

MINUTES OF THE CITY COUNCIL REGULAR MEETING HELD NOVEMBER 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 Cook, Fairbanks, Langdale, Moore, Parde, Tiemann
Absent: Councilmember Catlin, 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.

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 November 4, 2013, as on file in the City Clerk's Office.
- e. Approval of Treasurer's Report of Claims in the amount of \$160,607.60
- f. Approval of BASWA Report of Claims in the amount of \$2,440.41
- g. Resolution Number 5579 approving a Data Use Agreement for Fire Department.
- h. Resolution Number 5580 entering into a lease agreement with Main Street Beatrice for the display of clock on City right-of-way on 5th Street between Court and Ella Streets.

Moved by Parde, seconded by Cook, that the items listed under the consent agenda, with the exception of item h, be approved, accepted and/or ratified as presented.

Councilmember Carey arrived at 7:04

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

h – Moved by Parde, seconded by Tiemann, that Resolution Number 5580 entering into a lease agreement with Main Street Beatrice for the display of clock on City right-of-way on 5th Street between Court and Ella Streets be passed and adopted.

Councilmember Moore requested further information on the agreement and whether is contained the same stipulations as the lease agreement for the popcorn stand. City Administrator Tempelmeyer explained that it is similar, for one-year at \$1.00 and can be automatically renewed.

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

3 - Public Hearings/Bids:

- a. Hearings

4 – Resolutions:

- a. **Resolution entering into a Contract for Sale of various street right-of-ways adjacent to Thorneridge Addition to Blake Meints (located west of Doyle Lane).**

Mayor Schuster introduced Resolution Number 5581 entering into a Contract for Sale of various street right-of-ways adjacent to Thorneridge Addition to Blake Meints (located west of Doyle Lane).

Moved by Parde, seconded by Tiemann, that Resolution Number 5581 be passed and adopted.

Mayor Schuster explained that Blake Meints is looking into purchasing lots in Thorneridge Addition, and the previously platted streets would need to be purchased to provide for a re-plat of the property. The City Administrator computed the value of the real estate at \$25,000 however the resolution proposes a purchase price of \$1,000 as offered by Mr. Meints. Blake Meints, 301 Austin St, Pickrell NE, appeared to explain his plans for the property and that he will put in water and sewer and develop the area to potentially build houses. A discussion followed that once the property is developed with homes it would increase the valuation and bring in more taxes; that the platted streets are not improved nor the adjacent ground so should the computation be different than that used on previously sold vacated property adjacent to improved property; and that \$1,000 may be too low while \$25,000 may be too high. City Administrator Tempelmeyer explained that the sale is contingent upon Mr. Meints obtaining ownership of the property and then the right-of-ways be vacated and a re-plat submitted for approval.

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

Motion failed

b. Resolution approving an application from Dempsters LLC for a loan from the CDBG Revolving Loan Fund.

Mayor Schuster introduced Resolution Number 5582 approving an application from Dempsters LLC for a loan from the CDBG Revolving Loan Fund.

Moved by Parde, seconded by Cook, that Resolution Number 5582 be passed and adopted.

Mayor Schuster explained that the application for funding of \$300,000 is proposed to aid in re-opening Dempsters. The CARC committee met and recommended approval of the loan with the stipulation that satisfactory collateral be provided, however city administration has not received that satisfactory collateral and therefore cannot recommend approval at this meeting. Ryan Mitchell, company President from Canada, appeared to explain the request for funding and questioned what else he needed to provide regarding the proof of collateral. Russ Behrens, a 30-year employee at Dempsters, appeared in support of approval of the loan in order to get Dempsters going again. Randy Garrison also appeared in support of Ryan Mitchell's efforts to keep the company intact. Discussion followed regarding the concern that satisfactory collateral be provided.

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

Motion failed.

5 – Ordinances:

a. Ordinance dedicating Helen Street for Public use.

Mayor Schuster introduced an Ordinance dedicating Helen Street for Public use.

Moved by Parde, seconded by Langdale, that said ordinance be given number 13-059, 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

Motion carried.

Mayor Schuster read Ordinance Number 13-059 by number only the first, second and third times.

Moved by Parde, seconded by Tiemann, that Ordinance Number 13-059 be passed and approved.

City Administrator Tempelmeyer explained that as a part of the on-going improvements to the West Scott Street ball diamonds, when W. Scott Street is closed there is no access from Center Street so Helen Street is being re-opened and additional parking constructed to alleviate current traffic flow problems.

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

Motion carried.

Ordinance Number 13-059 has been passed and approved.

6 – Public Forum:

No one appeared at public forum.

7 – Discussions/Reports:

a. Chamber Mural Presentation

Lora Young, Director of the Beatrice Area Chamber of Commerce, and John Zarybnicky, Chamber President, appeared to request approval of the design of the mural to be placed on 5th Street so they may proceed with fundraising for the project. The City will take over ownership once the project is completed. They received the council's blessing to proceed.

b. Public Safety Department Committee report regarding meeting with County

Councilmember Fairbanks presented a report on the meetings held with the County regarding possible consolidation of Public Safety Departments. They met on two occasions and a rough draft proposal was discussed however the County was not interested in moving forward at this time. The two groups agreed that they would continue to meet 2-3 times a year to keep the lines of communication open and work together.

c. Electric Rates

City Administrator/BPW Manager Tempelmeyer reported that the electric budget as approved called for a 2% rate increase however since NPPD has indicated that their increase for purchased power in 2014 will be 0% and the electric fund has sufficient cash reserves, the BPW is also proposing to not increase rates in 2014. Discussion followed about using the increase to set aside funding for capital replacement, however, that will be addressed with the cash reserve policy discussion.

d. City Administrator's Report

City Administrator Tempelmeyer presented the City Administrator's monthly report, pointing out that improvements made to ball fields has been rewarded by an increase in tournaments in 2014, and the online bill pay for BPW customers will hopefully be set up in mid-December.

8 – Miscellaneous:

The next regular council meeting is December 2, 2013 at 7:00 p.m. in the BPS Admin Bldg Meeting Room; Worksession will be November 25, 2013 at 7:00 p.m. in the Beatrice Public Library Sargent Room.

Moved by Parde, seconded by Moore, that the meeting be adjourned at 8:12 p.m.

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

Motion carried.

Linda S. Koch, City Clerk

Mayor Dennis Schuster