

MINUTES OF THE CITY COUNCIL REGULAR MEETING HELD OCTOBER 15, 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.

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 1, 2012 as on file in the City Clerk's Office.
- e. Approval of Treasurer's Report of Claims in the amount of \$349,750.93.
- f. Approval of BASWA Report of Claims in the amount of \$26,258.78.
- g. Approval of special designated liquor permit application of Main Street Beatrice for the Nebraska Governors Pheasant Hunt special event to be held November 2, 2012 from 5:00 p.m. until 1:00 a.m. and November 3, 2012 from 5:00 p.m. until 1:00 a.m. at 701 Court Street.
- h. Resolution Number 5460 approving the low bid of Watts Electric Co. in the amount of \$30,760.07 for the Historic Signage Project No. ENH-34(39).
- i. Resolution Number 5461 approving the low bid of Constructors, Inc. in the amount of \$1,243,680.95 for the City-Wide Mill and Overlay Project No. URB-6108(1).

Moved by Fetty, seconded by Carey, 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:

a. Hearing

(1) Semi-annual report of the Citizen's Advisory Review Committee as provided by LB840.

Mayor Schuster announced that a public hearing be held to hear the semi-annual report of the Citizen's Advisory Review Committee as provided by LB840.

Committee Chairman, Grant Jones, presented the semi-annual report of the Citizen's Advisory Review Committee; the LB840 fund has an available balance of \$896,621.09 and the CDBG reuse available funds is currently zero, however, a request has been sent in to DED to return all Revolving Loan funds and future collections which will then make available an estimated \$173,000.

Moved by Fetty, seconded by Schmale, that the public hearing be closed at 7:05 p.m.

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

Motion carried.

4– Resolutions:

- a. **Resolution executing the Local Government Guarantee for Closure and/or Post-Closure Care or Remedial Action to NDEQ for the BASWA Disposal Facilities.**

Mayor Schuster introduced Resolution Number 5462 executing the Local Government Guarantee for Closure and/or Post-Closure Care or Remedial Action to NDEQ for the BASWA Disposal Facilities.

Moved by Fetty, seconded by Tiemann, that Resolution Number 5462 be passed and adopted.

City Administrator Tempelmeyer explained that the City currently provides a local government guarantee on the old landfill and the current landfill so this will add the new C&D Landfill. The guarantee is required in the event BASWA fails to perform closure/post-closure care for the facilities however the BASWA fee structure is intended to fund such costs. Landfill Supt., Jeremy Rosenthal, reported that the C&D has an estimated life of 85 years so it will be sometime before those closure funds need to be accounted for.

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

Motion carried.

Passed and adopted Resolution Number 5462.

b. Resolution executing the Construction & Demolition Waste Disposal Area permit application.

Mayor Schuster introduced Resolution Number 5463 executing the Construction & Demolition Waste Disposal Area permit application.

Moved by Fetty, seconded by Langdale, that Resolution Number 5463 be passed and adopted.

Mayor Schuster explained that as owner of the land the City also needs to sign the permit application.

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

Motion carried.

Passed and adopted Resolution Number 5463.

c. Resolution to approve a request from Main Street Beatrice to close Court Street between 4th and 7th Streets between 4:00 p.m. and 7:30 p.m. on Thursday, October 25th for the Night of the Great Pumpkin.

Mayor Schuster introduced Resolution Number 5464 to approve a request from Main Street Beatrice to close Court Street between 4th and 7th Streets between 4:00 p.m. and 7:30 p.m. on Thursday, October 25th for the Night of the Great Pumpkin.

Moved by Fetty, seconded by Moore, that Resolution Number 5464 be passed and adopted.

Mayor Schuster explained that per state statutes to close a state highway requires this local resolution and a 30-day notification to the State however a Main Street representative contacted the Department of Roads and they have indicated they do not have a problem shortening the notification time and will approve of the closing. The closing will not include the 7th street intersection.

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

Motion carried.

Passed and adopted Resolution Number 5464.

d. Resolution to place one handicap parking stall on the south side of Court between 7th and 8th Streets, and a loading/unloading zone on the east side of 7th Street between Market and Court Streets.

Mayor Schuster explained that further discussion may be necessary regarding a request for a resolution to place one handicap parking stall on the south side of Court between 7th and 8th Streets, and a loading/unloading zone on the east side of 7th Street between Market and Court Streets .

Moved by Tiemann, seconded by Schmale, to refer the topic of proposed Resolution 5465 to the worksession.

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

Motion carried.

5 – Ordinances:

6 – Public Forum:

No one appeared at public forum.

7 – Discussions/Reports:

a. Approval of the design presented for the development of the lower level and improvements to the main level of the Beatrice Public Library.

Mayor Schuster explained that the architect and members of the committee, library foundation, library board, and interested citizens were all present to answer any questions and show support of the general design of the improvements; no changes have been made from the design presented at the last meeting. Agreements will be forthcoming for council approval and periodic updates will be provided to keep the council updated.

Moved by Fetty, seconded by Schmale, to approve the design presented for the development of the lower level and improvements to the main level of the Beatrice Public Library.

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

Motion carried.

b. Main Street Beatrice request for Lodging Occupation Tax funding in the amount of \$12,500 for tourism support of the Governors Pheasant Hunt event.

Rick Clabaugh, chairman of the Governors Pheasant Hunt event, presented Main Street Beatrice request for \$12,500 in lodging occupation tax dollars to assist with the event, which brings 14 teams or approximately 90 people including guides to town. He presented the council with a list of the expenses to be paid with the request, which included \$3,850 for ground and guides, \$2,300 for food, \$1,750 for prizes, \$1,605 for clays and misc. items, \$150 for advertising, and \$2,745 for staff hours. The event is also a fundraiser for Main Street upon which they make about \$6,000 but with the additional funding of expenses the event would make about \$18,000. Discussion followed as to whether the request fell within the guidelines for use of lodging occupation dollars. City Attorney, Greg Butcher, referenced State Statute 13-315 which authorizes for what purposes general fund dollars may be expended. Discussion followed regarding the definition of publicity campaign and promotional expenses. Discussion held that further research needed to be done by the City Attorney and to come up with some guidelines for these types of requests. No action was taken at this time.

c. City Administrator’s Report.

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

8 – Executive Session to discuss pending litigation.

Moved by Fetty that the Beatrice City Council meet in closed session at 7:57 p.m. to discuss pending litigation.
Seconded by Schmale that the Beatrice City Council meet in closed session at 7:57 p.m. to discuss pending litigation.

Mayor announced that it has been moved by Fetty and seconded by Schmale, that the Beatrice City Council meet in closed session at 7:57 p.m. to discuss pending litigation.

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

Motion carried.

Reconvened at 8:08 p.m.

9 – Miscellaneous:

The next regular council meeting is November 5, 2012 at 7:00 p.m. in the BPS Admin Bldg Meeting Room; the worksession will be on October 22, 2012 at 7:00 p.m. in the Beatrice Public Library Sargent Room.

Moved by Fetty, seconded by Schmale, that the meeting be adjourned at 8:09 p.m.

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

Motion carried.

Linda S. Koch, City Clerk

Mayor Dennis Schuster