

MINUTES OF THE CITY COUNCIL REGULAR MEETING HELD SEPTEMBER 17, 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
Absent: Councilmember Tiemann

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 opened a public hearing for the purpose of equalizing special assessments in Paving District #494.
Mayor Schuster opened a public hearing for the purpose of equalizing special assessments in Paving District #495.
Mayor Schuster opened a public hearing for the purpose of equalizing special assessments in Water Main District #253.

Mayor Schuster asked if there is anyone in the audience that wishes to speak relative to the assessments, no one appeared.

Moved by Fetty, seconded by Langdale, to continue with other agenda items until 8:01 p.m.

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

Motion carried.

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 September 4, 2012 as on file in the City Clerk's Office.
- e. Approval of Treasurer's Report of Claims
 - (1) Approval of claim of Robert L. Tiemann Construction in the amount of \$7,989.29.
 - (2) Approval of balance of Treasurer's Report of Claims in the amount of \$1,106,614.42.
- f. Approval of BASWA Report of Claims in the amount of \$62,967.88.
- g. Approval of write-off of ambulance bad debts to be sent to Collection Associates.
- h. Resolution Number 5449 designating Tobias J. Tempelmeyer as the CDBG Administrator for the CDBG Contract No. 12-PP-001, grant to study relocating Highway 136.
- i. Resolution Number 5450 executing CDBG Contract No. 12-PP-001, grant to study relocating Highway 136.
- j. Resolution Number 5451 authorizing agreement with The Schemmer Associates, Inc. for the Hannibal Park Trail Project Number ENH-34(42) to provide engineering and environmental services.
- k. Approval of entering into a contract with Regional Care Inc. to provide Third Party Administrative services and stop-loss reinsurance contract with American Natl/Bardon for the City's Self-Insured Health Care Plan.
- l. Approval of application for special designated permit of C&C Processing, Inc. for Tasting Event at 2312 N 6th Street on October 19, from 12:00 a.m. to midnight.
- m. Approval of application for special designated permit of Cinema Theater for Maverick Rodeo fundraiser/Live Broadcast of Husker Football games on October 20, 27, November 3, 10, 17, 23, from 10:00 a.m. to 10:00 p.m.

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
Nay: None

Motion carried.

3 - Public Hearings/Bids:

- a. Hearings

(1) Board of Equalization Hearing for Paving District #494, from 7:00 p.m. to 8:00 p.m.

Hearing opened at 7:01 p.m., action to be taken later in the meeting.

(2) Board of Equalization Hearing for Paving District #495, from 7:00 p.m. to 8:00 p.m.

Hearing opened at 7:01 p.m., action to be taken later in the meeting.

(3) Board of Equalization Hearing for Water Main District #253, from 7:00 p.m. to 8:00 p.m.

Hearing opened at 7:01 p.m., action to be taken later in the meeting.

(4) Hearing to Amend the Fiscal Year 2012 Budget

Mayor Schuster announced that a public hearing will now be held to amend the Fiscal Year 2012 Budget.

City Administrator, Tobias Tempelmeyer, explained the reasons for the amendment to the Fiscal Year 2012 Budget, the largest items being, excess health insurance claims, additional funding for gas plant cleanup, and self-funded workers compensation claims.

Moved by Fetty, seconded by Schmale, that the public hearing be closed at 7:07 p.m.

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

Motion carried.

Ordinance to amend the Fiscal Year 2012 Budget Statement

Mayor Schuster introduced an ordinance to amend the Fiscal Year 2012 Budget Statement.

Moved by Fetty, seconded by Moore, that said ordinance be given Number 12-035, the title thereof be approved and 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
Nay: None

Motion carried.

Mayor Schuster read Ordinance Number 12-035 by number only the first, second and third time.

Moved by Fetty, seconded by Moore, that Ordinance Number 12-035 be passed and approved.

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

Motion carried.

Passed and approved Ordinance Number 12-035.

(5) Hearing on the Proposed Fiscal Year 2013 Budget

Mayor Schuster announced that a public hearing will now be held on the Proposed Fiscal Year 2013 Budget.

Mayor Schuster asked for any discussion or public input, in addition to what has already been covered at three previous meetings regarding the proposed Fiscal Year 2013 budget. Any motions will be considered after the hearing is closed.

Moved by Fetty, seconded by Schmale, that the public hearing be closed at 7:10 p.m.

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

Motion carried.

