

**MINUTES OF THE CITY COUNCIL REGULAR MEETING HELD JULY 1, 2013, AT 7:00 P.M. IN THE BPS ADMINISTRATION MEETING ROOM, 320 NORTH 5<sup>TH</sup> STREET.**

Pledge of Allegiance

**1 – Roll Call:** Present: Mayor Schuster, Councilmember Catlin, Carey, Cook, Fairbanks, Langdale, Moore, Parde, Tiemann

Absent: None

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.

**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 June 17, 2013, as on file in the City Clerk's Office.
- e. Approval of minutes of worksession on June 24, 2013, as on file in the City Clerk's Office.
- f. Approval of Treasurer's Report of Claims
  - (1) Approval of claim of Robert L. Tiemann Construction in the amount of \$584.40
  - (2) Approval of balance of Treasurer's Report of Claims in the amount of \$402,463.91
- g. Approval of BASWA Report of Claims in the amount of \$94,779.66.
- h. Approval of write-off of ambulance bad debts.
- i. Resolution Number 5535 appointing John Brazell to the Community Redevelopment Authority.
- j. Resolution Number 5536 appointing Allen Langdale as the City representative on the NGage Board of Directors.
- k. Resolution Number 5537 entering into an agreement with Regional Care and Navigator MD for use of software.

Moved by Catlin, seconded by Tiemann, that the items listed under the consent agenda, with the exception of item h and j, be approved, accepted and/or ratified as presented; Tiemann abstained from item f(1)

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

Nay: None

Motion carried.

Moved by Catlin, seconded by Cook, to approve the write-off of ambulance bad debts.

h – Councilmember Cook requested more information on the collection process and if the debts were being forwarded to a collection agency. City Administrator, Tobias Tempelmeyer, reported that once staff has made all attempts to collect payment they are written off and sent to Collection Associates to pursue further collection.

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

Nay: None

Motion carried.

Moved by Catlin, seconded by Tiemann, that Resolution Number 5536, appointing Allen Langdale as the City representative on the NGage Board of Directors, be passed and adopted.

j – Councilmember Parde questioned that the position was to be held by the council president, so when will this term expire and will it fall back to the council president. Mayor Schuster explained that the current council president requested to not serve as the representative, so Mr. Langdale will fill out his term.

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

Nay: None  
Abstain: Langdale

Motion carried.

### **3 - Public Hearings/Bids:**

#### **a. Hearing:**

#### **(1) Public hearing on the application of David Catlin to change the zoning for property located at 601 & 605 South Sumner from "R-4" Multiple-Family Residential to "AG" Agricultural**

Mayor Schuster announced that a public hearing will now be held on the application of David Catlin to change the zoning for property located at 601 & 605 South Sumner from "R-4" Multiple-Family Residential to "AG" Agricultural.

City Engineer, Rex Behrends, reported that the Planning & Zoning Commission held a hearing, there was no opposition and they recommend approval.

Moved by Parde, seconded by Moore, that the public hearing be closed at 7:10 p.m.

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

Motion carried.

#### **(2) Public hearing on the application of Gordon Bitting to change the zoning for property located at 621 South Sumner from "R-4" Multiple-Family Residential to "AG" Agricultural**

Mayor Schuster announced that a public hearing will now be held on the application of Gordon Bitting to change the zoning for property located at 621 South Sumner from "R-4" Multiple-Family Residential to "AG" Agricultural.

City Engineer Behrends reported that Planning & Zoning held a hearing, there was no opposition, and they recommend approval. Mr. Bitting requested the change in order to construct a building on the property.

Moved by Catlin, seconded by Tiemann, that the public hearing be closed at 7:11 p.m.

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

Motion carried.

### **4 – Resolutions:**

#### **a. Resolution regulating parking and signage along 5<sup>th</sup> Street from Court to Ella.**

Mayor Schuster introduced Resolution Number 5538 regulating parking and signage along 5<sup>th</sup> Street from Court to Ella.

Moved by Catlin, seconded by Langdale, that Resolution Number 5538 be passed and adopted.

Police Chief, Bruce Lang, and City Engineer Behrends, presented the proposed changes now that the 5<sup>th</sup> Street Reconstruction project is nearing completion. Four resolutions are being presented to designate parking along 5<sup>th</sup> Street between Court and Ella, place a stop sign for 5<sup>th</sup> Street north and south bound traffic at the intersection of Ella, provide for a stop sign on 5<sup>th</sup> Street adjacent to the Middle School for pedestrian traffic on school days, and to allow for the closure of 4<sup>th</sup> Street adjacent to the Middle School for loading and unloading of bus students on school days. School officials have been involved in discussions regarding these changes and are okay with them. Discussed the decision to place a stop sign at 5<sup>th</sup> and Ella, Mr. Behrends reported that the warrants did not justify replacing the traffic signal at an estimated cost of \$3500. Fire Chief, Brian Daake, addressed the issue of fire call response when 4<sup>th</sup> Street is closed, that the past several years they have avoided 4<sup>th</sup> Street and used 2<sup>nd</sup> Street, so they will continue to do that.

