

MINUTES OF THE CITY COUNCIL REGULAR MEETING HELD NOVEMBER 4, 2013, AT 7:00 P.M. IN THE BPS ADMINISTRATION MEETING ROOM, 320 NORTH 5TH STREET.

Pledge of Allegiance

1 – Roll Call: Present: Mayor Schuster, Councilmembers Catlin, Carey, Cook, Fairbanks, Langdale, Moore, Parde, 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, 2013, as America Recycles Day; Linda Grell, Keep Beatrice Beautiful Director, was present to receive the proclamation and encouraged everyone about the importance of recycling and to buy recycled products.

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 21, 2013, as on file in the City Clerk's Office.
- e. Approval of minutes of worksession on October 28, 2013, as on file in the City Clerk's Office.
- f. Approval of Treasurer's Report of Claims
 - (1) Approval of claims of Robert L. Tiemann Construction in the amount of \$16,423.20.
 - (2) Approval of balance of Treasurer's Report of Claims in the amount of \$518,865.55.
- g. Approval of BASWA Report of Claims in the amount of \$117,833.80.
- h. Write-off of Ambulance Bad Debts to be sent to Collection Associates.
- i. Resolution Number 5575 executing the renewal of Maintenance Agreement #4 with Nebraska Dept. of Roads.
- j. Resolution Number 5576 appointing Lyle Harris as Chief Building Inspector.

Moved by Catlin, seconded by Cook, that the items listed under the consent agenda, with the exception of item j, be approved, accepted and/or ratified as presented. Tiemann abstain from f(1).

Roll Call: Yea: Catlin, Carey, Cook, Fairbanks, Langdale, Moore, Parde, Tiemann
Nay: None

Motion carried.

j - Moved by Catlin, seconded by Langdale that Resolution Number 5576 appointing Lyle Harris as Chief Building Inspector be passed and adopted.

Mayor Schuster introduced Lyle Harris as his appointment to fill the Chief Building Inspector position. Mr. Harris addressed the council and expressed his commitment to the job. He will work on obtaining the necessary certifications.

Roll Call: Yea: Catlin, Carey, Cook, Fairbanks, Langdale, Moore, Parde, Tiemann
Nay: None

Motion carried.

3 - Public Hearings/Bids:

- a. Hearings
 - (1) **Public Hearing on the acquisition of property described as Lot 2, E1/2 of Lot 3, W1/2 of Lot 3, all in Block 66, Original Town. (located on Court between 2nd & 3rd Streets)**

Mayor Schuster announced that a public hearing will now be held on the acquisition of property described as Lot 2, E1/2 of Lot 3, W1/2 of Lot 3, all in Block 66, Original Town. (located on Court between 2nd & 3rd Streets).

City Administrator, Tobias Tempelmeyer, explained that the City has been made an offer to purchase this property located on the south side of Court between 2nd & 3rd Streets. Acquisition of the property is in the interest of the City should the relocation of Highway 136 move forward this property would need to be acquired anyway, plus the property is adjacent to the trailhead and would benefit any trail expansion. An environmental assessment will be done and the results will need to be favorable for the acquisition to be completed. The purchase is to be funded with LB840 funds.

Moved by Catlin, seconded by Carey, that the public hearing be closed at 7:12 p.m.

Roll Call: Yea: Catlin, Carey, Cook, Fairbanks, Langdale, Moore, Parde, Tiemann
Nay: None

Motion carried.

4 – Resolutions:

- a. Resolution entering into an agreement with Terracon to perform the Phase I Environmental Assessment on the proposed property purchase from Beatrice Iron & Metal on Court between 2nd & 3rd Streets.**

Mayor Schuster introduced Resolution Number 5577 entering into an agreement with Terracon to perform the Phase I Environmental Assessment on the proposed property purchase from Beatrice Iron & Metal on Court between 2nd & 3rd Street.

Moved by Catlin, seconded by Cook, that Resolution Number 5577 be passed and adopted.

