

CITY OF NEBRASKA CITY, NEBRASKA
MINUTES OF CITY COUNCIL REGULAR MEETING
June 19, 2023

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 19, 2023. 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 and stated that the meeting was being conducted under the Open Meetings Act. This meeting is also being recorded. Mayor Bequette then led in the Pledge of Allegiance. Upon roll call the following answered present: Ron Osovski, Patrick Wehling, Joe Chaney, Cole Sharp and Mayor Bequette. Absent: None. The following City Officials were present: City Administrator Perry Mader, Police Captain Lonnie Neeman, Fire Chief Rob Schreiner, Police Sargent Ben Murry, Construction and Facility Manager Marty Stovall, Utilities Treasurer Mona Kuhlengel, Electric Superintendent Stuart Abbott and City Clerk Randy Dunster.

Mayor Bequette moved to approve the following consent items:

Approve minutes from the June 5, 2023 City Council Meeting.

Approve the report of new claims and approving disposition of claims set for the period of June 6, 2023 to June 19, 2023.

Approve the BPW Electric Work Order #584 to replace poles and reconductor line to serve H Road for a total of \$29,087.63.

Approve the BPW recommendation to stabilize the foundation at the North NCU property for a total of \$22,150.00 + sales tax. Motion seconded by Commissioner Wehling. Upon roll call the following voted YES: Osovski, Wehling, Sharp, Chaney and Mayor Bequette. Voting NO: None. Motion carried.

