

**SUMMARY OF THE CITY COUNCIL REGULAR MEETING HELD DECEMBER 1, 2008 AT 7:00 P.M. IN THE BPS ADMINISTRATION MEETING ROOM, 320 NORTH 5<sup>TH</sup> STREET.**

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

**Council Reorganization:**

**a. Receive Certification of Election**

Moved by Fetty, seconded by Kerr, that the Certificate of Election of the November 4, 2008 General Election, as certified by the County Clerk, be received and placed on file.

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

Motion carried.

**b. Approve councilmember public officials bonds**

Moved by Fetty, seconded by Kerr, that the following public officials bonds be approved: Councilmember Alan Fetty, State Farm Insurance; Councilmember David Pede Catlin, Allied Insurance; Councilmember Jason Schmale, State Farm Insurance; and Councilmember Jason Moore, State Farm Insurance.

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

Motion carried.

Mayor Schuster presented plaques to out-going councilmembers Richard Kerr and Phil Cook. Both expressed their appreciation for the opportunity to serve the citizens of Beatrice and wished the incoming members luck and asked that they continue to take care of our City.

**c. Administer Oath of Office**

City Clerk Linda Koch administered the Oath of Office to Councilmembers Alan Fetty, David Pede Catlin, Jason Moore, Jason Schmale and Airport Authority board member Dennis Rinne.

Following the swearing in the new councilmembers took their seat at the table.

**d. Election of Council President**

Mayor Schuster asked for nominations for Council President.

Councilmember Catlin nominated Ted Fairbanks for Council President.

Moved by Fetty, seconded by Carey, that the nominations cease and that Ted Fairbanks be unanimously elected to serve as Council President.

Roll Call: Yea: Carey, Catlin, Fairbanks, Fetty, Lytle, Moore, Parde, Schmale.  
Nay: None.

Motion carried.

Moved by Fairbanks, seconded by Catlin, that the term of the Council President be limited to one year.

Councilmember Fairbanks stated that in discussion with other councilmembers they felt that one year is sufficient and would then give more members the opportunity to serve, however, that person could be re-elected to a 2<sup>nd</sup> year. Councilmembers Parde and Fetty felt that the term should remain every two years.

Roll Call: Yea: Carey, Catlin, Fairbanks, Lytle, Moore, Schmale.  
Nay: Fetty, Parde.

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 November 17, 2008 as on file in the City Clerk's office.
- e. Approval of Treasurer's Report of Claims in the amount of \$273,475.47.
- f. Approval of BASWA Report of Claims in the amount of \$24,606.00
- g. Approval of bid for a 2009 Dump Truck from Wick's Sterling Trucks in the amount of \$75,500 after trade for the Street Department as recommended by the Board of Public Works.
- h. Approval of bid for a 2009 ½ Ton 4X4 Ext Cab Pickup from Beatrice Ford in the amount of \$21,521 for the WPC Department as recommended by the Board of Public Works.
- i. Approval of bid for Weir Washers for Primary Clarifiers from Gil Trading in the amount of \$29,900 for the WPC Department as recommended by the Board of Public Works.
- j. Resolution Number 5068 rescinding Legal Service Agreement with Michael C. Mueller due to IRS extension of deadline for restatement of pension plans to 2011.

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

Roll Call: Yea: Carey, Catlin, Fairbanks, Fetty, Lytle, Moore, Parde, Schmale.  
Nay: None.

Motion carried.

Moved by Fairbanks, seconded by Parde that the bid for Weir Washers for Primary Clarifiers from Gil Trading in the amount of \$29,900 for the WPC Department as recommended by the Board of Public Works be approved.

i – Councilmember Lytle requested more information on why the bid came in over budget. City Administrator Niedfeldt explained that only one bid came in and it met the specs, and also the item is rather unique and there are not a lot of vendors that could provide it.

Roll Call: Yea: Carey, Catlin, Fairbanks, Fetty, Lytle, Moore, Parde, Schmale.  
Nay: None.

Motion carried.

## 3 - Public Hearings/Bids:

- a. **Public hearing for the proposed annexation of a tract of land located in the SE1/4 of Section 16-T4N-R6E (west of Highway 77 north of City limits) Ordinance submitted.**

Mayor Schuster announced that a public hearing be held for purpose of considering the proposed annexation of a tract of land located in the SE1/4 of Section 16-T4N-R6E, west of Highway 77 and north of the City limits.

Mayor Schuster explained that this property is surrounded the Northgate crossing property that was recently annexed however, this parcel was left out to avoid potential controversy. City Administrator Niedfeldt explained that City services would go right by this property as developed for the newly annexed property to the north. Rick Bennett and Mark Buhr, representing Oregon Trail Equipment, appeared before the Council in opposition to the annexation of the property which they felt would adversely affect their business. A lengthy discussion followed.

Moved by Fairbanks, seconded by Catlin, that the public hearing be closed at 7:48 p.m.

Roll Call: Yea: Carey, Catlin, Fairbanks, Fetty, Lytle, Moore, Parde, Schmale.  
Nay: None.

Motion carried.

Mayor Schuster introduced an ordinance to annex a tract of land located in the SE1/4 of Section 16, Township 4 North, Range 6 East of the 6<sup>th</sup> P.M. Gage County, Nebraska

Moved by Fairbanks, seconded by Fetty, that said ordinance be given number 08-35, the title thereof be approved, and said ordinance read by title one time tonight.

Roll Call: Yea: Carey, Fairbanks, Fetty, Moore, Schmale.  
Nay: Parde, Lytle, Catlin.

Motion carried.

Mayor Schuster read Ordinance Number 08-35 by title one time.

