

**SUMMARY OF THE CITY COUNCIL REGULAR MEETING HELD NOVEMBER 3, 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.

**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 October 20, 2008 as on file in the City Clerk's office.
- e. Approval of Treasurer's Report of Claims in the amount of \$240,543.95.
- f. Approval of BASWA Report of Claims in the amount of \$38,347.15.
- g. Resolution Number 5059 authorizing execution of Conditional Deed of Gift for the Rocket displayed at Astro Park.
- h. Resolution Number 5060 approving professional services agreement with Michael C. Mueller, Attorney at Law, to restate the City's retirement plans, as required by the IRS every five years.
- i. Resolution Number 5061 entering into agreement with UNUM to provide the City's Long-Term Disability and Life Insurance Plan.

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

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

Motion carried.

Moved by Fetty, seconded by Fairbanks, that Resolution Number 5059 authorizing execution of Conditional Deed of Gift for the Rocket displayed at Astro Park be passed and adopted.

Councilmember Fairbanks requested more information regarding the rocket and why the City was doing this now. It is just a procedure item to document the rocket location and that the City is responsible for maintaining it.

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

Motion carried.

**3 - Public Hearings/Bids:**

**4– Resolutions:**

- a. Resolution amending the Memorandum of Agreement regarding design modifications to the awning at the Paddock/Kensington Hotel.**

Mayor Schuster introduced Resolution Number 5062 amending the Memorandum of Agreement regarding design modifications to the awning at the Paddock/Kensington Hotel.

Moved by Fetty, seconded by Cook, that Resolution Number 5062 be passed and adopted.

City Engineer Rex Behrends explained that the Nebr. Dept. of Roads has proposed this amendment to the original Memorandum of Agreement regarding the awning. There were several unknowns on how the awning was constructed and attached, which were found out during the removal process. A structural engineer and architect were hired by the State to

determine the necessary design modifications. The cost is now estimated to be between \$25,000 and \$30,000, which will be split 50/50 with the State. This needs to be done by February 5<sup>th</sup>, 2009, in order to proceed with the Mill and Overlay project.

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

Motion carried.

**b. Approving Union Contract with NAPE-AFSCME.**

Mayor Schuster introduced Resolution Number 5063 approving the union contract with NAPE-AFSCME.

Moved by Fetty, seconded by Cook, that Resolution Number 5063 be passed and adopted.

City Administrator Neal Niedfeldt summarized the changes to the contract which treats both parties well, is cost effective for the City and falls within the current budget. The 3-year contract calls for salary increases of 4% the first year and 3% each of the following two years. Benefit changes include an increase to the employee life insurance, reducing the maximum sick leave allowed but adding long-term disability, and removing the merit step plan and replacing it performance based pay adjustments at the discretion of the Mayor and Council. Councilmember Fairbanks felt the salary increase of 4% was excessive in these economic times. Discussion followed. Clint Wiebe, president of the NAPE-AFSCME Union was present and thanked the administration for the work they did and the great communication.

Roll Call: Yea: Carey, Catlin, Cook, Fetty, Kerr, Lytle, Parde.  
Nay: Fairbanks.

Motion carried.

**5– Ordinances:**

**a. Establishing salaries for certain City employees covered by the NAPE-AFSCME contract.**

Mayor Schuster introduced an ordinance establishing salaries for certain City employees covered by the NAPE-AFSCME contract.

Moved by Fetty, seconded by Fairbanks, that said ordinance be given Number 08-33, the title thereof be approved and the rules be suspended and said ordinance be read by number only three times tonight.

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

Motion carried.

Mayor Schuster explained this ordinance included only the 4% salary increases provided by approval of the NAPE-AFSCME Union Contract.

Mayor Schuster read Ordinance Number 08-33 by number only the first, second and third time.

Moved by Fetty, seconded by Fairbanks that Ordinance Number 08-33 be passed and approved.

Roll Call: Yea: Carey, Catlin, Cook, Fetty, Kerr, Lytle, Parde.  
Nay: Fairbanks.

Motion carried.

Ordinance Number 08-33 has been passed and approved.

**6– Public Forum:**

Pamela Hedges, 1807 South 16<sup>th</sup> Circle Drive, appeared on behalf of several businesses requesting discussion regarding the state-wide smoking ban, the affect on their business because of it, and wanting an exemption from the ban.

**7- Discussions/Reports:**

**8- Miscellaneous:**

Moved by Fetty, seconded by Carey, that the meeting be adjourned at 7:33 p.m.

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

Motion carried.

**Linda S. Koch, City Clerk**

**Mayor Dennis Schuster**