

Councilmember Fairbanks questioned the need for a new loader. Street Supt. Baete stated that it will replace a 1994 unit in need of repair and has many uses by his department.

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

Moved by Fetty, seconded by Fairbanks, that Resolution Number 5058 closing Cedar Street between Scott Street and West Mary Street on days when school is in session between 2:50 p.m. and 3:30 p.m. be passed and adopted.

Councilmember Parde asked who brought this issue forward. Police Chief Bruce Lang stated that the bus company had requested it and during a trial period it helped greatly.

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

3 - Public Hearings/Bids:

a. Bids – Receive bids for a new 911 ambulance and a new inter-facility transfer ambulance.

Mayor Schuster asked if there were any other bids to be presented for a new 911 ambulance and a new inter-facility transfer ambulance for the fire department.

Moved by Fetty, seconded by Carey, that the bidding be closed and the bids be opened and read aloud.

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

City Administrator Neal Niedfeldt opened the bids and read aloud as follows:

Company	911 Ambulance Bid Amount	Transfer Ambulance Bid Amount	Bid Security
Osage/Fire Guard	\$164,640 less trade and any Ford Rebate	\$115,580.00	5%
Osage/Fire Guard (2009)	\$167,500.00	GM Braun \$115,580.00	5%

Moved by Fetty, seconded by Cook, that the bids be referred to the Fire Chief and City Administrator for review and recommendation at the next regular City Council meeting on November 3rd.

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

b. Public Hearings –

1) Semi-annual report of the Citizen’s Advisory Review Committee.

Mayor Schuster announced that a public hearing will now be held for the purpose of presenting the semi-annual report of the Citizen’s Advisory Review Committee.

CARC Committee Chairperson, Steve Kyser, appeared to give the report.

Moved by Fetty, seconded by Fairbanks, that the public hearing be closed at 7:28 p.m.

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

- 2) **Application for rezoning Lot 6 and W25' of Lot 5, Block 25, Riverside Park Addition from "RC" Residential-Commercial to "GC" General-Commercial. (605 Milliken)**
- 3) **Application for rezoning Lot 7, Block 25, Riverside Park Addition from "RC" to "GC" (603 Milliken)**
- 4) **Application for rezoning Lot 8, except a portion, Block 25, Riverside Park Addition, from "RC" to "GC" (601 Milliken)**
- 5) **Application for rezoning Lot 4 and E25' of Lot 5, Block 25, Riverside Park Addition from "RC" to "GC" (715 Milliken)**

Mayor Schuster announced that a public hearing will now be held regarding the rezoning of 4 parcels located in Riverside Park Addition, Block 25, Lots 4-8, from RC to GC.

P&Z Chairperson, Stan Wirth, appeared regarding the rezoning on Milliken Street from RC to GC as recommended by Planning & Zoning. No one appeared in opposition.

Moved by Fetty, seconded by Fairbanks, that the public hearing be closed at 7:30 p.m.

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

- 6) **Application of Northgate Investment Co., LLC, for rezoning 3 parcels located in the Northeast Quarter of Section 16-4-6, located at the SW corner of Highway 77 and Hickory Rd; Parcel #1 from "AG" Agricultural to "GC" General Commercial; Parcel #2 from "AG" to "O" Office; and Parcel #3 from "AG" to "GC".**

Mayor Schuster announced that a public hearing will now be held to regarding the rezoning of 3 parcels located in the Northeast Quarter of Section 16-4-6, located at the SW corner of Highway 77 and Hickory Rd; Parcel #1 from "AG" Agricultural to "GC" General Commercial; Parcel #2 from "AG" to "O" Office; and Parcel #3 from "AG" to "GC".

P&Z Chairperson Stan Wirth appeared regarding the rezoning which was requested by the investors of a proposed development for this property and is also recommended by Planning and Zoning. Chief Building Inspector John Riggs explained that the current hospital is zoned "O", which requires a special use permit for a hospital.

Moved Fetty, seconded by Fairbanks, that the public hearing be closed at 7:32 p.m.

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

4- Resolutions:
None.

