

MINUTES OF THE CITY COUNCIL REGULAR MEETING HELD MAY 21, 2012 AT 7:00 P.M. IN THE BPS ADMINISTRATION MEETING ROOM, 320 NORTH 5TH STREET.

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

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 7, 2012, as on file in the City Clerk's Office.
- e. Approval of Treasurer's Report of Claims
 - (1) Approval of claim of Beatrice Lawn Care Inc. in the amount of \$3,454.00
 - (2) Approval of balance of Treasurer's Report of Claims in the amount of \$1,006,085.32
- f. Approval of BASWA Report of Claims in the amount of \$29,781.34
- g. Approval of contract with R.L. Tiemann Construction in the amount of \$47,619.25 for Paving District #12-495 (Chris Drive Cul-de-sac)
- h. Approval of pay request #5 to Ayars & Ayars in the amount of \$153,184.00 for the Carnegie Restoration Project.
- i. Approval of change order #13 increase of \$2,233.00 to Ayars & Ayars for the Carnegie Restoration Project.
- j. Approval of write-off of ambulance bad debts.
- k. Refer claim of Cathy Dennison for a fall that occurred on May 4, 2012 at 400 Ella Street, to the City Attorney and City's Insurance Carrier for review and disposition.
- l. Resolution Number 5412 appointing members to the Firefighters' Retirement Committee.
- m. Resolution Number 5413 appointing members to the Police Officers' Retirement Committee.
- n. Resolution Number 5414 re-appointing David Eskra to the Board of Public Works.
- o. Resolution Number 5415 granting permission to Main Street Beatrice and Farmer's Market to sell goods on city property known as 5th Street from High to Ella Street on Thursdays from 4:00 p.m. to 7:30 p.m. from June through September.

Moved by Fetty, seconded by Langdale, that the items listed under the consent agenda, with the exception of items i, j, and o, be approved, accepted and/or ratified as presented. Tiemann abstain from e(1) and g.

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

Motion carried.

Moved by Fetty, seconded by Langdale, to approve change order #13 increase of \$2,233.00 to Ayars & Ayars for the Carnegie Restoration Project.

Councilmember Moore requested more information on who was recommending the work as an addition to the original contract. Mayor Schuster explained that the City Engineer, Rex Behrends, preferred that the stairwell drains, which currently drain into a dry-well, be connected to drain into the storm drain.

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

Motion carried.

Moved by Fetty, seconded by Langdale, to approve the write-off of ambulance bad debts.

Councilmember Tiemann requested information on the percentage that Collection Associates receives from the bad debts referred to them. City Attorney Tempelmeyer explained that they receive 50% of what that they collect. Prior to writing the debts off, individuals are sent at least three statements, followed up by a letter from the City Attorney and phone call if they can be reached in an attempt to collect the amount owed or set up payment plans. This listing is those that either have no funds or cannot be located.

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

Motion carried.

Moved by Fetty, seconded by Langdale, that Resolution Number 5415 granting permission to Main Street Beatrice and Farmer's Market to sell goods on city property known as 5th Street from High to Ella Street on Thursdays from 4:00 p.m. to 7:30 p.m. from June through September be passed and adopted.

Councilmember Parde questioned whether they were going to expand use of the street to Ella Street. City Attorney Tempelmeyer explained that they had no intention of going past the alley at this time.

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

Motion carried.

3 - Public Hearings/Bids:

a. Hearings:

(1) Public Hearing on the application of B21 LLC dba Bigg's at 1101 South 6th Street, for a Class CK liquor license.

Mayor Schuster announced that a public hearing be held on the application of B21 LLC dba Bigg's at 1101 South 6th Street, for a Class CK liquor license.

