

MINUTES OF THE CITY COUNCIL REGULAR MEETING HELD FEBRUARY 18, 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 Catlin, Cook, Fairbanks, Langdale, Moore, Parde, Tiemann
Absent: Councilmember Carey

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 19, 2013 as Mosaic Day. Philip Enerson, who lives at Mosaic, was honored to receive the proclamation for them. Mr. Enerson thanked the staff at Mosaic for the good job they did in training him and for helping him to work for employers in the City. Connie Russell, Community Relations Manager from Mosaic, appeared with him and commented that Mosaic was proud to be a major employer within the community in providing care for individuals with intellectual disabilities.

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 February 4, 2013, as on file in the City Clerk's Office.
- e. Approval of Treasurer's Report of Claims in the amount of \$451,957.01.
- f. Approval of BASWA Report of Claims in the amount of \$24,980.27.
- g. Approval of contract with Midlands Contracting in the amount of \$109,848.80 for the Sanitary Sewer Lining Project 13-247, as recommended by the BPW.
- h. Approval of purchase of a Fire Pumper Truck from Fire Fox for the KME Panther in the amount of \$430,674.00
- i. Resolution Number 5497 approving an agreement for the purchase of Integrated Municipal Financial Management Software with Caselle for Clarity software and services in the amount of \$167,580.00.
- j. Approval of contract for the 5th Street Reconstruction Project with R.L.Tiemann Construction in the amount of \$311,567.82.

Moved by Catlin, seconded by Langdale, that the items listed under the consent agenda, with the exception of items g and h, i, be approved, accepted and/or ratified as presented. Tiemann abstained from item j.

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

Motion carried.

g – Moved by Catlin, seconded by Cook, to approve the contract with Midlands Contracting in the amount of \$109,848.80 for the Sanitary Sewer Lining Project 13-247, as recommended by the BPW.

Councilmember Fairbanks had no problem with item g, his questions were for items h and i.

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

Motion carried.

h – Moved by Catlin, seconded by Langdale, to approve the purchase of a Fire Pumper Truck from Fire Fox for the KME Panther in the amount of \$430,674.00.

Councilmember Fairbanks requested background information on this item; the truck was approved in the current budget and will be funded with partial MFO funds and the remainder with the public safety debt service bonds. Fire Chief, Brian

Daake, explained that the department had applied four times to receive grant funding to assist with the replacement of the truck but had been unsuccessful; this will replace the 1975 truck and make the 1993 truck the second truck out. The new truck will be updated with current technology and fire apparatus materials and will have a life expectancy of 35-40 years. Joe Moller, of Toyne Fire Apparatus, appeared to question the decision to not go with his bid, which was lower than the bid selected. Discussion followed, Chief Daake explained that the committee had reviewed all proposals and had concerns with Toyne's bolted-on compartments, the KME is welded and the KME space for personnel is larger. Roger Aden, 1321 S 9th, asked what would be done with the old truck; KME offered a trade-in allowance for it.

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

Motion carried.

i – Moved by Catlin, seconded by Cook, that Resolution Number 5497 approving an agreement for the purchase of Integrated Municipal Financial Management Software with Caselle for Clarity software and services in the amount of \$167,580.00 be passed and adopted.

Councilmember Cook questioned if the new software would provide for utility auto-payments and online payments of utilities and permits; it does provide for online payments, permits online are possible but will need to work out an approval process. Councilmember Fairbanks requested more information; the software and associated costs is estimated to come in \$33,000 under the budgeted amount approved and will save a lot of duplicate entry of work.

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

Motion carried.

3 - Public Hearings/Bids:

a. Hearing concerning an amendment to the CDBG Grant for the downtown revitalization plan along 5th Street.

Mayor Schuster announced that a public hearing will now be held concerning an amendment to the CDBG Grant for the downtown revitalization plan along 5th Street.

City Administrator, Tobias Tempelmeyer, explained that the scope of the grant project had changed due to the cost of the street improvements and lighting will use up all of the grant funds, so this amendment will remove the proposed property acquisitions from the scope of the grant and that will be handled with a different source of funding. Discussion followed regarding whether changing 5th Street from a one-way to a two-way street needed to be a part of this process; no, traffic flow will be presented for discussion at a later date and does not affect the street work being done.

