

CITY OF NEBRASKA CITY, NEBRASKA  
MINUTES OF CITY COUNCIL REGULAR MEETING  
June 21, 2021

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 June 21, 2021. Notice of the meeting was given in advance thereof by publication in the local paper and 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, Gloria Glover and Mayor Bequette. Absent: Vic Johns. The following City Officials were present: City Administrator Lou Leone, City Attorney Drew Graham, Police Chief David Lacy, Fire Chief Rob Schreiner, 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 June 7, 2021 City Council Meeting.

Approve Block Party Application for street closure of 3<sup>rd</sup> Corso from 17<sup>th</sup> Street to 18<sup>th</sup> Street, on July 4<sup>th</sup> from 4 P.M. to midnight, by John Hodges and Phillip Wredt.

Approve Block Party Application for street closure of 12<sup>th</sup> Avenue from 10<sup>th</sup> Street to 13<sup>th</sup> Avenue, on July 4<sup>th</sup> from 5 P.M. to midnight, by Amanda Lotter.

Approve Manager Liquor License Application for Rosa Giffie for the El Portal Mexican Restaurant, Inc.

Approve BPW recommendation to approve EWO #71.00516 to build single phase riser, and set transformer in Palmyra, for \$13,959.25, customer portion \$4,090.58 and NCU portion \$9,868.67.

Approve BPW recommendation to approve EWO #71.00514 to install infrastructure for new development in Bennett, NE, for \$55,877.09, customer portion \$16,698.49 and NCU portion \$39,178.60.

Approve BPW recommendation to approve EWO #71.00510 to install power to new acreage southwest of Nebraska City, for \$18,771.29, customer portion \$8,620.07 and NCU portion \$10,151.22.

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

Mayor Bequette appointed Teresa Frields to the Library Board. She is filling the vacancy left by Cindy Patton who served on the Library Board faithfully for many terms. Upon roll call the following voted YES: Davis, Wehling, Glover, and Mayor Bequette. Voting NO: None. Motion carried.

Treasurer's Monthly report was given, as of May 31, 2021, Total Nebraska City funds of \$7,708,806.04. Total Cash and Reserve for Nebraska City Utilities of \$14,135,390.11. Total City of Nebraska City and Utility funds \$21,444,196.15.

Council acknowledged receipt of City Administrator Report. Lou Leone spoke regarding his report.

Council acknowledged receipt of Utility Financial Report for period ending April 2021.

Council acknowledged receipt of Utility Claims for period ending May 2021.

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 June 8, 2021 to June 21, 2021. 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					
June 21, 2021					
K&Z Distributing	Resale	\$ 274.90	KOHTZ, KAREN	Artist Sales	\$ 63.75
Quality Brands of Lincoln	Resale	\$ 882.31	Kreifels Electric L.L.C.	Rep/Maint	\$ 866.43
Wex Health	Multiple	\$ 661.30	Ag Solutions Group LLC	Rep/Maint	\$ 137.29
NE Dept of Revenue	Multiple	\$ 2,499.92	Marie Lamb	Artist Sales	\$ 96.00
CEDE & CO	Multiple	\$ 57,843.75	Landis Engine Company, Inc.	Rep/Maint	\$ 168.22
Payroll	Multiple	\$171,599.61	Larson Motors	Rep/Maint	\$ 243.75
A-1 Locksmith	Rep/Maint	\$ 1,283.00	LYON, PHYLLIS	Artist Sales	\$ 360.75
ACCESS SYSTEMS LEASING	Contract Serv	\$ 262.80	MACY, BETH	Artist Sales	\$ 228.75
Craig Adamek	Artist Sales	\$ 129.75	MAINELLI MECHANICAL CONTRACTOR	Rep/Maint	\$ 3,552.25
ADVANCED EXTERIORS, LLC	Capital Imprv	\$ 2,152.00	Matheson Tri-Gas, Inc.	Medical Supplies	\$ 374.55
ALMQUIST, DENNIS	Artisit Sales	\$ 33.75	Mead Lumber	Rep/Maint	\$ 1,084.03
AMERICAN NATIONAL BANK	Loan	\$ 2,745.70	Menards - Lincoln South	Grant Purchase	\$ 3,417.51
AQUA-CHEM, INC	Chemicals	\$ 1,190.91	Mercer's Do-It-Best	Multiple	\$ 265.35
Arbor Mart, Inc	Fuel	\$ 2,288.71	Miller Monroe Farrell	Ins	\$ 1,632.00
AT&T MOBILITY	Tablet Wireless Service	\$ 92.96	MUNICIPAL EMERGENCY SERV	Uniforms	\$ 286.95
AUPPERLE, MARYANN	Artist Sales	\$ 62.25	NAPA AUTO PARTS	Multiple	\$ 448.74
Beelner Service, Inc.	Irrigation	\$ 490.00	Nationwide Trust Contributions	Retirement Plan	\$ 2,146.00
Bill Walters & Son Shop, Inc.	Rep/Maint	\$ 172.59	Nebraska City Utilities	Utilities	\$ 11,279.14
Robert Moyer	Rep/Maint	\$ 45.00	Ron Neseth	Artist Sales	\$ 27.00
Bohl Plumbing and Heating	Rep/Maint	\$ 229.85	O'Reilly Auto Parts	Multiple	\$ 32.15
Bound Tree Medical LLC	Medical Supplies	\$ 1,912.54	Odey's Inc.	Rep/Maint	\$ 93.95
BOYD, EVELYN	Artist Sales	\$ 38.50	Omaha World-Herald Building	Adv	\$ 825.30
BSN Sports	Multiple	\$ 169.50	Otoe County Clerk	County	\$ 139.00

