

SUMMARY OF THE CITY COUNCIL REGULAR MEETING HELD AUGUST 4, 2008 AT 7:00 P.M. IN THE BPS ADMINISTRATION MEETING ROOM, 320 NORTH 5TH STREET.

1 – Roll Call: Present: Mayor Schuster, Councilmembers Cook, Catlin, Fairbanks, Fetty, Kerr, Parde
Absent: Councilmember Lytle

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 July 21, 2008 as on file in the City Clerk's office.
- e. Approval of Treasurer's Report of Claims in the amount of \$229,940.61
- f. Approval of BASWA Report of Claims in the amount of \$7,722.40.
- g. Approval of bid for the Scott Street Drainage Ditch Repairs (from Center to Helen Streets) in the amount of \$39,024.50 to D.L. Lottman Excavating, as recommended by the BPW.
- h. Approval of Resolution Number 5037 for the installation a handicap parking stall and a loading/unloading stall on the North side of Court between 5th & 6th Streets.

Moved by Fetty, seconded by Kerr, that the items listed under the consent agenda with the exception of item h be approved, accepted and/or ratified as presented.

Roll Call: Yea: Cook, Catlin, Fairbanks, Fetty, Kerr, Parde
Nay: None.

Motion carried.

Moved by Fetty, seconded by Fairbanks that Resolution Number 5037, for the installation a handicap parking stall and a loading/unloading stall on the North side of Court between 5th & 6th Streets, be passed and approved.

Councilmember Fairbanks questioned who had requested the handicap stall and whether a parking stall would be lost. The Kensington requested the handicap stall, and they will no longer pull up on to the sidewalk with their van. One parking stall will be lost, as the loading/unloading zone will be moved forward.

Roll Call: Yea: Cook, Catlin, Fairbanks, Fetty, Kerr, Parde.
Nay: None.

Motion carried.

3 - Public Hearings/Bids:

Public Hearing

- a. **Concerning an amendment to Sections 204(2), 204(8), 207(2), 608(c)(3), 703(b)(8) of the Zoning Ordinance of the City of Beatrice regarding attached and detached accessory structures and setbacks. Ordinance submitted.**

Mayor Schuster announced that a public hearing be held concerning an amendment to Sections 204(2), 204(8), 207(2), 608(c)(3), 703(b)(8) of the Zoning Ordinance of the City of Beatrice regarding attached and detached accessory structures and setbacks.

Stan Wirth, Chairperson of Planning and Zoning, stated that the Commission had approved the amendments, which clarifies language, lowers the height restriction, and changes the setback requirements for another structure on the same lot to as per the current building and fire codes. John Riggs, Chief Building Inspector, explained the changes and answered questions of the Council.

Councilmember Lytle arrived at 7:10 p.m.

Moved by Fetty, seconded by Fairbanks, that the public hearing be closed at 7:13 p.m.

Roll Call: Yea: Cook, Catlin, Fairbanks, Fetty, Kerr, Lytle, Parde.
Nay: None.

Motion carried.

Mayor Schuster introduced an ordinance to amend Sections 204(2), 204(8), 207(2), 608(c)(3), 703(b)(8) of the Zoning Ordinance of the City of Beatrice.

Moved by Fetty, seconded by Fairbanks, that said ordinance be given Number 08-21, the title thereof be approved and the rules be suspended and said ordinance be read by number only three times tonight.

Roll Call: Yea: Cook, Catlin, Fairbanks, Fetty, Kerr, Lytle, Parde.
Nay: None.

Motion carried.

Mayor Schuster read Ordinance Number 08-21 by number only the first, second and third time.

Moved by Fetty, seconded by Fairbanks, that Ordinance Number 08-21 be passed and approved.

Roll Call: Yea: Cook, Catlin, Fairbanks, Fetty, Kerr, Lytle, Parde.
Nay: None.

Motion carried.

Mayor Schuster announced that Ordinance Number 08-21 has been passed and approved.

4– Resolutions:

- a. Authorization to place the issue to adopt or reject an ordinance to prohibit the addition of fluoride to the City water system on the ballot at the general election, November 4th, 2008.**

Mayor Schuster introduced Resolution Number 5038 placing the issue to adopt or reject an ordinance to prohibit the addition of fluoride to the City water system on the ballot at the general election, November 4th, 2008.

Moved by Fetty, seconded by Fairbanks, that Resolution Number 5038 be passed and adopted.

City Attorney, Tobias Tempelmeyer, explained the resolution drafted as per Council request, and that voting yes on the ballot issue would prohibit fluoridation, voting against would allow fluoridation. If the Council did nothing the City would have to fluoridate the water, putting it on the ballot will allow the public to decide. A brief discussion was held regarding whose responsibility it was to educate the public and that the City can only provide facts and cannot advocate a position.

Roll Call: Yea: Cook, Catlin, Fairbanks, Fetty, Kerr, Lytle, Parde.
Nay: None.

Motion carried.

5 – Ordinances:

6– Public Forum: No one appeared.

7- Discussions/Reports:

- a. Request to move \$18,000 from the Capital Improvement Budget line for park road repairs to be used for the purchase of playground equipment at Chautauqua Park.**

Mark Pethoud, Buildings and Parks Supervisor, presented the request to allocate \$18,000 that was not going to be used for road repairs this year to be used to replace an old playground equipment structure across from the Chautauqua Tabernacle. This item was budgeted for a future year, but needs to be replaced badly.

Moved by Fetty, seconded by Fairbanks, to move \$18,000 from the Capital Improvement Budget line for park road repairs to be used for the purchase of playground equipment at Chautauqua Park.

Roll Call: Yea: Cook, Catlin, Fairbanks, Fetty, Kerr, Lytle, Parde.
Nay: None.

Motion carried.

b. Receipt of notice from NAPE (Nebraska Association of Public Employees), Firefighters Local 1098, and Fraternal Order of Police Lodge #45A to commence contract negotiations.

Moved by Fetty, seconded by Cook, to receive and place on file letters from NAPE (Nebraska Association of Public Employees), Firefighters Local 1098, and Fraternal Order of Police Lodge #45A to commence contract negotiations.

Roll Call: Yea: Cook, Catlin, Fairbanks, Fetty, Kerr, Lytle, Parde.
Nay: None.

Motion carried.

Mayor Schuster asked Councilmembers Cook, Catlin, Parde, and Fetty to serve on the negotiations committee.

c. Continue discussion of the license agreement with Ron and Vicki Hasley for ingress/egress rights on City property.

City Attorney Tempelmeyer requested that this item be postponed due to pending litigation and negotiations that were not yet resolved.

Moved by Fetty, seconded by Fairbanks, to postpone discussion on the license agreement with Ron and Vicki Hasley for ingress/egress rights on City property, until the August 18th city council meeting.

Councilmember Fetty requested that an Executive Session also be put on the August 18th agenda to discuss possible litigation.

Roll Call: Yea: Cook, Catlin, Fairbanks, Fetty, Kerr, Lytle, Parde.
Nay: None.

Motion carried.

Moved by Fetty, seconded by Fairbanks that the meeting be adjourned at 7:38 p.m.

Roll Call: Yea: Cook, Catlin, Fairbanks, Fetty, Kerr, Lytle, Parde.
Nay: None.

Motion carried.

Linda S. Koch, City Clerk

Mayor Dennis Schuster