Marie Lamb	Artist Sales	36.00			

Brogan Vahle presented the Nebraska Strong Recovery Project to the City Council.

Moved by Commissioner Johns and seconded by Wehling to approve a request from David Richards to vacate part of 13th Corso adjacent to Blocks 75 and 86, Kearney Addition. Marty Stovall, Drew Graham and Dave Richards 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 Johns and seconded by Mayor Bequette to approve granting an easement on street for Lots 7 & 8, Block 1, Nebraska City Proper, Otoe County, Nebraska, a/k/a 100 E Central Ave subject to the approval of the Dock Board. John Voelker and 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 Mayor Bequette and seconded by Johns to approve granting an easement on street for Lot 16, Block 49, Kearney Addition, Otoe County, Nebraska, a/k/a 420 2nd Rue. 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 Johns to approve the additional AppleJack Festival Plans for September/October 2020 with the exception of the request from 24 picnic tables to 16 picnic tables on October 3rd and October 10th. 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.

Moved by Commissioner Johns and seconded by Wehling to approve a general waiver of the sidewalk permit requirements during the 2020 Applejack Festival days of Saturday, September 19th, Sunday, September 20th, Saturday, September 26th, Sunday, September 27th, Saturday, October 3rd, Sunday, October 4th, Saturday, October 10th, and Sunday,

October 11th, noting that a minimum of five (5) feet of clear walk way zone shall still be maintained in the C-2, Central Business District. Drew Graham and 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.

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 Johns for final passage of **Ordinance 3050-20** to vacate a portion of 5th Terrace adjacent to blocks 49 and 56, Kearney Addition. Upon roll call the following voted YES: Johns, Wehling, Glover, Davis and Mayor Bequette. Voting NO: None. Motion carried.

ORDINANCE NO. 3050-20

AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING AND SUBDIVISION REGULATIONS OF THE CITY OF NEBRASKA CITY, NEBRASKA, TO ESTABLISH REVISED COMPREHENSIVE ZONING REGULATIONS PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT, AND AMENDMENT THEREOF AND REVISED SUBDIVISION REGULATIONS REGULATING THE SUBDIVISION OF LAND, REQUIRING AND REGULATING THE PREPARATION AND PRESENTATION OF PRELIMINARY AND FINAL PLATS FOR SUCH PURPOSE, ESTABLISHING MINIMUM SUBDIVISION DESIGN STANDARDS, PROVIDING MINIMUM IMPROVEMENTS TO BE MADE OR GUARANTEED TO BE MADE BY THE SUBDIVIDER, SETTING FORTH THE PROCEDURE TO BE FOLLOWED BY THE CITY COUNCIL IN APPLYING THESE RULES, REGULATIONS AND STANDARDS, SETTING FORTH A SCHEDULE OF FEES, PRESCRIBING PENALTIES FOR VIOLATIONS OF THE PROVISIONS OF THIS ORDINANCE; 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, 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 3051-20** directing the sale and conveyance of a portion of vacated street right-of-way on 11th Corso adjacent to Lots 16, 17 & 18 in Block 65, Kearney Street Addition to Patricia Coates, and directing notice of said sale by publication. Upon roll call the following voted YES: Johns, Wehling, Glover, Davis and Mayor Bequette. Voting NO: None. Motion carried.

ORDINANCE NO. 3051-20

AN ORDINANCE DIRECTING THE SALE AND CONVEYANCE OF A PREVIOUSLY VACATED PORTION OF 11th CORSO, NEBRASKA CITY, NEBRASKA, MORE PARTICULARLY DESCRIBED IN SECTION 1 HEREOF, TO PATRICIA COATES; DIRECTING NOTICE OF SALE BY PUBLICATION; AND TO PROVIDE FOR AN EFFECTIVE DATE.

Moved by Mayor Bequette and seconded by Johns approve the form of a Quitclaim Deed for the sale and conveyance of a portion of vacated street right-of-way on 11th Corso adjacent to Lots 16, 17 & 18 in Block 65, Kearney Street Addition to Patricia Coates. 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 to approve **Resolution 2861-20** the corrected FY20/21 Step Pay Schedule for City Employees. 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 2862-20** to approve the Annual Certification of Program Compliance with the Board of Public Roads and Classifications and Standards. Marty Stovall 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 Johns and seconded by Mayor Bequette to approve Contract Time Extension for the 2019 6th Street Improvements Project, CDBG #16-CD-204 to allow for a completion date of June 15, 2021. Marty Stovall 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 Johns and seconded by Wehling to Advertise for Bids for the Argo and South Table Creek Bank Stabilization Project. Marty Stovall 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 approve signing the "Consent of Beneficiaries and Trustee of Deed of Trust" related to Growth Fund Loans made to River City Investments 1009 7th Corso. Drew Graham and Dan Mauk spoke to explain the item. Upon roll call the following voted YES: Johns, Wehling, Glover, Davis and Mayor Bequette. Voting NO: None. Motion carried.

Mayor Bequette gave a report on the Board of Health update to the Covid-19 situation.

Moved by Mayor Bequette and seconded by Wehling for the Council to go into closed session for the consideration of Mr. Justin Walters' offer to lease City property identified as parcel 999554537 with the City Attorney and the Interim City Administrator for the purpose of determining negotiated lease prices and for the protection of the City's good. Upon roll call, the following voted YES: Glover, Wehling, Johns, Davis and Mayor Bequette. Voting NO: None. Motion carried. Council began closed session at 7:38 PM. Council resumed open session at 8:03 PM.

Moved by Mayor Bequette and seconded by Wehling to direct the City Attorney to draft a lease with the terms as discussed in our closed session. Upon roll call the following voted YES: Johns, Wehling, Glover, Davis and Mayor Bequette. Voting NO: None. Motion carried.

Meeting Adjourned at 8:05 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