

MINUTES OF THE CITY COUNCIL REGULAR MEETING HELD FEBRUARY 4, 2013, AT 7:00 P.M. IN THE BPS ADMINISTRATION MEETING ROOM, 320 NORTH 5TH STREET.

Pledge of Allegiance

1 – Roll Call: Present: Mayor Schuster, Councilmembers Carey, Catlin, Cook, Fairbanks, Langdale, Moore, Parde, Tiemann
Absent: None
BPW members: Vetrovsky, Clabaugh

Mayor Schuster announced that a copy of the Open Meetings Act is posted in the meeting room and is accessible to members of the public.

Mayor Schuster read a proclamation proclaiming February 4-8, 2013 as International Networking Week.

Mayor Schuster recognized Keep Beatrice Beautiful as the recipient of the First Place Affiliate Award, in the population category 50,000 and under, at the Keep America Beautiful (KAB) National Conference. Linda Grell, Director of Keep Beatrice Beautiful was present and expressed that it was a great honor to accept the award on behalf of the residents of Beatrice and Gage County and thanked them and the Council for their support.

2 - Consent Agenda

- a. Approve agenda as submitted.
- b. Receive and place on file all notices pertaining to this meeting.
- c. Receive and place on file all materials having any bearing on this meeting.
- d. Approval of minutes of regular meeting on January 21, 2013, as on file in the City Clerk's Office.
- e. Approval of minutes of work session on January 28, 2013, as on file in the City Clerk's Office.
- f. Approval of Treasurer's Report of Claims in the amount of \$275,786.33
- g. Approval of BASWA Report of Claims in the amount of \$29,266.22
- h. Approval of write-off of ambulance bad debt listing.
- i. Approval of contract with Goossen Construction in the amount of \$53,713.75 for the Misc. Concrete Street Repairs 2013, as recommended by the BPW.
- j. Approval of contract with Goossen Construction in the amount of \$50,135.40 for the Water Park Drainage Project, as recommended by the BPW.
- k. Approval of plans, specifications and advertisement for bids for the 5th Street Reconstruction Project.
- l. Resolution Number 5491 authorizing the Flex Plan services agreement with RCI.
- m. Resolution Number 5492 appointing R. Michael Cole as Resident Advisor to the Beatrice Housing Authority Board.
- n. Resolution Number 5493 re-appointing Don Schnier to the Beatrice Housing Authority Board.
- o. Resolution Number 5494 renewing permission for Derek Fralin to sell goods on public lots at Hannibal Park and the Northern Natural Gas Ball Fields for the calendar year 2013.

Moved by Catlin, seconded by Moore, that the items listed under the consent agenda, with the exception of item j, be approved, accepted and/or ratified as presented with Parde abstaining from item e.

Roll Call: Yea: Carey, Catlin, Cook, Fairbanks, Langdale, Moore, Parde, Tiemann
Nay: None

Motion carried.

Moved by Catlin, seconded by Tiemann, that the contract with Goossen Construction in the amount of \$50,135.40 for the Water Park Drainage Project, as recommended by the BPW be approved.

Councilmember Fairbanks requested more information on the scope of the project. City Engineer, Rex Behrends, explained the three phases of the project, which will be funded 50/50 with the NRD, and should be finished by June.

Roll Call: Yea: Carey, Catlin, Cook, Fairbanks, Langdale, Moore, Parde, Tiemann
Nay: None

Motion carried.

3 - Public Hearings/Bids:

4- Resolutions:

- a. Resolution executing an agreement with Olsson Associates to provide construction engineering services for the City-wide Resurfacing Project, NDOR Project URB-6108(1).**

Mayor Schuster introduced Resolution Number 5495 executing an agreement with Olsson Associates to provide construction engineering services for the City-wide Resurfacing Project, NDOR Project URB-6108(1).

Moved by Catlin, seconded by Cook, that Resolution Number 5495 be passed and adopted.

City Engineer Behrends explained that this agreement will provide for Olsson Associates to continue the work on this project through the construction phase. The firm was selected through a qualification process for the design phase.

Roll Call: Yea: Carey, Catlin, Cook, Fairbanks, Langdale, Moore, Parde, Tiemann
Nay: None

Motion carried.

Passed and adopted Resolution Number 5495.

- b. Resolution approving NGage Incentive Guidelines.**

Mayor Schuster introduced Resolution Number 5496 approving NGage Incentive Guidelines.

Moved by Catlin, seconded by Carey, that Resolution Number 5496 be passed and adopted.

Andrea Schaefer and Steve Hovendick, NGage Board of Directors, explained the proposed list of guidelines to allow them to offer incentives that could be made available to interested companies, which once they would become public would be brought before the city and county for approval before anything is made in writing. Discussion followed.

Roll Call: Yea: Carey, Catlin, Cook, Fairbanks, Langdale, Moore, Parde, Tiemann
Nay: None

Motion carried.

Passed and adopted Resolution Number 5496.

5 – Ordinances:

- a. Ordinance amending City Code Section 7-21 regarding radon control methods.**

Mayor Schuster introduced an ordinance amending City Code Section 7-21 regarding radon control methods.

Moved by Catlin, seconded by Tiemann, that said ordinance be given number 13-011, the title thereof be approved, and said ordinance be read by title only one time tonight.

