

MINUTES OF THE CITY COUNCIL REGULAR MEETING HELD NOVEMBER 19, 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, 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.

Mike McLain, President of Gage Co. Historical Preservation, presented to the council a plaque awarding the Carnegie Building with the 2012 Preservation Award.

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 November 5, 2012 as on file in the City Clerk's Office.
- e. Approval of Treasurer's Report of Claims in the amount of \$628,378.02.
- f. Approval of BASWA Report of Claims in the amount of \$26,333.79.
- g. Approval of manager application of Dennis Bledsaw in connection with the Eagles 531 Liquor License.
- h. Refer lawsuit of Ray Scott for damages resulting from the condemnation of his business The Villa on November 12, 2010, to the City Attorney and City's Insurance carrier.
- i. Approval of recommendation to award the bid to purchase one 911 ambulance in the amount of \$156,261 to Fire Fox for a 2013 F450 Marquee Commando.
- j. Resolution Number 5471 executing the release of Good Samaritan Society Letter of Credit upon completion of Developer improvements.
- k. Resolution Number 5472 approving amendments and plan restatement of the City Employee Health Plan.
- l. Resolution Number 5473 approving the renewal of Maintenance Agreement #4 with the Nebraska Dept. of Roads.
- m. Resolution Number 5474 executing a grant agreement with NEMA to provide federal assistance for the Fire Station Generator Project.
- n. Resolution Number 5475 executing a grant agreement with NEMA for the Beatrice Mitigation Plan Update.

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, Tiemann
Nay: None

Motion carried.

3 - Public Hearings/Bids:

4– Resolutions:

- a. **Resolution to forgive one-half of the Forgivable Note with 5Stat and Store Kraft for a CDBG Reuse Loan.**

Mayor Schuster introduced Resolution Number 5476 to forgive one-half of the Forgivable Note with 5Stat and Store Kraft for a CDBG Reuse Loan.

Moved by Fetty, seconded by Schmale, that Resolution Number 5476 be passed and adopted.

City Administrator, Tobias Tempelmeyer, explained that Store Kraft had met and exceeded the job creation and retention numbers required in the 2009 CDBG Loan agreement to have one-half of the forgivable note now be forgiven.

Gary Schacht of Store Kraft thanked the City for the funding assistance and they were pleased to have met the committed employment numbers.

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

Motion carried.

Passed and adopted Resolution Number 5476.

b. Resolution to apply for assistance from the U.S. Environmental Protection Agency's Brownfields Coalition Assessment Grant.

Mayor Schuster introduced Resolution Number 5477 to apply for assistance from the U.S. Environmental Protection Agency's Brownfields Coalition Assessment Grant.

Moved by Fetty, seconded by Schmale, that Resolution Number 5477 be passed and adopted.

City Administrator Tempelmeyer explained that FEMA has grant funds available to have a study conducted to determine places in the community with a negative environmental impact. No match is required for the initial grant. Once completed the City would have the option of applying for the second phase which would allow for clean-up of the areas.

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

Motion carried.

Passed and adopted Resolution Number 5477.

c. Resolution executing an agreement with the Beatrice Humane Society regarding services for animals impounded by the City.

Mayor Schuster introduced Resolution Number 5478 executing an agreement with the Beatrice Humane Society regarding services for animals impounded by the City.

Moved by Fetty, seconded by Schmale, that Resolution Number 5478 be passed and adopted.

Mayor Schuster explained that the proposed agreement is a renewal of the previous agreement with some minor changes and leaving the funding amount the same. City Administrator Tempelmeyer explained that the changes involved official notification in writing by the Police Chief to have a dog put down and clarification making the Humane Society responsible for the cost of veterinary care. Police Chief, Bruce Lang, spoke that while there had been some bumps in the road, the group has met with City officials monthly to address any problems and work them out.

Moved by Moore, second by Catlin, to postpone action and allow for further discussion at the worksession on November 26th.

Discussion held regarding delaying action. John Rypma, Humane Society Board of Directors Treasurer, spoke in support of continuing a smooth relationship and that the funding provided for in the agreement is critical to breakeven year.

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

Motion carried.

Mayor Schuster announced that the Resolution be placed on the November 26th worksession for discussion and on the December 3rd regular council meeting for action to be taken.

5 – Ordinances:

a. Ordinance setting electric rates.

Mayor Schuster introduced an ordinance setting electric rates.

Moved by Fetty, seconded by Schmale, that said ordinance be given number 12-047, 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 12-047 by number only the first, second and third times.

Moved by Fetty, seconded by Schmale, that Ordinance Number 12-047 be passed and approved.

City Administrator Tempelmeyer reviewed the rate increase which is an average of 3% depending on the class. The rates are as provided for in the FY2013 adopted budget to pass on the NPPD 4% rate increase. The budget also established a rate stabilization fund in the event NPPD needs a large rate increase one year, to absorb that without dipping into cash reserves.

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

Motion carried.

Passed and approved Ordinance Number 12-047.

6 – Public Forum:

No one appeared at public forum.

7 – Discussions/Reports:

a. Discussion regarding Terry Cossel request for loading/unloading zone on Court Street.

Mayor Schuster brought forward discussion regarding a request by Terry Cossel for a loading/unloading zone in front of his place on Court Street. Police Chief, Bruce Lang, and City Engineer, Rex Behrends, presented their review of the traffic situation. Taking into account accident data, site distance and obstructions, the width of the street lane from curb to striping, and the type of roadway including speed and types of vehicle traveling the roadway, it was their recommendation to not grant the stall, due to it causing site obstruction and a narrow traffic lane. Terry Cossel, 1020 Court St, appeared to request a 15-30 minute loading/unloading zone to conduct his business. Discussion followed. Mayor Schuster proposed putting a resolution on the December 3rd council meeting to consider action on the request.

b. City Administrator’s Monthly Report

Mayor Schuster referred to the City Administrator’s monthly report as printed in the packet.

8 – Executive Session regarding the acquisition of Real Estate

Moved by Fetty that the Beatrice City Council go into closed session at 7:58 p.m. for the protection of the public interest, to discuss the possible acquisition of real estate.

Seconded by Moore that the Beatrice City Council go into closed session at 7:58 p.m. for the protection of the public interest, to discuss the possible acquisition of real estate.

Mayor Schuster announced the motion that the Beatrice City Council go into closed session at 7:58 p.m. for the protection of the public interest, to discuss the possible acquisition of real estate.

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

Motion carried.

Reconvened at 8:13 p.m.

9 – Miscellaneous:

The next regular council meeting is December 3, 2012 at 7:00 p.m. in the BPS Admin Bldg Meeting Room. A worksession will be held on November 26, 2012 at 7:00 p.m. in the Beatrice Public Library Sargent Room.

Moved by Fetty, seconded by Langdale, that the meeting be adjourned at 8:13 p.m.

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

Motion carried.

Linda S. Koch, City Clerk

Mayor Dennis Schuster