

**MINUTES OF THE CITY COUNCIL REGULAR MEETING HELD SEPTEMBER 21, 2009, AT 7:00 P.M. IN THE BPS ADMINISTRATION MEETING ROOM, 320 NORTH 5<sup>TH</sup> STREET.**

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

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 September 8, 2009 as on file in the City Clerk's Office.
- e. Approval of Treasurer's Report of Claims in the amount of \$735,041.24.
- f. Approval of BASWA Report of Claims in the amount of \$52,429.88.
- g. Approval of write-off of ambulance bad debt listing in the amount of \$17,183.02 to be sent to Collection Associates.

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

Motion carried.

**3 – Public Hearings/Bids:**

**a. Hearings**

- (1) Class C Liquor License application of VIP Lounge Inc dba VIP Lounge at 106 North 5<sup>th</sup> Street.**

Mayor Schuster announced that a public hearing will now be held on the Class C Liquor License application of VIP Lounge Inc dba VIP Lounge at 106 North 5<sup>th</sup> Street.

Police Chief, Bruce Lang, being sworn in by the Mayor, submitted the Police Investigative, Traffic Engineer, and Planning & Inspection Reports, reporting that nothing was uncovered that would preclude issuance of the liquor license. John Casey Collins, 101 Franklin, applicant, being sworn in by the Mayor, appeared before the Council and explained the plans for the Lounge. No one appeared in opposition.

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

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

Motion carried.

Councilmember Lytle arrived at 7:11 p.m.

Moved by Fairbanks, seconded by Schmale, that the Class C Liquor License application of VIP Lounge Inc dba VIP Lounge at 106 North 5<sup>th</sup> Street, Beatrice, Nebraska, be recommended for approval by the Nebraska Liquor Control Commission.

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

Motion carried.

- (2) To supplement the previously adopted Fiscal Year 2009 budget.**

Mayor Schuster announced that a public hearing will now be held to supplement the previously adopted Fiscal Year 2009 Budget.

City Administrator, Neal Niedfeldt, reviewed the reasons for the proposed supplement to the budget, increasing the total budget of expenditures \$323,841, of which most are funded with revenue sources and the excess health insurance and workers compensation claims are funded with a transfer from general fund cash reserves.

Moved by Fairbanks, seconded by Fetty, that the public hearing be closed at 7:16 p.m.

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

**4 – Resolutions:**

- a. Resolution entering into a one year agreement with Beatrice Public Schools for a resource officer.**

Mayor Schuster introduced Resolution Number 5155 entering into a one year agreement with Beatrice Public Schools for a resource officer.

Moved by Fairbanks, seconded by Carey, that Resolution Number 5155 be passed and adopted.

Mayor Schuster explained this was the same agreement as previously approved, except that the term has been shortened to one-year as approved by the Beatrice School Board.

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

Resolution Number 5155 has been passed and adopted.

- b. Resolution to apply for assistance from the Nebraska Game & Parks Commission to renovate the campground at Riverside Park.**

Mayor Schuster introduced Resolution Number 5156 to apply for assistance from the Nebraska Game & Parks Commission to renovate the campground at Riverside Park.

Moved by Fairbanks, seconded by Catlin, that Resolution Number 5156 be passed and adopted.

City Attorney Tobias Tempelmeyer presented the proposed grant application to provide 50/50 funding to add nine new concrete camp pads at Riverside Park with full services of electric, water, and sewer.

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

Resolution Number 5156 has been passed and adopted.

**5 – Ordinances:**

- a. Approving salaries for various City employees.**

Mayor Schuster introduced an ordinance approving salaries for various City employees.

Moved by Fairbanks, seconded by Fetty, that said ordinance be given number 09-031, the title thereof approved, the rules be suspended, and said ordinance be read by number only three times tonight.

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

Mayor Schuster read Ordinance Number 09-031 by number only the first, second and third times.

Moved by Fairbanks, seconded by Schmale, that Ordinance Number 09-031 be passed and approved.

Mayor Schuster explained that the annual salary ordinance reflects the pay adjustments as negotiated in the various union agreements last year. It includes a few performance based increases which were submitted by the department heads and reviewed by the City Administrator and Mayor. The average increase of all contracts is about 3.5%.

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

Motion carried.

Ordinance Number 09-031 has been passed and approved.

**b. Approving new electric rates effective October 6, 2009.**

Mayor Schuster introduced an ordinance setting new electric rates effective October 6, 2009.

Moved by Fairbanks, seconded by Fetty, that said ordinance be given number 09-032, the title thereof approved, the rules be suspended, and said ordinance be read by number only three times tonight.

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

Motion carried.

