

MINUTES OF THE CITY COUNCIL REGULAR MEETING HELD DECEMBER 7, 2009, AT 7:00 P.M. IN THE BPS ADMINISTRATION MEETING ROOM, 320 NORTH 5TH STREET.

1 – Roll Call: Present: Mayor Schuster, Councilmembers Carey, Catlin, Fairbanks, Fetty, Lytle, Moore, Schmale
Absent: Councilmember Parde

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.

Mayor Schuster asked for nominations for Council President.

Moved by Fairbanks, seconded by Fetty, that the nominations for Council President cease and that the names of Pede Catlin and Jason Moore be voted on by written ballot.

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

Motion carried.

Mayor Schuster announced that Pede Catlin has been elected to serve as Council President by unanimous ballot.

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 November 16, 2009 as on file in the City Clerk's Office.
- e. Approval of minutes of worksession on November 23, 2009 as on file in the City Clerk's Office.
- f. Approval of minutes of special meeting on November 30, 2009 as on file in the City Clerk's Office.
- g. Approval of Treasurer's Report of Claims in the amount of \$288,678.90
- h. Approval of BASWA Report of Claims in the amount of \$32,498.98

Moved by Catlin, seconded by Lytle, that the items listed under the consent agenda be approved, accepted and/or ratified as presented.

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

Motion carried.

3 – Public Hearings/Bids:

a. Hearing

(1) Proposed annexation of property located near the intersection of West Highway 136 and West Scott Street.

Mayor Schuster announced that a public hearing will now be held regarding the proposed annexation of property located near the intersection of West Highway 136 and West Scott Street.

City Attorney Tempelmeyer explained that the area of the proposed annexation included the Southeast Community College property, City property upon which the new armory is being built, and the Blue Valley Veterinary Clinic property. The area already receives city utilities and fire service, will add a few lane miles to the Street department and some additional service calls for the police department but minimal impact. No one from the public appeared.

Moved by Catlin, seconded by Carey, that the public hearing be closed at 7:10 p.m.

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

Motion carried.

4 – Resolutions:

- a. **Resolution to authorize implementation of a Voluntary 457(b) Retirement Plan for eligible City employees.**

Mayor Schuster introduced Resolution Number 5171 to authorize implementation of a Voluntary 457(b) Retirement Plan for eligible City Employees.

Moved by Catlin, seconded by Schmale, that Resolution Number 5171 be passed and adopted.

City Administrator Niedfeldt explained that the current 414(h) plan did not allow for additional voluntary contributions by the employee above the mandatory 6%. In 2001, Principal had encouraged employees to make elective contributions above the 6%, which some have done. To correct this Principal proposed to implement a 457(b) plan to transfer those contributions into and provide a vehicle for this type of contributions similar to how the BPW retirement plan is done. Principal waived the plan set-up fee; however, the annual base administration fee of \$1,000 proposed to be paid by the City until more funds are available in the plan drew a discussion among councilmembers.

Moved by Moore, seconded by Fetty, to amend Resolution Number 5171 to pay the \$1,000 base administration fee for one year.

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

Motion carried.

Vote on Resolution Number 5171 as amended:

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

Motion carried.

Resolution Number 5171 has been passed and adopted.

- b. **Resolution placing a stop sign on Fourth Street at the pedestrian crosswalk in front of the west entrance to the Beatrice Middle School during certain hours when school is in session.**

Mayor Schuster introduced Resolution Number 5172 placing a stop sign on Fourth Street at the pedestrian crosswalk in front of the west entrance to the Beatrice Middle School during certain hours when school is in session.

Moved by Catlin, seconded by Carey, that Resolution Number 5172 be passed and adopted.

Police Chief, Bruce Lang, explained that the Beatrice Middle School administrative staff proposed the stop sign as a solution to safety issues on this crosswalk and after a 90-day trial period and are now requesting that the stop sign be made permanent. Discussion followed with concern whether the stop sign would give a false sense of security when crossing or whether to consider closing 4th Street. Kelsey Schlake, 217 W. Birch Rd, appeared and felt that closing 4th Street would cause a problem for students arriving at Athletic Park for practice.

Councilmember Moore left the meeting to take a phone call.

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

Motion carried.

Resolution Number 5172 has been passed and adopted.

Councilmember Moore returned to the meeting.