City Attorney, Greg Butcher, reviewed the proposed amendment to the residential building code, which would require a passive radon system to be installed in new construction. He noted that there is a bill currently before the Nebraska Legislature regarding this; however it may not be implemented until 2015. Code Enforcement Officer, Steve Printy, reported that the estimated cost for an average house would be \$3,000. Discussion followed regarding forcing this additional cost to new construction, but by having the rough-in installed vs. the higher cost of installation later,

Roll Call: Yea: Carey, Cook, Fairbanks,

Nay: Tiemann, Moore, Catlin, Langdale, Parde,

Motion failed.

b. Ordinance amending parts of City Code Section 7 to require permits for replacement of water heaters.

Mayor Schuster introduced an ordinance amending parts of City Code Section 7 to require permits for replacement of water heaters.

Moved by Catlin, seconded by Moore, that said ordinance be given number 13-012, the title thereof be approved, and said ordinance be read by title only one time tonight.

Code Enforcement Officer Printy reported that he had contacted other communities and 9 out of 10 required permits and inspection for replacement of water heaters however enforcement and compliance is an issue. Discussion followed about the importance of having a certified person do the installation however the increased cost and permit process slowing down the replacement were concerns.

Roll Call: Yea: Cook, Parde, Fairbanks

Nay: Carey, Tiemann, Moore, Catlin, Langdale

Motion failed.

c. Ordinance amending City Code Section 17-187 regarding nuisances and weed control.

Mayor Schuster introduced an ordinance amending City Code Section 17-187 regarding nuisances and weed control.

Moved by Catlin, seconded by Carey, that said ordinance be given number 13-013, the title thereof be approved, the rules be suspended, and said ordinance be read by number only three times tonight.

Roll Call: Yea: Carey, Catlin, Cook, Fairbanks, Langdale, Moore, Parde, Tiemann

Nay: None

Motion carried.

Mayor Schuster read Ordinance Number 13-013 by number only the first, second and third times.

Moved by Catlin, seconded by Moore, that Ordinance Number 13-013 be passed and approved.

City Attorney Butcher explained that the current language mirrors state statutes however in recent litigation over a weed abatement the judge noted that it only required the owner to abate or request a hearing to appeal. The amendment will provide for abatement to be done after the hearing if the appeal fails. Staff has worked with the League to put a bill before the legislature to clarify this in state statutes however if it passes it would not go into effect until August so this amendment would protect us during the coming summer months.

Roll Call: Yea: Carey, Catlin, Cook, Fairbanks, Langdale, Moore, Parde, Tiemann

Nay: None

Motion carried.

Passed and approved Ordinance Number 13-013.

6 – Public Forum:

No one appeared at public forum.

7 – Discussions/Reports:

a. NPPD, Pat Pope to discuss rates.

Representatives from NPPD, Pat Pope, President and CEO, and Chad Podolak, Account Manager for Beatrice and southeast Nebraska, presented a report to the Council on NPPD's long-range strategic plan to provide customers with reliable low-cost electricity while providing the capital necessary for operations and meet the needs of their

bondholders. Competitive rates play a huge role in economic development in attracting businesses and they continue to try to minimize rate increases. He reported on the different power plants and extended an invitation for anyone interested in touring the facilities. Discussion followed regarding what drives rates and how the market factors into it. As NPPD continues to borrow for upgrades, bondholders need assurance, so in planning for the future together will most likely be back to propose a new contract with Beatrice.

b. Building Inspection Department Annual Report, Printy

Code Enforcement Officer Printy presented the 2012 Building Inspection Department Annual Report showing a total of 442 permits sold with total valuation of \$6,278,260. The number of permits is down slightly by 16 from 2011; however the valuation went from \$13,396,216 in 2011 to \$6,278,260 in 2012 due to the new Good Samaritan nursing home in 2011.

c. Legislative Update, Tempelmeyer

City Administrator, Tobias Tempelmeyer, reported on a list of 40 bills before the legislature that are of an interest to the City that he will be monitoring and testifying at legislative hearings and contacting senators to make sure that Beatrice has a say in the legislative process.

8 – Executive Session:

Moved by Catlin, that the Beatrice City Council go into closed session at 9:16 p.m., for the protection of public interest to discuss real estate acquisitions and personnel.

Seconded by Tiemann, that the Beatrice City Council go into closed session at 9:16 p.m., for the protection of public interest to discuss real estate acquisitions and personnel.

Mayor Schuster announced the motion: Moved by Catlin, seconded by Tiemann, that the Beatrice City Council go into closed session at 9:16 p.m., for the protection of public interest to discuss real estate acquisitions and personnel.

Roll Call: Yea: Carey, Catlin, Cook, Fairbanks, Langdale, Moore, Parde, Tiemann
Nay: None

Motion carried.

Reconvened at 9:33 p.m.

8 – Miscellaneous:

The next regular council meeting is February 18, 2013 at 7:00 p.m. in the BPS Admin Bldg Meeting Room. A worksession will be held February 25, 2013 at 7:00 p.m. in the Beatrice Public Library Sargent Room.

Moved by Catlin, seconded by Langdale, that the meeting be adjourned at 9:33 p.m.

Roll Call: Yea: Carey, Catlin, Cook, Fairbanks, Langdale, Parde, Tiemann
Nay: Moore

Motion carried.