Capital Business Systems	Contract Serv	\$ 340.15	PARTSCH, TAMMY	Artist Sales	\$ 146.72
Card Services	Multiple	\$ 3,120.56	Pepsi-Cola of Lincoln	Beverages	\$ 1,324.65
CARMICHAEL, ANITA	Artist Sales	\$ 254.14	BRAD PICKERILL	Refund	\$ 200.00
CHEEVER CONSTRUCTION CO	CDBG	\$175,384.80	QUADIENT FINANCE USA, INC	Postage	\$ 400.00
Vern Christiansen	Rep/Maint	\$ 65.00	QUICK MED CLAIMS	Grounds Trips/Revenue	\$ 4,552.61
Continuum Employee Assistance	EAP	\$ 1,725.00	R & R Products Co.	Rep/Maint	\$ 28.95
Brenda Copenhaver	Artist Sales	\$ 67.50	ROARTY, STEVE	Artist Sales	\$ 101.25
DAS STATE ACCTG - CENTRAL	Radio Systems Fee	\$ 290.00	John C Roddy	Artist Sales	\$ 81.00
DESIGN8 STUDIOS	Refund	\$ 35.00	SANDRY FIRE SUPPLY, LLC	Uniforms	\$ 3,385.25
DIAMOND VOGEL	Street Mrkings	\$ 316.60	SHEFFERD, CRISSY	Artist Sales	\$ 105.00
Douglas Tire Co.	Rep/Maint	\$ 629.69	Shelter Home Service LLC	Refund	\$ 25.00
Eakes Office Solutions	Multiple	\$ 168.52	SPIRAL COMMUNICATIONS	Phone/internet	\$ 1,335.62
EASTMAN, LINDA K.	Artist Sales	\$ 36.75	REBEKAH STEWART	Refund	\$ 25.00
ENGEL, BRANDON	Artist Sales	\$ 35.25	STOUFFER, LINDA	Artist Sales	\$ 138.75
Fareway Stores, Inc.	Multiple	\$ 1,113.36	Marty Stovall	Refund	\$ 17.41
FELD FIRE	Rep/Maint	\$ 205.00	Stryker Medical	Rep/Maint	\$ 129.56
FEY, JIM	Artist Sales	\$ 96.75	Edwin Dean Reese	Rep/Maint	\$ 57.00
FLAGSHIP PUBLISHING, INC	Adv	\$ 450.00	Sysco Lincoln	Resale	\$ 1,501.30
FRAME, JOY	Artist Sales	\$ 27.75	Lumberjack Company	Tree Removal	\$ 2,800.00
FRERICHS, NANCY	Artist Sales	\$ 46.50	Time Warner Cable	Cable	\$ 115.90
FRIEDLI, PAT	Equip	\$ 22.56	Trade Well Pallet, Inc.	Rep/Maint	\$ 1,000.00
Gatehouse Media NE Holdings	Adv	\$ 10.21	Tree Worx Tree Service, LLC	Tree Removal	\$ 2,820.00
Grimm's Gardens	Flower Baskets	\$ 9,000.00	Tri-State Pumping LLC	Capital Imprv	\$ 190.00
HARGIS, MELVIN	Artist Sales	\$ 101.25	Unifirst Corporation	Contract Serv	\$ 152.03
HEINE, LORI	Artist Sales	\$ 180.00	UNIVERSITY OF NE - OMAHA	Training	\$ 3,000.00
HENRY MOTORS SERVICE	Rep/Maint	\$ 21.42	VALLEY CORPORATION	Const	\$101,468.54
Hireright GIS Intermediate Cor	Background Screenings	\$ 84.46	Van Wall Turf & Irrigation	Rep/Maint	\$ 62.80
HOLLIWAY, MARCIA	Artist Sales	\$ 146.00	WAHL, RON	Artist Sales	\$ 112.50
Hopkins Automotive Inc.	Supplies	\$ 7.99	THOMAS WALLER	Refund	\$ 100.00
HUENINK, EUGENE & SHIRLEY	Artist Sales	\$ 91.50	WALTERS, ANDREA	Artist Sales	\$ 172.50
HUNZEKER, MARSHA	Artist Sales	\$ 156.00	Troy Watkins	Refund	\$ 13.87
Ideal Pure Water	Supplies	\$ 92.00	WELLSANDT, KRIS	Artist Sales	\$ 150.00
J&T DISTRIBUTING, LLC	Resale	\$ 510.04	WESTLAKE ACE HARDWARE	Multiple	\$ 546.47
JEO Consulting Group, Inc.	Multiple	\$ 28,662.50	WEX BANK	Fuel	\$ 2,333.77
ASHLEIGH JOHNSON	Refund	\$ 100.00	Windstream, Inc.	Phone/internet	\$ 806.86
Jones Automotive, Inc.	Rep/Maint	\$ 613.80	Zimco Supply Co.	Chemicals	\$ 1,965.62

