

MINUTES OF THE CITY COUNCIL REGULAR MEETING HELD MAY 19, 2014, 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, Clabaugh, Cook, Kerr, Langdale, Parde
Absent: Councilmember Carey, Fairbanks

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.

Proclamation:

Mayor Schuster read a Proclamation proclaiming May 2014 as General Aviation Appreciation Month. Airport Manager, Diana Smith, received the proclamation and addressed the council regarding the declaration.

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 May 5, 2014, as on file in the City Clerk's Office.
- e. Approval of Treasurer's Report of Claims in the amount of \$462,513.10
- f. Approval of BASWA Report of Claims in the amount of \$32,769.33
- g. Approval of change order #1 increase in the amount of \$43,005.20, to the contract with Elkhorn West Construction for the Library Renovation Project, for a total of \$1,226,355.20.
- h. Approval of change order #1 increase in the amount of \$1,000.00 to the contract with Goossen Construction for the Water Park Drainage Project 2014, for a total of \$49,190.00.
- i. Approval of write-off of ambulance bad debts.
- j. Approval of special designated license for VIP Lounge Inc. for a beer garden in front of 106 North 5th Street on June 20, 2014 from 4:00 p.m. until 2:00 a.m. and permission to use a portion of City right-of-way along the sidewalk.
- k. Approval of VIP Lounge Inc. application for addition to liquor license to add a 10' by 26' fenced area on the sidewalk leased from the City of Beatrice in front of 106 North 5th Street.
- l. Refer claim of Dennis Meyer in the amount of \$2,783.38 for damages to vehicle as a result of a light pole falling on it at 7th & Court on March 26, 2014 to the City Attorney and City's Insurance carrier for review.
- m. Accept the resignation of Calvin Carey as Councilmember for the 1st Ward.
- n. Resolution Number 5639 appointing Robert D. Morgan to fill the vacated Councilmember seat for the 1st Ward.
- o. Resolution Number 5640 appointing Maria E. Rodriguez to the Beatrice Planning and Zoning Commission.

Moved by Catlin, seconded by Cook, that the items listed under the consent agenda, with the exception of items g and j, be approved, accepted and/or ratified as presented.

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

Motion carried.

Moved by Catlin, seconded by Cook, to approve change order #1 increase in the amount of \$43,005.20, to the contract with Elkhorn West Construction for the Library Renovation Project, for a total of \$1,226,355.20.

g – Councilmember Cook requested an explanation of the items included in the change order to inform the public listening; reasons for the increase include changes mandated by the fire marshal and inclusion of alternate #1 at the request of the library foundation, which is a movable partition wall in the Norva Price meeting room, less some minor deducts. The Beatrice Library Foundation has also approved these changes.

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

Motion carried.

Moved by Catlin, seconded by Kerr, to approve the special designated license for VIP Lounge Inc. for a beer garden in front of 106 North 5th Street on June 20, 2014 from 4:00 p.m. until 2:00 a.m. and permission to use a portion of City right-of-way along the sidewalk.

j – Councilmember Kerr brought forth concern about the noise for those living in the upper apartments in that block and asked that VIP monitor the noise. Councilmember Parde expressed his concern regarding the potential liability to the City in allowing the use of City property and that access to the sidewalk will be blocked to the general public.

Roll Call: Yea: Catlin, Clabaugh, Cook, Kerr, Langdale
Nay: Parde

Motion carried.

City Clerk, Linda Koch, administered the Oath of Office to appointed Councilmember Robert Morgan.

3 - Public Hearings/Bids:

a. Hearings

4 – Resolutions:

a. Resolution entering into an agreement with Olsson Associates to conduct a Wastewater System Study in the amount of \$25,117.00, as recommended by the BPW.

Mayor Schuster introduced Resolution Number 5641 entering into an agreement with Olsson Associates to conduct a Wastewater System Study in the amount of \$25,117.00, as recommended by the BPW.

Moved by Catlin, seconded by Cook, that Resolution Number 5641 be passed and adopted.

City Administrator, Tobias Tempelmeyer, explained the agreement and that the study will provide a model to be utilized when a new development comes on line to determine if a bottle-neck could occur between the development and the waste water treatment plant. The cost of \$25,117 will be handled through the WPC budget, since the sewer-lining project came in under-budget.

