

MINUTES OF THE CITY COUNCIL REGULAR MEETING HELD DECEMBER 1, 2014 AT 7:00 P.M. IN THE BPS ADMINISTRATION MEETING ROOM, 320 NORTH 5TH STREET.

Mayor Schuster led those in attendance in the Pledge of Allegiance.

1 – Roll Call: Present: Mayor Schuster, Councilmembers Catlin, Clabaugh, Cook, Fairbanks, Kerr, Morgan, Parde
Absent: Councilmember Langdale

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

- d. Approval of minutes of regular meeting on November 17, 2014, as on file in the City Clerk’s Office.**
- e. Approval of minutes of worksession on November 24, 2014, as on file in the City Clerk’s Office.**

Moved by Catlin, seconded by Cook, that Consent Agenda items d and e be approved.

Roll Call: Yea: Catlin, Clabaugh, Cook, Fairbanks, Kerr, Morgan, Parde
Nay: None

Motion carried.

Council Reorganization:

- a. Receive Certification of Election**

Moved by Catlin, seconded by Cook, that the Certificate of Election of the November 4, 2014, General Election, as certified by the County Clerk, be received and placed on file.

Roll Call: Yea: Catlin, Clabaugh, Cook, Fairbanks, Kerr, Morgan, Parde
Nay: None

Motion carried.

- b. Approve councilmember public officials bonds**

Moved by Catlin, seconded by Cook, that the following public officials bonds be received and placed on file: Mayor Stan Wirth, CNA Surety, Councilmembers Dwight Parde, State Farm Insurance, Robert Morgan, RLI Insurance, Rick Clabaugh, RLI Insurance, Joe Billesbach, CNA Surety.

Roll Call: Yea: Catlin, Clabaugh, Cook, Fairbanks, Kerr, Morgan, Parde
Nay: None

Motion carried.

Council President Catlin presented a plaque to Mayor Dennis Schuster in recognition of his years of service to the Citizens of Beatrice, as councilmember from 1994 to 2002 and Mayor from 2002 to 2014. Mayor Schuster expressed his appreciation to serve the past number of years and wished everyone well in the coming years.

- c. Administer Oath of Office**

City Clerk, Linda Koch, administered the Oath of Office to the elected officials; Mayor Stan Wirth, Councilmembers Dwight Parde, Richard Clabaugh, Robert Morgan and Joe Billesbach, and Airport Authority board member Dennis Rinne.

Mayor Wirth thanked Dennis Schuster for his years of service and recognized his family and thanked those who supported him and the voters for having faith in him.

New Roll Call: Present: Mayor Wirth, Councilmembers Billesbach, Catlin, Clabaugh, Cook, Fairbanks, Morgan, Kerr, Parde

Absent: None

d. Election of Council President

Mayor Wirth asked for nominations for Council President; Councilmember Fairbanks nominated David Catlin.

Moved by Fairbanks, seconded by Kerr, that the nominations for Council President cease and that the name of David Catlin be voted on by roll call vote.

Roll Call: Yea: Billesbach, Catlin, Clabaugh, Cook, Fairbanks, Morgan, Kerr, Parde
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 November 17, 2014, as on file in the City Clerk's Office.
- e. Approval of minutes of worksession on November 24, 2014, as on file in the City Clerk's Office.
- f. Approval of Treasurer's Report of Claims in the amount of \$339,734.03.
- g. Approval of BASWA Report of Claims in the amount of \$35,769.64.
- h. Approval of change order #3 increase in the amount of \$2,387.06 for a total contract price of \$1,293,512.17 to Elkhorn West Construction for the Library Renovation project.
- i. Approval of change order #1 decrease in the amount of \$6,393.22 for a total contract price of \$51,450.53 to R.L. Tiemann Construction for the Misc Concrete Repair Project 2014.
- j. Approval of change order #2 decrease in the amount of \$4,500.00 for a total contract price of \$46,950.53 to R.L. Tiemann Construction for the Misc Concrete Repair Project 2014.
- k. Resolution Number 5706 executing the Comprehensive Annual Banner Permit to the Nebraska Dept of Roads.
- l. Resolution Number 5707 entering into a farm lease with Larry Delabar for pasture to the southwest of current landfill.
- m. Approval of special designated liquor license application of Community Players Inc. for the Cabaret fundraiser event on January 10, 2015 from 7:00 p.m. until 11:00 p.m. at the Community Players Theatre, 412 Ella Street with an alternate date of January 17, 2015.
- n. Approval of special designated liquor license application of C&C Processing for a tasting event at 2312 N 6th Street on December 12, 2014 from 8:00 a.m. until 1:00 a.m.