Moved by Schmale, seconded by Fetty, to amend the Fiscal Year 2013 proposed budget to remove the position of Facility Maintenance Worker in the amount of \$45,492 in the public properties budget, and add the cost of contract custodial services in the amount of \$21,492, for a net decrease of \$24,000.

Discussion was held that this was a difficult decision, but that department heads had been asked to come forward with suggestions. Department of Public Properties Director, Mark Pethoud, explained that he did not like taking away jobs, but that when a position was cut four years ago, began contracting out some custodial services and that it has worked out, so now all buildings will be contracted out. Allen Grell, 1907 Washington, addressed the council questioning whether the buildings will receive the same performance with part-time help; that the cost savings may not be worth it.

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

Motion carried.

Moved by Schmale, seconded by Catlin, to amend the Fiscal Year 2013 proposed budget to remove \$24,000 from the Community Promotion line.

Discussion was held that cutting the funding from this general fund line item was in no way disrespect to Main Street Beatrice, but that if they needed money for special purposes, those requests could be paid from other sources such as LB840 or lodging occupation taxes. The cut is a part of the plan to restore general fund cash reserves to a responsible level for cash flow and emergencies and to start looking at community projects that have been put aside over the years because funds were not available. Steph Perkins, 608 Spring View Circle, speaking for the supporters of Main Street, appeared to request continued support of the Main Street program and keep the \$24,000 funding in the budget. Judy Knowles, 1309 Sandpiper Drive, also spoke in support of continuing the \$24,000 funding to Main Street so they could plan on those funds in their budget. Discussion was held regarding how the City could support Main Street through special funding requests that fit within the guidelines to be paid from other sources. Allen Grell, 1907 Washington, felt the Council should delay the decision another year and look at other alternatives. Rita Hydo, 208 Sherman, also spoke to postpone the cut until another budget year and give plenty of notice to groups. Linda Clabaugh, 326 Morton Drive, addressed the council regarding grants received and that Main Street needed to show support from the city as leverage in obtaining grants. Alexis Winder, Main Street Director, explained she felt it was not so much the City's pledge toward a specific grant but general support to Main Street as a whole.

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

Motion carried.

Ordinance to adopt the Fiscal Year 2013 Budget Statement

Mayor Schuster introduced an ordinance to adopt the Fiscal Year 2013 Budget Statement, in the amount of \$39,630,562.

Moved by Fetty, seconded by Schmale, that said ordinance be given Number 12-036, the title thereof be approved and 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
Nay: None

Motion carried.

Mayor Schuster read Ordinance Number 12-036 by number only the first, second and third time.

Moved by Fetty, seconded by Schmale, that Ordinance Number 12-036 be passed and approved.

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

Motion carried.

Passed and approved Ordinance Number 12-036.

Mayor Schuster announced that the public hearings to equalize assessments for Paving District #494, Paving District #495, and Water Main District #253 are still open and asked if there is anyone in the audience that would like to speak. No one appeared.

Moved by Fetty, seconded by Moore, that the public hearing on Paving District Number #494 be closed at 8:28 p.m.

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

Moved by Fetty, seconded by Schmale, that the Affidavit of Mailing Notices on Assessments in Paving District #494 be received and placed on file.

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

Moved by Fetty, seconded by Schmale, that the public hearing on Paving District #495 be closed at 8:30 p.m.

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

Moved by Fetty, seconded by Schmale, that the Affidavit of Mailing Notices on Assessments in Paving District #495 be received and placed on file.

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

Moved by Fetty, seconded by Schmale, that the public hearing on Water Main District #253 be closed at 8:31 p.m.

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

Moved by Fetty, seconded by Schmale, that the Affidavit of Mailing Notices on Assessments in Water Main District #253 be received and placed on file.

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

Moved by Fetty, seconded by Schmale, to increase the total restricted funds authority for the fiscal year beginning on October 1, 2012 and ending on September 30, 2013, by an additional 1% as authorized in Section 13-519 of the Nebraska Revised Statutes.

City Clerk, Linda Koch, explained the formula for determining the restricted funds authority and the percentage increases allowed by statutes. This determines only the authority to raise or levy funds and the balance of funds not levied this year is carried forward to future years as unused restricted funds authority. Allen Grell, 1907 Washington, asked if in an emergency those funds could be used. It was explained that you could not because you would have to raise the levy the following year to receive the funds.