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

Nay: None

Motion carried.

Passed and adopted Resolution Number 5538.

**b. Resolution placing a stop sign at 5<sup>th</sup> and Ella Streets for traffic traveling north and south on 5<sup>th</sup> Street.**

Mayor Schuster introduced Resolution Number 5539 placing a stop sign at 5<sup>th</sup> and Ella Streets for traffic traveling north and south on 5<sup>th</sup> Street.

Moved by Catlin, seconded by Cook, that Resolution Number 5539 be passed and adopted.

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

Motion carried.

Passed and adopted Resolution Number 5539.

**c. Resolution to stop traffic at the pedestrian crosswalk on 5<sup>th</sup> Street at the east entrance of the Beatrice Middle School between 7:45 a.m. & 8:30 a.m. and between 2:50 p.m. & 3:30 p.m. on school days.**

Mayor Schuster introduced Resolution Number 5540 to stop traffic at the pedestrian crosswalk on 5<sup>th</sup> Street at the east entrance of the Beatrice Middle School between 7:45 a.m. & 8:30 a.m. and between 2:50 p.m. & 3:30 p.m. on school days.

Moved by Catlin, seconded by Moore, that Resolution Number 5540 be passed and adopted.

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

Motion carried.

Passed and adopted Resolution Number 5540.

**d. Resolution to close 4<sup>th</sup> Street between the north alley and the north line of the south alley adjacent to the Beatrice Middle School, except for school bus traffic, between 7:45 a.m. & 8:30 a.m. and between 2:50 p.m. & 3:30 p.m. on school days.**

Mayor Schuster introduced Resolution Number 5541 to close 4<sup>th</sup> Street between the north alley and the north line of the south alley adjacent to the Beatrice Middle School, except for school bus traffic, between 7:45 a.m. & 8:30 a.m. and between 2:50 p.m. & 3:30 p.m. on school days.

Moved by Catlin, seconded by Langdale, that Resolution Number 5541 be passed and adopted.

Police Chief Lang further described the area that would be closed; the south alley will be open for traffic and north traffic is allowed to turn around in the church parking lot.

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

Motion carried.

Passed and adopted Resolution Number 5541.

**e. Resolution adopting a revised CDBG Revolving Loan Fund Reuse Plan.**

Mayor Schuster introduced Resolution Number 5542 adopting a revised CDBG Revolving Loan Fund Reuse Plan.

Moved by Catlin, seconded by Moore, that Resolution Number 5542 be passed and adopted.

City Administrator Tempelmeyer, explained that the Nebraska Dept. of Economic Development had requested that the City revise our CDBG Reuse Plan, which has not been updated in 20 years, to meet all requirements set forth by DED. . This amendment will put into policy what has been being done.

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

Passed and adopted Resolution Number 5542.

**f. Resolution authorizing an additional tax levy for the Airport Authority bonds.**

Mayor Schuster introduced Resolution Number 5543 authorizing an additional tax levy for the Airport Authority bonds.

Moved by Catlin, seconded by Langdale, that Resolution Number 5543 be passed and adopted.

Mayor Schuster explained that the Airport Authority had presented a request for levy authority to issue general obligation bonds to fund the Airport's 10% share cost, estimated at \$500,000, of a federally funded runway reconstruction project. Instead of considering an additional 2.5 cent levy to fund the entire repayment of debt, the resolution introduced called for a 1.25 cent increase, asking that the Airport look for a way to fund the remainder within their budget. Discussion followed regarding possible ways the operating budget could be reduced; cutting hours back from 7-days per week, installing a self-service jet pump, and whether it was cost efficient to have a full-time airport mechanic on staff. Diana Smith, Airport Manager, and Board members, Stan Meyer, Don Fitzwater and Gene Searcey spoke before the council and felt that the airport mechanic position and full-service operation they provide brings in planes and if they cut back fuel sales would drop; they had looked at the airport budget and found no place to cut back; they have also worked with engineers to reduce the cost of the project with their share now estimated at \$420,000. Further discussion was held regarding the day-to day operations of the airport and the finances of the airport because they are dependent on the council to approve a tax levy to help support the budget and debt requirements.

Moved by Moore, seconded by Catlin, to call for the question.

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

Moved by Carey, seconded Fairbanks, to delay action for two weeks.

Discussion held that the item has been discussed plenty over the past few months and potential budget cuts had been discussed, delaying action may not make a difference, however, the Airport Board was not aware that the resolution was being presented at 1.25 cents and should be given time to respond.

