

**MINUTES OF THE CITY COUNCIL REGULAR MEETING HELD JULY 15, 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, Councilmembers Catlin, Carey, Cook, Langdale, Moore, Parde, Tiemann  
Absent: Councilmember Fairbanks

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 July 1, 2013, as on file in the City Clerk's Office.
- e. Approval of Treasurer's Report of Claims
  - (1) Approval of claim of Robert L. Tiemann Construction in the amount of \$137,308.87
  - (2) Approval of balance of Treasurer's Report of Claims in the amount of \$690,740.57
- f. Approval of BASWA Report of Claims in the amount of \$30,336.85.
- g. Approval of change order decrease in the amount of \$1,054.25 for a final contract price of \$52,659.50 to Goossen Construction for the Misc. Concrete Street Repairs 2013, as recommended by BPW.
- h. Approval of change order decrease in the amount of \$6,505.29 for a final contract price of \$122,075.71 to Pavers, Inc. for the Mill & Overlay Project #13-498, as recommended by BPW.
- i. Approval of change order increase in the amount of \$4,227.67 for a final contract price of \$50,608.67 to Pavers, Inc. for the Chautauqua Park Campground Road paving project.
- j. Approval of application for addition to the liquor license of B21 LLC dba Biggs located at 1101 South 6<sup>th</sup> Street, request to add a deck to the liquor license premise.
- k. Approval of Special Designated Liquor permit application of Robert S. Mason dba The Rail for a beer garden on August 16, 2013 from 5:00 p.m. until 2:00 a.m. and August 17, 2013 from 10:00 a.m. until 2:00 a.m. at 212 Court Street, Beatrice, NE, and approval of request to use city property for said beer garden.

Moved by Catlin, seconded by Cook, that the items listed under the consent agenda, with the exception of item j, be approved, accepted and/or ratified as presented. Tiemann abstain from item e(1)

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

Motion carried.

Moved by Catlin, seconded by Tiemann, to approve the application for addition to the liquor license of B21 LLC dba Biggs located at 1101 South 6<sup>th</sup> Street, request to add a deck to the liquor license premise.

j- Councilmember Parde questioned whether the applicant had obtained a building permit to construct the deck and if the property is in the floodplain if it was allowed and met code requirements. Doug Tegtmeier and Kelly Jurgens, owners of the Biggs, reported that they had applied for a building permit and that Mr. Printy came out and inspected it during construction; they called for a final inspection however that has not taken place due to the absence of an inspector on staff. They also reported that Dave Heidbrink, Nebraska State Patrol, inspected the addition, which met all their requirements. Staff will check with Rex Behrends to complete the final inspection.

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

Motion carried.

**3 - Public Hearings/Bids:**

#### **4 – Resolutions:**

#### **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. (final 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 third and final reading.

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

City Attorney, Greg Butcher, presented the Planning & Zoning Commission recommendation to deny annexation of these properties, to be consistent with their prior recommendations.

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

Motion carried.

Mayor Schuster read Ordinance Number 13-029 by title the third 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.”

Moved by Catlin, seconded by Langdale, that Ordinance Number 13-029 be passed and approved.

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

Motion carried.

Ordinance Number 13-029 has been passed and approved.

#### **6 – Public Forum:**

Larry Gritz, 2620 Ella Street, appeared at public forum to ask that the council consider amending the city ordinance to not allow the discharge of fireworks on the streets, and to review traffic on Ella Street between 13<sup>th</sup> and 8<sup>th</sup> Streets and consider lowering the speed limit from 35 mph to 25 mph and remove parking between 8<sup>th</sup> and 9<sup>th</sup> Streets or at least move it back from the intersection to provide for a clearer view for traffic entering Ella from 8<sup>th</sup> Street.

#### **7 – Discussions/Reports:**

- a. Monthly City Administrator’s Report**

City Administrator, Tobias Tempelmeyer, presented the Monthly City Administrator’s Report. He provided a graph showing how the general unreserved fund balance drops during the months of December through April, with December nearly negative, due to the fact that property tax revenue is due May 1 and September 1, showing the need to establish a policy to build back up the general cash reserves over the next few years. A cash reserve policy would set guidelines to maintain the cash reserve once established, providing for necessary cash flow, funding of capital projects, a disaster reserve, and health claims reserve. Also reviewed which street projects were being completed per the budget.

#### **8 – Miscellaneous:**

Next regular council meeting is August 5, 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 7:30 p.m.

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

Motion carried.

**Linda S. Koch, City Clerk**

**Mayor Dennis Schuster**