Roll Call: Yea: Catlin, Carey, Cook, Fairbanks, Langdale, Moore, Parde, Tiemann
Nay: None

Motion carried.

Passed and adopted Resolution Number 5577.

- b. Resolution entering into a Real Estate Purchase Agreement to acquire property from Beatrice Iron & Metal described as Lot 2, E1/2 of Lot 3, W1/2 of Lot 3, all in Block 66, Original Town. (located on Court between 2nd & 3rd Streets).**

Mayor Schuster introduced Resolution Number 5578 entering into a Real Estate Purchase Agreement to acquire property from Beatrice Iron & Metal described as Lot 2, E1/2 of Lot 3, W1/2 of Lot 3, all in Block 66, Original Town. (located on Court between 2nd & 3rd Streets).

Moved by Catlin, seconded by Langdale, that Resolution Number 5578 be passed and adopted.

Roll Call: Yea: Catlin, Carey, Cook, Fairbanks, Langdale, Moore, Parde, Tiemann
Nay: None

Motion carried.

Passed and adopted Resolution Number 5578.

5 – Ordinances:

- a. Ordinance amending the City Code to correct the fee references to bingo.**

Mayor Schuster introduced an Ordinance amending the City Code to correct the fee references to bingo.

Moved by Catlin, seconded by Tiemann, that said ordinance be given number 13-057, the title thereof be approved, the rules be suspended and said ordinance be read by number only three times tonight.

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

Mayor Schuster read Ordinance Number 13-057 by number only the first, second and third times.

Moved by Catlin, seconded by Carey, that Ordinance Number 13-057 be passed and approved.

City Attorney, Greg Butcher, explained that this past summer the City took action to remove references to bingo licensing because City's do not have authority by state statutes, however, the ordinance approved at the last meeting, which amended the code regarding fees, contained bingo language so this amendment will remove the bingo language.

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

Passed and approved Ordinance Number 13-057.

b. Ordinance amending the City Code regarding the hours for sale of alcohol (off-sale) and consumption in public (licensed limousines and buses).

Mayor Schuster introduced an Ordinance amending the City Code regarding the hours for sale of alcohol (off-sale) and consumption in public (licensed limousines and buses).

Moved by Catlin, seconded by Tiemann, that said ordinance be given number 13-058, the title thereof be approved, the rules be suspended and said ordinance be read by number only three times tonight.

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

Mayor Schuster read Ordinance Number 13-058 by number only the first, second and third times.

Moved by Catlin, seconded by Tiemann, that Ordinance Number 13-058 be passed and approved.

Mayor Schuster explained that when the City changed the legal hours allowing on-sale until 2:00 a.m. we inadvertently included off-sale until 2:00 a.m., which is not allowed, therefore this ordinance corrects the hours of sale for off-sale back to 1:00 a.m. per state statutes. Another change to statutes allows for consumption in licensed limos and buses and this ordinance change will allow for that change here as well. The limos and buses must be licensed through the Nebraska Public Service Commission.

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

Passed and approved Ordinance Number 13-058.

6 – Public Forum:

Stan Wirth, Main Street Beatrice President, introduced Michael Sothan as the new Director of Main Street. Mr. Sothan who moved here from Kearney, spoke to the council that he looks forward to working with the community as we go into the future and there is a lot going on.

7 – Discussions/Reports:

None.

8 – Miscellaneous:

The next regular council meeting is November 18, 2013 at 7:00 p.m. in the BPS Admin Bldg Meeting Room; the Worksession will be November 25, 2013 at 7:00 p.m. in the Beatrice Public Library Sargent Room.

Moved by Catlin, seconded by Langdale, that the meeting be adjourned at 7:25 p.m.

Roll Call: Yea: Catlin, Carey, Cook, Fairbanks, Langdale, Moore, Parde, Tiemann
 Nay: None

Motion carried.

Linda S. Koch, City Clerk

Mayor Dennis Schuster