

MINUTES OF THE CITY COUNCIL REGULAR MEETING HELD JUNE 4, 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, Fetty, Langdale, Moore, Parde, Schmale
Absent: Councilmember Tiemann

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 May 21, 2012 as on file in the City Clerk's Office.
- e. Approval of minutes of worksession on May 29, 2012 as on file in the City Clerk's Office.
- f. Approval of Treasurer's Report of Claims in the amount of \$469,813.28.
- g. Approval of BASWA Report of Claims in the amount of \$36,646.20.
- h. Receive Certification of Election of the May 15, 2012 Primary Election, as certified by the County Clerk.
- i. Approval of change order #14 decrease of \$870.00 to Ayars & Ayars for the Carnegie Restoration Project.
- j. Approval of manager application for John Houseman in connection with the Orange Bowl liquor license #C72501, located at 2223 Court Street.
- k. Approval of request for proposals for Engineering, Environmental, Construction Consulting Services for the Beatrice Hannibal Park Trail Project ENH-34(42) CN13212.
- l. Resolution Number 5418 approving the expenditure of lodging occupation tax funds to the Beatrice Area Chamber of Commerce for community promotional events.
- m. Accept resignation of Dennis Mitchell.

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: Carey, Catlin, Fetty, Langdale, Moore, Parde, Schmale
Nay: None

Motion carried.

3 - Public Hearings/Bids:

4– Resolutions:

- a. **Resolution appointing Tobias Tempelmeyer as City Administrator /City Treasurer.**

Mayor Schuster introduced Resolution Number 5419 appointing Tobias Tempelmeyer as City Administrator/ City Treasurer.

Moved by Fetty, seconded by Moore, that Resolution Number 5419 be passed and adopted.

Mayor Schuster reported that the committee consisting of the Mayor, Councilmembers and BPW Board members, and a committee of department heads, had interviewed four candidates for the position and Tobias Tempelmeyer was the top choice.

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

Motion carried.

Passed and adopted Resolution Number 5419.

b. Resolution entering into agreements with Store Kraft, Marion Wullschleger and Jeffrey Westphal regarding removal of the Irving Street Bridge.

Mayor Schuster introduced Resolution Number 5420 entering into agreements with Store Kraft, Marion Wullschleger and Jeffrey Westphal regarding removal of the Irving Street Bridge.

Moved by Fetty, seconded by Schmale, that Resolution Number 5420 be passed and adopted.

Mayor Schuster explained that the bridge was in need of repair and it is the recommendation of the City Engineer, Rex Behrends, that rather than proceed with repairs at an estimated cost of \$100,000 to \$150,000 that the bridge be demolished and removed. Found that the bridge had two or three owners, therefore, agreements have been solicited from all three parties that they have no objection to removal of bridge. The City will need to obtain some easements yet which Store Kraft indicated they are willing to provide. Discussion followed that it is a hard decision to remove the infrastructure and to get the easements in place before work is done.

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

Motion carried.

Passed and adopted Resolution Number 5420.

c. Resolution entering into license agreement with Kyle Halsey for use of the abandoned railroad right-of-way adjacent to Dempsters.

Mayor Schuster introduced Resolution Number 5421 entering into license agreement with Kyle Halsey for use of the abandoned railroad right-of-way adjacent to Dempsters.

Moved by Fetty, seconded by Schmale, that Resolution Number 5421 be passed and adopted.

Mayor Schuster explained that the City had been approached by Mr. Halsey requesting permission to put rock and security lights on the UPRR ROW owned by the City for the purpose of putting cars for sale on it. He is willing to pay \$150.00 per month rent. Discussion held that he will need to abide by setbacks.

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

Motion carried.

Passed and adopted Resolution Number 5421.

d. Resolution initiating foreclosure proceedings against properties with delinquent assessments.

Mayor Schuster introduced Resolution Number 5422 initiating foreclosure proceedings against properties with delinquent assessments.

Moved by Fetty, seconded by Langdale, that Resolution Number 5422 be passed and adopted.

City Administrator Tempelmeyer explained that these properties have paving assessments against them that are three or more years delinquent and have now been accelerated to proceed with issuing tax sale certificates against them. The foreclosure action takes three years.

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

Motion carried.

Passed and adopted Resolution Number 5422.

e. Resolution to return all unallocated program income and future payments on Revolving Loan Funds to the Nebraska Department of Economic Development.

Mayor Schuster introduced Resolution Number 5423 to return all unallocated program income and future payments on Revolving Loan Funds to the Nebraska Department of Economic Development.

Moved by Fetty, seconded by Langdale, that Resolution Number 5423 be passed and adopted.

The City of Beatrice, along with several other cities in Nebraska, has received a letter from the Nebraska Department of Economic Development (DED) regarding the CDBG Revolving Loan Fund and that they will be conducting compliance monitoring of the program income fund and its uses. The City has two options; 1) keep the unallocated funds on hand, continue the program and be audited regularly for compliance with federal guidelines or 2) return any unallocated funds on hand and any future payments to DED. The fund has \$200,000 unallocated at this time and any future payments received from the three loans the City has out would be turned over to DED as well. Anyone wishing to apply for a CDBG loan would then need to make application to the State, giving the State the authority over loans rather than the City. Discussion followed that hate to lose local control, but turning the funds back to the State is the best option.

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

Motion carried.

Passed and adopted Resolution Number 5423.

5 – Ordinances:

a. Ordinance adopting an Economic Development Program.

Mayor Schuster introduced an ordinance adopting an Economic Development Program.

Moved by Fetty, seconded by Schmale, that said ordinance be given number 12-025, 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
 Nay: None

Motion carried.

Mayor Schuster read Ordinance Number 12-025 by number only the first, second and third times.

Moved by Fetty, seconded by Schmale, that Ordinance Number 12-025 be passed and approved.

This ordinance puts into law the program that was approved by the voters at the May 15th election, and will go into effect on April 1, 2013.

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

Motion carried.

Passed and approved Ordinance Number 12-025.

6 – Public Forum:

No one appeared at public forum.

7 – Discussion/Reports:

None.

8 – Miscellaneous:

Next regular council meeting is June 18, 2012 at 7:00 p.m. in the BPS Admin Bldg Meeting Room. Worksession on June 25, 2011 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 7:24 p.m.

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

Motion carried.

Linda S. Koch, City Clerk

Mayor Dennis Schuster