Moved by Catlin seconded by Clabaugh, that the items listed under the consent agenda, with the exception of items d and e previously considered, be approved, accepted and/or ratified as presented.

Roll Call: Yea: Billesbach, Catlin, Clabaugh, Cook, Fairbanks, Morgan, Kerr, Parde
Nay: None

Motion carried.

3 - Public Hearings/Bids:

a. Hearings

- 1) Public hearing on the acquisition of real property described as Lot 1, Block 4, Second Addition to South Beatrice, located at 401 S 10th Street.**

Mayor Wirth opened a public hearing on the acquisition of real property described as Lot 1, Block 4, Second Addition to South Beatrice, located at 401 S 10th Street.

City Administrator, Tobias Tempelmeyer, explained that Wells Fargo Bank contacted both the City and Habitat for Humanity regarding the possibility of donating this property, which is currently in foreclosure, plus a cash donation of

\$5,000. Mr. Tempelmeyer contacted Allen Grell and he indicated that Habitat for Humanity was not interested. The City has an interest in acquiring the property for future planning should the City widen Scott Street. The \$5,000 would go towards the demolition of the house, which averages \$7,000 - \$8,000, depending on any asbestos.

Moved by Catlin, seconded by Cook, that the public hearing be closed at 7:17 p.m.

Roll Call: Yea: Billesbach, Catlin, Clabaugh, Cook, Fairbanks, Morgan, Kerr, Parde
Nay: None Motion carried.

4- Resolutions:

- a. Resolution acquiring real property described as Lot 1, Block 4, Second Addition to South Beatrice, located at 401 S 10th Street.**

Mayor Wirth introduced Resolution Number 5708 acquiring real property described as Lot 1, Block 4, Second Addition to South Beatrice, located at 401 S 10th Street.

Moved by Catlin, seconded by Cook, that Resolution Number 5708 be passed and adopted.

Roll Call: Yea: Billesbach, Catlin, Clabaugh, Cook, Fairbanks, Morgan, Kerr, Parde
Nay: None Motion carried.

Resolution Number 5708 has been passed and adopted.

- b. Further consideration on Resolution Number 5704 entering into two contracts with Landis+Gyr Technology, a Master Purchase and Services Agreement and a Command Center Managed Services Package, to implement an Automatic Meter Infrastructure system, as recommended by the Board of Public Works.**

Mayor Wirth introduced further consideration on Resolution Number 5704 entering into two contracts with Landis+Gyr Technology, a Master Purchase and Services Agreement and a Command Center Managed Services Package, to implement an Automatic Meter Infrastructure system, as recommended by the Board of Public Works.

Motion from November 17, 2014 council meeting: Moved by Catlin, seconded by Parde, that Resolution Number 5704 be passed and adopted.

Discussion held that with the estimated load management savings the payback period could be 6.5 years; continued work on converting the electric system to a 12.5 KV would also help in energy savings; discussed how the cost savings will be measured after implementation; there is a three year implementation cycle so it will be some time before that can be measured but staff will continue to report on the project progress. Don Vetrovsky, 2021 Jefferson, BPW Board Chairman, encouraged council to support the project and reported that the Board has been talking about this for some time and had done the search to find the best firm on the list.

Roll Call: Yea: Billesbach, Catlin, Clabaugh, Cook, Fairbanks, Morgan, Kerr, Parde
Nay: None Motion carried.

Resolution Number 5704 has been passed and adopted.

- c. Resolution entering into the Southeast Region 911 Emergency Communications Study Interlocal Agreement.**

Mayor Wirth introduced Resolution Number 5709 entering into the Southeast Region 911 Emergency Communications Study Interlocal Agreement.

Moved by Catlin, seconded by Morgan, that Resolution Number 5709 be passed and adopted.

