

SUMMARY OF THE CITY COUNCIL REGULAR MEETING HELD JANUARY 5, 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 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 December 15, 2008 as on file in the City Clerk's office.
- e. Approval of Treasurer's Report of Claims in the amount of \$429,260.19.
- f. Approval of BASWA Report of Claims in the amount of \$37,277.46.
- g. Approve plans, specifications and advertisement for bids for Sanitary Sewer 09-252 (Armory) as recommended by the Board of Public Works.
- h. Refer claim of Joel Reedy for medical expenses and loss of wages for injuries sustained in a fall at the City parking lot, 8th & Court, to the City Attorney and City's Insurance Carrier.

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

Motion carried.

3 – Public Hearings/Bids: None.

4 – Resolutions:

a. Executing the Stipulation to Reject Executory Contract between the City and Beatrice Biodiesel

Mayor Schuster introduced Resolution Number 5074 executing the Stipulation to Reject Executory Contract between the City and Beatrice Biodiesel LLC.

Moved by Fairbanks, seconded by Carey, that Resolution Number 5074 be passed and adopted.

Mayor Schuster explained that Beatrice Biodiesel LLC had filed bankruptcy and that since grants awarded them by the City have certain stipulations that cannot be fulfilled this will give those funds back to the City and clear them from the bankruptcy filing.

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

Motion carried.

b. Entering into new agreement with Main Street Beatrice for funding thru 10/31/2010

Mayor Schuster introduced Resolution Number 5075 entering into a new agreement with Main Street Beatrice for funding thru 10/31/2010.

Moved by Fairbanks, seconded by Fetty, that Resolution Number 5075 be passed and adopted.

Steve Hovendick and Angela Fortier, representing Main Street Beatrice, appeared and expressed appreciation for the support and cooperation with the City and look forward to it continuing for years to come. The agreement is for 2 years at \$24,000 per year which is the same level as the past agreement. The new agreement does provide that one councilmember serve as a voting member on the Main Street Beatrice Board. Anyone interested should let Mayor Schuster know.

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

Motion carried.

5 – Ordinances:

- a. **Third reading of Ordinance 08-35 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.**

Mayor Schuster announced that Ordinance Number 08-35 annexing a tract of land located in the SE ¼ of Section 16-T4N-R6E, known as the Oregon Trail property, be considered for the third and final reading.

Moved by Fairbanks, seconded by Fetty, that Ordinance Number 08-35 be read by title the third and final time tonight.

Don Vetrovsky, 2021 Jefferson, a councilmember when the annexation was considered in 1995, appeared to explain that his vote against annexation then was not to exempt ag, but was because there was no further development to the north and since Oregon Trail had their own well and lagoon, the extension of City services was an expense that was not needed at that time, however, at some point growth and development may change that and now 13 years later that has happened. Mark Buhr and Rick Bennett, Oregon Trail owners, again appeared in opposition to annexation now, requesting that the City wait until construction actually takes place to the north. It was explained that extension of City services could be funded several different ways and that no decision had been made on this yet. A lengthy discussion followed.

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

Motion carried.

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

Moved by Fairbanks, seconded by Fetty, that Ordinance Number 08-35 be passed and approved.

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

Motion carried.

Ordinance Number 08-35 has been passed and approved.

- b. **Third reading of Ordinance 08-41 amending Section 217 and 604 of the Subdivision Ordinance regarding storm water management.**
- c. **Third reading of Ordinance 08-42 amending the City Code to add new Section 7-13 regarding storm water management.**

Mayor Schuster asked that action on Ordinance Number 08-41 amending Section 217 and 604 of the Subdivision Ordinance regarding storm water management and Ordinance 08-42 amending the City Code to add new Section 7-13 regarding storm water management be postponed until the next regular Council meeting to give the City Engineer and City Attorney more time to work on procedures.

Moved by Fairbanks, seconded by Carey, to postpone action on Ordinances 08-41 and 08-42 until the next regular council meeting on January 19, 2009.

