

CITY OF NEBRASKA CITY, NEBRASKA
MINUTES OF CITY COUNCIL REGULAR MEETING
July 6, 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 July 6, 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 6:02 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. This meeting is also being recorded. If you are in our Zoom audience, please keep your microphone muted. For those who are wanting to comment, please do the following: for those joining us via the Zoom app, or through their computer please click on the "Raise Hand" button, for those joining us through the call-in feature, please press *9 (star nine). This will notify our moderator, City Clerk-Treasurer Randy Dunster, that there is a comment from one of our virtual attendees and he will let me know that you wish to speak. I will then have him unmute you. When you speak, please first state your name and address. You can find information on: The Open Meetings Act at <https://ago.nebraska.gov/open-meetings>. 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 and City Clerk-Treasurer Randy Dunster.

Mayor Bequette moved to approve the following consent items:

Approve minutes from the June 21, 2021 City Council Meeting.

Approve the use of Wildwood Golf Course, Hole #5, by Wildwood Historic Center for the annual Star Party on September 11th, beginning at 8 PM. Motion seconded by Commissioner Glover. Upon roll call the following voted YES: Davis, Wehling, Glover and Mayor Bequette. Voting NO: None. Motion carried.

Moved by Mayor Bequette to re-appoint John Callen and Gary Sasse to the Board of Adjustment. Upon roll call the following voted YES: Wehling, Glover, Davis and Mayor Bequette. Voting NO: None. Motion carried.

Moved by Mayor Bequette to re-appoint Kirby Bohl and Jason McNeely to the Planning Commission. Upon roll call the following voted YES: Wehling, Glover, Davis and Mayor Bequette. Voting NO: None. Motion carried.

Moved by Mayor Bequette to re-appoint Vaughn Hammond and Andrew Zahn to the Tree Board. Upon roll call the following voted YES: Wehling, Glover, Davis and Mayor Bequette. Voting NO: None. Motion carried.

Jim Kuhn gave a quarterly report on the Nebraska City Veterans Memorial Building Project.

Mayor Bequette opened the Public Hearing on the Liquor License Class C Application for Hy-Vee Inc. DBA Dollar Fresh at 1018 South 11th Street. 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.

Mayor Bequette opened the Public Hearing on the Citizen's Advisory Review Committee's report on the status, progress, findings and suggestions of the Economic Development Program and Growth Fund. Dan Mauk spoke to explain the report. 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: 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 June 22, 2021 to July 6, 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					
July 6, 2021					
K&Z Distributing	Resale	\$ 155.00	Inland Truck Parts	Rep/Maint	\$ 997.97
Quality Brands of Lincoln	Resale	\$ 388.45	J&T DISTRIBUTING, LLC	Resale	\$ 236.38
Ameritas Life In	Multiple	\$ 10,647.64	Jerad Sornson	Rep/Maint	\$ 180.00
Lincoln Financial Group	Multiple	\$ 7,183.19	Bryan Kreifels	Refund	\$ 25.00
Blue Cross Blue Shield	Multiple	\$ 148,149.76	Ag Solutions Group LLC	Rep/Maint	\$ 1,016.99
World Pay Integrated	Multiple	\$ 1,084.22	Marie Lamb	Artist Sales	\$ 36.00
NC Utilities	Ins	\$ 4.12	Landis Engine Company, Inc.	Rep/Maint	\$ 12.75
Payroll	Multiple	\$ 151,524.16	Larson Motors	Rep/Maint	\$ 47.05
NC Clerk-Treasurer	Petty Cash	\$ 50.00	LYON, PHYLLIS	Artist Sales	\$ 179.25
Craig Adamek	Artist Sales	\$ 176.25	MAINELLI MECHANICAL CONTRACTOR	Rep/Maint	\$ 3,571.96
Adkins Signs	Printing	\$ 245.00	MCGINTY, PAT	Artist Sales	\$ 45.00
AMERICAN NATIONAL BANK	Loan	\$ 3,754.72	MD Aquatics, LLC	Chemicals	\$ 1,178.00
American Recycling	Trash	\$ 490.25	Mead Lumber	Multiple	\$ 63.34
AQUA-CHEM, INC	Chemicals	\$ 1,159.10	Mercer's Do-It-Best	Multiple	\$ 218.44