Police Chief, Bruce Lang, explained that a regional committee has been formed to come up with a plan to replace the 911 telephone system because of problems in the hardware. A previous interlocal agreement allowed this group to hire a consultant to put together a Request for Proposals (RFP) and now that the RFP has been distributed another interlocal agreement is required to provide them with the authority to pick a vendor and come up with a funding mechanism. Currently each Public Safety Answering Point (PSAP) has its own box but technology has improved to share one box that will have a back-up. Once the price has been determined each entity will have the opportunity to opt out of the agreement.

Roll Call: Yea: Billesbach, Catlin, Clabaugh, Cook, Fairbanks, Morgan, Kerr, Parde
Nay: None Motion carried.

Resolution Number 5709 has been passed and adopted.

5– Ordinances:

a. Ordinance to convey interest in two properties located along Hoyt Street and along Railroad Street to the Ensz Family Trust.

Mayor Wirth introduced an Ordinance to convey interest in two properties located along Hoyt Street and along Railroad Street to the Ensz Family Trust.

Moved by Catlin, seconded by Cook, that said ordinance be given number 14-031, the title thereof be approved, the rules be suspended and said ordinance be read by number only three times tonight.

Roll Call: Yea: Billesbach, Catlin, Clabaugh, Cook, Fairbanks, Morgan, Kerr, Parde
Nay: None Motion carried.

Mayor Wirth read Ordinance Number 14-031 by number only the first, second and third times.

Moved by Catlin, seconded by Cook, that Ordinance Number 14-031 be passed and approved.

City Administrator Tempelmeyer and City Attorney Butcher explained that the owners are looking to transfer title and found that the legal descriptions were poorly written so Nebraska Title asked that the City deed any interest in the property over to provide clear title. Upon review by the engineering department the legal description does not include any interest by the City, any easements have been retained, and the two small adjacent properties owned by the City are not included in the legal description.

Roll Call: Yea: Billesbach, Catlin, Clabaugh, Cook, Fairbanks, Morgan, Kerr, Parde
Nay: None Motion carried.

Ordinance Number 14-031 has been passed and approved.

b. Ordinance establishing various salaries of City Employees.

Mayor Wirth introduced an Ordinance establishing salaries for various City and Board of Public Works Employees.

Moved by Catlin, seconded by Cook, that said ordinance be given number 14-032, the title thereof be approved, the rules be suspended and said ordinance be read by number only three times tonight.

Roll Call: Yea: Billesbach, Catlin, Clabaugh, Cook, Fairbanks, Morgan, Kerr, Parde

Nay: None

Motion carried.

Mayor Wirth read Ordinance Number 14-032 by number only the first, second and third times.

Moved by Catlin, seconded by Parde, that Ordinance Number 14-032 be passed and approved.

City Administrator Tempelmeyer explained that each year an ordinance is passed that sets forth salaries; the proposed ordinance includes the cost of living adjustments (COLA) agreed to in the police and fire union contracts, a 2% COLA for non-union employees, and no increase for those employees covered by the IBEW and NAPE/AFSCME contracts, which have not been settled yet. Once that contract has been settled those salary increases will be brought forth for approval.

Roll Call: Yea: Billesbach, Catlin, Clabaugh, Cook, Fairbanks, Morgan, Kerr, Parde
Nay: None

Motion carried.

Ordinance Number 14-032 has been passed and approved.

6– Public Forum:

No one appeared at public forum.

7- Discussions/Reports:

None.

8 –Miscellaneous:

Mayor Wirth read a statement regarding the resolution appointing various city officials that was pulled from the agenda on Wednesday afternoon. As the newly-elected Mayor, he has not had the opportunity to thoroughly review the respective appointed positions, the duties and performance of those individuals currently holding appointed positions, and the needs of the City going forward, and intends to do so in the coming weeks and will then bring forward resolutions announcing those appointments.

The next regular council meeting is December 15, 2014 at 7:00 p.m. in the Beatrice Public Schools Administration Building Meeting Room, and a worksession is planned for December 22, 2014 at 7:00 p.m. in the Beatrice Public Schools Administration Building Meeting Room.

Moved by Catlin, seconded by Clabaugh, that the meeting be adjourned at 7:49 p.m.

Roll Call: Yea: Billesbach, Catlin, Clabaugh, Cook, Fairbanks, Morgan, Kerr, Parde
Nay: None

Motion carried.

Linda S. Koch, City Clerk

Mayor Stan Wirth