

SUMMARY OF THE CITY COUNCIL REGULAR MEETING HELD MARCH 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 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 March 2, 2009 as on file in the City Clerk's Office.
- e. Approval of Treasurer's Report of Claims in the amount of \$618,911.46.
- f. Approval of BASWA Report of Claims in the amount of \$46,309.16.
- g. Approval of special designated liquor permit of Risky's for Rock Against Rape fundraiser to be held May 29, 2009, from 7:00 p.m. until 1:00 a.m., at 2317 North 6th Street, beer garden.
- h. Approval of special designated liquor permit of Risky's for MDA Bike Run event to be held May 16, 2009, from 11:00 a.m. to 1:00 p.m., at 2317 North 6th Street, beer garden.
- i. Approval of special designated liquor permit of Risky's for Homestead Days events: dance to be held June 19, 2009, from 8:00 p.m. until 1:00 a.m. and car show on June 20, 2009 from 8:00 a.m. until 1:00 a.m. at 2317 North 6th Street, beer garden.
- j. Approval of special designated liquor permit of Risky's for Outdoor Wedding Dance to be held August 29, 2009 from 5:00 p.m. until 1:00 a.m. at 2317 North 6th Street, beer garden.
- k. Approval of special designated liquor permit of Main Street Beatrice for Taste of Spring fundraiser to be held April 18, 2009 from 6:00 p.m. to 8:00 p.m. at Kensington, 105 N. 6th
- l. Approval of renewal of State Maintenance Agreement No. 4 with the Nebr. Dept. of Roads as recommended by the Board of Public Works.
- m. Resolution Number 5101 approving concessions license agreement with YRI for Northern Natural Gas Fields Stand.
- n. Resolution Number 5102 approving concessions license agreement with Beatrice Girls Softball for Hannibal Park Stand.
- o. Approve plans, specifications and advertisement for bids for one transfer ambulance.

Moved by Fairbanks, seconded by Fetty, that the items listed under the consent agenda, with the exception of items j and m, be approved, accepted and/or ratified as presented.

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

Motion carried.

j - Moved by Fairbanks, seconded by Parde, that the special designated liquor permit of Risky's for Outdoor Wedding Dance to be held August 29, 2009 from 5:00 p.m. until 1:00 a.m. at 2317 North 6th Street, beer garden, be approved.

Councilmember Parde questioned the permit for a wedding. Terri Todd, owner of Risky's, explained that the wedding dance was for one of her employees who requested an outdoor dance.

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

Motion carried.

m – Moved by Fairbanks, seconded by Carey, that Resolution Number 5101 approving concessions license agreement with YRI for Northern Natural Gas Fields Stand be passed and adopted.

Councilmember Lytle wanted more discussion on the two bids received, one from YRI and one from the Beatrice Bullets baseball organization. Leonard Mangnall, representing the Beatrice Bullets, spoke to the council regarding the number of teams in the organization, business brought to town during the tournaments they hosted last year and their plans for this coming year. A lengthy discussion followed.

Moved by Lytle, seconded by Fairbanks, to amend motion to send this issue to subcommittee and have both parties involved come up with a different contractual agreement to be brought back to the council.

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

Motion failed.

Vote on original motion:

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

Motion carried.

3 – Public Hearings/Bids: None.

a. Hearings:

(1) Annexing property known as Wildwood Estates located at South 19th and Oak Streets.

Mayor Schuster announced that a public hearing will now be held for the purpose of considering the annexation of property located at South 19th and Oak Streets known as Wildwood Estates.

Mayor Schuster explained that a law change in 2001, which requires a separate annexation hearing when approving a plat, was missed. Therefore, annexation hearings and action are being proposed to correct this omission. No one from the audience appeared.

Moved by Fairbanks, seconded by Fetty, that the public hearing be closed at 7:40 p.m.

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

Motion carried.

Mayor Schuster introduced an ordinance annexing a tract of land in the NE1/4 Section 10, Township 3 North, Range 6 East of the 6th P.M., known as Wildwood Estates located at South 19th & Oak Streets

Moved by Fairbanks, seconded by Fetty, that said ordinance be given Number 09-008, the title thereof be approved and said ordinance be read by title only one time tonight.

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

Motion carried.

Mayor Schuster read Ordinance 09-008 by title one time.

(2) Annexing property known as Kuhl's Addition located at Highway 136 and 33rd Street.

Mayor Schuster announced that a public hearing will now be held for the purpose of considering the annexation of property located at Highway 136 and 33rd Street, known as Kuhl's Addition.

Same reason. No one appeared.

Moved by Fairbanks, seconded by Fetty, that the public hearing be closed at 7:42 p.m.

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

Motion carried.