Arbor Mart, Inc	Fuel	\$ 3,261.05	MERZ INK	Uniforms	\$ 564.21
Arbor Valley Animal Clinic	Animal Expense	\$ 285.90	Midwest Turf and Irrigation	Rep/Maint	\$ 21.45
Richard D. Bennett, Jr.	Rock	\$ 495.83	MORELAND FURNITURE	Capital Imprv	\$ 400.00
BERGMAN, SUSAN	Artist Sales	\$ 47.25	NAPA AUTO PARTS	Rep/Maint	\$ 386.24
EARL BETTS	Refund	\$ 25.00	Nebraska City Museum Assoc.	City Curator	\$ 2,416.67
Robert Moyer	Rep/Maint	\$ 115.60	Nebraska City Utilities	Rep/Maint	\$ 333.28
Bohl Plumbing and Heating	Rep/Maint	\$ 181.77	NC Tourism & Commerce	Tourism	\$ 7,083.33
Bound Tree Medical LLC	Medical Supplies	\$ 342.22	O'Reilly Auto Parts	Rep/Maint	\$ 23.48
Rachel Brodeur	Artist Sales	\$ 60.00	Otoe County Clerk	Refund	\$ 894.50
Card Services	Multiple	\$ 350.94	PAINTER, MICHELLE	Artist Sales	\$ 30.00
CARMICHAEL, ANITA	Artist Sales	\$ 149.95	PARTSCH, TAMMY	Artist Sales	\$ 87.79
CHARTER TITLE & ESCROW SERVICE	Title Search	\$ 250.00	PAVERS INC	Const	\$ 195,912.52
Concrete Industries, Inc.	Capital Imprv	\$ 223.15	Pepsi-Cola of Lincoln	Beverages	\$ 808.60
GREGG AND ANGI DIXON	Refund	\$ 25.00	Roger Pieper	Artist Sales	\$ 30.00
Douglas Tire Co.	Rep/Maint	\$ 841.00	REAMS Sprinkler Supply Co.	Rep/Maint	\$ 201.48
Eakes Office Solutions	Multiple	\$ 1,161.07	River View Pest Control	Pest Control	\$ 420.00
EASTMAN, LINDA K.	Artist Sales	\$ 70.88	Schneider Electric & Refrig.	Rep/Maint	\$ 1,013.00
Eggers Brothers, Inc.	Rep/Maint	\$ 62.34	Carol Skinner Hammond	Artist Sales	\$ 30.00
ELECTRONIC CONTRACTING CO	Rep/Maint	\$ 517.50	Sysco Lincoln	Resale	\$ 4,097.18
ENGEL - RUT CONSTRUCTION	Refund	\$ 25.00	THIELE GEOTECH, INC	Const	\$ 2,438.00
Fareway Stores, Inc.	Multiple	\$ 998.46	Tree Worx Tree Service, LLC	Tree Removal	\$ 9,200.00
Fastenal Company	Rep/Maint	\$ 11.14	Unifirst Corporation	Contract Service	\$ 313.57
FEY, JIM	Artist Sales	\$ 51.00	VADON, JANET	Artist Sales	\$ 25.50
FRAME, JOY	Artist Sales	\$ 29.25	VARITY SCOREBOARDS, LLC	Rep/Maint	\$ 165.00
FRIEDLI, PAT	Artist Sales	\$ 29.00	VERIZON WIRELESS	Phone/Internet	\$ 804.82
FRONTIER COOPERATIVE	Chemicals	\$ 70.00	VIVIAL MEDIA	Adv	\$ 33.70
Christy Goodrich	Artist Sales	\$ 25.50	VW GOLF, INC	Resale	\$ 272.21
HARGIS, MELVIN	Artist Sales	\$ 56.25	WAHL, RON	Artist Sales	\$ 146.25
HENRY MOTORS SERVICE	Rep/Maint	\$ 20.40	WALTERS, ANDREA	Artist Sales	\$ 45.75
HOLLIWAY, MARCIA	Artist Sales	\$ 62.00	WESTLAKE ACE HARDWARE	Multiple	\$ 358.36
HORNER, GEORGE	Training	\$ 234.49	Whispering Pines B & B	Missoula	\$ 875.90
HUNZEKER, MARSHA	Artist Sales	\$ 138.00	Windstream, Inc.	Phone/Internet	\$ 552.78
Infinity Aviation	Interlocal Agreement	\$ 4,382.67	Zimco Supply Co.	Chemicals	\$ 1,040.00

Moved by Mayor Bequette and seconded by Wehling to approve a Liquor License Class C Application for Hy-Vee Inc. DBA Dollar Fresh at 1018 South 11th Street. Upon roll call, the following voted YES: Davis, Wehling, Glover and Mayor Bequette. Voting NO: None. Motion carried.

Moved by Mayor Bequette and seconded by Wehling 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 3072-21** to vacate a portion of 4th Street between 12th Corso and 13th Corso, and the alley of block 80, Kearney Addition, Nebraska City. Drew Graham spoke to explain the Ordinance. Upon roll call the following voted YES: Wehling, Glover, Davis and Mayor Bequette. Voting NO: None. Motion carried.

ORDINANCE 3072-21

AN ORDINANCE TO VACATE A PORTION OF 4TH STREET AND THE ALLEY FOUND IN BLOCK 80 IN KEARNEY ADDITION TO NEBRASKA CITY, OTOE COUNTY, NEBRASKA, AS DESCRIBED IN SECTIONS 1 & 2 HEREOF; AND TO DECLARE AN EFFECTIVE DATE.

