

MINUTES OF THE CITY COUNCIL REGULAR MEETING HELD JANUARY 3, 2012 AT 7:00 P.M. IN THE BPS ADMINISTRATION MEETING ROOM, 320 NORTH 5TH STREET.

1 – Roll Call: Present: Mayor Schuster, Councilmembers Carey, Catlin, Langdale, Moore, Parde, Schmale, Tiemann
Absent: Councilmember Fetty

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.

Mayor Schuster presented the Certificate of Achievement for Excellence in Financial Reporting received from the Government Finance Officers Association for the CAFR for the fiscal year ending September 30, 2010 to Linda Koch the City Clerk/Asst. Treasurer.

Mayor Schuster announced to hear Discussion Item a now.

Mike Ayars reported on the Springer Spaniel National Amateur Championships held in Beatrice November 28 through December 2, 2011. The week-long competition brought in a lot of people from across the country that rented motel rooms and spent money on meals and gas, plus event expenses. He thanked all that helped bring this successful economic development event to Beatrice and hopes to bring the group back in the future.

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 December 19, 2011 as on file in the City Clerk's Office.
- e. Approval of Treasurer's Report of Claims in the amount of \$390,387.06.
- f. Approval of BASWA Report of Claims in the amount of \$37,885.14.
- g. Set the public hearing for the One and Six Year Road and Street Plan to be held at the regular meeting on January 16, 2012, at 7:00 p.m.
- h. Approval of Street Sweeper Lease Agreement, as recommended by the BPW.
- i. Approval of proposal for installation of Epoxy Coating for the Salt Storage Shed, as recommended by the BPW.

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

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

Motion carried.

Moved by Catlin, seconded Tiemann, to approve the street sweeper lease agreement, as recommended by the BPW.

Councilmember Carey requested information about the price and when the sweeper would arrive. Mayor Schuster responded that the lease was as approved in the current budget.

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

Motion carried.

3 - Public Hearings/Bids:

a. Hearing

- (1) Public Hearing concerning the new application of Gutierrez LLC dba LaCosina at 124 South 23rd Street for a Class I Liquor License.**

Mayor Schuster announced that a public hearing be held concerning the new application of Gutierrez LLC dba LaCosina at 124 South 23rd Street for a Class I Liquor License.

Police Chief, Bruce Lang, under oath presented the Investigative and Traffic Report; the department investigation did not uncover any issues or concerns that would prohibit issuance of the license. Chief Building Inspector, Dennis Mitchell, under oath presented the Planning Report showing no findings that would preclude issuance of the license. Estanislao Gutierrez, owner, and Isaura Perales, manager, of LaCosina, both appeared in support of issuance of the license. No one appeared in opposition.

Moved by Catlin, seconded by Moore, that the public hearing be closed at 7:14 p.m.

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

Motion carried.

Moved by Catlin, seconded by Langdale, that the application of Gutierrez LLC dba LaCosina at 124 South 23rd Street for a Class I Liquor License be recommended to the Nebraska Liquor Control Commission for approval.

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

Motion carried.

(2) Public Hearing concerning the rezoning of property located at 24156 Bear Creek Lane from "RR" Rural Residential to "AG" Agricultural District.

Mayor Schuster announced that a public hearing be held concerning the rezoning of property located at 24156 Bear Creek Lane from "RR" Rural Residential to "AG" Agricultural District.

Chief Building Inspector, Dennis Mitchell, presented the application for rezoning requested by Mark Trisler to change his property from RR to AG in order to construct a larger storage building. The Planning and Zoning Commission recommended approval of the change.

Moved by Catlin, seconded by Moore, that the public hearing be closed at 7:17 p.m.

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

Motion carried.

4- Resolutions:

5- Ordinances:

- a. **Ordinance rezoning property located at 24156 Bear Creek Lane from "RR" Rural Residential to "AG" Agricultural District.**

Mayor Schuster introduced an ordinance rezoning property located at 24156 Bear Creek Lane from "RR" Rural Residential to "AG" Agricultural District.

Moved by Catlin, seconded by Schmale, that said ordinance be given number 12-001, 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, Langdale, Moore, Parde, Schmale, Tiemann
Nay: None

Motion carried.

Mayor Schuster read Ordinance Number 12-001 by number only first, second and third times.

Moved by Catlin, seconded by Langdale, that Ordinance Number 12-001 be passed and approved.

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

Motion carried.

Ordinance Number 12-001 has been passed and approved.

6 – Public Forum:

No one appeared.

7- Discussions/Reports:

- a. **Report from Mike Ayars regarding the Springer Spaniel National Field Trials held in Beatrice.**

This item was reported on in the minutes prior to the consent agenda.

- b. **Report on, and approval of, contract for removal of mold from the Carnegie Building.**

Mayor Schuster reported that contamination issues have been uncovered in the Carnegie Building that abatement is the responsibility of the City and needs to be taken care of before construction can begin. The asbestos has been taken care of, but a lot of visible mold was found in the subbasement and basement lower walls. Mike Fakler, architect for the project, presented quotes from two contractors for removal of the mold; Bockman's proposal was \$34,500.00; McGill Asbestos Abatement Co. quoted \$28,385.00, with a second proposal of \$23,385.00 with no removal of the ceilings. Since this demolition will change the scope of work, Ayars & Ayars had offered a reduction in their contract of \$7,000 with the ceilings removed. How much of a reduction would be offered if the ceilings were not removed was not known yet, but with approval of McGill as contractor, the maximum cost for removal of mold would be \$21,385. Discussion followed regarding a time frame for removal of the mold and whether more mold issues could be found in the future. Mike Fakler reported that McGill could begin work later in the week and removal would take 2-3 weeks, safely and correctly. Also, he felt that the work being done to keep water out of the building should keep mold out.

Moved by Catlin, seconded by Tiemann, to approve entering into a contract with McGill Asbestos Abatement Company for removal of mold from the basement and subbasement area of the Carnegie Building.

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

Motion carried.

8 –Miscellaneous:

Next regular council meeting is January 16, 2012 at 7:00 p.m. in the BPS Admin Bldg Meeting Room. Worksession on January 23, 2012 at 7:00 p.m. in the Beatrice Public Library Sargent Meeting Room.

Moved by Catlin, seconded by Moore, that the meeting be adjourned at 7:35 p.m.

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

Motion carried.

Linda S. Koch, City Clerk

Mayor Dennis Schuster