#### **4– Resolutions:**

##### **a. Setting the equalization hearing date for the purpose of levying special assessments against real estate in Paving District #484 (Hayes Street)**

Mayor Schuster introduced Resolution Number 5069 setting the equalization hearing date for the purpose of levying special assessments against real estate in Paving District #484.

Moved by Fairbanks, seconded by Parde, that Resolution Number 5069 be passed and adopted.

Mayor Schuster explained the procedure for equalizing assessments.

Roll Call: Yea: Carey, Catlin, Fairbanks, Fetty, Lytle, Moore, Parde, Schmale.  
Nay: None.

Motion carried.

##### **b. Authorizing license agreement with Ron and Vicki Hasley for ingress/egress rights on city property.**

Mayor Schuster introduced Resolution Number 5070 authorizing license agreement with Ron and Vicki Hasley for ingress/egress rights on city property.

Moved by Fairbanks, seconded by Moore, that Resolution Number 5070 be passed and adopted.

City Attorney Tempelmeyer explained that Hasley's have signed the agreement which provides for a non-exclusive license for 4 years at \$300.00 per year plus one year's back rent to be paid in advance. Approval of the agreement will then dismiss the lawsuit filed by Mr. Hasley.

Roll Call: Yea: Carey, Catlin, Fairbanks, Fetty, Lytle, Moore, Parde, Schmale.  
Nay: None.

Motion carried.

##### **c. Approving Union Contract with Firefighters Local 1098.**

This item was postponed because the Union's attorney had not returned the contract for signatures yet.

#### **5– Ordinances:**

##### **a. Approving salaries for certain city employees covered by the Firefighters Union Contract.**

This item was also postponed because the Union’s attorney had not returned the contract for signatures yet.

**b. Prohibiting the addition of fluoride to the water system of the City of Beatrice.**

Mayor Schuster introduced an ordinance prohibiting the addition of fluoride to the water system of the City of Beatrice.

Moved by Fairbanks, seconded by Parde, that said ordinance be given Number 08-37, the title thereof be approved and the rules be suspended and said ordinance be read by number only three times tonight.

Mayor Schuster explained that just ratifies the decision of the voters in the November election results.

Roll Call: Yea: Carey, Catlin, Fairbanks, Fetty, Lytle, Moore, Parde, Schmale.  
Nay: None. Motion carried.

Mayor Schuster read Ordinance Number 08-37 by number only the first, second and third time.

Moved by Fairbanks, seconded by Parde, that Ordinance Number 08-37 be passed and approved.

Roll Call: Yea: Carey, Catlin, Fairbanks, Fetty, Lytle, Moore, Parde, Schmale.  
Nay: None. Motion carried.

Ordinance Number 08-37 has been passed and approved.

**c. Approving the final plat of proposed Air Park South Addition located in Section 28-4-6**

Mayor Schuster introduced an ordinance approving the final plat of Air Park South Addition.

Moved by Fairbanks, seconded by Carey, that said ordinance be given Number 08-38, the title thereof be approved and the rules be suspended and said ordinance be read by number only three times tonight.

Chief Building Inspector John Riggs reported that Planning & Zoning unanimously approved the plat. City Engineer Rex Behrends also reported that he approved of the plat which re-plats several lots in order to transfer ownership to the Beatrice Airport.

Roll Call: Yea: Carey, Catlin, Fairbanks, Fetty, Lytle, Moore, Parde, Schmale.  
Nay: None. Motion carried.

Mayor Schuster read Ordinance Number 08-38 by number only the first, second and third time.

Moved by Fairbanks, seconded by Parde, that Ordinance Number 08-38 be passed and approved.

Roll Call: Yea: Carey, Catlin, Fairbanks, Fetty, Lytle, Moore, Parde, Schmale.  
Nay: None. Motion carried.

Ordinance Number 08-38 has been passed and approved.

**6– Public Forum:**

No one appeared.

**7- Discussions/Reports:**

**a. Beatrice Big Blue River corridor redevelopment report.**

Phil and Susan Cook updated the Council on how a project has developed over the past 12 years to look at the Big Blue Riverfront as an asset to the City, to clean up the water, and develop the area into a recreational area, including a 15 acre lake. Mary Hanson of the National Park Service Rivers, Trails and Conservation Assistance presented a draft of the beautification and enhancement plan. City Engineer Rex Behrends and Storm Water Coordinator Gary Willard, are working together with the task force to converge their efforts into one big project in the handling and treatment of storm water run-off from City streets. Gissel Gonzalez-Rowden, an intern from SCC, reported that testing of the river and creek showed extremely poor water quality. The project titled Vision 2020 starts with a program to involve students in the monitoring of the water quality of the Big Blue River back to its beginning in Aurora. Pheasants Forever will work with adjacent land owners to install buffer strips along the banks of the river to keep sediment back and filter nitrates. Allen Grell representing Keep Beatrice Beautiful, spoke of their support of the project. The Corp of Engineers has this listed as an approved project and can assist the City to start planning and engineering work. The group asked that a Steering Committee of 10 to 15 people be formed to include educators, city council, Main Street, the Chamber, and GCED to be a group of people with an interest and be a voice for the project and encourage the public to support it. A list of names will be brought back to the meeting on December 15<sup>th</sup> for approval.

#### **8- Miscellaneous:**

Mayor Schuster reminded the Council of a special meeting on December 11<sup>th</sup>, at 4:00 p.m., in the BPS meeting room, to hear presentations by SCC architectural students of design plans for a new fire station.

Moved by Fairbanks, seconded by Schmale, that the meeting be adjourned at 9:01 p.m.

Roll Call:           Yea: Carey, Catlin, Fairbanks, Fetty, Lytle, Moore, Parde, Schmale.  
                      Nay: None.

Motion carried.

**Linda S. Koch, City Clerk**

**Mayor Dennis Schuster**