

**MINUTES OF THE CITY COUNCIL REGULAR MEETING HELD AUGUST 15, 2011 AT 7:00 P.M. IN THE BPS ADMINISTRATION MEETING ROOM, 320 NORTH 5<sup>TH</sup> STREET.**

**1 – Roll Call:** Present: Mayor Schuster, Councilmembers Catlin, Fetty, Langdale, Moore, Parde, Schmale, Tiemann  
Absent: Councilmember 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 August 1, 2011 as on file in the City Clerk's Office.
- e. Approval of Treasurer's Report of Claims in the amount of \$604,474.55.
- f. Approval of BASWA Report of Claims in the amount of \$78,395.83.
- g. Approval of manager application of Dan Crawford in connection with the liquor license for VIP Lounge located at 106 N 5<sup>th</sup> Street.
- h. Approval of ambulance bad debts to be sent to collections and write-off of uncollectible accounts.

Moved by Fetty, seconded by Langdale, that the items listed under the consent agenda, be approved, accepted and/or ratified as presented, Councilmember Fetty abstained from item d.

Roll Call: Yea: Catlin, Fetty, Langdale, Moore, Parde, Schmale, Tiemann  
Nay: None

Motion carried.

**3 - Public Hearings/Bids:**

**a. Bids**

**(1) Report on Bids received for the City Auditorium Lighting Project and recommend approval of contract.**

Director of Public Properties, Mark Pethoud, reviewed the one bid received from Cook Electric at \$54,858.72, which is over the \$46,000 left in the grant as budgeted. To stay within budget Mark recommended that item three be removed, which includes lighting in the fire department offices and dorm area and that work would then be completed in-house. The contract will provide for installation of new wire and energy-efficient lighting in the gym arena and the fire department bay area.

Moved by Fetty, seconded by Schmale, that item #3 in the amount of \$14,445.00 be deducted from the City Auditorium Lighting Contract, and the contract be approved with Cook Electric in the amount of \$40,413.72.

Roll Call: Yea: Catlin, Fetty, Langdale, Moore, Parde, Schmale, Tiemann  
Nay: None

Motion carried.

**b. Hearing**

**(1) Public Hearing concerning an application for a Community Development Block Grant in the amount of \$350,000 for implementation of various parts of the downtown revitalization plan.**

Mayor Schuster announced that a hearing be held concerning an application for a Community Development Block Grant in the amount of \$350,000 for implementation of various parts of the downtown revitalization plan.

Councilmember Schmale left at 7:22 p.m.

City Administrator Niedfeldt reviewed the application and the four projects identified in the estimated \$630,000 proposal: study of re-alignment of Highway 136 south one block; alley improvements by replacing the overhead electrical system with underground from 4<sup>th</sup> to 7<sup>th</sup> between Ella and Elk and resurfacing the alley from 4<sup>th</sup> to 6<sup>th</sup> between Court and Market to be funded by the Street and Electric funds providing the required match; grant funds of \$350,000 would then go towards the purchase of strategic properties to provide for parking, downtown restrooms, retail incubator, and possibly move the Community Players and for streetscape improvements on 5<sup>th</sup> Street from the Carnegie building to Court Street. Stan Wirth, 718 Garfield, a member of the Main Street Board of Directors, appeared to request that grant funds be used for cost-sharing projects with business owners for façade and sidewalk improvements and for purchase of buildings to be renovated and resold, using private funds from the cost-sharing as part of the match. Alexis Winder, Main Street Executive Director, also appeared in support of including the façade improvement program as a use of grant funds, using \$80,000 in alley improvements as part of the match. Jim Nelson, 108 S 6<sup>th</sup> Street, appeared in support of the focusing efforts on one area such as the 1.5 block of 5<sup>th</sup> Street from Court to Carnegie and that infrastructure improvements are a good start to provide incentive in that area. Dan Crawford, owner of VIP located on 5<sup>th</sup> Street, shared his experience regarding the high cost of making a viable business due to the expense involved in renovating the buildings. Phil Knowles, 1309 Sandpiper, appeared in support of façade improvements, an incubator building and nice restrooms, and to put off the 5<sup>th</sup> Street improvements. Discussion followed whether the sidewalks could possibly be done through a special assessment district and whether all property owners would be interested in cost-sharing programs.

Moved by Fetty, seconded by Catlin, that the public hearing be closed at 7:54 p.m.

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

Motion carried.

#### 4- Resolutions:

- a. **Resolution authorizing application to the Nebraska Department of Economic Development for a Community Development Block Grant in the amount of \$350,000 for revitalization of the downtown area.**

Mayor Schuster introduced Resolution Number 5315 authorizing application to the Nebraska Department of Economic Development for a Community Development Block Grant in the amount of \$350,000 for revitalization of the downtown area.

