

MINUTES OF THE CITY COUNCIL REGULAR MEETING HELD MAY 6, 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

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 recognized the Keep Beatrice Beautiful Honorary “Mayor for a Day” winners: Cohen Buhr, Cedar Elementary; Aubrey Stone, Lincoln Elementary; Carson Bagwell, Paddock Lane Elementary; Curtis Randolph, Stoddard Elementary; Luke Feist, St. Joseph’s Catholic School; Billy Kelley, St. Paul Lutheran School. Linda Grell, Director of KBB, explained that the winners participated in the Great American Cleanup by picking up trash in the community and thanked the mayor and council for support of the program.

Mayor Schuster read a proclamation proclaiming May 5-11, 2013, as Drinking Water Week. Steve Kelley, BPW-Water Superintendent, was present to receive the proclamation and reported that Beatrice is fortunate to have an adequate water supply and thanked the council and BPW Board for their support.

Mayor Schuster read a proclamation proclaiming May 2013 as National Preservation Month, Alexis Winder was present to receive the proclamation and thanked the city for recognizing the importance that historical preservation means to our community.

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 April 15, 2013, as on file in the City Clerk’s Office.
- e. Approval of minutes of worksession on April 22, 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 \$12,587.00
 - (2) Approval of balance of Treasurer’s Report of claims in the amount of \$485,025.55
- g. Approval of BASWA Report of Claims
 - (1) Approval of BASWA claim of Robert L. Tiemann Construction in the amount of \$743.75
 - (2) Approval of balance of BASWA Report of Claims in the amount of \$53,893.98
- h. Approval of write-off of ambulance bad debts.
- i. Approval of special designated permit application of Main Street Beatrice for a beer garden in the parking lot adjacent to 120 N 6th Street for on June 15, 2013 from 10:00 a.m. until 11:45 p.m. for a fundraiser and approval of use of a portion of the adjacent City-owned sidewalk for said beer garden.
- j. Resolution Number 5518 approving Supplemental Agreement No. 1 with Nebr. Dept. of Roads for the Federal Funds Purchase Program.
- k. Resolution Number 5519 awarding contract to Olsson Associates in the amount of \$70,212 to conduct a Feasibility Study regarding the relocation of Highway 136 in downtown Beatrice.

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

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

Motion carried.

Moved by Catlin, seconded by Cook, that the special designated permit application of Main Street Beatrice for a beer garden in the parking lot adjacent to 120 N 6th Street for on June 15, 2013 from 10:00 a.m. until 11:45 p.m. for a fundraiser and approval of use of a portion of the adjacent City-owned sidewalk for said beer garden, be approved

i– Councilmember Parde requested separate consideration of the item to vote against it, due to concerns with blocking off the sidewalk and holding the event adjacent to the truck route and across the street from a church.

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

Motion carried.

Moved by Catlin, seconded by Langdale, that Resolution Number 5519 awarding contract to Olsson Associates in the amount of \$70,212 to conduct a Feasibility Study regarding the relocation of Highway 136 in downtown Beatrice, be passed and adopted.

k – Councilmember Tiemann requested more information on the selection process. City Administrator, Tobias Tempelmeyer, explained that the process is a “request for qualifications” as a result of the study being funded through a CDBG grant and professional services provided, not price, are taken into consideration when selecting the firm. From the five proposals received, the top three firms were interviewed and Olsson Associates was chosen. They did agree to lower the scope and bring the price under the \$75,000 budgeted. Discussion followed regarding the study and how community input would be involved.

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

Motion carried.

3 - Public Hearings/Bids:

a. Hearing:

(1) Public hearing to receive the semi-annual report of the Citizen’s Advisory Review Committee.

Mayor Schuster announced that a public hearing be held to receive the semi-annual report of the Citizen’s Advisory Review Committee.

CARC Committee Chairman, Grant Jones, presented the semi-annual report showing available LB840 funds and CDBG Revolving Loan funds. He reviewed the status of CDBG loans, and reported that one LB840 loan application had been received however the scope did not meet requirements, so it was returned for them to re-apply.

Moved by Catlin, seconded by Carey, that the public hearing be closed at 7:25 p.m.

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

Motion carried.

4 – Resolutions:

a. Resolution designated the alley connecting 5th & 6th Streets between Grant & High as “Post Office Alley”.

Mayor Schuster introduced Resolution Number 5520 designating the alley connecting 5th and 6th Streets between Grant and High Streets as “Post Office Alley”.

Moved by Catlin, seconded by Tiemann, that Resolution Number 5520 be passed and adopted.

Mayor Schuster explained that the City had received a request from a group that will be maintaining a flower garden on the adjacent property and would like the alley designated by name. Administration has no issues with the request; the cost of the sign is estimated at \$85.00.

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

Motion carried.

Passed and adopted Resolution Number 5520.

- b. Resolution setting a public hearing on May 20, 2013 at 7:00 p.m. on the proposed annexation of property owned by The Toro Company, Exmark Mfg, located in the Gage Co Industrial Park.**

Mayor Schuster introduced Resolution Number 5521 setting a public hearing on May 20, 2013 at 7:00 p.m. on the proposed annexation of property owned by The Toro Company, Exmark Mfg, located in the Gage Co Industrial Park.

Mayor Schuster explained that the passage of the resolution is just to set the date for the hearing. Then the process involves reading the annexation ordinance at three separate meetings; the final reading could be at the second meeting in June.

Moved by Catlin, seconded by Langdale, that Resolution Number 5521 be passed and adopted.

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

Motion carried.

