

SUMMARY OF THE CITY COUNCIL REGULAR MEETING HELD JUNE 1, 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 read a Proclamation proclaiming June 21, 2009 as Gage County United Way Day of Action.

Mayor Schuster presented a certificate of recognition to Emily Bartholomew for her project to plant more trees in Beatrice. Emily and her "Green Team" thanked the Council and reported they have raised over \$200 and had met with Mark Pethoud about where they could plant some trees.

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 May 18, 2009 as on file in the City Clerk's Office.
- e. Approval of Treasurer's Report of Claims in the amount of \$335,686.65.
- f. Approval of BASWA Report of Claims in the amount of \$29,532.80.

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. Amending Loan Agreement with Goldenrod Research Corp regarding CDBG Reuse Loan.**

Mayor Schuster introduced Resolution Number 5123 amending Loan Agreement with Goldenrod Research Corp regarding CDBG Reuse Loan.

Moved by Fairbanks, seconded by Fetty, that Resolution Number 5123 be passed and adopted.

City Attorney, Tobias Tempelmeyer, explained that Goldenrod was currently in default of the CDBG Reuse loan made to them in 1994 and that this was a mutual agreement where Goldenrod will make payments totaling \$30,000 over the next three years upon which the City will then forgive the remaining balance.

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

Motion carried.

Resolution Number 5123 has been passed and adopted.

- b. Entering into lease with Chamber of Commerce for use of City Auditorium office space.**

Mayor Schuster introduced Resolution Number 5124 entering into lease with Chamber of Commerce for use of City Auditorium office space.

Moved by Fairbanks, seconded by Carey, that Resolution Number 5124 be passed and adopted.

Subcommittee B unanimously recommended to enter into a lease with the Chamber of Commerce to rent office space at the City Auditorium due to the sale of their current building. This will meet an ongoing goal to have Main Street and the Chamber in the same building. In the agreement the Chamber will pay for half of the cost to remodel the old council chambers. Lori Warner, President of the Chamber of Commerce, thanked the Council for the opportunity.

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

Motion carried.

Resolution Number 5124 has been passed and adopted.

5 – Ordinances:

a. Ordinance Number 09-022, read by title twice and amended, establishing salaries for various City employees.

Mayor Schuster announced further consideration of Ordinance Number 09-022 which has been read by title twice and has been amended, establishing salaries for various city employees.

Moved by Fairbanks, seconded by Catlin, that Ordinance Number 09-022, the title thereof be approved and said ordinance be read by title the third and final time tonight.

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

Motion carried.

Mayor Schuster read Ordinance Number 09-022 by title the third time.

Moved by Fairbanks, seconded by Catlin, that Ordinance Number 09-022 be passed and approved.

Councilmember Schmale spoke in favor of the original ordinance with the bonuses and asked that respect be shown towards the employees and department heads when issues like this are discussed.

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

Motion carried.

Ordinance Number 09-022 has been passed and approved.

b. Ordinance Number 09-023, read by title once, amending the Beatrice City Code Sections 16-53, 16-54, and 16-56 regarding parking citations.(to provide for violators of Section 16-366 (2 hour parking-downtown area), first violation-warning; second violation-\$5.00 fine; and third violation-\$45.00 fine plus boot; each plus \$5.00 administrative cost)

Mayor Schuster announced further consideration of Ordinance Number 09-023, which has been read by title once, amending Beatrice City Code Sections 16-53, 16-54, and 16-56 regarding parking citations.(to provide for violators of Section 16-366 (2 hour parking-downtown area), first violation-warning; second violation-\$5.00 fine; and third violation-\$45.00 fine plus boot; each plus \$5.00 administrative cost)

Moved by Fairbanks, seconded by Fetty, that Ordinance Number 09-023, the title thereof be approved and the rules be suspended and said ordinance be read by number only the second and third times tonight.

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

Motion carried.

Mayor Schuster read Ordinance Number 09-023 by number only the second and third time.

Moved by Fairbanks, seconded by Carey, that Ordinance Number 09-023 be passed and approved.

City Attorney Tempelmeyer explained that this draft included the amendment passed at the last meeting calling for a rolling two-year limitation on the fines. It now reads that after 24 months from the last violation received the vehicle would go back to a first violation warning. A lengthy discussion was held, some councilmembers thought it would be 24 months from the first violation. Police Chief, Bruce Lang, stated that they way the City Attorney drafted it would not be difficult to enforce and that it does exactly what you want.

Moved by Fetty, seconded by Schmale, to call for the question.

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

Motion carried.

Vote on motion:

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

Motion carried.

Ordinance Number 09-023 has been passed and approved.

6- Public Forum:

Lori Warner, President of the Chamber of Commerce, addressed the council regarding upcoming Homestead Days activities and thanked the City for their assistance on the event.

7- Discussions/Reports:

a. Allowing alcohol consumption in City Parks

Subcommittee A brought forward the issue of alcohol consumption in City Parks. Administration asked that the issue be looked at due to a few facilities located in the parks where social functions are being held, including the campgrounds, and alcohol is being consumed. Police Chief Lang spoke to the council asking them to make a decision about these areas or make people realize that citations will be issued until legislation is changed. Tara Kuipers, 909 Market Street, representing Gage County MAPS Coalition, passed out literature for consideration on trends regarding alcohol policies in public parks and the increased problems it can cause. A lengthy discussion followed. More input from the public is needed before a decision can be made.

8- Miscellaneous:

- a. Next regular council meeting is June 15, 2009, at 7:00 p.m.

Moved by Fairbanks, seconded by Carey, that the meeting be adjourned at 8:17 p.m.

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

Motion carried.

Linda S. Koch, City Clerk

Mayor Dennis Schuster