

**MINUTES OF THE CITY COUNCIL REGULAR MEETING HELD SEPTEMBER 4, 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.

**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 August 20, 2012 as on file in the City Clerk's Office.
- e. Approval of minutes of worksession on August 27, 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 \$39,928.63
  - (2) Approval of balance of Treasurer's Report of Claims in the amount of \$504,716.26
- g. Approval of BASWA Report of Claims in the amount of \$42,441.96.
- h. Approval of pay request #7 in the amount of \$112,444.00 to Ayars and Ayars for the Carnegie Restoration Project.
- i. Approval of expenditure of \$125,000 from the LB840 fund towards the Carnegie Restoration Project for the Economic Development offices.
- j. Approval of change order decrease in the amount of \$7,690.62 for a final contract price of \$39,928.63 to R.L. Tiemann Construction for Paving District #495 (Chris Drive).
- k. Approval of special designated permit of B21, LLC dba Bigg's for a special event, Ducks Unlimited Banquet, to be held on September 22, 2012 from noon to midnight at 210 South Reed.
- l. Approval of special designated permit of Main Street Beatrice for a fundraiser, Magic of Main Street, to be held September 28, 2012, from 7:00 p.m. to 11:30 p.m. at 105 N. 6<sup>th</sup> Street.
- m. Resolution Number 5442 setting the Board of Equalization Hearing for Paving District #494 on September 17, 2012.
- n. Resolution Number 5443 setting the Board of Equalization Hearing for Paving District #495 on September 17, 2012.
- o. Resolution Number 5444 setting the Board of Equalization Hearing for Water Main District #253 on Sept. 17, 2012.

Moved by Fetty, seconded by Tiemann, that the items listed under the consent agenda, be approved, accepted and/or ratified as presented. Tiemann abstained from f(1) and j.

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

Motion carried.

**3 - Public Hearings/Bids:**

**4– Resolutions:**

- a. **Resolution appointing Gregory Butcher as City Attorney.**

Mayor Schuster introduced Resolution Number 5445 appointing Gregory Butcher as City Attorney.

Moved by Fetty, seconded by Moore, that Resolution Number 5445 be passed and adopted.

Mayor Schuster introduced Gregory Butcher as the top candidate selected to fill the position of City Attorney. Mr. Butcher addressed the council and presented some background on his education and legislative experience and is looking forward to the opportunity to work with the council and department heads to continue to move the City forward.

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

Motion carried.

Unanimously passed and adopted Resolution Number 5445.

**b. Resolution entering into an Interlocal Agreement with Gage County for the purpose of providing ambulance service in Gage County and repealing Resolution 5431.**

Mayor Schuster introduced Resolution Number 5446 entering into an Interlocal Agreement with Gage County for the purpose of providing ambulance service in Gage County and repealing Resolution 5431.

Moved by Fetty, seconded by Moore, that Resolution Number 5446 be passed and adopted.

Mayor Schuster explained that the County requested some minor changes to the agreement approved by the Council a few weeks ago, deleting the reference to a County Medical Director, to now submit records to the County Board.

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

Motion carried.

Unanimously passed and adopted Resolution Number 5446.

**c. Resolution entering into lease agreement with NGage for use of the Carnegie Building.**

Mayor Schuster introduced Resolution Number 5447 entering into lease agreement with NGage for use of the Carnegie Building.

Moved by Fetty, seconded by Tiemann, that Resolution Number 5447 be passed and adopted.

City Administrator, Tobias Tempelmeyer, explained the agreement, which is a three-year lease for the office area exclusive to NGage in the Carnegie Building at a cost of \$1.00 per year; other terms are as standard to other lease agreements. Brandon Weinman, 600 N 5<sup>th</sup> Street, addressed the council to ask about the \$1.00 per year charge and whether it should be more; it was explained that a dollar amount has to be stated in the contract, but since the City funds NGage it would be like paying ourselves to charge more.

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

Motion carried.

Unanimously passed and adopted Resolution Number 5447.