Commissioner Johns arrived at 6:11pm.

Moved by Mayor Bequette and seconded by Johns to approve the Lease Agreement for Block 112 Greggspport Addition, with Jody and Pam Maybee and Ron and Shelia Neeman for \$200 per year plus the assessed taxes. Pam Maybee and Sheila Neeman spoke to explain their 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 Mayor Bequette to approve SDL Liquor License Application from NCTC for the Treestock event to be held in Steinhart Park on July 3<sup>rd</sup> from 1 P.M. to 9 P.M. Amy Allgood spoke to explain the request. Upon roll call, the following voted YES: Davis, Wehling, Johns, Glover and Mayor Bequette. Voting NO: None. Motion carried.

Mayor Bequette declared a conflict of interest and departed the room at 6:25pm. Vice President Glover introduced the next item.

Moved by Vice President Glover and seconded by Johns that the statutory rule requiring the third reading be suspended. Upon roll call the following voted YES: Johns, Wehling, Davis and Vice President Glover. Voting NO: None. Motion carried. Vice President Glover 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 Vice President Glover and seconded by Johns for final passage of **Ordinance 3070-21** regarding a request for a property rezone of parcel 005635000 located at 720 2nd Corso from R-2 to C-2. Upon roll call the following voted YES: Johns, Wehling, Davis and Vice President Glover. Voting NO: None. Motion carried.

