

MINUTES OF THE CITY COUNCIL REGULAR MEETING HELD JULY 5, 2011 AT 7:00 P.M. IN THE BPS ADMINISTRATION MEETING ROOM, 320 NORTH 5TH STREET.

1 – Roll Call: Present: Mayor Schuster, Councilmembers Carey, Catlin Fetty, Langdale, Moore, Parde, Schmale, 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 June 20, 2011 as on file in the City Clerk's Office.
- e. Approval of minutes of special meeting on June 27, 2011 as on file in the City Clerk's Office.
- f. Approval of minutes of worksession on June 27, 2011 as on file in the City Clerk's Office.
- g. Approval of Treasurer's Report of Claims in the amount of \$319,388.78.
- h. Approval of BASWA Report of Claims in the amount of \$23,022.95.
- i. Approval of change order increase of \$1,324.11 and final payment of \$24,150.11 to Topkote, Inc. for the Armor Coat Paving Project #11-492, as recommended by the BPW.
- j. Approval of change order increase of \$15,192 and final payment of \$72,975 to Vector Construction for the Hoyt Street Bridge Repair 2011, as recommended by the BPW.
- k. Approval of contract with R. L. Tiemann Construction in the amount of \$81,891.77 for the Grable Avenue Reconstruction Project #11-493, as recommended by the BPW.
- l. Approval of special designated permit application of Kabo, 115 S 5th Street, for a beer garden on August 12, 2011 from 1:00 p.m. until 1:00 a.m. and August 13, 2011 from 1:00 p.m. until 1:00 a.m. and approval of use of City property, the alley adjacent to 115 S 5th Street, for said beer garden.
- m. Approval of write-off of ambulance bad debt listing to be forwarded to Collection Associates.
- n. Refer tort claim of Daniel Meints for injury or damages occurring on June 22, 2010 to the City Attorney and City's Insurance Carrier for review and disposition.

Moved by Fetty, seconded by Moore, that the items listed under the consent agenda, with the exception of items k, l, n, be approved, accepted and/or ratified as presented.

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

Motion carried.

Moved by Fetty, seconded by Langdale, to approve the contract with R. L. Tiemann Construction in the amount of \$81,891.77 for the Grable Avenue Reconstruction Project #11-493, as recommended by the BPW.

City Administrator, Neal Niedfeldt, reviewed the bid which was a good quote and well under budget, therefore the Board of Public Works at their meeting had discussed extending the project to go from 6th Street to 9th Street and finish it in one session. City Engineer, Rex Behrends, agreed with the recommendation, the project was originally budgeted to be done over two years at \$110,000 each year, with the quantities as bid it could be completed for \$164,000. The Street fund has sufficient cash on hand to complete the project this fiscal year, which would just reduce the amount of cash carry forward for next year. If the contractor is in agreement, a change order will be presented for consideration at the next meeting.

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

Motion carried.

Moved by Fetty, seconded by Catlin, to approve the special designated permit application of Kabo, 115 S 5th Street, for a beer garden on August 12, 2011 from 1:00 p.m. until 1:00 a.m. and August 13, 2011 from 1:00 p.m. until 1:00 a.m. and approval of use of City property, the alley adjacent to 115 S 5th Street, for said beer garden.

Councilmember Parde requested further discussion; he is against using city property to hold a beer garden and was concerned about liability due to the poor condition of the alley. Les White, 1405 Summit, and Jeff Shew, 2111 S 5th, appeared in support of the application; representing Kabo, they stated they would cover up holes in the alley, not allow parking in the alley, individuals must enter their building to get into the beer garden, and will take down the fencing between the two nights.

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

Motion carried.

Moved by Fetty, seconded by Schmale, to refer the tort claim of Daniel Meints for injury or damages occurring on June 22, 2010 to the City Attorney and City's Insurance Carrier for review and disposition.

Councilmember Moore requested more information on what Mr. Meints damages are. City Attorney Tempelmeyer said it was not exactly clear in the claim.

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

Motion carried.

3 - Public Hearings/Bids:

a. Hearings

(1) Public Hearing regarding the annexation of Lot 1, Beatrice Air Park Third Addition, located in the E1/2 of the NW1/4 of Section 16-4-6.

Mayor Schuster announced that a public hearing be held regarding the annexation of Lot 1, Beatrice Air Park Third Addition, located in the E1/2 of the NW1/4 of Section 16-4-6.

Mayor Schuster explained that this is a sliver of property purchased by the Airport as a part of the runway protection zone and it is appropriate that it be added to the City limits. Received Planning & Zoning recommendation to approve the annexation.

Moved by Fetty, seconded by Carey, that the public hearing be closed at 7:22 p.m.

