

MINUTES OF THE CITY COUNCIL REGULAR MEETING HELD NOVEMBER 21, 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 November 7, 2011 as on file in the City Clerk’s Office.
- e. Approval of minutes of special meeting on November 7, 2011 as on file in the City Clerk’s Office.
- f. Approval of Treasurer’s Report of Claims in the amount of \$528,556.30.
- g. Approval of BASWA Report of Claims in the amount of \$42,253.57.
- h. Resolution Number 5349 appointing Dennis Rinne to the Community Redevelopment Authority.
- i. Resolution Number 5350 appointing the Council President as the official City representative to the new joint economic development board.

Moved by Fetty, seconded by Carey, that the items listed under the consent agenda, be approved, accepted and/or ratified as presented.

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

Motion carried.

3 - Public Hearings/Bids:

4– Resolutions:

- a. **Resolution to execute the Union Contract with the International Brotherhood of Electrical Workers Local No. 1536.**

Mayor Schuster introduced Resolution Number 5345 executing the Union Contract with the International Brotherhood of Electrical Workers Local No. 1536.

Moved by Fetty, seconded by Schmale, that Resolution Number 5345 be passed and adopted.

City Administrator, Neal Niedfeldt, reviewed the changes to the 3-year contract, which were similar to the other union contracts. COL will be 0% the first year, 2% the second year and 2% the third year, with a freeze on the pay range minimums for the three year period. Very little change to benefits, a limit was placed on vacation accruals, and changes to the safety equipment allowance for certain job titles.

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

Motion carried.

Passed and adopted Resolution Number 5345.

- b. **Resolution approving contract with Ayars & Ayars in the amount of \$994,115.00 for the Carnegie Restoration Project.**

Mayor Schuster introduced Resolution Number 5351 approving contract with Ayars & Ayars in the amount of \$994,115.00 for the Carnegie Restoration Project.

Moved by Fetty, seconded by Langdale, that Resolution Number 5351 be passed and adopted.

Gary Tucker and Tesfa Bogale of Ayars & Ayars, and Todd Ommen of Archi+Etc, presented the proposed design and contract for restoration of the Carnegie Building totaling \$994,115.00. The contract price includes the entire scope of work as presented and there are no large expectations for unknown costs, except if found asbestos abatement or hazardous materials are not included. The Nebraska State Historical Society has approved the design and all requirements are included in the scope of work. The list of subcontractors includes several local businesses. City Administrator Niedfeldt explained the project funding; \$318,000 grant from the DED Local Civic Cultural and Convention Center Financing Fund, \$153,000 from the City's Keno fund, \$150,000 from City Lodging Occupation taxes, \$97,000 in private commitments, leaving \$277,000 to be raised. LB840 funds could be accessed to pay for the portion of the improvements related to the Economic Development office area, however, that will be the last funding source used. Cheryl Wirth, 718 Garfield, representing Carnegie Center Inc., spoke regarding the group's fundraising plans, setting a goal of \$150,000, toward the restoration and will continue efforts to establish an endowment fund for future needs. Janet Byars, 823 N 8th, spoke regarding efforts to obtain a Kiewit Foundation grant. Meetings with the foundation have been very positive, especially now that the Historic Preservation office has approved the project and the contract includes an elevator in lieu of the lift. The maximum Kiewit grant for a government is 25% of the project, or \$248,500, and requires matching donations. Discussion was held. The building will house the Beatrice Area Chamber of Commerce and the Economic Development offices on the lower level and on the upper level will be the Gage County Tourism office and open space for a variety of uses. Lori Warner, President of the Beatrice Area Chamber of Commerce, explained that the Chamber oversees the contract with the Gage County Visitor's Bureau and with the visitor's center upstairs the tourism office will be the main greeter for the public and events held. Pat Ratigan, 668 E Dorsey, spoke in support of the restoration of the Carnegie building as a beautiful treasure for the City and also the cooperation to house the three organizations in the same building.

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

Motion carried.

