

MINUTES OF THE CITY COUNCIL REGULAR MEETING HELD AUGUST 20, 2012 AT 7:00 P.M. IN THE BPS ADMINISTRATION MEETING ROOM, 320 NORTH 5TH 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 6, 2012 as on file in the City Clerk's Office.
- e. Approval of Treasurer's Report of Claims in the amount of \$529,660.60.
- f. Approval of BASWA Report of Claims in the amount of \$86,932.69.
- g. Approval of write-off of ambulance bad debts to be forwarded to Collection Associates.
- h. Resolution Number 5439 appointing Tobias Tempelmeyer as the City's representative to the Members' Council of the Nebraska Municipal Power Pool, and Don Vetrovsky as the alternate.

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

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

Motion carried.

3 - Public Hearings/Bids:

a. Hearings:

- (1) Public Hearing on the application of Larry Zarybnicky to rezone a part of the NW corner of Section 31-4-7, located at South 23rd Road and East Hoyt Road, from the present zoning of "AG" Agricultural to "RR" Rural Residential District. (Lot 1, Zarybnicky First Subdivision)**

Mayor Schuster announced that a public hearing will now be held on the application of Larry Zarybnicky to rezone a part of the NW corner of Section 31-4-7, located at South 23rd Road and East Hoyt Road, from the present zoning of "AG" Agricultural to "RR" Rural Residential District. (Lot 1, Zarybnicky First Subdivision).

City Administrator, Tobias Tempelmeyer, explained that the property owner has requested to plat an 8.8 acre tract of land in order to sell it off and since the tract is less than 10 acres requires that the property be zoned Rural Residential. The Planning & Zoning Commission has met and reviewed both the plat and proposed zoning and had no objections, voted to recommend approval.

Moved by Fetty, seconded by Schmale, that the public hearing be closed at 7:03 p.m.

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

Motion carried.

4– Resolutions:

- a. Resolution to establish the final allocation for levy authority for property taxes for the Airport Authority.**

Mayor Schuster introduced Resolution Number 5440 to establish the final allocation for levy authority for property taxes for the Airport Authority.

Mayor Schuster introduced an Ordinance rezoning Lot 1, Zarybnicky First Subdivision from "AG" Agricultural to "RR" Rural Residential.

Moved by Fetty, seconded by Moore, that said ordinance be given number 12-033, the title thereof be approved, the rules be suspended, and said ordinance be read by number only three times tonight.

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

Mayor Schuster read Ordinance Number 12-033 by number only the first, second and third times.

Moved by Fetty, seconded by Schmale, that Ordinance Number 12-033 be passed and approved.

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

Passed and approved Ordinance Number 12-033.

c. Ordinance to amend Section 4-2 of the City Code regarding hours of sale of alcoholic liquor (extending to 2:00 a.m.)

Mayor Schuster introduced an Ordinance to amend Section 4-2 of the City Code regarding hours of sale of alcoholic liquor (extending to 2:00 a.m.)

Moved by Fetty, seconded by Moore, that said ordinance be given number 12-034, the title thereof be approved, the rules be suspended, and said ordinance be read by number only three times tonight.

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

Mayor Schuster read Ordinance Number 12-034 by number only the first, second and third times.

Moved by Fetty, seconded by Tiemann, that Ordinance Number 12-034 be passed and approved.

Mayor Schuster explained that it was discussed at the worksession, requesting that the City take another look at extending the closing hours to allow liquor sales to 2:00 a.m., which is allowed in state statutes with local approval and requires a super-majority affirmative vote. Councilmember Parde expressed opposition to considering the item again so soon and opposed to extending the hours of sale. Councilmembers went on to discuss that since the last vote, they have re-considered that if state statutes allow it then the City should not stand in the way of allowing a business to decide whether they want to stay open the additional hour, they should be given the opportunity to bring business to town. Jeff Shew, 2111 S 5th, a local bar owner, appeared in support of allowing liquor sales until 2:00 a.m., especially when they bring in special entertainment from out of town, and that most likely they would not stay open late every night.

Roll Call: Yea: Catlin, Fetty, Langdale, Moore, Schmale, Tiemann
Nay: Parde Motion carried.

Passed and approved Ordinance Number 12-034.

6 – Public Forum:

No one appeared at public forum.

7 – Discussions/Reports:

a. Review of the proposed Fiscal Year 2013 Operating Budget.

City Administrator Tempelmeyer presented an overview of the City's proposed Fiscal Year 2013 General Fund Operating Budget and Financial Outlook. To provide an understanding of the requirements of the general fund and the current state of the fund's cash reserves he presented five-year historical data showing a decrease in the unrestricted cash balance from \$1 million to \$550,000; sales tax, which dropped in 2009, has barely returned to the 2007 level, not factoring in inflation; property valuations have not realized growth since 2009; and actual cost of the self-insured health care fund has been much higher than budgeted. He also provided personnel information, which accounts for 70% of the budget and that reductions in staff have been made from 147 employees in 2004 to 131 in 2012, however calls for service have increased during that same time frame. A quick overview was presented of the Electric, Water and WPC proposed budgets. The Street budget will use cash reserves carried forward to fund capital projects in FY2013, while several projects in the one and six year plan are remain unfunded. The City's capital improvement fund also has a large list of projects within the next five years. A plan was presented in order to reach the goal of restoring general fund unrestricted cash reserves to \$1 million in six years and maintain essential city functions. Discussion followed that this has not happened overnight and several economic factors have contributed to the current state; the City is not in a panic but it is a critical time; the City provides a 24/7 operation and needs to provide a constant steady source of revenue to meet expenditure needs.

b. City Administrator's Monthly Report.

Referred to the City Administrator's Report as printed in the packet.

8 – Executive Session:

Moved by Fetty, that the Beatrice City Council go into closed session at 8:10 p.m. to discuss personnel.
Seconded by Schmale, that the Beatrice City Council go into closed session at 8:10 p.m. to discuss personnel.
Mayor Schuster announced the motion that the Beatrice City Council go into closed session at 8:10 p.m. to discuss personnel.

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

Motion carried.

Reconvened at 8:30 p.m.

8 – Miscellaneous:

The next regular council meeting is Tuesday, September 4, 2012 at 7:00 p.m. in the BPS Admin Bldg Meeting Room and the worksession will be on August 27, 2012 at 7:00 p.m. in the Beatrice Public Library Norva Price Meeting Room.

Moved by Fetty, seconded by Moore, that the meeting be adjourned at 8:30 p.m.

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

Motion carried.