Claims List					
June 19, 2023					
Wex Health, Inc	Benefits	\$694.70	Ideal Pure Water	Supplies	\$48.00
K&Z Distributing	Resale	\$66.90	J WINDLE DISTRIBUTING, INC	Resale	\$678.70
Quality Brands of Lincoln	Resale	\$604.55	JEO Consulting Group, Inc.	Const	\$50,197.10
NE Dept of Revenue	Sales Tax	\$5,704.05	Michelle Kildow	Artist Sales	\$28.50
Payroll	Salaries	\$165,230.94	KOHTZ, KAREN	Artist Sales	\$44.25
Countryside Bank	Loan	\$978.09	Kreifels Electric L.L.C.	Rep/Maint	\$887.50
BOK Financial	Bond Payments	\$12,232.50	Lang Diesel, Inc	Rep/Maint	\$1,774.07
CEDE & Co	Bond Payments	\$30,158.75	Marie Lamb	Artist Sales	\$44.25
ZIRMED	CC Fees	\$56.46	Landis Engine Company, Inc.	Rep/Maint	\$119.88
WorldPay	CC Fees	\$1,979.43	LANT HARDWARE, INC	Rep/Maint	\$314.57
Platinum Title & Escrow	ARPA	\$1,532.50	Larson Motors	Rep/Maint	\$1,061.19
A-1 Locksmith	Rep/Maint	\$132.00	LYON, PHYLLIS	Artist Sales	\$143.25
ACCESS SYSTEMS LEASING	Contract Serv	\$275.38	MCGINTY, PAT	Artist Sales	\$60.00
Craig Adamek	Artist Sales	\$267.75	MD Aquatics, LLC	Chemicals	\$1,223.00
Adkins Signs	Sign	\$108.00	Miller Monroe Farrell	Insurance	\$1,620.00
American Recycling &	Trash	\$489.09	MOTOROLA SOLUTIONS, INC	Capital	\$4,150.00
AQUA-CHEM, INC	Chemicals	\$147.50	MPPC, LLC	Rental	\$400.00
Arbor Mart, Inc	Fuel	\$4,521.18	NAPA AUTO PARTS	Rep/Maint	\$84.17
AT&T MOBILITY	Wireless Service	\$90.59	Nationwide Trust Contributions	Retirement	\$2,146.00
BAUER INFRASTRUCTURE, LLC	Const	\$83,096.33	Nebraska City Utilities	Utilities	\$13,520.49
Benefiel Truck Repair	Rep/Maint	\$277.50	Nebraska State Patrol	User Fees	\$562.50
Richard D. Bennett, Jr.	Rock	\$8,895.19	NEBRASKA CITY T.N.R.	T.N.R. Program	\$60.00
Bill Walters & Son Shop, Inc.	Rep/Maint	\$25.51	NITSICK, JANET ANN	Artist Sales	\$37.50
Robert Moyer	Rep/Maint	\$525.00	Jennifer Novak Haar	Artist Sales	\$27.00
Bohl Plumbing and Heating	Rep/Maint	\$121.50	O'Reilly Auto Parts	Rep/Maint	\$34.27
BROWNVILLE VILLAGE THEATRE	Adv	\$50.00	Otoe County Clerk	Dispatch	\$4,987.50
BSN Sports	Ballfields	\$1,464.93	PAGE COUNTY ENGINEER'S OFFICE	Asphalt	\$906.09
Kenneth Campbell	Refund	\$25.00	Paper Tiger Shredding, Inc.	Shredding	\$35.00
Capital Business Systems	Contract Serv	\$250.73	PARTSCH, TAMMY	Artist Sales	\$36.94
Card Services	Multiple	\$6,511.07	Pepsi-Cola of Lincoln	Beverages	\$1,220.33
CARMICHAEL, ANITA	Artist Sales	\$41.24	Caleb Poggemeyer	Grant	\$600.00
Charles M Bishop	Rep/Maint	\$279.83	QUADIENT FINANCE USA, INC	Postage	\$400.00
Cherry Road Media Inc.	Adv	\$222.74	Roddy Family Farm, LLC	Artist Sales	\$26.25
CLINE WILLIAMS WRIGHT JOHNSON	Legal	\$357.00	Solution Computer Sales & Serv	Rep/Maint	\$194.98
DAS STATE ACCTG - CENTRAL	Radio Systems Fee	\$290.00	SAMPSON CONSTRUCTION	Refund	\$200.00
Douglas Tire Co.	Rep/Maint	\$2,044.99	Leon Schiermeyer	Artist Sales	\$207.00
Eakes Office Solutions	Supplies	\$425.14	Cole Sharp	Training	\$438.00
EASTMAN, LINDA K.	Artist Sales	\$25.31	Carol Skinner Hammond	Artist Sales	\$77.00
ELECTRONIC CONTRACTING CO	Contract Serv	\$648.00	STOUFFER, LINDA	Artist Sales	\$105.00
Emergency Repair Service	Rep/Maint	\$435.00	Stryker Medical	Supplies	\$87.76
Fareway Stores, Inc.	Resale	\$1,415.30	SVEHLA LAW OFFICES	Legal	\$2,151.00

FARMERS & MERCHANTS BANK	Loan	\$4,017.02	Sysco Lincoln	Resale	\$3,048.82
Fastenal Company	Rep/Maint	\$51.24	Lumberjack Company	Contract Labor	\$500.00
FEY, JIM	Artist Sales	\$81.75	THIELE GEOTECH, INC	Const	\$11,250.00
FRANA, DAVID	Artist Sales	\$122.25	Time Warner Cable	Cable	\$167.03
FRAZIER CONSTRUCTION	Refund	\$200.00	Tree Worx Tree Service, LLC	Contract Labor	\$1,600.00
FRIEDLI, PAT	Adv	\$47.29	Unifirst Corporation	Contract Serv	\$262.33
FRONTIER COOPERATIVE	Chemicals	\$258.00	Bonnie Vodehnal	Artist Sales	\$52.50
Yasamin Gharinch	Artist Sales	\$25.50	WAHL, RON	Artist Sales	\$146.25
Kay Glenn DBA Nutured	Artist Sales	\$74.25	WALDE, SHARON	Artist Sales	\$190.28
Matthew Goodlett	Artist Sales	\$93.75	Ann Walsh	Artist Sales	\$128.25
GREAT PLAINS UNIFORMS	Uniforms	\$9.99	WELLSANDT, KRIS	Artist Sales	\$36.00
Grimm's Gardens	Flower Baskets	\$1,039.96	WESTLAKE ACE HARDWARE	Rep/Maint	\$110.98
HARGIS, MELVIN	Artist Sales	\$60.00	WEX BANK	Shell Fuel	\$1,040.47
Seth Hawkins	Legal	\$2,600.00	Windstream, Inc.	Phone/Internet	\$742.00
HEINE, LORI	Artist Sales	\$213.75	Ashleigh Wirthele	Artist Sales	\$52.50
HOLLIWAY, MARCIA	Artist Sales	\$203.00	Gail Wurtele	Artist Sales	\$30.00
Hopkins Automotive Inc.	Rep/Maint	\$25.74	Zimco Supply Co.	Chemicals	\$1,702.60
Marsha Hunzeker	Artist Sales	\$113.25			