Moved by Mayor Bequette and seconded by Wehling 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 Glover for final passage of **Ordinance 3073-21** directing the sale and conveyance of the previously vacated portion of 4th Street between 12th Corso and 13th Corso, and the alley of block 80, Kearney Addition, Nebraska City to Ronnie Schalk for \$100.00, and directing notice of said sale by publication. Drew Graham spoke to explain the Ordinance. Upon roll call the following voted YES: Wehling, Glover, Davis and Mayor Bequette. Voting NO: None. Motion carried.

ORDINANCE 3073-21

AN ORDINANCE DIRECTING THE SALE AND CONVEYANCE OF A PREVIOUSLY VACATED PORTION OF 4TH STREET, AND PREVIOUSLY VACATED ALLEY LOCATED IN BLOCK 80, NEBRASKA CITY, NEBRASKA, MORE PARTICULARLY DESCRIBED IN SECTION 1 HEREOF, TO RONNIE SCHALK; DIRECTING NOTICE OF SALE BY PUBLICATION; AND TO PROVIDE FOR AN EFFECTIVE DATE.

Moved by Commissioner Wehling and seconded by Davis to approve the form of a Quitclaim Deed for the sale and conveyance of the previously vacated portion of 4th Street between 12th Corso and 13th Corso, and the alley of block 80, Kearney Addition, Nebraska City to Ronnie Schalk. Upon roll call the following voted YES: Wehling, Glover, Davis and Mayor Bequette. Voting NO: None. Motion carried.

Moved by Mayor Bequette and seconded by Davis to approve SDL Liquor License Application from Eagles Fraternal Order #968 for a beer garden for the United Way Fundraiser on August 15th, from 10 A.M. to 10 P.M and for a beer garden for the Nebraska City Eagles Antique Tractor Show on September 19th from 8 A.M. to 6 P.M. Katie McGinnis spoke to explain the request. Upon roll call the following voted YES: Wehling, Glover, Davis and Mayor Bequette. Voting NO: None. Motion carried.

Moved by Mayor Bequette and seconded by Glover to approve Substitution of Trustee naming City Attorney as trustee for deeds of trust for 318 S 11th Street, 424 Central Avenue, 609 Central Avenue, 703 S 11th Street, and 620 N 13th Street. Drew Graham spoke to explain the item. Upon roll call the following voted YES: Wehling, Glover, Davis and Mayor Bequette. Voting NO: None. Motion carried.

Moved by Commissioner Wehling and seconded by Glover to authorize the Mayor to appoint a successor trustee as needed in the future. Upon roll call the following voted YES: Wehling, Glover, Davis and Mayor Bequette. Voting NO: None. Motion carried.

Council tabled the request to award the low bidder for the 2021 Street Improvements Asphaltic Overlay CDBG 16-CG-204 project.

Moved by Mayor Bequette and seconded by Davis to approve the contract extension request with Nebraska Department of Economic Development for the Veterans Memorial Building Project CDBG #18-TD-002, to August 31st, 2021. Jim Kuhn spoke to explain the item. 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 Mayor Bequette to approve **Resolution 2877-21** to establish a policy for the payment of payroll and associated expenses prior to the approval of claims by the City Council. Upon roll call the following voted YES: Wehling, Glover, Davis and Mayor Bequette. Voting NO: None. Motion carried.

Moved by Commissioner Wehling and seconded by Glover to approve the submission of an application to the state for American Rescue Plan Act (ARPA) funds. Lou Leone spoke to explain the item. Upon roll call the following voted YES: Wehling, Glover, Davis and Mayor Bequette. Voting NO: None. Motion carried.

Council directed Lou Leone and Scott Miller as the City Property Insurance Broker to gather bids for replacing the City's General Insurance policy. Scott Miller spoke to explain the item.

Council directed Lou Leone to pursue requesting bids for providing audit services.

Drew Graham explained the claim filed by Ericka Foyt for alleged damages resulting from an interaction with Nebraska City Police Department that occurred on June 30, 2020. Moved by Mayor Bequette and seconded by Wehling for the Council to go into closed session for the protection of the public interest and to hold a strategy session with respect to litigation which is eminent as evidenced by communication of a public claim to the public body and joining us in closed session should be the City Attorney, City Administrator and Chief Lacy. Upon roll call, the following voted YES: Glover, Wehling, Davis and Mayor Bequette. Voting NO: None. Motion carried. The closed session began at 7:31 PM. Council came out of closed session at 7:51 PM and stated that they would continue to wait for the insurance carrier to come back from their investigation.

Drew Graham explained the offers that have been made with regard to the sale of the EMS house located at 1402 1st Corso. Council directed the City Attorney to create a flyer and add the sale of the house to the City Website.

Meeting Adjourned at 7:59 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