Passed and adopted Resolution Number 5521.

- c. Resolution setting a public hearing on May 20, 2013 at 7:00 p.m. on the proposed annexation of properties owned by Accuma Corp, Gage County Industrial LLC, J & J Wood & Wire, Mark & Kathleen Setzer, Neapco LLC, Naska Corp (UPS), Worldlawn Power Equip, and the County of Gage, located in the Gage Co Industrial Park.**

Mayor Schuster introduced Resolution Number 5522 setting a public hearing on May 20, 2013 at 7:00 p.m. on the proposed annexation of properties owned by Accuma Corp, Gage County Industrial LLC, J & J Wood & Wire, Mark & Kathleen Setzer, Neapco LLC, Naska Corp (UPS), Worldlawn Power Equipment, and the County of Gage, located in the Gage Co Industrial Park.

Moved by Catlin, seconded by Carey, that Resolution Number 5522 be passed and adopted.

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

Motion carried.

Passed and adopted Resolution Number 5522.

- d. Resolution setting a public hearing on May 20, 2013 at 7:00 p.m. on the proposed annexation of properties owned by Beatrice Country Club, Burlington Northern Santa Fe Railroad, Dennis D. Day, Timothy & Kelly Fralin, Marvin & Lisa Goossen, Hoyle Farms LLC, Max L. & Michelle R. Manes, Natural Gas Pipeline, Nebraska Public Power Dist, Provident Trust Co, Southeast Nebraska Cooperative, Vaughn M. & Valentina A. Wright, the City of Beatrice, and the County of Gage, at various locations adjacent to the City.**

Mayor Schuster introduced Resolution Number 5523 setting a public hearing on May 20, 2013 at 7:00 p.m. on the proposed annexation of properties owned by Beatrice Country Club, Burlington Northern Santa Fe Railroad, Dennis D. Day, Timothy & Kelly Fralin, Marvin & Lisa Goossen, Hoyle Farms LLC, Max L. & Michelle R. Manes, Natural Gas Pipeline, Nebraska Public Power Dist, Provident Trust Co, Southeast Nebraska Cooperative, Vaughn M. & Valentina A. Wright, the City of Beatrice, and the County of Gage, at various locations adjacent to the City of Beatrice.

Moved by Catlin, seconded by Langdale, that Resolution Number 5523 be passed and adopted.

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

Motion carried.

Passed and adopted Resolution Number 5523.

5 – Ordinances:

- a. Ordinance adding Section 2-7 to the Beatrice City Code establishing guidelines for declaring a vendor an irresponsible bidder.**

Mayor Schuster introduced an ordinance adding Section 2-7 to the Beatrice City Code establishing guidelines for declaring a vendor an irresponsible bidder.

Moved by Catlin, seconded by Tiemann, that said ordinance be given number 13-020, the title thereof be approved, and said ordinance be read by title only one time tonight.

Mayor Schuster explained that this item is being brought forth from a previous worksession. City Attorney, Greg Butcher, reviewed the proposed ordinance, as drafted with language from the City of Lincoln, which would establish a process for city staff to make a recommendation to the City Council to declare a vendor an irresponsible bidder; statutes give this power now but this ordinance would provide the framework. Discussion followed.

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

Motion carried.

Mayor Schuster read Ordinance Number 13-020 by title:

“An ordinance to add Section 2-7 to the Beatrice City Code establishing guidelines for declaring a vendor an irresponsible bidder and to disqualify them from receiving business from the City of Beatrice or Beatrice Board of Public Works; to repeal conflicting ordinance; and to provide for publication in pamphlet form and an effective date of this ordinance.”

6 – Public Forum:

No one appeared at public forum.

7 – Discussions/Reports:

- a. Presentation regarding County Road Bonds**

Matt Bauman, Terry Jurgens, Myron Dorn and John Hill, Gage County Board of Supervisors, presented a report regarding the proposed County Road Bonds, entitled 2013 Road Bond Facts Sheet. A long discussion followed, including which roads were chosen for repair. The County Board expressed the importance of appearing for the joint discussion as 51% of the county people live in Beatrice. Information was provided regarding the special election ballot process.

Allen Grell, 1907 Washington, spoke that he felt there could be savings if the County eliminated township form of government and had a unified road system, and that he was in support of improvements to Hickory Road for economic development.

- b. NGage Quarterly Report**

NGage representatives to present the NGage Quarterly Report. Bill Demuth, NGage Executive Director, appeared to present the NGage Quarterly Report, reporting on activities the past quarter and strategic objectives and a summary of the status of new projects or prospects.

c. Legislative update

City Administrator Tempelmeyer presented the legislative update. Two bills that the City worked on, LB377 regarding obtaining an easement over annexed county roads and LB643 regarding weed nuisance height and appeal process, have been presented to the Governor for signing. Another bill that passed, LB111, allows cities to adopt a biennial budget, members were asked to give this some thought and discuss more at a work session.

d. Goals

City Administrator Tempelmeyer presented the results of the goals presented by Council, BPW Board and staff; this list will be used as we move forward setting the budget and updated reports will be given on what progress is being made or not being made and why.

8 – Miscellaneous:

The next regular council meeting is May 20, 2013 at 7:00 p.m. in the BPS Admin Bldg Meeting Room and the Worksession will be Tuesday, May 28, 2013 at 7:00 p.m. in the Beatrice Public Library Sargent Room.

Moved by Catlin, seconded by Carey, that the meeting be adjourned at 8:40p.m.

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

Motion carried.

Linda S. Koch, City Clerk

Mayor Dennis Schuster