Mayor Bequette opened the Public Hearing on the Annexation of Kreifels Hills Subdivision. Marty Stovall, Dan Mauk and Peggy Amerine spoke in favor; Jeff Crunk and Jerry Hammer spoke in opposition to the proposal. Mayor Bequette moved to close the Public Hearing, seconded by Commissioner Osovski. Upon roll call the following voted YES: Chaney, Wehling, Sharp, Osovski and Mayor Bequette. Voting NO: None. Motion carried.

Mayor Bequette opened the Public Hearing on the request to rezone property located at 1010 7th Corso by Henry Motors. No comments were made by the public. Mayor Bequette moved to close the Public Hearing, seconded by Commissioner Wehling. Marty Stovall spoke to explain the request. Upon roll call the following voted YES: Chaney, Wehling, Sharp, Osovski and Mayor Bequette. Voting NO: None. Motion carried.

Treasurer's Monthly report was given, as of May 31, 2023, Total Nebraska City funds of \$12,991,446.54. Total Cash and Reserve for Nebraska City Utilities of \$14,748,260.43. Total City of Nebraska City and Utility funds \$27,739,706.97. Council acknowledged receipt of City Administrator Report. Perry Mader spoke regarding the report. Council acknowledged receipt of Utility Financial Report for period ending April 2023. Council acknowledged receipt of Utility Claims for period ending May 2023.

Mayor Bequette requested the first of three readings of **Ordinance 3097-23** on the Annexation of Kreifels Hills Subdivision.

Mayor Bequette called for the third of three readings of **Ordinance 3098-23** to increase the Nebraska City Electric & Gas Utilities Franchise Fee by 1.25%. Moved by Mayor Bequette and seconded by Sharp for final passage of **Ordinance 3098-23**. Marty Stovall and Jason Esser spoke in favor of the proposal. Jim Stark and Robert Earll asked questions and Jerry Hammer spoke against the proposal. Upon roll call the following voted YES: Chaney, Wehling, Sharp, Osovski and Mayor Bequette. Voting NO: None. Motion carried.

ORDINANCE NO. 3098-23

AN ORDINANCE TO AMEND SECTION 31-37 OF THE CODE OF THE CITY OF NEBRASKA CITY, NEBRASKA, TO INCREASE THE QUARTERLY PAYMENT FROM THE COMBINED UTILITY FUND OF THE NEBRASKA CITY UTILITIES TO THE GENERAL FUND OF THE CITY OF NEBRASKA CITY; TO ADD A NEW SECTION 31-38 OF THE CODE OF THE CITY OF NEBRASKA CITY, NEBRASKA; TO REPEAL ANY AND ALL ORDINANCES IN CONFLICT WITH THIS ORDINANCE; 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: Chaney, Wehling, Sharp, Osovski 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 Sharp for final passage of **Ordinance 3099-23** Municipal Improvement Bonds for NE City 2023. Andy Forney spoke to explain the item. Upon roll call the following voted YES: Chaney, Wehling, Sharp, Osovski and Mayor Bequette. Voting NO: None. Motion carried.

