

MINUTES OF THE CITY COUNCIL REGULAR MEETING HELD SEPTEMBER 16, 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 Carey, Catlin, 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.

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 3, 2013, 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 \$10,800.00
 - (2) Approval of balance of Treasurer's Report of Claims in the amount of \$1,131,578.40
- f. Approval of BASWA Report of Claims in the amount of \$207,337.87
- g. Write-off of ambulance bad debts.
- h. Resolution Number 5561 entering into an Interlocal Agreement with DEQ for implementation of the Storm Water Management Plan Program.
- i. Approval of renewal agreements for the City's Self-Insured Health Care Plan for RCI to provide TPA services and USBenefits Insurance Services to provide reinsurance coverage.
- j. Resolution Number 5562 prohibiting parking along the south side of Ella Street near the intersection of 8th and Ella.
- k. Resolution Number 5563 granting Pamela & Deb Fiedler, dba Harvest Moon Farms, permission to sell goods on the public parking lot at Veterans Memorial Park.

Moved by Catlin, seconded by Moore, that the items listed under the consent agenda, with the exception of item k, be approved, accepted and/or ratified as presented; Tiemann abstained from e(1).

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

Motion carried.

k - Moved by Catlin, seconded by Parde, that Resolution Number 5563 granting Pamela & Deb Fiedler, dba Harvest Moon Farms, permission to sell goods on the public parking lot at Veterans Memorial Park, be passed and adopted.

Councilmember Parde questioned whether Veteran's Memorial Park was an appropriate place to allow vendor's to set up and sell their goods. City Administrator Tempelmeyer explained that the request to sell had come from Fiedler. Deb Fiedler, 3121 South Street, Lincoln NE, explained that they had requested this area because it was more prominent, but would be agreeable to moving across the street. Mark Pethoud, Director of Public Properties, felt the area across the street in Chautauqua would be too far back from the highway and suggested the area north of the bridge adjacent to the pet park.

Moved by Parde, seconded by Fairbanks, to amend Resolution 5563 to change the location to the city park lot directly north of the Big Blue River bridge on South 6th Street on the west side of the road.

Vote on amendment:

Roll Call: Yea: Carey, Catlin, Cook, Fairbanks, Langdale, Moore, Parde, Tiemann

Nay: None

Motion carried.

Vote on Resolution as amended:

Roll Call: Yea: Carey, Catlin, Cook, Fairbanks, Langdale, Moore, Parde, Tiemann

Nay: None

Motion carried.

3 - Public Hearings/Bids:

a. Hearings

(1) Hearing to Amend the Fiscal Year 2013 Budget

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

City Administrator Tempelmeyer explained the changes: \$11,000 increase to transfer additional funds received in the 911 Surcharge Fund and an increase in the Keno funds transferred of \$5,700 for the Chautauqua Park Road that came in greater than budgeted and \$39,300 to the Street fund to help pay for sidewalks repaired on the Highway 77 and 136 bridges. Discussion followed on the use of Keno funds vs. General funds.

Moved by Catlin, seconded by Cook, that the public hearing be closed at 7:15 p.m.

Roll Call: Yea: Carey, Catlin, Cook, Fairbanks, Langdale, Moore, Parde, Tiemann

Nay: None

Motion carried.

Ordinance to amend the Fiscal Year 2013 Budget Statement

Mayor Schuster introduced an ordinance to amend the budget statement termed the Annual Appropriation Bill for Fiscal Year 2013.

Moved by Catlin, seconded by Tiemann, that said ordinance be given Number 13-041, 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, Cook, Fairbanks, Langdale, Moore, Parde, Tiemann

Nay: None

Motion carried.

Mayor Schuster read Ordinance Number 13-041 by number only the first, second and third time.

Moved by Catlin, seconded by Tiemann, that Ordinance Number 13-041 be passed and approved.

Roll Call: Yea: Carey, Catlin, Cook, Fairbanks, Langdale, Moore, Parde, Tiemann

Nay: None

Motion carried.

Passed and approved Ordinance Number 13-041.