Passed and adopted Resolution Number 5351.

c. Resolution approving contract with Pavers Companies, in the amount of \$491,860.95 for construction of project ENH-34(38), Homestead Trail-Cortland to Pickrell Connection.

Mayor Schuster introduced Resolution Number 5352 approving contract with Pavers Companies, in the amount of \$491,860.95 for construction of project ENH-34(38), Homestead Trail-Cortland to Pickrell Connection.

Moved by Fetty, seconded by Langdale, that Resolution Number 5352 be passed and adopted.

City Engineer, Rex Behrends, explained that the State advertised and received bids and is requesting approval of a contract with Pavers Companies as low bidder on the project. Federal funding though the enhancement program will pay for the contract cost, with the City's 20% of cost coming from the land and engineering time provided by Rex as RC. The City should have very little out-of-pocket.

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

Motion carried.

Passed and adopted Resolution Number 5352.

d. Resolution executing foreclosure proceedings for delinquent assessments on property in Nuisance District #002.

Mayor Schuster introduced Resolution Number 5353 executing foreclosure proceedings for delinquent assessments on property in Nuisance District #002.

Moved by Fetty, seconded by Schmale, that Resolution Number 5353 be passed and adopted.

City Attorney, Tobias Tempelmeyer, explained that the City had clean-up costs associated with this property located on South 9th Street and assessed those costs, which are now delinquent and this resolution initiates foreclosure proceedings, using the tax sale certificate method.

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

Motion carried.

Passed and adopted Resolution Number 5353.

e. Resolution designating Snow Emergency and Snow Advisory Routes.

Mayor Schuster introduced Resolution Number 5354 designating Snow Emergency and Snow Advisory Routes.

Moved by Fetty, seconded by Langdale, that Resolution Number 5354 be passed and adopted.

City Attorney Tempelmeyer reviewed the streets to be added; Hickory Road from Highway 77 ½ mile west, Hospital Parkway and Northgate Blvd, and Scott Street from Highway 136 west to the City limits.

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

Motion carried.

Passed and adopted Resolution Number 5354.

f. Resolution designating No Parking/Tow Away Zones between 2:00 a.m. and 5:00 a.m. every Friday in the downtown area.

Mayor Schuster introduced Resolution Number 5355 designating No Parking/Tow Away Zones between 2:00 a.m. and 5:00 a.m. every Friday in the downtown area.

Moved by Fetty, seconded by Catlin, that Resolution Number 5355 be passed and adopted.

City Attorney Tempelmeyer explained that this is to correct Resolution 5235 which stated Thursday (evening) between 2:00 a.m. and 5:00 a.m. when it should have been Friday (morning).

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

Motion carried.

Passed and adopted Resolution Number 5355.

5- Ordinances:

a. Ordinance establishing electric rates.

Mayor Schuster introduced an ordinance establishing electric rates.

Moved by Fetty, seconded by Schmale, that said ordinance be given number 11-031, 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 11-031 by number only the first, second and third times.

Moved by Fetty, seconded by Schmale, that Ordinance Number 11-031 be passed and approved.

City Administrator Niedfeldt reviewed the proposed electric rate increase to take effect January 1, 2012. As discussed at the budget hearing, the anticipated NPPD wholesale rate increase has been finalized at 6.5%, however rather than pass through the entire increase, the average rate increase to city customers will be 2.5%, with the Electric fund absorbing the difference. Good business and improved reserves will still allow the Electric fund budget to breakeven. Proposed rate increases differ between summer and winter rates, with winter rates being higher.

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

Motion carried.

Passed and approved Ordinance Number 11-031.

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. City Administrator Niedfeldt reported that sales tax revenues over the 12 month fiscal period increased 2.7%.

8 –Miscellaneous:

Next regular council meeting is December 5, 2011 at 7:00 p.m. in the BPS Admin Bldg Meeting Room. Worksession on November 28, 2011 at 7:00 p.m. in the Beatrice Library Sargent Room, 100 N 16th.

Moved by Fetty, seconded by Langdale, that the meeting be adjourned at 8:09 p.m.

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

Motion carried.

Linda S. Koch, City Clerk

Mayor Dennis Schuster