**d. Resolution entering into lease agreement with the Beatrice Area Chamber of Commerce for use of the Carnegie Building.**

Mayor Schuster introduced Resolution Number 5448 entering into lease agreement with the Beatrice Area Chamber of Commerce for use of the Carnegie Building.

Moved by Fetty, seconded by Carey, that Resolution Number 5448 be passed and adopted.

City Administrator Tempelmeyer explained the lease, which is a 5-year agreement to lease the Carnegie building for use by the Chamber of Commerce and Tourism, at a cost of \$1.00 per year however the Chamber will pay for utilities. Since the Chamber had contributed funds toward the construction, therefore, the \$1.00 per year lease. James Nelson, on behalf of the Chamber, appeared to express their appreciation for this lease and for the space in the City Auditorium the past three years, during which time the former Chamber Executive Director had worked closely with City officials on economic development issues, and now look forward to continue working with NGage.

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

Motion carried.

Unanimously passed and adopted Resolution Number 5448.

## **5 – Ordinances:**

### **6 – Public Forum:**

Susan Cook, 1604 S 3<sup>rd</sup> Avenue, spoke at public forum about the Beatrice 2020 Vision Big Blue River cleanup scheduled for October 6<sup>th</sup> and encouraged everyone to come out and help with the project.

### **7 – Discussions/Reports:**

#### **a. Discussion on the proposed Fiscal Year 2013 Budget, including the Beatrice Area Solid Waste Agency.**

Continued discussion was held regarding the proposed Fiscal Year 2013 Budget. City Administrator Tempelmeyer presented the BPW Board's recommendation to increase the water rate increase from 5% to 7.5%, an estimated increase of \$1.69 to the average customer, to be proactive on replacement projects and maintain and build a 6-month cash reserve. The Beatrice Area Solid Waste Agency proposed budget was discussed; Mark Hyberger, Landfill Consultant, and Jeremy Rosenthal, Landfill Supervisor, reviewed the operating requirements with no proposed increase in rates, the largest increases to the budget are for the Construction & Demolition Site and permit renewal. As requested at the budget worksession, City Administrator Tempelmeyer then presented a list of possible budget cuts and revenue increases that could provide both short-term and long-term solutions to restore the general fund unrestricted cash reserves. Discussion was held, the items receiving the most discussion were: not replacing the Chief Building Inspector at this time; replacing the full-time facility maintenance worker position with contracted custodial services either now or through attrition; and the funding of non-essential contracts with Main Street, Chamber of Commerce, Clean City, and Humane Society. Discussion on additional revenue sources included increased sales tax to help with infrastructure needs but could not be on the ballot until May 2014; annexing adjacent properties that receive city services, and looking at various fees charged. Fire Chief, Brian Daake, responded to questions regarding fees currently charged for fire calls and billing for those services that the insurance companies would pay. Rita Hydo, 208 Sherman, appeared to encourage continued support of the Humane Society and the services that they provide in handling impounded animals and efforts to adopt them out. Steph Perkins, 608 Spring View Circle, and Judy Knowles, 1309 Sandpiper Drive, appeared to encourage continued support of Main Street and their promotion of and contributions to the downtown historic district. Some discussion was held on the list of capital projects, one being the computer replacements; Police Chief, Bruce Lang, reported that the mobile data computers are on a replacement schedule that needs to be kept current due to software upgrades.

#### **b. Update on NGage.**

Councilmember Fetty presented an update on NGage. The cooperative effort started two years ago by City and County representatives, put together a 12-member board, and now have an economic development body back up and running. He introduced the organization's newly hired executive director, Bill Demuth. Mr. Demuth was present and thanked the council for their support and is looking forward to working with everyone.

## **8 – Miscellaneous:**

- a. Next regular council meeting is September 17, 2012 at 7:00 p.m. in the BPS Admin Bldg Meeting Room. (BASWA meeting at 6:30 p.m.)

- b. Worksession on September 24, 2012 at 7:00 p.m. in the Beatrice Public Library Norva Price Meeting Room.
- c. Special meeting on September 28, 2012 at 12:00 p.m. in the City/BPW Conference Room, 400 Ella Street.

Moved by Fetty, seconded by Schmale, that the meeting be adjourned at 8:47 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**