Mayor Schuster introduced an ordinance annexing a tract of land in the NW1/4 Section 1, Township 3 North, Range 6 East of the 6th P.M., known as Kuhl's Addition located at Highway 136 and 33rd Street.

Moved by Fairbanks, seconded by Carey, that said ordinance be given Number 09-009, the title thereof be approved and said ordinance be read by title only one time tonight.

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

Motion carried.

Mayor Schuster read Ordinance 09-009 by title one time.

(3) Annexing property known as Tyser Addition located at along Beaver Ave, north of CC Estates

Mayor Schuster announced that a public hearing will now be held for the purpose of considering the annexation of property located along Beaver Ave, north of Country Club Estates, known as Tyser Addition.

Same reason. No one appeared.

Moved by Fairbanks, seconded by Schmale, that the public hearing be closed at 7:45 p.m.

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

Motion carried.

Mayor Schuster introduced an ordinance annexing a tract of land in the SE1/4 Section 3, Township 3 North, Range 6 East of the 6th P.M., known as Tyser Addition, located along Beaver Ave., north of Country Club Estates.

Moved by Fairbanks, seconded by Carey, that said ordinance be given Number 09-010, the title thereof be approved and said ordinance be read by title only one time tonight.

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

Motion carried.

Mayor Schuster read Ordinance Number 09-010 by title one time.

(4) Annexing property known as Sunridge Development 2nd Addition located at 26th and Hoyt Streets.

Mayor Schuster announced that a public hearing will now be held for the purpose of considering the annexation of property located at 26th & Hoyt Streets, known as Sunridge Development 2nd Addition.

Same reason. No one appeared.

Moved by Fairbanks, seconded by Fetty, that the public hearing be closed at 7:47 p.m.

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

Motion carried.

Mayor Schuster introduced an ordinance annexing a tract of land in the NE1/4 and NW1/4 Section 35, Township 4 North, Range 6 East of the 6th P.M., known as Sunridge Development 2nd Addition, located at 26th & Hoyt Streets.

Moved by Fairbanks, seconded by Schmale, that said ordinance be given Number 09-011, the title thereof be approved and said ordinance be read by title only one time tonight.

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

Motion carried.

Mayor Schuster read Ordinance Number 09-011 by title one time.

(5) Annexing property known as Covered Bridge Heights located at 25th and Scott Streets.

Mayor Schuster announced that a public hearing will now be held for the purpose of considering the annexation of property located at 25th & Scott Streets, known as Covered Bridge Heights Addition.

Same Reason. Allen Kreuzscher, 909 Covered Bridge Road, appeared to request information on how to apply for a refund of city sales tax and city property taxes paid since May, 2005, now that they have found out are really not in the City limits. Mayor Schuster explained he would have to contact the County Treasurer and the Nebr. Dept. of Revenue.

Moved by Fairbanks, seconded by Fetty, that the public hearing be closed at 7:57 p.m.

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

Motion carried.

Mayor Schuster introduced an ordinance annexing a tract of land in the NE1/4 and NW1/4 Section 2, Township 3 North, Range 6 East of the 6th P.M., known as Covered Bridge Heights Addition, located at 25th & Scott Streets.

Moved by Fairbanks, seconded by Schmale, that said ordinance be given Number 09-012, the title thereof be approved and said ordinance be read by title only one time tonight.

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

Motion carried.

Mayor Schuster read Ordinance Number 09-012 by title one time.

b. Bids

(1) Receive bids for Parks Shop Building

Mayor Schuster asked if there are any other bids to be received for the Parks Shop Building

Moved by Fairbanks, seconded by Fetty, that the bidding be closed at 7:58 p.m. and the bids be opened and read aloud.

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

Motion carried.

City Administrator Neal Niedfeldt opened the bids and reads the following aloud:

Contractor	Base Bid-Steel	Base Bid-Wood	Alternates	Bid Security
Brett Wells Constr.	n/a	\$211,900	addendum	\$10,600 cashiers ck
Goossen Constr.	\$186,500	\$165,250		5% bid bond
Building Tech	\$192,787	\$171,485	both addendums	\$9,639.35 cashiers ck
Five Star	\$185,000	\$180,000	both addendums	5% bid bond
Tiemann Constr.	n/a	\$166,601	both addendums	5% bid bond
Caspers Constr.	\$188,210	n/a	addendums 1&2	5% bid bond

Moved by Fairbanks, seconded by Lytle, that the bids be referred to the City Engineer and Parks/Buildings Supervisor for review and recommendation at the next regular City Council meeting on April 6th.

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

Motion carried.

