

**SUMMARY OF THE CITY COUNCIL REGULAR MEETING HELD NOVEMBER 16, 2009, AT 7:00 P.M. IN THE BPS ADMINISTRATION MEETING ROOM, 320 NORTH 5<sup>TH</sup> STREET.**

**1 – Roll Call:** Present: Councilmembers Carey, Catlin, Fairbanks, Fetty, Lytle, Moore, Parde, Schmale  
Absent: Mayor Schuster

In the absence of Mayor Dennis Schuster, Council President Ted Fairbanks presided over the meeting.

Acting Mayor Fairbank 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 November 2, 2009 as on file in the City Clerk’s Office.
- e. Approval of Treasurer’s Report of Claims in the amount of \$650,650.03
- f. Approval of BASWA Report of Claims in the amount of \$47,995.99

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, Catlin, Fairbanks, Fetty, Lytle, Moore, Parde, Schmale  
Nay: None

Motion carried.

**3 – Public Hearings/Bids:**

**a. Hearings**

**(1) New Liquor License application of Beatrice IGA Inc. dba Beatrice Supermarket, 1300 Court Street, for a Class B Liquor License.**

Acting Mayor Fairbanks announced that a public hearing be held regarding a new liquor license application of Beatrice IGA Inc. dba Beatrice Supermarket, 1300 Court Street for a Class B liquor license.

The Planning Report prepared by the Building Inspection department showing no significant effect was received and placed on file. Police Captain, Gerald Lamkin, under oath, presented both the Investigative Report and the Traffic Engineer Report which revealed nothing that would prohibit the issuance of this license. It is an established business so no additional traffic is anticipated.

Moved by Fetty, seconded by Carey, that the public hearing be closed at 7:10 p.m.

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

Motion carried.

Moved by Fetty, seconded by Schmale, that the liquor license application of Beatrice IGA Inc. dba Beatrice Supermarket, 1300 Court Street for a Class B liquor license, be recommended to the Nebraska Liquor Control Commission for approval.

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

Motion carried.

**(2) Proposed annexation of a tract of land in the SE1/4 of Section 28-T4N-R6E, located between 6<sup>th</sup> and Pelham, Hoyt and Carlyle Streets.**

Acting Mayor Fairbanks announced that a public hearing be held regarding the proposed annexation of a tract of land in the SE1/4 of Section 28-T4N-R6E, located between 6<sup>th</sup> and Pelham, Hoyt and Carlyle Streets.

City Attorney Tempelmeyer explained that as a part of the CDBG Reuse Loan Agreement with Store Kraft they agreed to annexation of their property. This also includes land owned by Arnold Wullschleger, which will annex all land in the area not currently in the City limits.

Moved by Fetty, seconded by Carey, that the public hearing be closed at 7:13 p.m.

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

Motion carried.

#### **4 – Resolutions:**

- a. Resolution setting a public hearing on December 7, 2009, at 7:00 p.m. for the purpose of proposed annexation of property located at West Highway 136 and West Scott Street. (SCC)**

Acting Mayor Fairbanks introduced Resolution Number 5169 setting a public hearing on December 7, 2009, at 7:00 p.m. for the purpose of proposed annexation of property located at West Highway 136 and West Scott Street. (SCC)

Moved by Fetty, seconded by Schmale, that Resolution Number 5169 be passed and adopted.

City Attorney Tempelmeyer explained that the proposed annexation includes the area of the National Guard Armory, Southeast Community College, Beatrice Business Campus and Blue Valley Veterinary Clinic. The area already is already provided City utilities, the only additional cost will be snow removal. Police Captain Lamkin reported that the calls for service at the college were relatively low and could be handled at no additional cost to the department.

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

Motion carried.

Resolution Number 5169 has been passed and adopted.

#### **5 – Ordinances:**

- a. Ordinance to annex a tract of land in the SE1/4 of Section 28-T4N-R6E, located between 6<sup>th</sup> and Pelham, Hoyt and Carlyle Streets. (first reading)**

Acting Mayor Fairbanks introduced an ordinance to annex a tract of land in the SE1/4 of Section 28-T4N-R6E, located between 6<sup>th</sup> and Pelham, Hoyt and Carlyle Streets.

Moved by Fetty, seconded by Schmale, that said ordinance be given number 09-038, the title thereof be approved, and said ordinance be read by title only the first time tonight.

City Attorney Tempelmeyer explained that this action provided for the first reading of the ordinance to annex the property as discussed during the hearing.

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

Motion carried.

Acting Mayor Fairbanks read Ordinance Number 09-038 by title the first time:

*“An ordinance to extend the boundaries and include within the corporate limits of, and to annex to, the City of Beatrice, Nebraska a tract of land out of and part of the Southeast Quarter (SE ¼) of Section Twenty-Eight (28), Township Four (4) North, Range Six (6), East of the 6<sup>th</sup> P.M., Beatrice, Gage County, Nebraska; to provide*



**8- Miscellaneous:**

- a. Next regular council meeting is December 7, 2009 at 7:00 p.m. at BPS Admin Bldg meeting room.
- b. Worksession November 23, 2009 at 7:00 p.m. at in the Sargent Room at the Beatrice Public Library.
- c. Special Council meeting on November 30, 2009 at 7:00 p.m. at BPS Admin Bldg meeting room.

Moved by Fetty, seconded by Schmale, that the meeting be adjourned at 7:55 p.m.

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

Motion carried.

**Linda S. Koch, City Clerk**

**Mayor Dennis Schuster**