

MINUTES OF THE CITY COUNCIL REGULAR MEETING HELD SEPTEMBER 3, 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, 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 August 19, 2013, as on file in the City Clerk's Office.
- e. Approval of minutes of worksession on August 26, 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 \$625.00
 - (2) Approval of balance of Treasurer's Report of Claims in the amount of \$442,472.86
- g. Approval of BASWA Report of Claims in the amount of \$79,526.58
- h. Approval of Write-off of ambulance bad debts
- i. Approval of special designated liquor license application of VIP Lounge for a beer garden on September 26, 2013 from 4:00 p.m. until 2:00 a.m. at 106 North 5th Street, and approval of use of city sidewalk for said beer garden.

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

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

Motion carried.

Moved by Catlin, seconded by Tiemann, to approve the special designated liquor license application of VIP Lounge for a beer garden on September 26, 2013 from 4:00 p.m. until 2:00 a.m. at 106 North 5th Street, and approval of use of city sidewalk for said beer garden.

i – Councilmember Parde questioned whether the sidewalk area would extend into or affect the adjacent parking stalls and that the application as marked distilled spirits meant to also include beer and wine. Police Chief, Bruce Lang, explained that this is in conjunction with the grand opening event planned for 5th Street and that the street would be closed to traffic during this time. Tracy Crawford, 927 W Court, VIP owner, confirmed that beer, wine and spirits would all be sold; the application will be marked to reflect this.

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

Motion carried.

3 - Public Hearings/Bids:

4 – Resolutions:

- a. **Resolution approving an Interlocal Agreement with Gage County for the City to provide ambulance service in Gage County.**

Mayor Schuster introduced Resolution Number 5559 approving an Interlocal Agreement with Gage County for the City to provide ambulance service in Gage County.

Moved by Catlin, seconded by Carey, that Resolution Number 5559 be passed and adopted.

Fire Chief, Brian Daake, explained that the proposed one-year contract is an extension of the current contract, no changes, same response area.

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

Motion carried.

Resolution Number 5559 has been passed and adopted.

b. Resolution establishing a Tobacco Use Policy.

Mayor Schuster introduced Resolution Number 5560 establishing a Tobacco Use Policy.

Moved by Catlin, seconded by Tiemann, that Resolution Number 5560 be passed and adopted.

Mayor Schuster explained that the proposed policy is a follow-up from worksession discussion regarding tobacco use by City and BPW Employees while on the job and includes both smoking and chewing tobacco. City Administrator, Tobias Tempelmeyer, reviewed the proposed policy which would prohibit use of any tobacco products in city-owned vehicles or buildings during all regular and overtime work periods including break-time, lunch time would be excluded. Discussion followed that this could be difficult for users and whether the city should provide a treatment program for them to quit; the affect smoking has on an individual's health which could affect insurance costs; how many employees actually use tobacco products so why make it an issue, and whether employee's should be able to use tobacco during break time. Department Heads provided information on the estimated number of employees that would be affected by this. Electric Supt., Pat Feist, questioned the issue of enforcement and what the repercussion would be. Discussion followed that it would be handled as any other policy violation, which can differ depending on the violation.

Moved by Moore, seconded by Cook, to amend Section 2 (a) of Resolution Number 5560 to read "During all regular or overtime work periods excluding breaks".

Vote on Amendment:

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

Motion carried.

Vote on Resolution as amended:

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

Motion carried.

Resolution Number 5560 has been passed and adopted.

5 – Ordinances:

a. Ordinance approving the final plat for Huston's First Addition.

Mayor Schuster introduced an Ordinance approving the final plat for Huston's First Addition.

Moved by Catlin, seconded by Tiemann, that said ordinance be given number 13-040, 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 13-040 by number only the first, second and third times.

Moved by Catlin, seconded by Tiemann, that Ordinance Number 13-040 be passed and approved.

City Administrator Tempelmeyer explained that the property is being sold and the owner wishes to divide off the house from the business, this plat separates the property into two parcels, and the zoning of "GC" remains unchanged. Planning & Zoning Commission recommended approval.

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

Motion carried.

Ordinance Number 13-040 has been passed and approved.

6 – Public Forum:

No one appeared at public forum.

7 – Discussions/Reports:

a. Report on Public Forum request regarding traffic on Ella Street.

City Attorney, Greg Butcher, reported that the traffic committee had discussed the concerns brought forth at a public forum regarding the speed of traffic on Ella between 8th and 13th Streets and sight issues at intersections, and proposed a temporary change pushing back parking 50 feet east of 8th & Ella on the south side. No complaints have been received so a resolution will be brought forth to formally approve the change.

b. Discussion on Proposed Biennial Budget for FY2014/FY2015

City Administrator Tempelmeyer reported on the City auditor's recommendation on cash reserves, that unrestricted net assets be at 30% of revenues, or 3-6 months of cash reserves, this would calculate to a minimum of \$2.4 million. Councilmember Tiemann presented citizens' request for a dog park on the west side of town, possibly in Riverside Park. Discussed the new crosswalks at the elementary schools, Street Supt. Ron Baete, explained the new process that colors the paint to better identify the crosswalk to students and should hold up longer than regular painting. Councilmember Parde questioned the proposed boat dock at Chautauqua Park due to water levels and to consider improvements instead to the west boat dock and add in the dog run. Steve Tart, SW 75th Road, spoke in favor of the boat dock as a way for canoes and kayaks to access the river. Discussed that a boat ramp in Chautauqua was suggested in the AIA report and you could fish from the ramp. Councilmember Fairbanks proposed discussion in two weeks at the final hearing to consider the use of \$20,000 in LB840 dollars to fund the Main Street Beatrice program. No further discussion.

8 – Miscellaneous:

Next regular council meeting is September 16, 2013 at 7:00 p.m. in the BPS Admin Bldg Meeting Room. Worksession will be September 23, 2013 at 7:00 p.m. in the Beatrice Public Library Sargent Room. A special council meeting will be on September 30, 2013 at noon in the City/BPW Conference Room to approve final claims.

Moved by Catlin, seconded by Moore, that the meeting be adjourned at 8:14 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