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

Motion carried.

4- Resolutions:

a. Resolution entering into an Interlocal Agreement with the County for the purpose of the City providing ambulance service in Gage County.

Mayor Schuster introduced Resolution Number 5304 entering into an Interlocal Agreement with the County for the purpose of the City providing ambulance service in Gage County.

Moved by Fetty, seconded by Langdale, that Resolution Number 5304 be passed and adopted.

Mayor Schuster explained that this is a renewal of the continuing agreement with the County. Fire Chief, Brian Daake, explained that the only changes were the dates were changed to coincide with the County's fiscal year end of June 30, and the City's compensation fee increased an additional \$21,500.

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

Motion carried.

Passed and adopted Resolution Number 5304.

b. Resolution entering into an Interlocal Agreement with Beatrice Public Schools regarding the employment of a school resource officer.

Mayor Schuster introduced Resolution Number 5305 entering into an Interlocal Agreement with Beatrice Public Schools regarding the employment of a school resource officer.

Moved by Fetty, seconded by Schmale, that Resolution Number 5305 be passed and adopted.

Mayor Schuster explained that this is a renewal of an agreement the City has had with Beatrice Public Schools for a number of years, the only change is this agreement is for three years. Police Chief, Bruce Lang, explained that the agreement started as a federal grant program, which upon completion obligated both parties to continue for another three years. It has been an incredibly successful program the past ten years and he recommended continuation of the three-year contract. The City and the School equally share in employment costs of the officer.

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

Motion carried.

Passed and adopted Resolution Number 5305.

c. Resolution entering into a Contract for Sale of Real Estate, described as Lots 6 & 7, Block 11, West Park Addition, located in the 400 block of Penner Street, to Brandon Smith.

Mayor Schuster introduced Resolution Number 5306 entering into a Contract for Sale of Real Estate, described as Lots 6 & 7, Block 11, West Park Addition, located in the 400 block of Penner Street, to Brandon Smith.

Moved by Fetty, seconded by Schmale, that Resolution Number 5306 be passed and adopted.

City Attorney Tempelmeyer presented a map outlining the city property to be sold; the lots were acquired by the City through back taxes. The City sold six other lots in the same block to Mr. Smith last year.

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

Motion carried.

Passed and adopted Resolution Number 5306.

5- Ordinances:

a. Ordinance conveying City owned property described as Lots 6 & 7, Block 11, West Park Addition, located in the 400 block of Penner Street, to Brandon Smith.

Mayor Schuster introduced an ordinance conveying City owned property described as Lots 6 & 7, Block 11, West Park Addition, located in the 400 block of Penner Street, to Brandon Smith.

Moved by Fetty, seconded by Schmale, that said ordinance be given number 11-015, the title thereof be approved, the rules be suspended, and said ordinance be read by number only three times tonight.

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

Motion carried.

Mayor Schuster read Ordinance Number 11-015 by number only the first, second and third times.

Moved by Fetty, seconded by Schmale, that Ordinance Number 11-015 be passed and approved.

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

Motion carried.

Passed and approved Ordinance Number 11-015.

b. Ordinance to annex a tract of land located in the E1/2 of the NW1/4 of Section 16-4-6, known as Lot 1, Beatrice Air Park Third Addition. First Reading.

Mayor Schuster introduced an ordinance to annex a tract of land located in the E1/2 of the NW1/4 of Section 16-4-6, known as Lot 1, Beatrice Air Park Third Addition.

Moved by Fetty, seconded by Schmale, that said ordinance be given number 11-016, the title thereof be approved and said ordinance be read by title one time tonight.

Mayor Schuster explained that as required by state law, this is the first of three readings to annex property.

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

Motion carried.

Mayor Schuster read Ordinance Number 11-016 by title:

“An ordinance to extend the boundaries and include within the corporate limits of, and to annex to, the City of Beatrice, Nebraska a parcel of land located in the East half (E ½) of the Northwest Quarter (NW ¼), Section 16, Township 4 North, Range 6 East of the 6th P.M., Gage County, Nebraska, known as Lot One (1), Beatrice Air Park Third Addition, 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.”

6 – Public Forum:

No one appeared at public forum.

7- Discussions/Reports:

8 –Miscellaneous:

The next regular council meeting is Monday, July 18, 2011 at 7:00 p.m. in the BPS Admin Bldg Meeting Room. Worksession will be on July 25, 2011 at 7:00 p.m. in the Beatrice Public Library Sargent Meeting Room.

Moved by Fetty, seconded by Schmale, that the meeting be adjourned at 7:34 p.m.

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

Motion carried.

Linda S. Koch, City Clerk

Mayor Dennis Schuster