

**MINUTES OF THE CITY COUNCIL REGULAR MEETING HELD NOVEMBER 5, 2012 AT 7:00 P.M. IN THE BPS ADMINISTRATION MEETING ROOM, 320 NORTH 5<sup>TH</sup> STREET.**

**1 – Roll Call:** Present: Mayor Schuster, Councilmembers Carey, Catlin, Fetty, Langdale, Moore, Parde, Schmale, Tiemann  
Absent: None

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 read a proclamation proclaiming November 15, 2012 as “America Recycles Day”. Linda Grell, Keep Beatrice Beautiful, was present to receive the proclamation and encouraged everyone to recycle.

**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 October 15, 2012 as on file in the City Clerk’s Office.
- e. Approval of minutes of worksession on October 22, 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 \$5,094.58
  - (2) Approval of balance of Treasurer’s Report of Claims in the amount of \$358,730.07
- g. Approval of BASWA Report of Claims in the amount of \$43,654.34
- h. Approval of write-off of ambulance bad debts to be sent to Collection Associates.
- i. Approval of plans, specifications and advertisement for bids for a new Fire Pumper Truck.
- j. Approval of plans, specifications and advertisement for bids for Mill & Overlay Paving Project #13-498, including an Alternate A for the Chautauqua Park Campground Road, as recommended by BPW.

Moved by Fetty, seconded by Schmale, that the items listed under the consent agenda, with the exception of items h, i, & j, be approved, accepted and/or ratified as presented. Tiemann abstained from item f(1)

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

Moved by Fetty, seconded by Carey, to approve the write-off of ambulance bad debts to be sent to Collection Associates.

Councilmember Carey requested more information regarding the procedures taken for collecting bad debts.

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

Moved by Fetty, seconded by Schmale, to approve the plans, specifications and advertisement for bids for a new Fire Pumper Truck.

Councilmember Tiemann requested clarification regarding the type of fire truck to be purchased.

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

Moved by Fetty, seconded by Schmale, to approve the plans, specifications and advertisement for bids for Mill & Overlay Paving Project #13-498, including an Alternate A for the Chautauqua Park Campground Road, as recommended by BPW.

Councilmember Carey requested an update of the project for public information.

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

### **3 - Public Hearings/Bids:**

#### **a. Hearing**

#### **(1) Public Hearing on the application of John & Rita Hydo to rezone property located at 208 Sherman Street from "GC" General Commercial to "R-3" Family Residential.**

Mayor Schuster announced that a Public Hearing be held on the application of John & Rita Hydo to rezone property located at 208 Sherman Street from "GC" General Commercial to "R-3" Family Residential.

Mayor Schuster explained that this is currently the Hydo's residential property, adjacent to KWBE, and they are requesting the zoning change to meet loan application requirements requested by the bank. City Administrator Tempelmeyer reported that Planning & Zoning had met and recommended approval of the change in zoning.

Moved by Fetty, seconded by Schmale, that the public hearing be closed at 7:11 p.m.

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

### **4- Resolutions:**

#### **a. Resolution to place one handicap parking stall on the south side of Court between 7<sup>th</sup> and 8<sup>th</sup> Streets.**

Mayor Schuster introduced Resolution Number 5465 to place one handicap parking stall on the south side of Court between 7<sup>th</sup> and 8<sup>th</sup> Streets.

Moved by Fetty, seconded by Schmale, that Resolution Number 5465 be passed and adopted.

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

Passed and adopted Resolution Number 5465.

#### **b. Resolution to place a loading/unloading stall on the east side of 7<sup>th</sup> Street between Market and Court Streets.**

Mayor Schuster introduced Resolution Number 5466 to place a loading/unloading stall on the east side of 7<sup>th</sup> Street between Market and Court Streets.

Moved by Fetty, seconded by Schmale, that Resolution Number 5466 be passed and adopted.

Mayor Schuster explained that Valentino's had requested the stall to serve their business. Chief of Police, Bruce Lang, explained that the loading/unloading time limit of 15 minutes would be available to anybody to use.

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



**f. Resolution entering into an agreement with Alley Poyner Macchietto Architecture to provide services for the renovation of the Beatrice Public Library basement and remodel main floor.**

Mayor Schuster introduced Resolution Number 5470 entering into an agreement with Alley Poyner Macchietto Architecture to provide services for the renovation of the Beatrice Public Library basement and remodel main floor.

Moved by Fetty, seconded by Schmale, that Resolution Number 5470 be passed and adopted.

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

Passed and adopted Resolution Number 5470.

**5 – Ordinances:**

**a. Ordinance approving the rezoning of property located at 208 Sherman Street from “GC” General Commercial to “R-3” Family Residential.**

Mayor Schuster introduced an ordinance approving the rezoning of property located at 208 Sherman Street from “GC” General Commercial to “R-3” Family Residential.

Moved by Fetty, seconded by Moore, that said ordinance be given number 12-046, 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, Tiemann  
Nay: None Motion carried.

Mayor Schuster read Ordinance Number 12-046 by number only the first, second and third times.

Moved by Fetty, seconded by Tiemann, that Ordinance Number 12-046 be passed and approved.

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

Passed and approved Ordinance Number 12-046.

**6 – Public Forum:**

No one appeared at public forum.

**7 – Discussions/Reports:**

**a. NGage Quarterly report.**

NGage Director Bill Demuth, and Board members Andrea Schaefer and Chris Jones, presented the quarterly NGage report. They have been pleased with the beginning process and activity; contact has been made with three outside companies regarding Beatrice, and Mr. Demuth has spent time visiting with existing businesses to receive their feedback. The website should be up soon. A local accounting firm will be preparing financials on a quarterly basis from now on with care taken to honor wishes for confidentiality in prospect expenditures.

**b. Main Street Beatrice request for funding for the Governors Pheasant Hunt event.**

City Attorney, Greg Butcher, presented his legal opinion and research done regarding the request for funding of events and what is allowed per Nebraska Statutes, and how that relates to Main Street Beatrice request for funding for the Governors Pheasant Hunt event. Using the information provided, he determined that this event did not meet the

requirement of a public purpose. Further discussion will take place at a worksession to develop a policy regarding requests for public funds. Rita Hydo, 208 Sherman, spoke to ask if funds could be requested after an event has passed, such as the Night of the Great Pumpkin, should that event meet the criteria.

**8 – Miscellaneous:**

- a. Next regular council meeting is November 19, 2012 at 7:00 p.m. in the BPS Admin Bldg Meeting Room.
- b. Worksession will be on November 26, 2012 at 7:00 p.m. in the Beatrice Public Library Sargent Room.

Moved by Fetty, seconded by Moore, that the meeting be adjourned at 7:57 p.m.

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

Motion carried.