

MINUTES OF THE CITY COUNCIL REGULAR MEETING HELD FEBRUARY 16, 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, Parde, Schmale
Absent: None.

Mayor Schuster announces 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

All items under the consent agenda are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember or citizen so requests.

- 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 February 2, 2009 as on file in the City Clerk's office.
- e. Approval of Treasurer's Report of Claims in the amount of \$596,973.78.
- f. Approval of BASWA Report of Claims in the amount of \$28,378.95.
- g. Approval of bid for Armory Sanitary Sewer Project #09-252 in the amount of \$20,250.00 to Wrightsman Trenching, Inc. to be paid from the City Economic Development fund (LB840).
- h. Resolution Number 5089 reappointing Betty Slagel and appointing Don Schnier to the Housing Authority Board.

Moved by Fairbanks, seconded by Lytle, 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, Fairbanks, Fetty, Lytle, Moore, Parde, Schmale
Nay: None.

Motion carried.

Moved by Fairbanks, seconded by Fetty, that the bid for Armory Sanitary Sewer Project #09-252 in the amount of \$20,250.00 to Wrightsman Trenching, Inc. to be paid from the City Economic Development fund (LB840), be approved.

Councilmember Fairbanks questioned the use of LB840 funds to pay for this improvement.

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

Motion carried.

3 – Public Hearings/Bids: None.

4 – Resolutions:

- a. **Resolution setting the date for a hearing on March 2, 2009 for the purpose of levying special assessments in Nuisance District #09-001.**

Mayor Schuster introduced Resolution Number 5085 setting the date for a hearing on March 2, 2009 for the purpose of levying special assessments in Nuisance District #09-001.

Moved by Fairbanks, seconded by Fetty, that Resolution Number 5085 be passed and adopted.

City Attorney, Tobias Tempelmeyer, explained that this process was being used to recover City costs of cleaning up the property at 214 Abbott Street.

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

Nay: None.

Motion carried.

Resolution Number 5085 has been passed and adopted.

b. Resolution establishing City Council Standing Subcommittees.

Mayor Schuster introduced Resolution Number 5086 establishing City Council Standing Subcommittees.

Moved by Fairbanks, seconded by Moore, that Resolution Number 5086 be passed and adopted.

Councilmember Lytle reported that his committee had met and discussed the use of standing committees as an effective and efficient process to bring agenda items for consideration. This resolution establishes two subcommittees, which will meet monthly and such meetings are open to the public. The City Administrator will chair the committees and cause the agenda and minutes to be prepared. Discussion followed.

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

Motion carried.

Resolution Number 5086 has been passed and adopted.

c. Resolution approving the Union Contract with the Fraternal Order of Police Lodge 45A.

Mayor Schuster introduced Resolution Number 5087 approving the Union Contract with the Fraternal Order of Police Lodge 45A.

Moved by Fairbanks, seconded by Carey, that Resolution Number 5087 be passed and adopted.

City Administrator Neal Niedfeldt explained that the changes were similar to the other City union contracts and included an average 4.4% increase in the salary and benefits package, which will make it more comparable to other cities by the end of the 3-year contract which is retroactive to 10/1/2008.

Councilmember Fairbanks expressed his concern that the percentage increase was excessive in this economic climate. Councilmember Catlin also stated that he had issues with the contract.

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

Motion carried.

Resolution Number 5087 has been passed and adopted.

d. Resolution entering into a lease with the Fraternal Order of Police Lodge 45A for a health and fitness training center in a portion of the Beatrice Police Station.

Mayor Schuster introduced Resolution Number 5088 entering into a lease with the Fraternal Order of Police Lodge 45A for a health and fitness training center in a portion of the Beatrice Police Station.

Moved by Fetty, seconded by Fairbanks that this item be sent back to Subcommittee for further research and discussion.

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

Motion carried.

5 – Ordinances:

a. Ordinance establishing salaries and compensation for employees covered by the FOP Union Contract.

Mayor Schuster introduced an ordinance establishing salaries and compensation for various City employees covered by the FOP Union Contract.

Moved by Fairbanks, seconded by Moore, that said ordinance be given Number 09-005, the title thereof be approved and the rules be suspended and said ordinance be read by number only three times tonight.

Councilmember Fairbanks stated he is voting yea with the body. Councilmembers again expressed concern with the economic climate but also need to be concerned with CIR comparability.

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

Mayor Schuster read Ordinance Number 09-005 by number only the first, second and third time.

Moved by Fairbanks, seconded by Parde, that Ordinance Number 09-005 be passed and approved.

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

Ordinance Number 09-005 has been passed and approved.

b. Ordinance to repeal Section 2-67 of the Beatrice City Code.

Mayor Schuster introduced an ordinance to repeal Section 2-67 of the Beatrice City Code.

Moved by Fairbanks, seconded by Moore, that said ordinance be given Number 09-006, 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 this would remove current language providing that the Mayor shall determine the business placed on the agenda, provided that any four councilmembers may also place an item on the agenda. A lengthy discussion was held that councilmembers wanted a way to bring items to the agenda, that the new subcommittees will give councilmembers more control on issues, the need to have a deadline to submit items, and that this Section does provide for a needed process.

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

Moved by Fairbanks, seconded by Catlin, that said ordinance be given Number 09-006, the title thereof be approved and said ordinance be read by title only one time tonight.

Roll Call: Yea: Catlin, Fairbanks, Lytle, Moore
Nay: Carey, Fetty, Parde, Schmale
Mayor Schuster declined to vote to break tie. Motion failed.

6– Public Forum:

No one appeared.

7- Discussions/Reports:

a. Police Department 2008 Annual Report.

Police Chief, Bruce Lang, presented the 2008 Annual Report of the Beatrice Police department activities. He reported that while there were more major cases, it was a positive year. A new community awareness effort, a Police Speaker Service program, has been received well by groups that have used the service and includes a wide range of topics from personal safety to crime prevention.

b. City participation in the fuel contract as awarded by the Board of Public Works.

City Administrator, Neal Niedfeldt, reported to the Mayor and City Council that the Board of Public Works had taken bids for a fuel contract to purchase 21,000 gal. Diesel and 21,000 gal. Unleaded fuel, which is estimated to take us into November 2009. The contract awarded to SAPP Brothers locks in a cost of \$1.8469/gal. for Diesel and \$1.867/gal. for Unleaded.

c. Concealed weapons Ordinance.

Councilmember Moore requested discussion on the vague language in City's concealed weapons Ordinance. City Attorney Tempelmeyer explained that a City ordinance since 1971 disallows carrying concealed weapons, then two years ago the Legislature passed a law to allow a permit to carry a concealed weapon and a recent Attorney General opinion states that the statute does not allow for cities to ban permitted concealed weapons. A lengthy discussion followed. Terry Hasenkamp, 1831 Carlyle, appeared wanting the signs removed. It was the consensus to remove the City's current signs and send the ordinance to subcommittee for review.

8- Miscellaneous:

The next regular council meeting is March 2, 2009 at 7:00 p.m. Mayor Schuster asked councilmembers to let him know which subcommittee they wanted to be on and he will bring the appointments to the next council meeting for approval. Mayor Schuster proposed a goal setting session for the fifth Monday in March.

Moved by Fairbanks, seconded by Lytle, that the meeting be adjourned at 8:35 p.m.

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

Motion carried.

Linda S. Koch, City Clerk

Mayor Dennis Schuster