Mayor Schuster announced to move to Item 7a. to hear the report on an update of the Beatrice Community Hospital future plans for development before taking action on the next agenda item.

a. Update on Beatrice Community Hospital future plans for development. (report by Tom Summers)

Tom Summers, Chief CEO of the Beatrice Community Hospital, was present to update the Council on the hospitals future plans. Phase I, completed in February, found it feasible to move ahead with building a new hospital. The land has been purchased. Phase 2 is the design phase and the needed financial package, which will be tax exempt bonds issued by the County Board which they hope to secure and then start construction by fall of this year.

4 – Resolutions:

a. Entering into Interlocal Agreement with Gage County for Hickory Road improvements.

Mayor Schuster introduced Resolution Number 5103 entering into an Interlocal Agreement with Gage County for Hickory Road improvements.

Moved by Fairbanks, seconded by Fetty, that Resolution Number 5103 be passed and adopted.

Marlin Kliewer, County Roads Superintendent, reported that the design is complete to add a third land for ½ mile to serve as a turn lane. Mayor Schuster proposed the use of LB840 funds or stimulus money to pay the City share of cost to add the turn lane and once completed to annex. City Administrator Niedfeldt explained that the cost of moving the electric line will be shared between the City and County.

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

Motion carried.

Resolution Number 5103 has been passed and adopted.

5 – Ordinances:

a. Vacating the North Half of Lots 10-12, inclusive, Block 91, Beatrice Original Town.

Mayor Schuster introduced an ordinance vacating the North Half of Lots 10-12, inclusive, Block 91, Beatrice Original Town.

Moved by Fairbanks, seconded by Schmale, that said ordinance be given Number 09-013, 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 Chairman, reported that P & Z had approved the request of Shelli Hubka, to vacate this property to plat a large part of the building which is being resold. John Riggs, Chief Building Inspector, stated that a firewall will be installed in the building between the two properties.

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

Motion carried.

Mayor Schuster read Ordinance Number 09-013 by number only the first, second and third time.

Moved by Fairbanks, seconded by Carey, that Ordinance Number 09-013 be passed and approved.

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

Motion carried.

Ordinance Number 09-013 has been passed and approved.

b. Approval of final plat of Hubka's First Addition.

Mayor Schuster introduced an ordinance approving the final plat of Hubka's First Addition.

Moved by Fairbanks, seconded by Schmale, that said ordinance be given Number 09-014, the title thereof be approved and the rules be suspended and said ordinance be read by number only three times tonight.

This action will plat the vacated property to be resold.

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

Motion carried.

Mayor Schuster read Ordinance Number 09-014 by number only the first, second and third time.

Moved by Fairbanks, seconded by Schmale, that Ordinance Number 09-014 be passed and approved.

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

Motion carried.

Ordinance Number 09-014 has been passed and approved.

c. Amending Ordinance 09-003 regarding electric rates.

Mayor Schuster introduced an ordinance amending Ordinance 09-003 regarding electric utility rates adding Sections regarding Qualifying Facilities.

Moved by Fairbanks, seconded by Fetty, that said ordinance be given Number 09-015, the title thereof be approved and the rules be suspended and said ordinance be read by number only two times tonight.

City Administrator Niedfeldt explained that this will amend the electric rate ordinance passed in January to add a rate for small power producers and large qualifying facilities. A defined qualifying facility means the generation is a cogeneration facility or relies on biomass, waste, or renewable fuel (wind, solar, or water). Discussion followed.

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

Motion carried.

Mayor Schuster read Ordinance Number 09-015 by number only the first and second time.

6- Public Forum:

Gary Barnard, District 3 County Supervisor, appeared requesting the possibility of a City/County cooperative effort for the fire department or jail as a joint public safety complex.

7- Discussions/Reports:

b. Comprehensive Annual Financial Report for year ending September 30, 2008. (independent auditors' report by Terry Galloway of Almquist, Maltzahn, Galloway, & Luth

Terry Galloway, of Almquist, Maltzahn, Galloway & Luth, gave the independent auditor's report for the City's fiscal year ending September 30, 2008. The financial statements present fairly the financial position of the City, there were no material misstatements, and there are appropriate internal controls. Mr. Galloway reported a need to increase cash reserves in the General fund and the business activity funds. He congratulated the City for receiving the Certificate of Achievement in Financial Reporting from GFOA.

c. City Administrator's Monthly Report. (report by Neal Niedfeldt)

City Administrator Niedfeldt went over the monthly report included in the Council packet. It includes a 1-2 page summary from each department of issues and projects to keep councilmembers informed on a monthly basis.

8- Miscellaneous:

- a. Next regular council meeting is April 6, 2009, at 7:00 p.m.
- b. Subcommittee meetings are March 23, 2009 at 6:00 and 7:30 at the Beatrice Library Sargent Room
- c. Goal Setting session, March 30, 2009, at 7:00 p.m. at the BPS Admin Bldg Meeting Room

Moved by Fairbanks, seconded by Lytle, that the meeting be adjourned at 9:17 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