

**SUMMARY OF THE CITY COUNCIL REGULAR MEETING HELD JANUARY 19, 2009, 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, 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 January 5, 2009 as on file in the City Clerk's office.
- e. Approval of Treasurer's Report of Claims in the amount of \$520,081.28.
- f. Approval of BASWA Report of Claims in the amount of \$34,615.70.
- g. Approval of Resolution Number 5076 approving members of the Beatrice Plus Advisory Board.
- h. Approval of Resolution Number 5077 appointing members of the Firefighters' Retirement Committee.
- i. Approval of Resolution Number 5078 appointing members of the Police Officers Retirement Committee.
- j. Set the public hearing for the One and Six Year Road and Street Plan to be held at the regular meeting on February 2<sup>nd</sup>, 2009, at 7:00 p.m.
- k. Approval of ambulance call write-off/send to collections list.
- l. Approval of Resolution Number 5079 appointing Jason Moore as the councilmember for the Main Street Beatrice Board

Moved by Fairbanks, seconded by Carey, 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.**

**a. Hearing**

**(1) Hearing request by Dan Meints per City Code Section 17-187 in regards to a Notice to Abate for 718 & 720 South 9<sup>th</sup> Street.**

Mayor Schuster announced that a public hearing was scheduled at the request of Dan Meints per City Code Section 17-187 in regards to a Notice to Abate for 718 & 720 South 9<sup>th</sup> Street, however, due to illness Mr. Meints is not able to attend this evening and has requested a continuance.

Moved by Fairbanks, seconded by Moore, that the public hearing be postponed until the next regular meeting on February 2, 2009.

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

Motion carried.

**4 – Resolutions:**

- a. Amending Real Estate Purchase Agreement to waive contingent requirement and authorize the purchase of Lots 7-9, Block 11 and Lots 27 and 28, Block 13 in Second Addition to South Beatrice.**

Mayor Schuster introduced Resolution Number 5080 amending Real Estate Purchase Agreement to waive contingent requirement and authorize the purchase of Lots 7-9, Block 11 and Lots 27 and 28, Block 13 in Second Addition to South Beatrice.

Moved by Fairbanks, seconded by Schmale, that Resolution Number 5080 be passed and adopted.

City Administrator Neal Niedfeldt explained that the sale of the property at 2<sup>nd</sup> and Bell Streets was being held up by the potential purchaser's requirement that a Phase II study be done, which could take several months. Discussion was held that the 8<sup>th</sup> and Doane Street property is the preferred location so this will allow the City to move forward with the park shop project. There was concern regarding the amount budgeted and whether the scope of the project would have to be reduced.

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

Motion carried.

Resolution Number 5080 has been passed and adopted.

**b. Approval of entering into contract for Animal Control Services.**

Mayor Schuster introduced Resolution Number 5081 entering into contract for Animal Control Services.

Moved by Fairbanks, seconded by Carey, that Resolution Number 5081 be passed and adopted.

Mayor Schuster explained that \$60,000 was placed in the FY09 budget for Animal Control Services, which could have been handled by either hiring full or part-time City employees or as a contractual service. The City received and interviewed two candidates proposing the service on a contractual basis. The 3-year agreement provides that the contractor will enforce City ordinances governing the care of domestic and wild animals in the City; will respond to all complaints, with a requirement of a 30-minute response time between 8 a.m. and 9 p.m. Monday thru Friday; and will provide their own equipment, education, insurance, and any necessary extra personnel.

R. Steve Bragg, 2343 County Road 2300, DeWitt, NE, the contractor proposed to provide Animal Control Services to the City, was present to answer any questions and explain his plans to work with the public and the Humane Society. Police Chief, Bruce Lang, addressed the issue of the number and types of calls that come into dispatch and when they will contact Mr. Bragg. Rita Hydo, 208 Sherman, was anxious to have someone hired and looks forward to working with him.

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

Motion carried.

Resolution Number 5081 has been passed and adopted.

**5 – Ordinances:**

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

Moved by Fairbanks, seconded by Fetty, to postpone action on Ordinance 08-41 and Ordinance 08-42 regarding storm water management until City staff is ready to present their recommendations on enforcement procedures.

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

Motion carried.

**c. To amend Ordinance Number 03-05, which established the Beatrice Plus program, redefining the Advisory Board.**

Mayor Schuster introduces an ordinance to amend Ordinance Number 03-05, which established the Beatrice Plus program, redefining the Advisory Board.

Moved by Fairbanks, seconded by Schmale, that said ordinance be given Number 09-004, the title thereof be approved and the rules be suspended and said ordinance be read by number only three times tonight.

City Attorney, Tobias Tempelmeyer, explained that this amends the original ordinance to how Beatrice Plus is actually being run, where the committee meets quarterly, receives the applications and makes recommendation to the Council for approval, and provides for as little as 4 members and no more than 6.

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

Motion carried.

Mayor Schuster reads Ordinance Number 09-004 by number only the first, second and third time.

Moved by Fairbanks, seconded by Carey, that Ordinance Number 09-004 be passed and approved.

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

Motion carried.

Ordinance Number 09-004 has been passed and approved.

**6- Public Forum:**

No one appeared.

**7- Discussions/Reports:**

None.

**8- Miscellaneous:**

**a. Executive Session – personnel and possible litigation.**

Moved by Fairbanks, seconded by Carey, to meet in executive session at 7:42 p.m. for the purpose of discussing personnel union negotiations and possible litigation.

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

Motion carried.

Reconvened at 8:22 p.m.

Moved by Fairbanks, seconded by Catlin, that the meeting be adjourned at 8:23 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**