

## **MINUTES OF THE BEATRICE CITY COUNCIL WORK SESSION**

A work session of the Beatrice City Council was held on the 24<sup>th</sup> day of September, 2012 at the Sargent Room, Beatrice Public Library, 100 N 16<sup>th</sup> Street, Beatrice, Nebraska.

Attending: Mayor Schuster, Councilmembers: Carey, Catlin, Langdale, Moore, Parde, Schmale, and Tiemann. Also present: City Administrator Tobias Tempelmeyer and City Attorney Gregory Butcher.

Absent: Council Member Fetty.

Mayor Schuster announced that a copy of the Open Meetings Act is available in the meeting room and is accessible to members of the public.

### **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.

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

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

**MOTION CARRIED.**

### **DISCUSSION ITEMS**

#### **Revision of the Discharging a Firearm Ordinance**

John Dageford of Windstream provided an overview of the issues related to turkey vultures roosting in the telephone tower at 6<sup>th</sup> and Grant Street operated by Verizon. Mr. Dageford described prior efforts to repel the birds which had been unsuccessful. Mr. Dageford contacted Ricky Woods, Wildlife Biologist for the USDA, and reported that Mr. Woods is certified and permitted under Federal authority to remove unwanted animals around the state. The estimated removal process in this situation would involve the discharge of a firearm within the city limits, a violation under Beatrice City Code Section 17-112. Tobias Tempelmeyer, City Administrator, then provided an overview of the current code section and language used by other municipalities for permit or permission to alleviate avian pests. The City Council indicated their concern for public safety, the permit process, oversight/permission of such permits, liability, and its potential use with other pests. The City Council asked Mr. Dageford to gather more information regarding the results of Mr. Woods' actions in other cases to verify whether the birds at issue here would return come the next migration season. The City Council advised Mr. Tempelmeyer and City Attorney Greg Butcher to draft a proposed ordinance, taking into consideration concerns for safety and other matters noted above, for discussion at a future work session.

## **Revision of Leaving the Scene of an Accident Code Section**

Gregory Butcher, City Attorney, provided an overview of a change to Beatrice City Code Section 16-602 to comply with a corresponding state statute which was changed in 2010. The proposed change allows the Court, upon conviction of a violation of the ordinance to consider the suspension of a defendant's license for up to a one (1) year period rather than the current language which requires the one (1) year suspension without discretion. The City Council inquired into the enforcement of the current ordinance and Mr. Tempelmeyer noted under the discretion of the court the current one (1) year suspension time is not being enforced. The Councilmembers expressed a desire to have this ordinance change considered at a future Council Meeting.

## **CDBG Reuse Loan Fund**

Tobias Tempelmeyer provided an overview of a May 2012 change by the Department of Economic Development ("DED") that revolving loan funds would be subject to federal rules and regulations that they had not been previously subject to. If a city was found in violation of the federal rules and regulations, the city could be liable to pay back any loans made or the city could avoid such regulations by returning all of their CDBG Reuse Loan Funds to DED. In June 2012, City Council passed a resolution returning all unallocated revolving loan funds to DED.

In August 2012, DED revised their policy and will only go back and audit the 2011 program year, during which the City made no loans from the Fund and DED will audit the 2012 program year forward. The City may request DED to return our revolving loan funds sent in May. Since the 2011 program year the only loan the City has made from the Revolving Loan Fund is to Mike Schafer for the movie theatre in May 2012. In June, the City returned \$173,000 to DED and has another \$43,000 that needs to be sent.

Mayor Schuster discussed the pros and cons of requesting the return of the revolving fund. The City Council inquired as to any possible projects which such funds could be expended through in the near future. The Council showed interest in recommending formal return of the revolving loan funds. The City Administration will prepare a Resolution for Council consideration at a future Council Meeting for the return of the City's CDBG funds.

## **ADJOURNMENT**

Moved by Catlin, seconded by Parde, that the meeting be adjourned at 7:43 p.m.

Roll Call: Yea: Catlin, Langdale, Parde, Schmale, Tiemann.

Nay: Carey, Moore.

MOTION CARRIED.

Linda S. Koch, City Clerk

Dennis M. Schuster, Mayor