5 – Ordinances:

a. Ordinance to add Section 18-31 to the City Code setting a reasonable time to receive recommendations from the Planning and Zoning Commission.

Mayor Schuster introduced an ordinance to add Section 18-31 to the City Code setting a reasonable time to receive recommendations from the Planning and Zoning Commission.

Moved by Catlin, seconded by Schmale, that said ordinance be given number 09-040, the title thereof be approved, the rules be suspended, and said ordinance be read by number only three times tonight.

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

Motion carried.

Mayor Schuster read Ordinance Number 09-040 by number the first, second and third time.

Moved by Catlin, seconded by Schmale, that Ordinance Number 09-040 be passed and approved.

City Attorney Tempelmeyer explained that before action can be taken on issues such as zoning and annexation, the council shall receive recommendation from Planning & Zoning, which the Council does do, however, State Statutes read that the City shall set by ordinance a reasonable time to receive such recommendations.

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

Motion carried.

Ordinance Number 09-040 has been passed and approved.

b. Ordinance Number 09-038 to annex a tract of land in the SE1/4 of Section 28-T4N-R6E, located between 6th and Pelham, Hoyt and Carlyle Streets. (third and final reading)

Mayor Schuster introduced consideration of the third and final reading of Ordinance Number 09-038 to annex a tract of land in the SE1/4 of Section 28-T4N-R6E, located between 6th and Pelham, Hoyt and Carlyle Streets.

Moved by Catlin, seconded by Fetty, that said Ordinance Number 09-038, the title thereof be approved, and said ordinance be read by title only the third and final time tonight.

Stan Wirth, Planning & Zoning Commission Chairperson, presented the P&Z recommendation for approval of the annexation.

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

Motion carried.

Mayor Schuster read Ordinance Number 09-038 by title the third time:

“An ordinance to extend the boundaries and include within the corporate limits of, and to annex to, the City of Beatrice, Nebraska a tract of land out of and part of the Southeast Quarter (SE ¼) of Section Twenty-Eight (28), Township Four (4) North, Range Six (6), East of the 6th P.M., Beatrice, Gage County, Nebraska; to provide service benefits thereto; to repeal conflicting ordinances; and to provide for publication in pamphlet form and effective date of this ordinance.”

Moved by Catlin, seconded by Fetty, that Ordinance Number 09-038 be passed and approved.

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

Motion carried.

Ordinance Number 09-038 has been passed and approved.

**c. Ordinance to annex property located near the intersection of West Highway 136 and West Scott Street.
(first reading)**

Mayor Schuster introduced an ordinance to annex property located near the intersection of West Highway 136 and West Scott Street.

Moved by Catlin, seconded by Lytle, that said ordinance be given number 09-041, the title thereof be approved, and said ordinance be read by title only the first time tonight.

Stan Wirth, Planning & Zoning Commission Chairperson, presented the P&Z recommendation for approval of the annexation. He reported that Bob Morgan, the SCC campus director, spoke at their meeting in favor with the only concern being that Ag land use not change.

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

Motion carried.

Mayor Schuster read Ordinance Number 09-041 by title the first time:

“An ordinance to extend the boundaries and include within the corporate limits of, and to annex to, the City of Beatrice, Nebraska a tract of land out of and part of the Southeast Quarter (SE ¼) of Section Thirty-One (31), Township Four (4) North, Range Six (6), East of the 6th P.M., Gage County, Nebraska; Northeast Quarter (NE ¼) of Section Six (6), Township Three (3) North, Range Six (6), East of the 6th P.M., Gage County, Nebraska; and the Northwest Quarter (NW ¼) of Section Five (5), Township Three (3) North, Range Six (6), East of the 6th P.M., Gage County, Nebraska; to provide service benefits thereto; to repeal conflicting ordinances; and to provide for publication in pamphlet form and effective date of this ordinance.”

6- Public Forum:

No one appeared at public forum.

7- Discussions/Reports:

None.

8- Miscellaneous:

- a. Next regular council meeting is December 21, 2009 at 7:00 p.m. at BPS Admin Bldg meeting room.**

Moved by Catlin, seconded by Fairbanks, that the meeting be adjourned at 7:50 p.m.

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

Motion carried.

Linda S. Koch, City Clerk

Mayor Dennis Schuster