Moved by Catlin, seconded by Langdale, that the public hearing be closed at 7:43 p.m.

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

Motion carried.

Moved by Catlin, seconded by Tiemann, that the amendment to the CDBG Grant for the downtown revitalization plan along 5th Street, be approved.

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

Motion carried.

b. Hearing on the acquisition of property described as N23' of Lot 7 & 8, Block 36, Original Town, except the East 10' thereof. (212 North 5th Street)

Mayor Schuster announced that a public hearing will now be held on the acquisition of property described as N23' of Lot 7 & 8, Block 36, Original Town, except the East 10' thereof. (212 North 5th Street).

Mayor Schuster explained that the Council had instructed the City Administrator to negotiate the purchase of pieces of property adjacent to the Carnegie building to be demolished and construct a parking lot. City Administrator Tempelmeyer explained that the negotiations had been completed, this property is Evelyn's Beauty Salon, and the purchases will be paid with LB840 dollars. Discussion followed about the use of LB840 funds and who would be utilizing the parking lot and that it be a public parking lot. James Nelson, on the Chamber Board of Directors, spoke that currently employees are parking in the school lot and leave the closer spots for visitor; they intend to park in the new lot and still leave the close spaces for visitors.

Moved by Catlin, seconded by Tiemann, that the public hearing be closed at 7:53 p.m.

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

Motion carried.

c. Hearing on the acquisition of property described as the S12' of the N35' of W45' of Lot 7, Block 36, Original Town. (200 block North 5th Street)

Mayor Schuster announced that a public hearing will now be held on the acquisition of property described as the S12' of the N35' of W45' of Lot 7, Block 36, Original Town. (200 block North 5th Street).

Mayor Schuster explained that this is the Clausen property adjacent to Evelyn's Beauty Salon.

Moved by Catlin, seconded by Moore, that the public hearing be closed at 7:54 p.m.

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

Motion carried.

d. Hearing on the acquisition of property described as N1/2 of Lot 7 & 8, Block 36, Original Town, except a parcel. (200 block North 5th Street)

Mayor Schuster announced that a public hearing will now be held on the acquisition of property described as N1/2 of Lot 7 & 8, Block 36, Original Town, except a parcel. (200 block North 5th Street).

Mayor Schuster explained that this property, adjacent to Evelyn's and Clausen property, is owned by Spady-Runcie Partnership.

Moved by Catlin, seconded by Tiemann, that the public hearing be closed at 7:55 p.m.

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

Motion carried.

4 – Resolutions:

a. Resolution acquiring real estate from three property owners located along 5th Street between High and Ella Streets in Block 36, Original Town

Mayor Schuster introduced Resolution Number 5498 acquiring real estate from three property owners located along 5th Street between High and Ella Streets in Block 36, Original Town.

Moved by Catlin, seconded by Cook, that Resolution Number 5498 be passed and adopted.

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

Motion carried.

Passed and adopted Resolution Number 5498.

b. Resolution entering into an Interlocal Agreement for the purpose of the Nebraska Mutual Finance Assistance Act.

Mayor Schuster introduced Resolution Number 5499 entering into an Interlocal Agreement for the purpose of the Nebraska Mutual Finance Assistance Act.

Moved by Catlin, seconded by Langdale, that Resolution Number 5499 be passed and adopted.

Fire Chief Daake explained that the agreement with other fire departments in the County is a part of the application to the State for Mutual Finance Assistance paid through a tax on fire insurance companies. The organization has received funding the past 12 years; however, the state reduced funding by 13% last year. The City of Beatrice's share is about \$80,000.

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

Motion carried.

Passed and adopted Resolution Number 5499.

c. Resolution entering into a right-of-way agreement for Fiber Optic Cables with Unite Private Networks LLC.

Mayor Schuster introduced Resolution Number 5500 entering into a right-of-way agreement for Fiber Optic Cables with Unite Private Networks LLC.

