

MINUTES OF THE CITY COUNCIL REGULAR MEETING HELD JULY 21, 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, Parde
Absent: Councilmembers Fairbanks, Langdale, Morgan

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 July 7, 2014, as on file in the City Clerk's Office.
- e. Approval of Treasurer's Report of Claims
 - (1) Approval of claim of Main Street Beatrice in the amount of \$325.71
 - (2) Approval of balance of Treasurer's Report of Claims in the amount of \$845,867.88
- f. Approval of BASWA Report of Claims in the amount of \$34,659.10
- g. Approval to refer lawsuit filed by Ray Scott regarding actions that took place against the "Villa" in November of 2010, to the City's Attorney and City's Insurance carrier for review and disposition.
- h. Resolution Number 5656 granting permission to the Beatrice Humane Society and their designees to sell goods on City property located at 2nd & Ella Streets on August 8th, 2014.
- i. Resolution Number 5657 reappointing Karla Hopkins as a member of the Housing Authority as Resident Commissioner.
- j. Resolution Number 5658 placing stop signs for north and south traffic on Hill Street at the intersection with Paddock Street.
- k. Resolution Number 5659 executing a consulting services agreement with Lockton Companies LLC to ensure compliance of the City health care plan pursuant to the Affordable Care Act.

Moved by Catlin, seconded by Kerr, that the items listed under the consent agenda, with the exception of item j, be approved, accepted and/or ratified as presented. Clabaugh abstained from e(1) and Cook abstained from h, therefore Mayor Schuster voted Yea to pass items e(1) and h.

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

Motion carried.

j – Moved by Catlin, seconded by Clabaugh, that Resolution Number 5658 placing stop signs for north and south traffic on Hill Street at the intersection with Paddock Street, be passed and adopted

Councilmember Kerr had no problem with the stop signs, he just wanted to forward on some complaints he had received that trees are still causing sight issues at the corner and requested that they be cleaned out.

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

Motion carried.

3 - Public Hearings/Bids:

- a. Hearings

4 – Resolutions:

a. Resolution entering into an agreement with MyCommunity Mobile LLC for Mobile Device App Development and Support Services.

Mayor Schuster introduced Resolution Number 5660 entering into an agreement with MyCommunity Mobile LLC for Mobile Device App Development and Support Services.

Moved by Catlin, seconded by Parde, that Resolution Number 5660 be passed and adopted.

City Administrator Tempelmeyer reviewed the agreement which provides that MyCommunity Mobile LLC will develop a mobile app for the City of Beatrice which includes basic information, contact information, and various notification features such as citizens can sign up to receive notifications in emergencies or citizens can use the mobile app to notify the City of an issue by taking a photo and submitting it directly to the City, which can then be responded back to them once the issue is resolved. The City could also create polls to receive feedback from citizens. The cost of services is \$200 per month for two years and the development fee is waived. Other companies were looked at however their fees were higher and charged extra for development.

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

Motion carried.

Resolution Number 5660 has been passed and adopted.

b. Resolution entering into an Interlocal Agreement with School District No. 15 regarding employment of a School Resource Officer.

Mayor Schuster introduced Resolution Number 5661 entering into an Interlocal Agreement with School District No. 15 regarding employment of a School Resource Officer.

Moved by Catlin, seconded by Kerr, that Resolution Number 5661 be passed and adopted.

Police Chief, Bruce Lang, explained that this program started fourteen (14) years ago through a federal grant, which paid for the officer's salary for three (3) years as long as the program was continued for another three (3) years. The program has since continued on as everyone involved felt it was a great program of benefit to our community. The proposed agreement is the same as the previous agreement renewing the program for another three (3) year period with the City and School District splitting the cost of the officer's salary and benefits 50/50.

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

Motion carried.

Resolution Number 5661 has been passed and adopted.

c. Resolution closing West Scott Street between Center and Bluff Streets.

Mayor Schuster introduced Resolution Number 5662 closing West Scott Street between Center and Bluff Streets.

Moved by Catlin, seconded by Cook, that Resolution Number 5662 be passed and adopted.

Mayor Schuster explained that this item had been discussed at the worksession; the street is currently closed during ball games and by closing the street this will allow for more ball field improvements at this location. City Administrator Tempelmeyer reported that the street department will remove the street this fall and install a drainage ditch and hope to have the grass planted before games begin next spring.

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

Nay: None

Motion carried.

Resolution Number 5662 has been passed and adopted.

d. Resolution setting a public hearing on August 4, 2014 at 7:00 p.m. for the proposed annexation of property owned by the State of Nebraska (Beatrice State Developmental Center).

Mayor Schuster introduced Resolution Number 5663 setting a public hearing on August 4, 2014 at 7:00 p.m. for the proposed annexation of property owned by the State of Nebraska (Beatrice State Developmental Center).

Moved by Catlin, seconded by Clabaugh, that Resolution Number 5663 be passed and adopted.

Mayor Schuster explained that this is the first step in annexation to set the date for a public hearing and further explained the process which requires three separate readings and takes 6-8 weeks. The Planning and Zoning Commission will hold public hearings on August 5th, to determine their recommendation.

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

Motion carried.