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

(6) Hearing to Set the Fiscal Year 2013 Final Property Tax Request

Mayor Schuster announced that a public hearing will now be held to set the Fiscal Year 2013 Final Property Tax Request.

City Administrator Tempelmeyer explained that the total levy is exactly the same as the previous year however a portion of the debt service requirement, due to the maturity of the Water Park bonds, was moved to the general fund property tax request.

Moved by Fetty, seconded by Schmale, that the public hearing be closed at 8:38 p.m.

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

Motion carried.

4- Resolutions:

a. Resolution setting the property tax request for the City of Beatrice for Fiscal Year 2013.

Mayor Schuster introduced Resolution Number 5452 setting the property tax request for the City of Beatrice for Fiscal Year 2013.

Moved by Fetty, seconded by Schmale, that Resolution Number 5452 be passed and adopted.

As proposed will set the total property tax levy at .345840.

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

Motion carried.

Passed and adopted Resolution Number 5452.

b. Resolution calculating the amount of unused restricted funds authority.

Mayor Schuster introduced Resolution Number 5453 calculating the amount of unused restricted funds authority.

Moved by Fetty, seconded by Schmale, that Resolution Number 5453 be passed and adopted.

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

Motion carried.

Passed and adopted Resolution Number 5453.

c. Resolution entering into an Interlocal Agreement with Gage County for a County-wide 911 System and repealing Resolution 5438.

Mayor Schuster introduced Resolution Number 5454 entering into an Interlocal Agreement with Gage County for a County-wide 911 System and repealing Resolution Number 5438.

Moved by Fetty, seconded by Schmale, that Resolution Number 5454 be passed and adopted.

Mayor Schuster explained that the County had requested the City simply adopt another one-year agreement, which the City passed last month, however, the County board came back with a few minor changes, so they are now requesting that the City approve their proposed agreement.

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

Nay: None

Motion carried.

Passed and adopted Resolution Number 5454.

d. Resolution entering into a contract for the sale of a portion of vacated Swarthmore Ave, adjacent to Lot 7, Block 12, and Lot 12, Block 15 in Brumback's 2nd Addition, to Ronald and Julie Belding.

Mayor Schuster introduced Resolution Number 5455 entering into a contract for the sale of a portion of vacated Swarthmore Ave, adjacent to Lot 7, Block 12, and Lot 12, Block 15 in Brumback's 2nd Addition, to Ronald and Julie Belding.

Moved by Fetty, seconded by Schmale, that Resolution Number 5455 be passed and adopted.

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

Nay: None

Motion carried.

Passed and adopted Resolution Number 5455.

e. Resolution equalizing assessments in Paving District #494

Mayor Schuster introduced Resolution Number 5456 equalizing assessments in Paving District #494.

Moved by Fetty, seconded by Moore, that Resolution Number 5456 be passed and adopted.

Mayor Schuster explained that this is the paving of South 19th Street.

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

Nay: None

Motion carried.

Passed and adopted Resolution Number 5456.

f. Resolution equalizing assessments in Paving District #495

Mayor Schuster introduced Resolution Number 5457 equalizing assessments in Paving District #495.

Mayor Schuster explained this is the paving extension for Chris Drive.

Moved by Fetty, seconded by Schmale, that Resolution Number 5457 be passed and adopted.

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

Nay: None

Motion carried.

Passed and adopted Resolution Number 5457.

g. Resolution equalizing assessments in Water Main District #253

Mayor Schuster introduced Resolution Number 5458 equalizing assessments in Water Main District #253.

Moved by Fetty, seconded by Schmale, that Resolution Number 5458 be passed and adopted.

Mayor Schuster explained that this is the Water Main along Chris Drive in the Tonka Lanes area.

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

Motion carried.

Passed and adopted Resolution Number 5458.

5 – Ordinances:

- a. Ordinance vacating a portion of Swarthmore Avenue, adjacent to Lots 6 & 7, Block 12 and Lots 1 & 12, Block 15, in Brumback’s 2nd Addition.**

Mayor Schuster introduced an Ordinance vacating a portion of Swarthmore Avenue, adjacent to Lots 6 & 7, Block 12 and Lots 1 & 12, Block 15, in Brumback’s 2nd Addition.

Moved by Fetty, seconded by Moore, that said ordinance be given number 12-037, 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
Nay: None

Motion carried.

Mayor Schuster read Ordinance Number 12-037 by number only the first, second and third times.

Moved by Fetty, seconded by Moore, that Ordinance Number 12-037 be passed and approved.