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

Moved by Parde, seconded by Cook, to amend Resolution Number 5543 to allow for a levy of 2 cents per hundred.

Discussed held that this is an infrastructure investment, the FAA is offering 90% of the money to improve a runway that is necessary, the City should finance their request and to not compare the cuts in City departments with the Airport.

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

Vote on Resolution Number 5543 as amended:

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

Motion carried.

Passed and adopted Resolution Number 5543.

**g. Resolution to adopt a biennial budget.**

Mayor Schuster introduced Resolution Number 5544 to adopt a biennial budget.

Moved by Catlin, seconded by Cook, that Resolution Number 5544 be passed and adopted.

Mayor Schuster explained the legislature passed a bill that allows cities to pass a biennial budget but still set the tax requirement each year. City Administrator Tempelmeyer further explained that this resolution provides for the City to adopt a biennial budget but to hold public hearing and certify the tax requirement each year. The BPW Board has recommended a biennial budget. Discussion followed whether the policy would work for a community our size and managing control of the budget. The monthly city administrator's report keeps council up to date on the budget and it would be more efficient to not have to prepare a full budget document each year.

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

Motion carried.

Passed and adopted Resolution Number 5544.

**5 – Ordinances:**

**a. Ordinance Number 13-029 on the proposed annexation of certain properties owned by Max L & Michelle R Manes, and Worldlawn Power Equipment. (second reading)**

Mayor Schuster introduced consideration of Ordinance Number 13-029 on the proposed annexation of certain properties owned by Max L & Michelle R Manes, and Worldlawn Power Equipment, for the second reading.

Moved by Catlin, seconded by Moore, that said Ordinance Number 13-029, the title thereof be approved, and said ordinance be read by title only the second time tonight.

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

Motion carried.

Mayor Schuster read Ordinance Number 13-029 by title the second time:

“An ordinance to extend the boundaries and include within the corporate limits of, and to annex to, the City of Beatrice, Nebraska parcels of land owned by Max L. & Michelle R. Manes, and Worldlawn Power Equipment, Inc., which are adjacent, contiguous, and located in or near the City of Beatrice, Gage County, Nebraska; to provide service benefits thereto; to repeal conflicting ordinances; and to provide for publication in pamphlet form and effective date of this ordinance.”

**b. Ordinance approving the change of zoning for property located at 601 & 605 South Sumner from “R-4” Multiple-Family Residential to “AG” Agricultural.**

Mayor Schuster introduced an Ordinance approving the change of zoning for property located at 601 & 605 South Sumner from “R-4” Multiple-Family Residential to “AG” Agricultural, described as Lots 10 thru 12, Block 9, and adjacent vacated streets, I.N. McConnells Addition.

Moved by Parde, seconded by Tiemann, that said ordinance be given number 13-030, the title thereof be approved, the rules be suspended and said ordinance be read by number only three times tonight.

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

Motion carried.

Mayor Schuster read Ordinance Number 13-030 by number only the first, second and third times.

Moved by Parde, seconded by Tiemann, that Ordinance Number 13-030 be passed and approved.

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

Motion carried.

Passed and approved Ordinance Number 13-030.

**c. Ordinance approving the change of zoning for property located at 621 South Sumner from "R-4" Multiple-Family Residential to "AG" Agricultural.**

Mayor Schuster introduced an Ordinance approving the change of zoning for property located at 621 South Sumner from "R-4" Multiple-Family Residential to "AG" Agricultural, described as Lots 7 thru 9, Block 9, and adjacent vacated streets, I.N. McConnells Addition.

Moved by Catlin, seconded by Tiemann, that said ordinance be given number 13-031, the title thereof be approved, the rules be suspended and said ordinance be read by number only three times tonight.

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

Motion carried.

Mayor Schuster read Ordinance Number 13-031 by number only the first, second and third times.

Moved by Langdale, seconded by Tiemann, that Ordinance Number 13-031 be passed and approved.

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

Motion carried.

Passed and approved Ordinance Number 13-031.

**6 – Public Forum:**

No one appeared at public forum.

**7 – Discussions/Reports:**

**a. NGage Quarterly Report**

Bill Demuth, NGage Executive Director, presented the NGage quarterly report and summarized the activities that have taken place during the 2<sup>nd</sup> quarter. Steve Hovendick, NGage Board member, also spoke on the board's efforts.

**8 – Miscellaneous:**

Next regular council meeting is July 15, 2013 at 7:00 p.m. in the BPS Admin Bldg Meeting Room.  
Worksession will be July 22, 2013 at 7:00 p.m. in the Beatrice Public Library Sargent Room.

Moved by Catlin, seconded by Moore, that the meeting be adjourned at 8:51 p.m.

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

Motion carried.

**Linda S. Koch, City Clerk**

**Mayor Dennis Schuster**