(2) Hearing on the Proposed Fiscal Year 2014 & 2015 Biennial Budget

Mayor Schuster announced that a public hearing will now be held on the Proposed Fiscal Year 2014 and 2015 Biennial Budget.

Discussion was held regarding the funding source for the proposed boat dock and whether there were keno funds available for the project. As proposed there would not be sufficient funds, unless the funding for the skateboard park was removed from keno. City Engineer, Rex Behrends, clarified that it is a boat ramp and does not include a fishing dock. Consideration of funding for the Main Street Beatrice organization will be proposed.

Moved by Catlin, seconded by Carey, that the public hearing be closed at 7:24 p.m.

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

Moved by Fairbanks, seconded by Cook, to change the funding mechanism for the boat ramp to use keno funds if available for the project.

Discussion held that when the project is bid, if funds are not available, the item would be brought forth for discussion.

Roll Call: Yea: Cook, Fairbanks, Moore, Tiemann, Mayor Schuster
Nay: Carey, Catlin, Langdale, Parde Motion carried.

Moved by Fairbanks, seconded by Cook, to budget \$20,000 of LB840 dollars to fund Main Street Beatrice in Fiscal Years 2014 and 2015, and decrease the land purchase line item to \$305,000 in FY2014 and \$230,000 in FY2015.

Councilmember Fairbanks presented his proposal to fund Main Street Beatrice to help the City with plans laid out in the Comprehensive and Downtown Revitalization Plans, and to fund with LB840 as an appropriate use of these dollars. A lengthy discussion followed which included the following: \$15,000 is provided in the budget for groups to come forward and request funds per the policy guidelines established; Main Street Beatrice has fundraising events in place to support their budget, of which Ribfest provided substantial profit; the City provides in-kind services to Main Street, of which Ribfest in-kind was estimated at \$17,000; the proposed funding would be to support their salary budget, like the City supports NGage, for economic development purposes; if funding of Main Street is warranted then should other groups, such as the Chamber of Commerce or East Beatrice Business Association receive like funding, or should government not be funding organizations that they have no voting control over; the current LB840 balance of about \$1,000,000 was built up over 20 years and is funded annually through \$250,000 in sales tax revenues. Bill Demuth, Executive Director of NGage, responded to the question of having different groups working on economic development, that all three groups plus many other organizations in the community and county are capable of being involved in strategic planning, and it is not just about money but about people getting involved to support the community to make it grow.

Moved by Parde, seconded by Fairbanks, to amend the motion to fund Main Street Beatrice, that Main Street Beatrice will not receive any uncompensated in-kind services per year, with no event assistance from the City, without compensation back to the City.

Discussed how the in-kind services would be determined and other organization's events that receive in-kind services.

Vote on amendment to motion:

Roll Call: Yea: Cook, Fairbanks, Parde, Tiemann, Mayor Schuster
Nay: Catlin, Carey, Moore, Langdale Motion carried.

Vote on the motion to budget \$20,000 of LB840 dollars to fund Main Street Beatrice, as amended to not receive any in-kind services that are not compensated back to the City:

Roll Call: Yea: Carey, Cook, Fairbanks, Parde
Nay: Catlin, Langdale, Moore, Tiemann Motion failed.

Ordinance to adopt the Biennial Appropriations Bill for Fiscal Years 2014 & 2015

Mayor Schuster introduced an ordinance to adopt the Biennial Appropriations Bill for Fiscal Years 2014 & 2015, in the amount of \$42,237,769 for FY2014 and \$43,754,559 for FY2015.

Moved by Catlin, seconded by Moore, that said ordinance be given Number 13-042, 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, Cook, Fairbanks, Langdale, Moore, Parde, Tiemann
Nay: None Motion carried.

Mayor Schuster read Ordinance Number 13-042 by number only the first, second and third time.

Moved by Catlin, seconded by Cook, that Ordinance Number 13-042 be passed and approved.

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

Passed and approved Ordinance Number 13-042.

Moved by Catlin, seconded by Moore, to increase the total restricted funds authority for the fiscal year beginning on October 1, 2013 and ending on September 30, 2014, by an additional 1% as authorized in Section 13-519 of the Nebraska Revised Statutes.