### **ORDINANCE NO. 3070-21**

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP, REFERRED TO IN SECTION 403 OF ORDINANCE NO. 3010-18, BY CHANGING THE CLASSIFICATION OF THE ZONING DISTRICT OF LOT B, MANN ADMINISTRATIVE SUBDIVISION OF LOTS 7 AND 8, BLOCK 91, NEBRASKA CITY PROPER, NEBRASKA CITY, OTOE COUNTY, NEBRASKA, FROM R-2, RESIDENTIAL (MODERATE TO HIGH DENSITY), TO C-2, CENTRAL BUSINESS DISTRICT; TO PROVIDE FOR INCORPORATION INTO THE OFFICIAL ZONING MAP; AND TO PROVIDE FOR AN EFFECTIVE DATE.

Mayor Bequette returned to the room at 6:28pm.

Moved by Commissioner Davis and seconded by Wehling to approve the BPW recommendation to purchase a 2021 Freightliner Vactor 2100i from Macqueen Equipment for \$411,974.96, less a trade in of \$24,650.00, for a net price of \$387,324.96, with delivery of this truck in January 2022. Jeff Kohrs and Brian Turner spoke to explain the request. Upon

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

Jim Kuhn let the discussion on the application for LB566 grant funding for the Veteran's Memorial Building Project of up to \$1.5 million.

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 Davis for final passage of **Ordinance 3071-21** directing the sale and conveyance of a portion of property in Dunbar managed by Nebraska City Utilities located on the west half of Lot 3, Block 1, Lowrey's Addition, to Jesse and Lorna Anderson, and directing notice of said sale by publication. Drew Graham and Jeff Kohrs spoke to explain the item. Upon roll call the following voted YES: Johns, Wehling, Glover, Davis and Mayor Bequette. Voting NO: None. Motion carried.

### **ORDINANCE NO. 3071-21**

**AN ORDINANCE DIRECTING THE SALE AND CONVEYANCE OF A PORTION OF THE WEST HALF OF LOT 3, BLOCK 1, LOWERY'S ADDITION, DUNBAR, NEBRASKA, MORE PARTICULARLY DESCRIBED IN SECTION 1 HEREOF, TO JESSE AND LORNA ANDERSON; DIRECTING NOTICE OF SALE BY PUBLICATION; AND TO PROVIDE FOR AN EFFECTIVE DATE.**

Moved by Commissioner Davis and seconded by Glover to approve the form of a Quitclaim Deed for the sale and conveyance of a portion of property in Dunbar managed by Nebraska City Utilities located on the west half of Lot 3, Block 1, Lowrey's Addition, to Jesse and Lorna Anderson. Drew Graham spoke to explain the request. Upon roll call, the following voted YES: Davis, Wehling, Johns, Glover and Mayor Bequette. Voting NO: None. Motion carried.

Lou Leone led the discussion regarding entering into a 2-year Memorandum of Understanding regarding a pilot program with Bird Rides and approve the Mayor to sign the MOU. Council directed the City Attorney to make certain changes to the MOU prior to the Mayor signing the document.

Lou Leone led the discussion regarding the legal status of the Wildwood Triangle and the feasibility of placing the surplus land up for development.

Moved by Commissioner Wehling and seconded by Mayor Bequette to approve an MOU with GREAT for the planning and development of the proposed 19th Street sports complex with an amendment to the second "whereas" to change the wording of "multipurpose" to "soccer" and to add number 2 to the MOU title description. Drew Graham, Dan Mauk and Marty Stovall 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 Commissioner Wehling and seconded by Davis to approve the application for LB566 grant funding for GREAT of up to \$1.5 million for the 19th Street Sports Complex upon approval of the GREAT Foundation accepting the MOU number 2. 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 Wehling for the Council to go into closed session for the protection of the public interest, to hold a strategy session with respect to the sale price of the real estate and the margin within thereof and to include the City Attorney, City Administrator and the Construction Manager. 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 7:58 PM.

Commissioner Johns declared a conflict of interest and departed the meeting at 7:58 PM.

Council resumed open session at 8:21 PM.

Moved by Mayor Bequette and seconded by Wehling to set the listing price for the sale of the EMS house located at 1402 1st Corso at \$149,500.00 with a deadline of noon on July 6th. Upon roll call, the following voted YES: Glover, Wehling, Johns, Davis and Mayor Bequette. Voting NO: None. Motion carried.

Meeting Adjourned at 8:29 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