Police Captain, Gerald Lamkin, under oath presented the Police department's Investigative Report and Traffic Report, that the standard investigation was conducted and upon review found nothing that would prohibit issuance of the license. Chief Building Inspector, Dennis Mitchell, under oath, presented the Planning Report, which examines the zoning and adjacent land uses, and found all to be in order. James Nelson, attorney on behalf of B21 LLC, under oath, appeared requesting approval of the license; reported that the three owners in attendance have completed renovations to bring the building up to code and have been operating under a temporary license. No one appeared in opposition.

Moved by Fetty, seconded by Moore, that the public hearing be closed at 7:12 p.m.

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

Motion carried.

Moved by Fetty, seconded by Moore, that the application of B21 LLC dba Bigg's at 1101 South 6th Street, for a Class CK liquor license, be recommended to the Nebraska Liquor Control Commission for approval.

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

Motion carried.

(2) Public Hearing on the acquisition of the east/west alley between Ella and Elk Streets and 13th and Hayes Streets, adjacent to Lots 1 through 12, Block 10 and Lots 1 through 12, Block 11 Lambs Sub.

Mayor Schuster announced that a public hearing be held on the acquisition of the east/west alley between Ella and Elk Streets and 13th and Hayes Streets, adjacent to Lots 1 through 12, Block 10 and Lots 1 through 12, Block 11 Lambs Sub.

City Attorney Tempelmeyer explained that the City Engineer had found that the alley which is currently being maintained by the City and has utilities running through it has never been platted and is not owned by the City. Contracts have been signed to purchase 10 feet from each of the adjacent property owners at a price per square foot determined by the assessed valuation of the land. Discussion followed regarding paying the property owners and the cost of maintenance provided over the last few years.

Moved by Fetty, seconded by Schmale, that the public hearing be closed at 7:18 p.m.

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

Motion carried.

4– Resolutions:

- a. Resolution to acquire the east/west alley between Ella and Elk Streets and 13th and Hayes Streets, adjacent to Lots 1 through 12, Block 10 and Lots 1 through 12, Block 11 Lambs Sub.**

Mayor Schuster introduced Resolution Number 5416 to acquire the east/west alley between Ella and Elk Streets and 13th and Hayes Streets, adjacent to Lots 1 through 12, Block 10 and Lots 1 through 12, Block 11 Lambs Sub.

Moved by Fetty, seconded by Moore, that Resolution Number 5416 be passed and adopted.

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

Motion carried.

Passed and adopted Resolution Number 5416.

- b. Resolution to provide NGage with funding of \$5,000.00.**

Mayor Schuster introduced Resolution Number 5417 to provide NGage with funding of \$5,000.00.

Moved by Fetty, seconded by Langdale, that Resolution Number 5417 be passed and adopted.

Mayor Schuster explained that NGage is up and running as a corporation and is interviewing for an executive director so they have incurred some expenses. They are requesting some initial funding to cover these start-up costs, the City funding of \$5,000 will be paid from LB840 funds and Gage County will pay \$5,000 as well.

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

Motion carried.

Passed and adopted Resolution Number 5417.

6 – Public Forum:

No one appeared at public forum.

7 – Discussions/Reports:

- a. Monthly Department Reports**

Mayor Schuster referred to the monthly department reports as printed in the packet.

8 – Executive Session – personnel

Moved by Fetty that the Beatrice City Council go into closed session at 7:23 p.m. to discuss personnel.

Seconded by Schmale that the Beatrice City Council go into closed session at 7:23 p.m. to discuss personnel.
Mayor Schuster introduced the motion that the Beatrice City Council go into closed session at 7:23 p.m. to discuss personnel.

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

Motion carried.

Reconvened at 8:18 p.m.

9 – Miscellaneous:

- a. Next regular council meeting is June 4, 2012 at 7:00 p.m. in the BPS Admin Bldg Meeting Room.
- b. Worksession on TUESDAY, May 29, 2011 at 7:00 p.m. in the Beatrice Public Library Sargent Meeting Room.

Moved by Tiemann, seconded by Langdale, that the meeting be adjourned at 8:19 p.m.

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

Motion carried.

Linda S. Koch, City Clerk

Mayor Dennis Schuster