City Administrator Tempelmeyer referred to the list of restricted funds, which are state and local tax funds, minus funds used for lid exceptions, calculating the restricted funds for FY2014 at \$4.9 million. The total restricted funds authority brought forward from FY2013 was \$5.4 million and the state allows a base increase of 2.5%, plus growth, which for FY2014 is .19%, plus another 1% as approved by this motion. The 1% increase builds the base authority for future years when you may need it. For FY2014 the total authority will be \$5.6 million, but the City only needs \$4.9 million, leaving unused restricted funds authority to be carried forward.

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

(3) Hearing to set the Fiscal Year 2014 Final Property Tax Request

Mayor Schuster announced that a public hearing will now be held to set the Fiscal Year 2014 Final Property Tax Request.

City Administrator Tempelmeyer reported that the total property tax request is \$1,987,831.50, which is a levy of .345714, slightly less than .345840 in FY2013.

Moved by Catlin, seconded by Tiemann, that the public hearing be closed at 8:43 p.m.

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

4 – Resolutions:

a. Resolution setting the property tax request for the City of Beatrice for Fiscal Year 2014

Mayor Schuster introduced Resolution Number 5564 setting the property tax request for the City of Beatrice for Fiscal Year 2014 in the amount of \$1,987,831.50.

Moved by Catlin, seconded by Tiemann, that Resolution Number 5564 be passed and adopted.

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

Nay: None

Motion carried.

Passed and approved Ordinance Number 13-043.

b. Ordinance to convey a portion of Franklin Ave between Front and vacated West Streets and a portion of the alleyway adjacent to Block 21, Spencer Place to Darrell and Sue Bruns.

Mayor Schuster introduced an Ordinance to convey a portion of Franklin Ave between Front and vacated West Streets and a portion of the alleyway adjacent to Block 21, Spencer Place to Darrell and Sue Bruns.

Moved by Catlin, seconded by Tiemann, that said ordinance be given number 13-044, 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, Cook, Fairbanks, Langdale, Moore, Parde, Tiemann

Nay: None

Motion carried.

Mayor Schuster read Ordinance Number 13-044 by number only the first, second and third times.

Moved by Catlin, seconded by Tiemann, that Ordinance Number 13-044 be passed and approved.

Roll Call: Yea: Carey, Catlin, Cook, Fairbanks, Langdale, Moore, Parde, Tiemann

Nay: None

Motion carried.

Passed and approved Ordinance Number 13-044.

c. Ordinance to vacate a portion of the plat of Spencer Place Addition.

Mayor Schuster introduced an Ordinance to vacate a portion of the plat of Spencer Place Addition.

Moved by Catlin, seconded by Carey, that said ordinance be given number 13-045, the title thereof be approved, the rules be suspended and said ordinance be read by number only three times tonight.

Councilmember Fairbanks left at 8:56 p.m.

Roll Call: Yea: Carey, Catlin, Cook, Langdale, Moore, Parde, Tiemann

Nay: None

Motion carried.

Mayor Schuster read Ordinance Number 13-045 by number only the first, second and third times.

Moved by Catlin, seconded by Tiemann, that Ordinance Number 13-045 be passed and approved.

Roll Call: Yea: Carey, Catlin, Cook, Langdale, Moore, Parde, Tiemann

Nay: None

Motion carried.

Passed and approved Ordinance Number 13-045.

d. Ordinance approving the plat of Cedar Creek Second Addition.

Mayor Schuster introduced an Ordinance approving the plat of Cedar Creek Second Addition.

Moved by Catlin, seconded by Tiemann, that said ordinance be given number 13-046, the title thereof be approved, the rules be suspended and said ordinance be read by number only three times tonight.

Councilmember Fairbanks returned at 8:58 p.m.

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

Mayor Schuster read Ordinance Number 13-046 by number only the first, second and third times.

Moved by Catlin, seconded by Tiemann, that Ordinance Number 13-046 be passed and approved.

