

SUMMARY OF THE CITY COUNCIL REGULAR MEETING HELD NOVEMBER 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, Fetty, Lytle, Moore, Parde, Schmale
Absent: Councilmember Fairbanks

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 regular meeting on October 19, 2009 as on file in the City Clerk's Office.
- e. Approval of minutes of worksession on October 26, 2009 as on file in the City Clerk's Office.
- f. Approval of Treasurer's Report of Claims in the amount of \$333,421.31
- g. Approval of BASWA Report of Claims in the amount of \$28,679.16
- h. Resolution Number 5162 accepting resignation of Ted Fairbanks from the Beatrice Plus Advisory Board and appointing Jason Schmale to fill the position.
- i. Resolution Number 5163 terminating License Agreement with Dempster Industries, Inc.

Moved by Fetty, seconded by Carey, that the items listed under the consent agenda be approved, accepted and/or ratified as presented.

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

Motion carried.

3 – Public Hearings/Bids:

None.

4 – Resolutions:

- a. **Resolution approving renewal of Maintenance Agreement #4 with the Nebraska Department of Roads.**

Mayor Schuster introduced Resolution Number 5164 approving renewal of Maintenance Agreement #4 with the Nebraska Department of Roads.

Moved by Fetty, seconded by Schmale, that Resolution Number 5164 be passed and adopted.

City Administrator, Neal Niedfeldt, explained that the City is responsible for maintenance of two lanes of the state highways located within the City and that this is the state's commitment to reimburse the City \$49,234.50 for the calendar year 2010.

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

Motion carried.

Resolution Number 5164 has been passed and adopted.

- b. **Resolution approving Interlocal Cooperation Act Agreement with Gage County for a Community Service Coordinator to provide juvenile assistance services.**

Mayor Schuster introduced Resolution Number 5165 approving Interlocal Cooperation Act Agreement with Gage County for a Community Service Coordinator to provide juvenile assistance services.

Moved by Fetty, seconded by Carey, that Resolution Number 5165 be passed and adopted.

Police Chief, Bruce Lang, explained that this reaffirms an agreement in place for a number of years to coordinate with the County to provide a Juvenile Justice program. The 100% grant pays for ½ of a city employee position.

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

Motion carried.

Resolution Number 5165 has been passed and adopted.

- c. Resolution authorizing use of LB840 funds as a match for a grant to provide technical assistance in support of the Business Coaching strategy.**

Mayor Schuster introduced Resolution Number 5166 authorizing use of LB840 funds as a match for a grant to provide technical assistance in support of the Business Coaching strategy.

Moved by Fetty, seconded by Lytle, that Resolution Number 5166 be passed and adopted.

Mayor Schuster explained that through a collaborate effort Southeast Community College will apply for a grant to continue efforts in providing entrepreneurship assistance. The grant requires a 50% match and if no other funds are available this would be an appropriate use of LB840 funds. Lori Warner, Beatrice Area Chamber of Commerce; Dennis Headrick, Southeast Community College; and Teri Dageford, Gage Co. Economic Development addressed the council in support of the effort.

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

Motion carried.

Resolution Number 5166 has been passed and adopted.

- d. Resolution executing agreements with 5-Stat, Inc. for a direct loan of \$600,000 under the City of Beatrice CDBG Revolving Loan Fund Reuse Plan.**

Mayor Schuster introduced Resolution Number 5167 executing agreements with 5-Stat, Inc. for a direct loan of \$600,000 under the City of Beatrice CDBG Revolving Loan Fund Reuse Plan.

Moved by Fetty, seconded by Schmale, that Resolution Number 5167 be passed and adopted.

Mayor Schuster explained that this was a result of several months working with 5Stat, Inc. to provide assistance to expand the company and grow jobs in Beatrice. City Administrator Niedfeldt explained the terms of the loan, which includes a \$300,000 unforgivable loan to be repaid over 10 years with repayment terms including a credit for the increased City taxes paid and a \$300,000 forgivable loan upon meeting employment terms.

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

Motion carried.

Resolution Number 5167 has been passed and adopted.

- e. Resolution setting a public hearing on November 16, 2009 at 7:00 p.m. for the purpose of proposed annexation of property located between 6th and Pelham, Hoyt and Carlyle Streets.**

Mayor Schuster introduced Resolution Number 5168 setting a public hearing on November 16, 2009 at 7:00 p.m. for the purpose of proposed annexation of property located between 6th and Pelham, Hoyt and Carlyle Streets (Store Kraft)

Moved by Fetty, seconded by Carey, that Resolution Number 5168 be passed and adopted.

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

Motion carried.

Resolution Number 5168 has been passed and adopted.

5 – Ordinances:

- a. **Ordinance Number 09-037 to amend Section 4-3 of the Beatrice City Code regarding consumption of alcoholic beverages in City Parks (Second Reading).**

Mayor Schuster announced consideration of the second reading of Ordinance Number 09-037 to amend Section 4-3 of the Beatrice City Code regarding consumption of alcoholic beverages in City Parks.

Moved by Fetty, seconded by Schmale, that Ordinance Number 09-037, the title thereof be approved, and said ordinance be read by title the second time tonight.

A lengthy discussion was held regarding allowing alcohol consumption in the parks or just in designated areas. Police Chief Lang just asked that it be clear that legislation matches what you want. Ron Hasley, 319 N. LaSalle, addressed the council asking that the law stay as it is against alcohol in the parks, but believes that once a lease or rental of the property occurs you cannot infringe on that person's rights. Ron Scholl, representing Noon Sertoma, stated the club does not intend on changing their sub-lease agreement which does not allow consumption of alcohol at the cabin, but would like to be able to have alcohol there for Sertoma club events.

Moved by Fetty, seconded by Parde, to change the language in paragraph (b) of Section 4-3 to "The dispensing, consumption, or use of alcoholic liquor in any public park shall be prohibited except that the consumption of alcoholic beverages is permitted at the cabin located in the southwest corner of Chautauqua Park, and the campgrounds at Chautauqua Park and Riverside Park. The exception set forth in this Section shall only apply to the individual renting the exempt location and their guests."

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

Motion carried.

Vote on original motion with Ordinance 09-037 as amended:

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

Motion carried.

Mayor Schuster read Ordinance Number 09-037 by title the second time.

6– Public Forum:

No one appeared at public forum.

7- Discussions/Reports:

- a. **WLA Consulting report for preliminary and final design phase services for Lift Station #5 as approved by BPW, and report for sanitary sewer infiltration and inflow study as approved by BPW.**

Brian Mulinix of WLA Consulting Inc. explained the process to study the Infiltration and Inflow of storm water into the City's sanitary sewer system and identify sources and problems in order to minimize I & I and avoid the excess cost of handling the overflow, customer sewer backups and possible NPDES permit violations. They will also be working on collecting data and identifying growth for the design of Lift Station #5, with construction to take place next spring. Jack

Robbins, WPC Supt, explained the need for these projects. Don Vetrovsky, BPW Chairman, reported that the Board had voted in favor of both projects which are a part of the 2010 Budget.

8- Miscellaneous:

Next regular council meeting is November 16, 2009 at 7:00 p.m.

Worksession November 23, 2009 at 7:00 p.m. at in the Sargent Room at the Beatrice Public Library

Moved by Fetty, seconded by Schmale, that the meeting be adjourned at 8:32 p.m.

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

Motion carried.

Linda S. Koch, City Clerk

Mayor Dennis Schuster