Moved by Fetty, seconded by Catlin, that Resolution Number 5315 be passed and adopted.

Discussion continued regarding the possibility of removing \$100,000 from streetscape improvements along 5<sup>th</sup> Street and allocate that amount to a façade improvement program, which would be provided to businesses as a 50/50 match,

Moved by Tiemann, seconded by Fetty, to amend Resolution 5315 to allocate \$100,000 out of streetscape improvements towards a façade improvement match program on 5<sup>th</sup> Street.

Phil Knowles, spoke requesting that the façade improvement program incorporate the entire downtown. Discussion that if not expended on 5<sup>th</sup> Street could look beyond that area. With reduced dollars for sidewalks expressed concern that the reconstruction of 5<sup>th</sup> Street could result in damage to sidewalks that would then need to be repaired anyway.

Roll Call: Yea: Fetty, Langdale, Parde, Tiemann  
Nay: Catlin, Moore  
Mayor Schuster declined to vote

Amendment FAILED.

Vote on original resolution:

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

Motion carried.

Passed and adopted Resolution Number 5315.

- b. Resolution approving the closing of Highway 136 (Court Street) from 5<sup>th</sup> Street to 7<sup>th</sup> Street on October 27, 2011 between 4:00 p.m. and 7:30 p.m. for Main Street Beatrice event "Night of the Great Pumpkin".**

Mayor Schuster introduced Resolution Number 5316 approving the closing of Highway 136 (Court Street) from 5<sup>th</sup> Street to 7<sup>th</sup> Street on October 27, 2011 between 4:00 p.m. and 7:30 p.m. for Main Street Beatrice event "Night of the Great Pumpkin".

Moved by Fetty, seconded by Moore, that Resolution Number 5316 be passed and adopted.

Stephanie Perkins, 608 Spring View Circle, Vice President Main Street Beatrice, appeared to request the approval.

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

Motion carried.

Passed and adopted Resolution Number 5316.

- c. Resolution establishing the final allocation of levy authority for property taxes for the Airport Authority of the City of Beatrice.**

Mayor Schuster introduced Resolution Number 5317 establishing the final allocation of levy authority for property taxes for the Airport Authority of the City of Beatrice.

Moved by Fetty, seconded by Catlin, that Resolution Number 5317 be passed and adopted.

Diana Smith, Airport Manager, presented a summary of the Airport Authority's proposed budget and request for property taxes, which has not increased from the current fiscal year, and will maintain a balanced budget with revenues sufficient to cover operating expenses.

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

Motion carried.

Passed and adopted Resolution Number 5317.

- d. Resolution establishing a pre-trial diversion program.**

Mayor Schuster introduced Resolution Number 5318 establishing a pre-trial diversion program.

Moved by Fetty, seconded by Langdale, that Resolution Number 5318 be passed and adopted.

City Attorney Tempelmeyer explained that a recent change in state law reduced the previously required 8-hour program to 4 hours, which will soon be mandatory, and this will go ahead authorize use of the 4-hour program now.

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

Motion carried.

Passed and adopted Resolution Number 5318.

- e. Resolution supporting the TeamMates Mentoring program operated by the Beatrice Public Schools.**

Mayor Schuster introduced Resolution Number 5319 supporting the TeamMates Mentoring program operated by the Beatrice Public Schools.

Moved by Fetty, seconded by Moore, that Resolution Number 5319 be passed and adopted.

Dr. Jon Lopez, Superintendent of Beatrice Public Schools, explained that the program is traditionally a community-based program and has operated by local volunteers, but is falling short of meeting the needs of the kids, so the school is requesting the support of the City to adopt a cooperative model of school, city and local businesses, thereby allowing the school to use residual grant funds and give the program the attention it needs.

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

Motion carried.

Passed and adopted Resolution Number 5319.

**5– Ordinances:**

**6 – Public Forum:**

No one appeared at public forum.

**7- Discussions/Reports:**

**a. City Administrator’s Monthly Report**

Mayor Schuster referred to the City Administrator’s Report as printed in the packet.

**8 –Miscellaneous:**

Special council meeting on August 22, 2011 at 6:30 p.m. in the BPS Admin Bldg Meeting Room, followed by the worksession at 7:00 p.m. in the BPS Admin Bldg Meeting Room. 2012 Budget Worksession on August 29, 2011 at 7:00 p.m. in the City/BPW Conference Room, 400 Ella. Next regular council meeting is Tuesday, Sept. 6, 2011 at 7:00 p.m. in the BPS Admin Bldg Meeting Room.

Moved by Fetty, seconded by Moore, that the meeting be adjourned at 8:22 p.m.

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

Motion carried.

**Linda S. Koch, City Clerk**

**Mayor Dennis Schuster**