

SUMMARY OF THE CITY COUNCIL REGULAR MEETING HELD MARCH 2, 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.

Move to Item 3a (1)

Mayor Schuster opened a public hearing for the purpose of levying special assessments in Nuisance District #09-001 at 7:03 p.m.

City Attorney Tobias Tempelmeyer explained that this property was abated and attempts to collect the costs have been unsuccessful. This will levy the costs against the property and after one-year the City can then foreclose on the property.

Mayor Schuster asked if there is anyone in the audience that wishes to speak relative to the assessments, no one appeared.

Moved by Fairbanks, seconded by Fetty, to continue with other agenda items until 8:06 p.m.

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

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 February 16, 2009 as on file in the City Clerk's office.
- e. Approval of Treasurer's Report of Claims in the amount of \$334,331.53.
- f. Approval of BASWA Report of Claims in the amount of \$34,344.00.
- g. Approval of bids for Waterline projects, 9th Street-Ella to Garfield to Horizontal Boring & Tunneling in the amount of \$35,952.10, and 10th Street-Garfield to Jackson, to General Excavating in the amount of \$7,650.00, as recommended by the Board of Public Works.
- h. Approval of proposal to replace drains at Water Park to meet new Federal standards.
- i. Resolution Number 5090 approving 5-year agreement with Pepsi-Cola for concessions for the Water Park and Resolution Number 5091 approving the same for Hannibal Ball Park.
- j. Approve plans, specifications and advertisement for bids for the Parks Shop Building.
- k. Resolution Number 5092 appointing members to the Standing Subcommittees.
- l. Ambulance write-off listing to be sent to collections.

Moved by Fairbanks, seconded by Fetty, that the items listed under the consent agenda, with the exception of items i and j, 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 Resolution Number 5090 approving 5-year agreement with Pepsi-Cola for concessions for the Water Park and Resolution Number 5091 approving the same for Hannibal Ball Park be passed and adopted.

Councilmember Fairbanks questioned whether action was needed right away or if this item could be moved to subcommittee for discussion. Mark Pethoud, Buildings and Parks Supervisor, reported that two vendors had been contacted and submitted proposals and that Pepsi-Cola had the best proposal. Both locations sell fountain pop. The first tournament at Hannibal Park is April 17th.

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

Motion carried.

Moved by Fairbanks, seconded by Fetty, that the plans, specifications and advertisement for bids for the Parks Shop Building be approved.

Councilmember Parde questioned whether the plans included a basement in order to provide for a storm shelter. John Riggs, Chief Building Inspector, stated that code did not mandate a basement. City Engineer, Rex Behrends, estimated it would cost an additional \$5,000, possibly \$10,000 dollars to provide a basement.

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

Motion carried.

3 – Public Hearings/Bids: None.

a. Hearings:

- (1) Hearing for the purpose of levying special assessments in Nuisance District #09-001. Resolution and Ordinance submitted.**

4 – Resolutions:

a. Resolution approving Mutual Finance Organization Interlocal Agreement and application for assistance.

Mayor Schuster introduced Resolution Number 5094 approving Mutual Finance Organization Interlocal Agreement and application for assistance.

Moved by Fairbanks, seconded by Carey, that Resolution Number 5094 be passed and adopted.

Fire Chief, Brian Daake, explained that the Mutual Finance Assistance Act, passed by the legislature in 1998, provides for aid to fire departments that enter into an Interlocal Agreement to levy the same property tax rate. The formula for distribution is based upon valuation and population of the district. The City of Beatrice receives about \$90,000 which is used for capital equipment needs.

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

Motion carried.

Resolution Number 5094 has been passed and adopted.

b. Resolution approving Supplemental Agreement with the Nebraska Dept of Roads for Project No. RD-77-1(1025) regarding share of costs for modifications to the Kensington Awning.

Mayor Schuster introduced Resolution Number 5095 approving Supplemental Agreement with the Nebraska Dept of Roads for Project No. RD-77-1(1025) regarding share of costs for modifications to the Kensington Awning.

Moved by Fairbanks, seconded by Moore, that Resolution Number 5095 be passed and adopted.

City Engineer Behrends explained that the original estimate for this project was \$30,000, however the new estimate is \$45,000, of which NDOR will pay \$22,500. The additional cost is due to the care that must be taken to not damage

existing materials and preserve the historical value. City Administrator Niedfeldt explained that approval of this project must be done in order to move forward with the Highway 77/136 project.

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

Motion carried.

Resolution Number 5095 has been passed and adopted.

- c. Resolution(s) setting the hearing date for March 16, 2009 at 7:00 p.m. to formally annex various properties known as Wildwood Estates, Kuhl's Addition, Tyser Addition, Sunridge Development 2nd Addition, and Covered Bridge Heights Addition.**

Mayor Schuster explained that the City was unaware of a law change in 2001 that when a new plat was being considered it required two hearings, one for approval of the plat and one for approval of annexation. Therefore to remedy this matter the City Attorney has proposed that hearings be held to formally annex the five additions approved since 2001. All have received City services and want to continue receiving City services.