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

Motion carried.

d. Vacating various lots in Mobile Home Plaza of Beatrice for the purpose of re-platting the same as Air Park South Addition.

Mayor Schuster introduced an ordinance vacating various lots in Mobile Home Plaza of Beatrice for the purpose of re-platting the same as Air Park South Addition.

Moved by Fairbanks, seconded by Lytle, that said ordinance be given Number 09-001, the title thereof be approved and the rules be suspended and said ordinance be read by number only three times tonight.

Stan Wirth, Planning & Zoning Chairperson, reported that the Planning & Zoning Commission voted to vacate these lots acquired by the Airport for the purpose of a Runway Protection Zone.

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

Motion carried.

Mayor Schuster read Ordinance Number 09-001 by number only the first, second and third time.

Moved by Fairbanks, seconded by Lytle, that Ordinance Number 09-001 be passed and approved.

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

Motion carried.

Ordinance Number 09-001 has been passed and approved.

e. Approving the plat of Air Park South Addition.

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

Moved by Fairbanks, seconded by Lytle, that said ordinance be given Number 09-002, the title thereof be approved and the rules be suspended and said ordinance be read by number only three times tonight.

This is re-approving the plat now that the acquired lots are vacated so that the Airport can take ownership of the land.

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

Motion carried.

Mayor Schuster read Ordinance Number 09-002 by number only the first, second and third time.

Moved by Fairbanks, seconded by Lytle, that Ordinance Number 09-002 be passed and approved.

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

Motion carried.

Ordinance Number 09-002 has been passed and approved.

f. Establishing electric utility rates.

Mayor Schuster introduced an ordinance establishing electric utility rates.

Moved by Fairbanks, seconded by Fetty, that said ordinance be given Number 09-003, the title thereof be approved and the rules be suspended and said ordinance be read by number only three times tonight.

City Administrator, Neal Niedfeldt, explained that as recommended by the Board of Public Works, and as discussed in preparation of the 2009 Budget, the proposed rate increases will help deal with NPPD's wholesale power rate increase of 7% and build up needed cash reserves. The rate increase differs among classes ranging from 4% to 9%, providing an overall increase of 6.5%. Discussion followed regarding expenses and going from crisis management to proactive. Don Vetrovsky, BPW Chairman, reported that the Board of Public Works had unanimously approved the proposed rates and encouraged the Council to support their recommendation.

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

Motion carried.

Mayor Schuster read Ordinance Number 09-003 by number only the first, second and third time.

Moved by Fairbanks, seconded by Schmale, that Ordinance Number 09-003 be passed and approved.

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

Motion carried.

Ordinance Number 09-003 has been passed and approved.

6- Public Forum:

Lori Warner, President of the Beatrice Area Chamber of Commerce, addressed the Council encouraging support of local businesses by buying/shopping local to help make the local economy stronger.

7- Discussions/Reports:

a. Report on donations for improvements to ball fields at Chautauqua and Riverside parks.

Mark Pethoud, Parks/Buildings Supervisor, presented a proposal to make improvements to both the Riverside and Chautauqua dirt ball fields in order to provide two additional playing fields to accommodate the increasingly high demand for fields. The estimated cost of the project is \$11,598.50, proposed to be funded with \$7,425.50 in unexpended funds left in the FY09 Public Properties Capital Equipment budget line and the remainder of the cost funded with donations and in-kind from the Beatrice Girls Softball and Beatrice Bullets Baseball organizations, which have already donated \$7,400 towards ball field improvements this past year.

Moved by Catlin, seconded by Schmale, to accept the donations from the Beatrice Girls Softball and Beatrice Bullets Baseball clubs, and to authorize the use of unexpended funds in the Public Properties Equipment line, in order to proceed with the proposed improvements.

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

Motion carried.

8- Miscellaneous:

Moved by Fairbanks, seconded by Catlin that the meeting be adjourned at 9:07 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