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

Passed and approved Ordinance Number 13-046.

e. Ordinance approving the Subdivision Improvement Agreement of Cedar Creek Second Addition.

Mayor Schuster introduced an Ordinance approving the Subdivision Improvement Agreement of Cedar Creek Second Addition.

Moved by Catlin, seconded by Carey, that said ordinance be given number 13-047, 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, Cook, Fairbanks, Langdale, Moore, Parde, Tiemann
Nay: None Motion carried.

Mayor Schuster read Ordinance Number 13-047 by number only the first, second and third times.

Moved by Catlin, seconded by Tiemann, that Ordinance Number 13-047 be passed and approved.

City Administrator Tempelmeyer explained the improvements, estimated at \$45,000, and that the City has received the Letter of Credit.

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

Passed and approved Ordinance Number 13-047.

f. Ordinance to vacate Lot 1, Block 9, R.B. Harrington's Re-Sub.

Mayor Schuster introduced an Ordinance to vacate Lot 1, Block 9, R.B. Harrington's Re-Sub.

Moved by Catlin, seconded by Tiemann, that said ordinance be given number 13-048, 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, Cook, Fairbanks, Langdale, Moore, Parde, Tiemann
Nay: None Motion carried.

Mayor Schuster read Ordinance Number 13-048 by number only the first, second and third times.

Moved by Catlin, seconded by Moore, that Ordinance Number 13-048 be passed and approved.

City Attorney, Greg Butcher, explained that Huston's First Addition plat approved at the previous meeting required that the property be vacated prior to the approval of the plat, so it is being brought back for the appropriate action.

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

Passed and approved Ordinance Number 13-048.

g. Ordinance approving the plat of Huston's First Addition.

Mayor Schuster introduced an Ordinance approving the plat for Huston's First Addition.

Moved by Catlin, seconded by Carey, that said ordinance be given number 13-049, 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, Cook, Fairbanks, Langdale, Moore, Parde, Tiemann
Nay: None Motion carried.

Mayor Schuster read Ordinance Number 13-049 by number only the first, second and third times.

Moved by Catlin, seconded by Tiemann, that Ordinance Number 13-049 be passed and approved.

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

Passed and approved Ordinance Number 13-049.

h. Ordinance establishing water rate charges.

Mayor Schuster introduced an Ordinance establishing water rate charges.

Moved by Catlin, seconded by Carey, that said ordinance be given number 13-050, 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, Cook, Fairbanks, Langdale, Moore, Parde, Tiemann
Nay: None Motion carried.

Mayor Schuster read Ordinance Number 13-050 by number only the first, second and third times.

Moved by Catlin, seconded by Cook, that Ordinance Number 13-050 be passed and approved.

City Administrator Tempelmeyer reviewed the proposed water rate changes as indicated in the budget; an increase of 3% on consumption and an infrastructure improvement charge of \$2.00 per month for residential and \$3.00 per month for commercial, which will be set aside for that purpose.

Roll Call: Yea: Carey, Catlin, Cook, Langdale, Moore, Parde, Tiemann
Nay: Fairbanks Motion carried.

Passed and approved Ordinance Number 13-050.

6 – Public Forum:

No one appeared at public forum.

7 – Discussions/Reports:

a. City Administrator’s Monthly Report.

City Administrator Tempelmeyer presented a brief summary of items included in the City Administrator’s monthly report and announced the 5th Street grand opening which will be September 26th. Mayor Schuster announced that the Beatrice Vision 2020 will have a Big Blue River cleanup on September 28th.

8 – Miscellaneous:

Worksession will be September 23, 2013 at 7:00 p.m. in the Beatrice Public Library Sargent Room.

Special council meeting on September 30, 2013 at noon in the City/BPW Conference Room.

Moved by Catlin, seconded by Tiemann, that the meeting be adjourned at 9:12 p.m.

Roll Call: Yea: Carey, Catlin, Cook, Fairbanks, Langdale, Moore, Parde, Tiemann

Nay: None

Motion carried.

Linda S. Koch, City Clerk

Mayor Dennis Schuster