

MINUTES OF THE CITY COUNCIL REGULAR MEETING HELD FEBRUARY 6, 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 January 16, 2012 as on file in the City Clerk's Office.
- e. Approval of minutes of worksession on January 23, 2012 as on file in the City Clerk's Office.
- f. Approval of Treasurer's Report of Claims
 - (1) Approval of claim of Robert L. Tiemann Construction in the amount of \$5,290.00
 - (2) Approval of balance of Treasurer's Report of Claims in the amount of \$435,094.32
- g. Approval of BASWA Report of Claims in the amount of \$32,589.49.
- h. Approval of plans, specifications and advertisement for bids for Mill & Overlay Project #12-496, as recommended by the BPW.
- i. Approval of plans, specifications and advertisement for bids for Contract Mowing Services for the City.
- j. Approval of expenditure of \$7,095 to rebuild the existing audio equipment in the Council Chambers, work to be done by Broadcast Technical Service.
- k. Resolution Number 5368 renewing the Agreement with the Beatrice Area Chamber of Commerce to expend funds for the purpose of publicity campaign and promotion of Beatrice.
- l. Resolution Number 5369 amending the CDBG Reuse Loan Agreement with NEON and Richard and Lynette Hartman.

Moved by Fetty, seconded by Langdale, that the items listed under the consent agenda be approved, accepted and/or ratified as presented. Tiemann abstained from f(1).

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

Motion carried.

3 - Public Hearings/Bids:

a. Hearing

- (1) Public hearing on the acquisition of property located along the south half of Scott Street and the west half of 19th Street from the YMCA.**

Mayor Schuster announced that a public hearing be held on the acquisition of property located along the south half of Scott Street and the west half of 19th Street from the YMCA.

City Administrator, Neal Niedfeldt, explained that acquisition of the abutting property is necessary to continue with the 19th Street Improvements. The YMCA is in agreement to deed the property to the City at no cost.

Moved by Fetty, seconded by Schmale, that the public hearing be closed at 7:05 p.m.

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

Motion carried.

- (2) Public hearing on the acquisition of property described as S17' of Lot 63, all Lot 64, N17' of Lot 65,**

Millikin's Addition from Therese Ebert (located on Grace Street between Helen and Millikin).

Mayor Schuster announced that a public hearing be held on the acquisition of property described as S17' of Lot 63, all Lot 64, N17' of Lot 65, Millikin's Addition from Therese Ebert.

City Attorney, Tobias Tempelmeyer, explained that this was one of the Homestead lots deeded to an individual from California that has decided not to move here and therefore is deeding the property back to the City.

Moved by Fetty, seconded by Schmale, that the public hearing be closed at 7:07 p.m.

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

Motion carried.

4- Resolutions:

a. Resolution acquiring property located along the south half of Scott Street and the west half of 19th Street from the YMCA.

Mayor Schuster introduced Resolution Number 5370 acquiring property located along the south half of Scott Street and the west half of 19th Street from the YMCA.

Moved by Fetty, seconded by Langdale, that Resolution Number 5370 be passed and adopted.

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

Motion carried.

Passed and adopted Resolution Number 5370.

b. Resolution entering into an agreement with the YMCA regarding improvements to 19th Street, south of Scott Street.

Mayor Schuster introduced Resolution Number 5371 entering into an agreement with the YMCA regarding improvements to 19th Street, south of Scott Street.

Moved by Fetty, seconded by Schmale, that Resolution Number 5371 be passed and adopted.

City Administrator Niedfeldt explained that this agreement regarding the 19th Street paving improvements provides that the YMCA will be assessed their 35.5% share of the project and that the YMCA will provide access through their property to citizens that need to travel South on 19th Street during the construction process, which in return the City has agreed to provide rock for the YMCA roadway as necessary.

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

Motion carried.

Passed and adopted Resolution Number 5371.

c. Resolution acquiring the S17' of Lot 63, all Lot 64, N17' of Lot 65, Millikin's Addition from Therese Ebert.

Mayor Schuster introduced Resolution Number 5372 acquiring the S17' of Lot 63, all Lot 64, N17' of Lot 65, Millikin's Addition from Therese Ebert.

Moved by Fetty, seconded by Schmale, that Resolution Number 5372 be passed and adopted.

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

Motion carried.

Passed and adopted Resolution Number 5372.

- d. Resolution authorizing the Request for Reconveyance and Deed of Reconveyance for the S17' of Lot 63, all Lot 64, N17' of Lot 65, Millikin's Addition deeded back to the City by Therese Ebert.**

Mayor Schuster introduced Resolution Number 5373 authorizing the Request for Reconveyance and Deed of Reconveyance for the S17' of Lot 63, all Lot 64, N17' of Lot 65, Millikin's Addition deeded back to the City by Therese Ebert.

Moved by Fetty, seconded by Schmale, that Resolution Number 5373 be passed and adopted.

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

Motion carried.

Passed and adopted Resolution Number 5373.