Mayor Schuster read Ordinance Number 09-032 by number only the first, second and third times.

Moved by Fairbanks, seconded by Schmale, that Ordinance Number 09-032 be passed and approved.

City Administrator/BPW Manager Niedfeldt explained that the reason for the increase is primarily to cover increased wholesale power costs proposed by NPPD. Rates vary among classes based upon load usage with an overall average increase of 5%. Discussion was held regarding looking into offering a budget plan for electric customers.

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

Motion carried.

Ordinance Number 09-032 has been passed and approved.

**c. Approving new water rates effective October 6, 2009.**

Mayor Schuster introduced an ordinance setting new water rates effective October 6, 2009.

Moved by Fairbanks, seconded by Fetty, that said ordinance be given number 09-033, the title thereof approved, the rules be suspended, and said ordinance be read by number only three times tonight.

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

Motion carried.

Mayor Schuster read Ordinance Number 09-033 by number only the first, second and third times.

Moved by Fairbanks, seconded by Schmale, that Ordinance Number 09-033 be passed and approved.

City Administrator/BPW Manager Niedfeldt presented the proposed increase to the basic service rate from \$6.60/month to \$9.00/month with the usage rate remaining the same, to fund replacement of old water mains. Water Supt., Steve Kelley reported on the cost of the current year's construction projects and those proposed for next year.

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

Motion carried.

Ordinance Number 09-033 has been passed and approved.

**d. Approving new WPC rates effective October 6, 2009.**

Mayor Schuster introduced an ordinance setting new WPC rates effective October 6, 2009.

Moved by Fairbanks, seconded by Carey, that said ordinance be given number 09-034, the title thereof approved, the rules be suspended, and said ordinance be read by number only three times tonight.

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

Motion carried.

Mayor Schuster read Ordinance Number 09-034 by number only the first, second and third times.

Moved by Fairbanks, seconded by Schmale, that Ordinance Number 09-034 be passed and approved.

City Administrator/BPW Manager Niedfeldt presented the proposed increase to the basic service rate from \$6.50 to \$9.00 with the usage remaining the same.

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

Motion carried.

Ordinance Number 09-034 has been passed and approved.

**e. Amending Section 16-267 of Beatrice City Code regarding parking generally.**

Mayor Schuster introduced an ordinance amending Section 16-267 of Beatrice City Code regarding parking generally.

Moved by Fairbanks, seconded by Schmale, that said ordinance be given number 09-035, the title thereof approved, the rules be suspended, and said ordinance be read by number only three times tonight.

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

Motion carried.

Mayor Schuster read Ordinance Number 09-035 by number only the first, second and third times.

Moved by Fairbanks, seconded by Carey, that Ordinance Number 09-035 be passed and approved.

City Attorney Tempelmeyer explained that the proposed change was to clarify this section to handle such citations as wrong-side parking on a one-way street so that whether parked on the left or right hand of the street it is the tires closest to the curb within 12 inches. Discussion followed.

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

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

Motion carried.

Vote on original motion:

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

Motion carried.

Ordinance Number 09-035 has been passed and approved.

**f. Supplement the previously adopted Fiscal Year 2009 Budget.**

Mayor Schuster introduced an ordinance to supplement the previously adopted Fiscal Year 2009 Budget.

Moved by Fairbanks, seconded by Lytle, that said ordinance be given number 09-036, the title thereof approved, the rules be suspended, and said ordinance be read by number only three times tonight.

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

Motion carried.

Mayor Schuster read Ordinance Number 09-036 by number only the first, second and third times.

Moved by Fairbanks, seconded by Schmale, that Ordinance Number 09-036 be passed and approved.

Mayor Schuster explained that this ordinance ratifies discussion from the hearing held earlier in the meeting.

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

Motion carried.

Ordinance Number 09-036 has been passed and approved.

**6- Public Forum:**

No one appeared at public forum.

**7- Discussions/Reports:**

**a. Monthly City Administrator' Report**

City Administrator Niedfeldt presented the August report. Councilmember Lytle asked what could be done about continual break-ins of garages and vehicles. Chief Lang reported that officers are driving special detail and encouraged people to not leave valuables in the car and to report anything suspicious immediately to the police department.

**8- Miscellaneous:**

- a. Next regular council meeting is October 5, 2009 at 7:00 p.m.
- b. Note: BASWA meeting at 6:30 p.m. on October 5, 2009.
- c. Worksession will be on September 28, 2009 at 7:00 p.m. in the Price Room at the Beatrice Public Library

Moved by Fairbanks, seconded by Schmale, that the meeting be adjourned at 8:11 p.m.

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

Motion carried.

**Linda S. Koch, City Clerk**

**Mayor Dennis Schuster**