

CITY OF NEBRASKA CITY, NEBRASKA
MINUTES OF CITY COUNCIL REGULAR MEETING
December 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 December 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. 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 Lou Leone, City Attorney Drew Graham, Police Chief David Lacy, 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 December 7, 2020 City Council Meetings.

Approve BPW recommendation for Gas Work Order #500 to purchase a new Ditch Witch RT 45A Trencher Backhoe combination machine in the amount of \$72,409.20 after trade in. 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 made the announcement that the BNSF Railway will be resuming operations January 2021.

Moved by Mayor Bequette and seconded by Johns to re-appoint Dan Mauk to the Nebraska City Housing Authority Board. Upon roll call the following voted YES: Davis, Johns, Wehling, Glover, and Mayor Bequette. Voting NO: None. Motion carried.

Treasurer's Monthly report was given, as of November 30, 2020, Total Nebraska City funds of \$7,369,467.96. Total Cash and Reserve for Nebraska City Utilities of \$17,254,225.21. Total City of Nebraska City and Utility funds \$24,623,693.17. Council acknowledged receipt of City Administrator Report. Lou Leone spoke regarding his report. Council acknowledged receipt of Utility Claims for period ending November 30, 2020.

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 December 8, 2020 to December 21, 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.

Claims List					
December 21, 2020					
Annual Stipend- Fire Chief	Multiple	\$5,382.50		Cede & CO	Multiple \$356,705.00
Discovery Benefits	10-36-5009	\$212.70		Payroll	Multiple \$120,890.07
NE Dept of Revenue	Multiple	\$307.92		Larson Motors	Rep/Maint 2,348.42
Access Systems	Contract Serv	262.80		Leo A Daly	CDBG 2,826.57
American Natl. Bank	Loan	3362.74		Mary Lanning Healthcare	Training 120.00
Arbor Mart	Fuel	1,485.67		Matheson Tri-Gas	Supplies 121.85
AT&T Mobility	Tablet Serv	92.96		Mercer's Do-It-Best	Multiple 162.57
B2 Environmental	Grant Purchase	1,950.00		Merz Ink	Vinyl 20.00
Beelner Service	Rep/Maint	660.00		Louis Miller	Refund 25.00
Benefiel Truck Repair	Rep/Maint	810.60		Todd Moyer	Refund 200.00
Bohl Plbg & Htg	Multiple	65.96		Mullenax Auto Supply	Multiple 28.14
Bound Tree Medical	Medical Supp	1,896.93		Municipal Emerg Serv	Supplies 189.00
Brad Yost Construction	CDBG-PRR	11,245.00		Murray Custom Homes	Refund 200.00
Brown's Shoe Fit	Uniforms	128.50		Napa Auto Parts	Multiple 526.66
Maria Cabrales	Refund	25.00		Nationwide Trust Contr.	Retirement Plan 2,146.00
Capital Business Systems	Contract Serv	304.36		Navajo Manuf. Co.	Resale 279.03
Card Services	Multiple	1,624.52		NC Clerk-Treasurer	Multiple 48.00
Cheever Constr. Co.	CDBG	61,259.40		Nebraska City Utilities	Utilities 10,092.19
Citizen Printing Co.	Printing	55.00		Lonnie Neeman	Fuel Reim 54.00
Cline Williams Wright, Johnson	Legal	87.50		NeFSMA	Dues 35.00
Consolidated Mgmt Co.	Training	262.64		O'Reilly Auto Parts	Multiple 18.98
DAS State Acctg-Central	Radio Sys Fee	290.00		Otoe Co. Clerk	Dispatch 4987.50
Douglas Tire Co.	Rep/Maint	297.00		Paper Tiger Shredding	Shredding 35.00
Duo Safety Ladder Corp.	Supplies	76.63		Pavers Inc.	CDBG 95,233.73
Eakes Office Solutions	Multiple	177.77		Quadient Finance USA	Postage 539.73
Enterprise Bank	TIF Reimb	33,900.31		Quick Med Claims	Ground Trip/Rev 2,514.01
Frontier Coop	Chemicals	15.50		Steve Recker	Postage Reimb 12.80
Gatehouse Media NE	Adv	776.95		Rose Equip. Inc.	Asphalt 3,426.00

Hofeling Enterprises Inc.	Tub Grinding	10,500.00		Spiral Communications	Phone/Internet	1,169.92
Ideal Pure Water	Supplies	84.00		Time Warner Cable	Cable	113.63
Jason Warner	Refund	200.00		Tip Top Towing & Recov	Towing	170.00
JEO Consulting Group	Multiple	4,225.51		Unifirst Corporation	Contract Serv	497.19
Jerad Sornson	Multiple	101.10		Westlake Ace Hardware	Multiple	112.20
Jeff Kohrs	Refund	25.00		Wex Bank	Fuel	1,460.73
Ag Solutions Group LLC	Multiple	380.06		Joel Wilson	Communications	900.00
Landis Engine Co.	Rep/Maint	79.55		Windstream Inc.	Phone/Internet	769.61

Moved by Commissioner Glover and seconded by Johns to approve a Conditional Zoning Agreement with Cocca Development related to the parcel generally located to the northeast of the intersection of 11th Street and 11th Corso and authorize the Mayor to sign. 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 Mayor Bequette to approve the Contract with Scheele-Kayton for Fire Station Renovation 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 Commissioner Johns and seconded by Wehling to approve the Contract with Valley Corporation out of Valley Nebraska for the South Table Creek Bank Stabilization Project in the amount of \$469,146.65 and allow the Mayor to sign the contract and notice to proceed. 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 Award contract to Yost Excavating Inc. in the amount of \$108,605.00 for the 6th Street 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 Glover to approve the NDED Extension Letter for CDBG project #18 TD-002 for the Veterans Memorial Building and approve the Mayor to sign. Upon roll call the following voted YES: Davis, Johns, Wehling, Glover, and Mayor Bequette. Voting NO: None. Motion carried.

Moved by Mayor Bequette and seconded by Wehling to approve a Grant Agreement with amended edits replacing cosmetic upgrades with exterior finishes with Nebrara Investments, LLC for a \$275,000 grant to offset construction costs related to the townhouses proposed to be constructed at 1212 12th Avenue. Drew Graham spoke to explain the item. Upon roll call the following voted YES: Davis, Johns, Wehling, 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 3062-20** to amend Sections 24-3 and 24-4 of the Code of the City of Nebraska City to update the minimum age for tobacco, electronic nicotine delivery systems and alternative nicotine products sales. 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.

ORDINANCE NO. 3062-20

AN ORDINANCE TO AMEND SECTIONS 24-3 AND 24-4 OF THE CODE OF THE CITY OF NEBRASKA CITY, NEBRASKA, TO UPDATE THE MINIMUM AGE FOR TOBACCO, ELECTRONIC NICOTINE DELIVERY SYSTEMS, ALTERNATIVE NICOTINE PRODUCTS; REPEAL THE ORIGINAL SECTIONS AND TO PROVIDE FOR AN EFFECTIVE DATE.

Mayor Bequette introduced the first reading of **Ordinance 3063-20** to add new sections to the Nebraska City Municipal Code regarding the parking and storage of railroad cars and locomotives within the City limits of Nebraska City.

Mayor Bequette gave a report on the Covid-19 situation as discussed by the earlier Board of Health Meeting.

Meeting Adjourned at 6:47 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