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

Motion carried.

Passed and adopted Resolution Number 5641.

b. Resolution executing a lease agreement with Horvath Towers LLC for a ground lease at North 2nd and Grant Streets for a communications tower.

Mayor Schuster introduced Resolution Number 5642 executing a lease agreement with Horvath Towers LLC for a ground lease at North 2nd and Grant Streets for a communications tower.

Moved by Catlin, seconded by Kerr, that Resolution Number 5642 be passed and adopted.

City Administrator Tempelmeyer reviewed the lease agreement; the company will first study the site to determine if it is suitable to construct a cell tower. The current market rent of \$800 per month will increase 3% annually over 10 year term. Joe Billesbach, 920 Sharon Rd, questioned how close this would be to the Homestead Trail; within 100-200 feet.

Roll Call: Yea: Catlin, Clabaugh, Cook, Kerr, Langdale, Morgan, Parde

Nay: None

Motion carried.

Passed and adopted Resolution Number 5642.

c. Resolution executing a lease agreement with Derrick Fletcher for use of City-owned property on Court Street between 2nd & 3rd Streets for a parking area.

Mayor Schuster introduced Resolution Number 5643 executing a lease agreement with Derrick Fletcher for use of City-owned property on Court Street between 2nd & 3rd Streets for a parking area.

Moved by Catlin, seconded by Clabaugh, that Resolution Number 5643 be passed and adopted.

City Administrator Tempelmeyer explained that Mr. Fletcher has a business adjacent to this property and is asking to lease this portion and put rock on it to extend his car lot. The agreement includes a 30-day out clause should either party determine to terminate the lease.

Roll Call: Yea: Catlin, Clabaugh, Cook, Kerr, Langdale, Morgan, Parde

Nay: None

Motion carried.

Passed and adopted Resolution Number 5643.

d. Resolution approving an application to Nebraska Emergency Management Agency for a Hazard Mitigation Grant for the acquisition of floodplain properties at 102 W Court and 401 W Court.

Mayor Schuster introduced Resolution Number 5644 approving an application to Nebraska Emergency Management Agency for a Hazard Mitigation Grant for the acquisition of floodplain properties at 102 W Court and 401 W Court.

Moved by Catlin, seconded by Cook, that Resolution Number 5644 be passed and adopted.

City Administrator Tempelmeyer reviewed the application for grant funding to acquire two floodplain properties that have been identified for a number of years, but the City has been unable to acquire. If approved, the grant would provide 75% of the cost and the City's 25% share is estimated at \$30,750.

Roll Call: Yea: Catlin, Clabaugh, Cook, Kerr, Langdale, Morgan, Parde

Nay: None

Motion carried.

Passed and adopted Resolution Number 5644.

5 – Ordinances:

6 – Public Forum:

During Public Forum, City Attorney, Greg Butcher, introduced Maria E. Rodriguez, who was appointed to the Beatrice Planning and Zoning Commission. Ms. Rodriguez appeared before the council and stated that she looked forward to serving the public and Beatrice.

7 – Discussions/Reports:

a. Monthly City Administrator's Report

City Administrator Tempelmeyer presented the monthly City Administrator's Report and highlighted the following items: the Water Park will be ready to open on Saturday; working on getting signage on the highway to direct people to the West Scott ball fields; repairs are needed to the tiles at Roszell/Exmark Park, which will be discussed in the next budget;

construction is in progress on the Carnegie parking lot; the water main project on South 6th Street is nearing completion; new WPC camera has been very useful; a water and waste water rate study will be brought for discussion in July; the electric department continues to narrow its selection of an AMI system; information is being distributed to utility customers regarding the Beatrice Plus opt-out program; and the street department continues to prioritize projects and decide what gets funded.

8 – Miscellaneous:

Next regular council meeting is June 2, 2014 at 7:00 p.m. in the BPS Admin Bldg Meeting Room and there will be no worksession in May. A BASWA meeting will be held on June 9th.

Moved by Catlin, seconded by Cook, that the meeting be adjourned at 7:43 p.m.

Roll Call: Yea: Catlin, Clabaugh, Cook, Kerr, Langdale, Morgan, Parde

Nay: None

Motion carried.

Linda S. Koch, City Clerk

Mayor Dennis Schuster