Mayor Schuster introduced Resolution Number 5096 setting the hearing date for March 16, 2009 at 7:00 p.m. to formally annex property known as Wildwood Estates.

Moved by Fairbanks, seconded by Carey, that Resolution Number 5096 be passed and adopted.

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

Motion carried.

Resolution Number 5096 has been passed and adopted.

Mayor Schuster introduced Resolution Number 5097 setting the hearing date for March 16, 2009 at 7:00 p.m. to formally annex property known as Kuhl's Addition.

Moved by Fairbanks, seconded by Fetty, that Resolution Number 5097 be passed and adopted.

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

Motion carried.

Resolution Number 5097 has been passed and adopted.

Mayor Schuster introduced Resolution Number 5098 setting the hearing date for March 16, 2009 at 7:00 p.m. to formally annex property known as Tyser Addition.

Moved by Fairbanks, seconded by Carey, that Resolution Number 5098 be passed and adopted.

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

Motion carried.

Resolution Number 5098 has been passed and adopted.

Mayor Schuster introduced Resolution Number 5099 setting the hearing date for March 16, 2009 at 7:00 p.m. to formally annex property known as Sunridge Development 2nd Addition.

Moved by Fairbanks, seconded by Fetty, that Resolution Number 5099 be passed and adopted.

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

Motion carried.

Resolution Number 5099 has been passed and adopted.

Mayor Schuster introduced Resolution Number 5100 setting the hearing date for March 16, 2009 at 7:00 p.m. to formally annex property known as Covered Bridge Heights Addition.

Moved by Fairbanks, seconded by Carey, that Resolution Number 5100 be passed and adopted.

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

Motion carried.

Resolution Number 5100 has been passed and adopted.

5 – Ordinances:

a. Amending Beatrice City Code sections relating to the Plumbing Code.

Mayor Schuster introduced an ordinance amending Sections 7-108, 7-110, 7-111, 7-126, 7-127, 7-129, 7-131, 7-132, 7-134, and 7-135 of the Beatrice City Code relating to the Plumbing Code.

Moved by Fairbanks, seconded by Lytle, that said ordinance be given Number 09-007, the title thereof be approved and the rules be suspended and said ordinance be read by number only three times tonight.

Chief Building Inspector Riggs, and Todd Hydo, representing the Plumbing Board, explained that the Board had met and recommended these changes to the code regarding applicant requirements for plumbing licenses.

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

Motion carried.

Mayor Schuster read Ordinance Number 09-007 by number only the first, second and third time.

Moved by Fairbanks, seconded by Lytle, that Ordinance Number 09-007 be passed and approved.

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

Motion carried.

Ordinance Number 09-007 has been passed and approved.

6– Public Forum:

Daniel Meints, 911 Ella, appeared requesting to be put on the council agenda regarding the cleanup of his property at 718 South 9th Street and the bill he received. He requested an itemized list of the charges. Mr. Meints was advised that he should contact the City Attorney's office to try and resolve this matter and will then consider whether to put the item on a future agenda.

7- Discussions/Reports:

a. Fire Department 2008 Annual Report.

Fire Chief, Brian Daake, presented the Fire Department's 2008 Annual Report. The department responded to 2,709 calls which compares to 2,711 in 2007. Fire calls increased, however, losses were considerably lower due to fewer commercial calls and early response time. Emergency medical calls increased 3%. The report included a graph charting

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

Motion carried.

Ordinance Number 09-006 has been passed and approved.

c. Discussion regarding proposed street projects to be submitted for Beatrice's allocation of the Federal Stimulus Package.

City Administrator Niedfeldt explained that the governor had charged the League of Nebr. Municipalities with distribution of the \$29.2 million dollars in Stimulus funds available to First Class Cities for street projects. The League has formed a 4-person committee to review the projects submitted by each city. City Engineer, Rex Behrends, presented a list of possible projects for discussion. Discussion followed regarding the merits of each and to present a list of projects to the committee to include the Highway 77/136 mill and overlay, collector streets mill and overlay, concrete improvements to West Scott Street, Caldwell, 2nd Street, and Lincoln Street from 7th to 13th, and the Hickory Road project.

8- Miscellaneous:

- a. Next regular council meeting is March 16, 2009 at 7:00 p.m.
- b. Groundbreaking ceremony for National Guard "Readiness Center" is March 9, 2009 at 11:00 a.m.
- c. Subcommittee meetings, March 23rd, at 6:00 and 7:30 at the Beatrice Public Library Sargent Room.
- d. Goal setting session, March 30th, time/place TBA

Moved by Fairbanks, seconded by Schmale, that the meeting be adjourned at 8:49 p.m.

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

Motion carried.

Linda S. Koch, City Clerk

Mayor Dennis Schuster