5- Ordinances:

a. Final Reading - Ordinance Number 08-24 to annex a parcel of land in Section 16, Township 4 North, Range 6 East of the 6th P.M., located north of the Beatrice Airport. (Read by title two times)

Moved by Fetty, seconded by Fairbanks, that Ordinance Number 08-24 be read by title the third and final time tonight.

Mayor Schuster explained that this is the final reading regarding the annexation of a parcel of land in Section 16-4-6 located at the SW corner of Highway 77 and Hickory Road.

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

Mayor Schuster read Ordinance Number 08-24 by title the third and final time.

Moved by Fetty, seconded by Carey, that Ordinance Number 08-24 be passed and approved.

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

Ordinance Number 08-24 has been passed and approved.

b. Ordinance approving rezoning 3 parcels located in the Northeast Quarter of Section 16, Township 4 North, Range 6 East of the 6th P.M. (Northgate Investment Co., LLC)

Mayor Schuster introduced an ordinance changing the zoning of 3 parcels in the Northeast Quarter of Section 16, Township 4 North, Range 6 East of the 6th P.M., located at the SW corner of Highway 77 and Hickory Road, from AG to GC for parcels #1 and #3 and from AG to O for parcel #2.

Moved by Fetty, seconded by Lytle, that said ordinance be given Number 08-31, 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 read Ordinance Number 08-31 by number only the first, second and third time.

Moved by Fetty, seconded by Cook, that Ordinance Number 08-31 be passed and approved.

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

Ordinance Number 08-31 has been passed and approved.

c. Ordinance approving rezoning of 4 parcels in Riverside Park Addition, Block 25, Lots 4-8, located east of 6th Street on Milliken.

Mayor Schuster introduced an ordinance changing the zoning of 4 parcels in Riverside Park Addition, Block 25, Lots 4-8, located east of 6th Street on Milliken from RC to GC .

Moved by Fetty, seconded by Cook, that said ordinance be given Number 08-32, 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 read Ordinance Number 08-32 by number only the first, second and third time.

Moved by Fetty, seconded by Carey, that Ordinance Number 08-32 be passed and approved.

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

Ordinance Number 08-32 has been passed and approved.

d. Final Reading – Ordinance Number 08-20 to provide for the institution and enforcement of Lodging Occupation Taxes (Read by number two times)

Moved by Fetty, seconded by Cook, that Ordinance Number 08-20 be read by number only the third and final time tonight.

The final reading on this ordinance had been delayed to allow for time to meet and address the concerns brought before the Council by the Visitor's Bureau. Councilmember Cook's committee met and they will continue meeting quarterly or monthly if needed. Proposed is a 3% tax to be used for community betterment projects, which would be approved yearly in the annual budget. It broadens the tax base and provides funding for special projects that cannot be afforded otherwise. The City Administrator will be the point of contact person.

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

Mayor Schuster read Ordinance 08-20 by number only the third time.

Moved by Fetty, seconded by Cook, that Ordinance Number 08-20, Section 24-103 be amended to read "shall be deposited into the General fund", and Section 24-104 be amended to read "shall commence on the 1st day of December, 2008".

City Attorney Tobias Tempelmeyer explained that due to the timing of the approval the start date needed to be changed to December 1st and correct where the funds will actually be deposited into.

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

Moved by Fetty, seconded by Cook, that Ordinance Number 08-20, as amended, be passed and approved.

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

Motion carried.

Ordinance Number 08-20 has been passed and approved.

6- Public Forum:

No one appeared.

7- Discussions/Reports:

a. Parking on East Court Street

Continued discussion regarding consideration of removal of parking on East Court Street. Greg Nutsch, 1315 E. Court, Dustin Rehm, 1325 E. Court, and Terry Cossell, 1020 E. Court, all appeared in opposition stating that they and their neighbors needed the street parking. Chief Building Inspector Riggs reported that there was not an alley to provide access to these properties. Police Chief Lang reported that there had been 30 accidents on East Court Street in the last two years, 23 of those at 16th & Court. Parking is not the issue, but felt changing to 3 lanes with a turn lane was a good idea. After a lengthy discussion no action was taken to change the current parking.

8- Miscellaneous:

a. GCED Quarterly Report

Councilmembers received the GCED quarterly report and felt it was more thorough and very informative.

Moved by Fetty, seconded by Cook, that the meeting be adjourned at 8:22 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