Resolution Number 5663 has been passed and adopted.

e. Resolution setting a public hearing on August 4, 2014 at 7:00 p.m. for the proposed annexation of various residential properties owned by Jeffrey D. & Sherry Cullison, Michael C. & Sandra L. Havekost, Max L. & Michelle R. Manes, and LaVerne E. & Shirley M. Wolken.

Mayor Schuster introduced Resolution Number 5664 setting a public hearing on August 4, 2014 at 7:00 p.m. for the proposed annexation of various residential properties owned by Jeffrey D. & Sherry Cullison, Michael C. & Sandra L. Havekost, Max L. & Michelle R. Manes, and LaVerne E. & Shirley M. Wolken.

Moved by Catlin, seconded by Parde, that Resolution Number 5664 be passed and adopted.

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

Motion carried.

Resolution Number 5664 has been passed and adopted.

f. Resolution setting a public hearing on August 4, 2014 at 7:00 p.m. for the proposed annexation of property owned by the Beatrice Cemetery Association.

Mayor Schuster introduced Resolution Number 5665 setting a public hearing on August 4, 2014 at 7:00 p.m. for the proposed annexation of property owned by the Beatrice Cemetery Association.

Moved by Catlin, seconded by Parde, that Resolution Number 5665 be passed and adopted.

James Nelson, representing the Beatrice Cemetery Association, spoke to the council and expressed several concerns the association had regarding the annexation, which included sales tax on items delivered to the cemetery such as vaults, possible infrastructure costs due to 33rd Street improvements, whether city ordinance would allow gun salutes at military funerals, the cost of disposal of tree trimming because they currently burn a brush pile, and that they did not see any advantage to the City by annexing the cemetery property which is exempt from property tax. City Attorney, Greg Butcher, explained that military honors are allowed at St. Joseph Cemetery which is currently in the City. Fire Chief, Brian Daake, explained that the State of Nebraska has a permanent burn ban but the local fire chief has the ability to override and issue a permit; while not done very often, there have been a few burns on the edge of town. Police

Chief Lang explained that when it comes to properties adjacent to the community and an emergency call comes in the police department will respond until the sheriff comes because they are farther away. Discussion followed that the sales tax is minimal, that infrastructure improvements can be assessed whether the property is annexed or not, that annexation would make it simpler to know who to dispatch to the call, and to go ahead and set the hearing so all members of the council would be present to consider it.

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

Motion carried.

Resolution Number 5665 has been passed and adopted.

5 – Ordinances:

a. Ordinance amending City Code Section 16-54 and adding Section 16-316 regarding School Zone Loading.

Mayor Schuster introduced an Ordinance amending City Code Section 16-54 and adding Section 16-316 regarding School Zone Loading.

Moved by Catlin, seconded by Cook, that said ordinance be given number 14-017, the title thereof be approved, and said ordinance be read by title only one time tonight.

City Attorney Butcher explained that the current ordinance was challenged in court and received an unfavorable opinion by the judge making it un-enforceable. The proposed ordinance is more definitive, that is shall be unlawful to load or unload in school zones, any passengers or items, in a thru lane of traffic; all loading or unloading shall be in parked curbside areas. The school will notify parents of the enforcement to make sure parents are following the rules and loading and unloading children in an orderly and safe fashion.

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

Motion carried.

Mayor Schuster read Ordinance Number 14-017 by title:

“An ordinance to amend Section 16-54 and to add Section 16-316 to the Beatrice City Code, setting fines and prohibiting loading and unloading in the thru lane of traffic in designated school zones; to repeal conflicting ordinance; and to provide for publication in pamphlet form and an effective date of this ordinance.”

Ordinance Number 14-017 will be brought back for further action at the next regular council meeting.

6 – Public Forum:

No one appeared at public forum.

7 – Discussions/Reports:

a. City Administrators Monthly report.

City Administrator Tempelmeyer presented the City Administrator’s monthly report, highlights included: police and fire staff are currently running short due to injuries and illness, Keep Beatrice Beautiful received a grant from UPS to plant trees at Hannibal Park, the Toro Foundation donated funds for trees at Scott Street ball fields, work will begin next week on the downtown Alley Reconstruction project, a BASWA meeting will be held next Monday prior the worksession to discuss future planning, a personnel manual has been drafted which will be presented for approval, and the Electric Dept. is close to bringing a recommendation for the AMI system.

8 – Executive Session:

Moved by Catlin, that the Beatrice City Council go into closed session at 7:50 p.m., for the protection of public interest to discuss union negotiations.

Seconded by Kerr, that the Beatrice City Council go into closed session at 7:50 p.m., for the protection of public interest to discuss union negotiations.

Mayor Schuster announces that moved by Catlin, seconded by Kerr, that the Beatrice City Council go into closed session at 7:50 p.m., for the protection of public interest to discuss union negotiations.

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

Motion carried.

Reconvened at: 8:25 p.m.

8 – Miscellaneous:

Next regular council meeting is August 4, 2014 at 7:00 p.m. in the BPS Admin Bldg Meeting Room. There will be a BASWA meeting and Worksession on July 28, 2014 at 7:00 p.m. in the BPS Admin Bldg Meeting Room.

Moved by Catlin, seconded by Clabaugh, that the meeting be adjourned at 8:25 p.m.

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

Motion carried.

Linda S. Koch, City Clerk

Mayor Dennis Schuster