ORDINANCE NO. 3099-23

AN ORDINANCE AUTHORIZING THE ISSUANCE OF TAX SUPPORTED MUNICIPAL IMPROVEMENT BONDS, SERIES 2023, OF THE CITY OF NEBRASKA CITY, NEBRASKA, IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED TWO MILLION FIFTY THOUSAND DOLLARS (\$2,050,000) FOR THE PURPOSE OF PAYING THE COSTS OF CERTAIN CAPITAL IMPROVEMENTS TO BE OWNED BY THE CITY; PRESCRIBING THE FORM OF SAID BONDS; PLEDGING FUNDS TO BE RECEIVED BY A SALES AND USE TAX AND PROPERTY TAX FOR THE PAYMENT OF SAID BONDS; PROVIDING FOR THE LEVY AND COLLECTION OF SAID TAXES TO PAY THE SAME; PROVIDING FOR THE SALE OF THE BONDS; AUTHORIZING THE DELIVERY OF THE BONDS TO THE PURCHASER; PROVIDING FOR THE DISPOSITION OF BOND PROCEEDS; AND ORDERING THE ORDINANCE PUBLISHED IN PAMPHLET OR ELECTRONIC FORM.

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: Chaney, Wehling, Sharp, Osovski 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 3100-23** to rezone property located at 1010 7th Corso by Henry Motors. Andy Forney spoke to explain the item. Upon roll call the following voted YES: Chaney, Wehling, Sharp, Osovski and Mayor Bequette. Voting NO: None. Motion carried.

ORDINANCE NO. 3100-23

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 PART OF LOT 9 & ALL OF LOTS 10-12 & LOTS 1, 2, 3 EXCLUDING THE NORTH 65', BLOCK 42, HAIL & CO ADDITION, NEBRASKA CITY, OTOE COUNTY, NEBRASKA, FROM I-1, LIGHT INDUSTRIAL DISTRICT, TO C-3, GENERAL COMMERCIAL DISTRICT; TO PROVIDE FOR INCORPORATION INTO THE OFFICIAL ZONING MAP; AND TO PROVIDE FOR AN EFFECTIVE DATE.

Moved by Commissioner Chaney and seconded by Osovski to approve a request to Vacate a portion of 11th Corso between 3rd Street and 4th Street, Blocks 69 & 70 Kearney Addition. Sonny Stitt and Robert Earll spoke to explain the request. Upon roll call the following voted YES: Chaney, Wehling, Sharp, Osovski and Mayor Bequette. Voting NO: None. Motion carried.

Mayor Bequette recognized Robert Earll for 10 years of working as a Paramedic for the City as he begins a new chapter in his life.

Moved by Commissioner Osovski and seconded by Chaney to approve the Legion and VFW to replace the existing flag pole in Veterans row at the Wyuka Cemetery. Jim Kuhn spoke to explain the request. Upon roll call the following voted YES: Chaney, Wehling, Sharp, Osovski and Mayor Bequette. Voting NO: None. Motion carried.

Moved by Commissioner Wehling and seconded by Osovski to approve **Resolution 2939-23** to segregate funds received from the Nebraska City Recreation Agency local option sales tax. Upon roll call the following voted YES: Chaney, Wehling, Sharp, Osovski and Mayor Bequette. Voting NO: None. Motion carried.

Moved by Mayor Bequette and seconded by Osovski for the Council to go into closed session for the protection of the public interest specifically under the Open Meetings Act for the community trust created under section 81-1801.2 discussion regarding negotiation to be paid for the change orders for 11th Street Improvements – Group E - Bridge Improvements Change Order and that we be joined by the City Administrator and the Construction Manager. Upon roll call, the following voted YES: Sharp, Wehling, Chaney, Osovski and Mayor Bequette. Voting NO: None. Motion carried. Council entered closed session at 7:42 PM. Council came out of closed session and resume the Open Session at 8:03 PM. Mayor Bequette requested that a Special City Council be held to discuss the Nebraska City 11th Street.

Meeting Adjourned at 8:04 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