- e. Resolution to execute Sale of Real Estate described as S17' of Lot 63, all Lot 64, N17' of Lot 65, Millikin's Addition, to the Beatrice Area Chamber of Commerce.**

Mayor Schuster introduced Resolution Number 5374 to execute Sale of Real Estate described as S17' of Lot 63, all Lot 64, N17' of Lot 65, Millikin's Addition, to the Beatrice Area Chamber of Commerce.

Moved by Fetty, seconded by Langdale, that Resolution Number 5374 be passed and adopted.

Lori Warner, President of the Beatrice Area Chamber of Commerce and James Nelson, Homestead Days Committee Chairperson, appeared to request that the council approve the sale of the property to the Chamber, which will be used as the grand prize of a raffle. This year is the 150th Anniversary of the Homestead Act, so the Homestead Days committee chose the theme "150 Years, Pursuing the American Dream" and came up with the idea to give away land through a raffle. Once deeded to the Chamber they are free to do with the property as they want and it will not carry the obligations of the City's recent Homestead property sales.

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

Motion carried.

Passed and adopted Resolution Number 5374.

5- Ordinances:

- a. Ordinance to convey City-owned property described as S17' of Lot 63, all Lot 64, N17' of Lot 65, Millikin's Addition, to the Beatrice Area Chamber of Commerce.**

Mayor Schuster introduced an ordinance to convey City-owned property described as S17' of Lot 63, all Lot 64, N17' of Lot 65, Millikin's Addition, to the Beatrice Area Chamber of Commerce.

Moved by Fetty, seconded by Tiemann, that said ordinance be given number 12-002, 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 12-002 by number only the first, second and third times.

Moved by Fetty, seconded by Langdale, that Ordinance Number 12-002 be passed and approved.

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

Motion carried.

Passed and approved Ordinance Number 12-002.

b. Ordinance approving the Subdivision Improvement Agreement of Northgate Crossing First Addition.

Mayor Schuster introduced an ordinance approving the Subdivision Improvement Agreement of Northgate Crossing First Addition.

Moved by Fetty, seconded by Schmale, that said ordinance be given number 12-003, 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 12-003 by number only the first, second and third times.

Moved by Fetty, seconded by Tiemann, that Ordinance Number 12-003 be passed and approved.

City Engineer, Rex Behrends, presented the standard subdivision improvement agreement and the improvements have been completed.

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

Motion carried.

Passed and approved Ordinance Number 12-003.

c. Ordinance approving the plat of Northgate Crossing First Addition.

Mayor Schuster introduced an ordinance approving the plat of Northgate Crossing First Addition.

Moved by Fetty, seconded by Langdale, that said ordinance be given number 12-004, 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 12-004 by number only the first, second and third times.

Moved by Fetty, seconded by Tiemann, that Ordinance Number 12-004 be passed and approved.

City Engineer Behrends presented the plat, which has been recommended for approval by Planning & Zoning; construction is complete, this will accept the development.

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

Motion carried.

Passed and approved Ordinance Number 12-004.

d. Ordinance to amend parts of Section 12 of the Beatrice City Code regarding the public library and establishing a Library Advisory Board.

Mayor Schuster introduced an ordinance to amend Section 12-1, 12-16, 12-17, 12-18, 12-19, 12-20, 12-21, 12-22, and 12-23 of the Beatrice City Code regarding the public library; to repeal Section 12-2 and 12-3; and to add Section 12-24.

Moved by Fetty, seconded by Langdale, that said ordinance be given number 12-005, the title thereof be approved, the rules be suspended, and said ordinance be read by number only one time tonight.

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

Motion carried.

Mayor Schuster read Ordinance Number 12-005 by number only the first time.

Councilmember Fetty explained that this will provide time to look at the various aspects of the proposed ordinance and bring back for discussion at a future date.

6 – Public Forum:

Dale Kruse and Betty Cook, on behalf of the Beatrice Library Foundation, appeared to thank the council for giving the board their blessing to hire an architect to study the further development of the library. They have been gathering information and ideas from Beatrice and surrounding communities, and have advertised for an architect. A committee consisting of the City Attorney, City Engineer, Mayor, two councilmembers, foundation and library board members and the Library Director, will keep the council informed and involved as the project moves forward. The foundation believes that bequests on hand should cover the entire cost of the development.

Eileen Shirk, Chair of Library Board, appeared to ask that the Council consider the Library Board's concerns regarding the proposed change to an Advisory Board and distributed information gathered from the Nebraska Library Commission questioning the ability for a library board to levy a tax; that a legislative bill is being introduced that would make revisions to Nebraska library law; and concerns regarding approval or rejection of personnel matters.

7- Discussions/Reports:

8 –Miscellaneous:

Next regular council meeting is February 20, 2012 at 7:00 p.m. in the BPS Admin Bldg Meeting Room.
Worksession on February 27, 2012 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 7:35 p.m.

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

Motion carried.

Linda S. Koch, City Clerk

Mayor Dennis Schuster