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

Motion carried.

Passed and approved Ordinance Number 12-037.

- b. Ordinance to convey city owned property described as a portion of vacated Swarthmore Ave, adjacent to Lot 7, Block 12, and Lot 12, Block 15 in Brumback’s 2nd Addition, to Ronald and Julie Belding.**

Mayor Schuster introduced an Ordinance to convey city owned property described as a portion of vacated Swarthmore Ave, adjacent to Lot 7, Block 12, and Lot 12, Block 15 in Brumback’s 2nd Addition, to Ronald and Julie Belding.

Moved by Fetty, seconded by Schmale, that said ordinance be given number 12-038, 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
Nay: None

Motion carried.

Mayor Schuster read Ordinance Number 12-038 by number only the first, second and third times.

Moved by Fetty, seconded by Schmale, that Ordinance Number 12-038 be passed and approved.

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

Motion carried.

Passed and approved Ordinance Number 12-038.

- c. Ordinance levying special assessments in Paving District #494**

Mayor Schuster introduced an Ordinance levying special assessments in Paving District #494.

Moved by Fetty, seconded by Schmale, that said ordinance be given number 12-039, 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
Nay: None Motion carried.

Mayor Schuster read Ordinance Number 12-039 by number only the first, second and third times.

Moved by Fetty, seconded by Schmale, that Ordinance Number 12-039 be passed and approved.

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

Passed and approved Ordinance Number 12-039.

d. Ordinance levying special assessments in Paving District #495

Mayor Schuster introduced an Ordinance levying special assessments in Paving District #495.

Moved by Fetty, seconded by Schmale, that said ordinance be given number 12-040, 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
Nay: None Motion carried.

Mayor Schuster read Ordinance Number 12-040 by number only the first, second and third times.

Moved by Fetty, seconded by Schmale, that Ordinance Number 12-040 be passed and approved.

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

Passed and approved Ordinance Number 12-040.

e. Ordinance levying special assessments in Water Main District #253

Mayor Schuster introduced an Ordinance levying special assessments in Water Main District #253.

Moved by Fetty, seconded by Moore, that said ordinance be given number 12-041, 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
Nay: None Motion carried.

Mayor Schuster read Ordinance Number 12-041 by number only the first, second and third times.

Moved by Fetty, seconded by Schmale, that Ordinance Number 12-041 be passed and approved.

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

Passed and approved Ordinance Number 12-041.

f. Ordinance setting new water rate fees.

Mayor Schuster introduced an Ordinance setting new water rate fees.

Moved by Fetty, seconded by Schmale, that said ordinance be given number 12-042, 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
Nay: None Motion carried.

Mayor Schuster read Ordinance Number 12-042 by number only the first, second and third times.

Moved by Fetty, seconded by Moore, that Ordinance Number 12-042 be passed and approved.

Mayor Schuster explained that the proposed water rate fees are a 7.5% increase.

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

Passed and approved Ordinance Number 12-042.

g. Ordinance setting new wastewater rate fees.

Mayor Schuster introduced an Ordinance setting new wastewater rate fees.

Moved by Fetty, seconded by Schmale, that said ordinance be given number 12-043, 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
Nay: None Motion carried.

Mayor Schuster read Ordinance Number 12-043 by number only the first, second and third times.

Moved by Fetty, seconded by Schmale, that Ordinance Number 12-043 be passed and approved.

Mayor Schuster explained that the proposed WPC fees will raise the charges by 5%. The fee is calculated based upon water usage during the winter months of January, February and March.

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

Passed and approved Ordinance Number 12-043.

6 – Public Forum:

Allen Grell, 1907 Washington, appeared at public forum to ask about the two motions to remove \$48,000 from the proposed Fiscal Year 2013 budget and whether those funds were reallocated. Nothing else changed, the balance increased cash reserves.

7 – Discussions/Reports:

a. City Administrator’s Monthly Report.

Mayor Schuster referred to the City Administrator's monthly report as presented in the packet.

8 – Miscellaneous:

The worksession will be on September 24, 2012 at 7:00 p.m. in the Beatrice Public Library Norva Price Meeting Room. A Special meeting will be held on September 28, 2012 at 12:00 p.m. in the City/BPW Conference Room, 400 Ella Street, to approve final claims.

Moved by Fetty, seconded by Carey, that the meeting be adjourned at 9:04 p.m.

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

Motion carried.

Linda S. Koch, City Clerk

Mayor Dennis Schuster