Moved by Catlin, seconded by Langdale, that Resolution Number 5500 be passed and adopted.

City Administrator Tempelmeyer explained that the agreement authorizes the company to put the fiber line in our right-of-way, which was done to connect cell towers through town; there is no cost to them.

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

Motion carried.

Passed and adopted Resolution Number 5500.

d. Resolution terminating the Revolving Loan Fund for Main Street Beatrice.

Mayor Schuster introduced Resolution Number 5501 terminating the Revolving Loan Fund for Main Street Beatrice.

Moved by Catlin, seconded by Langdale, that Resolution Number 5501 be passed and adopted.

Mayor Schuster explained that a few years back the original Revolving Loan set aside for Main Street was \$100,000 and over the years has been reduced to \$26,000, but has not been drawn on so this will put the funds back in the revolving loan fund to be used for other loans. City Administrator Tempelmeyer reported that Main Street was in favor of terminating this loan agreement.

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

Motion carried.

Passed and adopted Resolution Number 5501.

e. Resolution regulating the speed limit on North Highway 77, beginning 950' north of North Commerce Street and ending 600' north of Northgate Blvd, shall not exceed 60 mph.

Mayor Schuster introduced Resolution Number 5502 regulating the speed limit on North Highway 77, beginning 950' north of North Commerce Street and ending 600' north of Northgate Blvd, shall not exceed 60 mph.

Moved by Catlin, seconded by Tiemann, that Resolution Number 5502 be passed and adopted.

Mayor Schuster explained that the City requested for the State to conduct a traffic study along Highway 77 in front of the new hospital site in hopes of reducing the speed limit. Upon review the state will allow for the speed limit to be reduced to 60 mph. Discussion followed regarding the dangers of the high speed and that 60 mph was not enough, however the state has authority over this. James Nelson, on behalf of the Beatrice Community Hospital board, spoke that they had hoped for a lower speed and to continue to urge the State to lower it more before someone gets hurt.

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

Motion carried.

Passed and adopted Resolution Number 5502.

5 – Ordinances:

a. Ordinance approving the plat of Wacha First Addition.

Mayor Schuster introduced an ordinance approving the plat of Wacha First Addition.

Moved by Catlin, seconded by Tiemann, that said ordinance be given number 13-014, the title thereof be approved, the rules be suspended, and said ordinance be read by number only three times tonight.

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

Motion carried.

Mayor Schuster read Ordinance Number 13-014 by number only the first, second and third times.

Moved by Catlin, seconded by Tiemann, that Ordinance Number 13-014 be passed and approved.

City Engineer, Rex Behrends, presented the plat, which is currently non-descript property, and now creates an addition of two lots that are zoned GC and provide for the property owner to sell the property.

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

Motion carried.

Passed and approved Ordinance Number 13-014.

6 – Public Forum:

No one appeared at public forum.

7 – Discussions/Reports:

a. Police Department 2012 Annual Report, Chief Lang

Police Chief, Bruce Lang, presented the Police Department 2012 Annual Report. Highlights noted were: communication center calls for service were 22,000 and consistent with a 5-year average; overtime is down due to the stability in staffing; DWI numbers are the lowest in 7 years; major crime numbers are about the same but down when compared to the 5-year average; there have been no homicides in the last 3 years; and the Victim Assistance program which serves all

of Gage County continues to be a busy but good program. Discussion followed about the success of the school resource officer program and possible expansion.

b. Legislative Update, Tempelmeyer

City Administrator Tempelmeyer presented an update on bills before the legislature.

c. City Administrator's monthly report

Mayor Schuster referred to the City Administrator's report as printed in the packet.

8 – Miscellaneous:

The next regular council meeting is March 4, 2013 at 7:00 p.m. in the BPS Admin Bldg Meeting Room and the worksession will be February 25, 2013 at 7:00 p.m. in the Beatrice Public Library Sargent Room.

Moved by Catlin, seconded by Tiemann, that the meeting be adjourned at 8:24 p.m.

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

Motion carried.

Linda S. Koch, City Clerk

Mayor Dennis Schuster