

SUMMARY OF THE CITY COUNCIL REGULAR MEETING HELD APRIL 5, 2010, AT 7:00 P.M. IN THE MEETING ROOM AT THE BPS ADMIN BLDG, 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.

Mayor Schuster presented a Proclamation proclaiming April as Child Abuse Prevention Month. Pat Thimm received the proclamation and stressed the importance of supporting our families.

Mayor Schuster presented a Proclamation proclaiming April 11-17 as National Library Week and April as Library Appreciation Month. Laureen Riedesel received the proclamation and talked about the month's activities.

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 March 15, 2010 as on file in the City Clerk's Office.
- e. Approval of minutes of worksession on March 22, 2010 as on file in the City Clerk's Office.
- f. Approval of Treasurer's Report of Claims in the amount of \$416,068.90.
- g. Approval of BASWA Report of Claims in the amount of \$104,289.42.
- h. Resolution Number 5185 entering into agreement with the Center for Rural Entrepreneurship in the amount of \$14,000 to be paid with LB840 funds.
- i. Resolution Number 5186 adopting a Nondiscrimination Agreement with the Nebr. Dept of Roads as provided by Title VI – Civil Rights.
- j. Resolution Number 5187 adopting an Americans with Disabilities Act (ADA) Policy.
- k. Resolution Number 5188 renewing farm lease with Larry Delabar for City property described as the W1/2 of NE1/4 of Section 20-T3N, R6E (adjacent to the landfill).
- l. Refer claim of Phil Knowles for damages at 415 Court due to a frozen water meter in Late January/Early February to the City Attorney and City's Insurance Carrier.
- m. Recommend approval of manager application for Linda C. Schuller in connection with the liquor license of Denny's Convenience located at 566 W. Court St. to the Nebr. Liquor Control Commission.

Moved by Fetty, seconded by Carey, that the items listed under the consent agenda, with the exception of items f, k, 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.

Moved by Fetty, seconded by Fairbanks, to approve the Treasurer's Report of Claims in the amount of \$416,068.90.

f – Councilmember Fairbanks requested separate approval because he was against payment of a claim for someone he did not agree with.

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

Motion carried.

Moved by Fetty, seconded by Fairbanks, that Resolution Number 5188 renewing farm lease with Larry Delabar for City property described as the W1/2 of NE1/4 of Section 20-T3N, R6E, be passed and adopted.

k- Councilmember Fairbanks asked if this item could be postponed to allow for further discussion. City Administrator Niedfeldt explained the lease is a renewal of the current lease, it's for one-year and includes restrictions on use of the east-half until it is determined if soil is needed for cover at the landfill.

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

Motion carried.

Moved by Fetty, seconded by Fairbanks, that the manager application for Linda C. Schuller in connection with the liquor license of Denny's Convenience located at 566 W. Court St. be recommended to the Nebr. Liquor Control Commission for approval.

m – Councilmember Fairbanks noted that Linda Schuller was present and asked if she wanted to talk. She did not have anything additional to say to the council.

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

Motion carried.

3 – Public Hearings/Bids:

None.

4 – Resolutions:

a. Resolution setting rates for use of the City Auditorium.

Mayor Schuster introduced Resolution Number 5189 setting rates for use of the City Auditorium.

Moved by Fetty, seconded by Fairbanks, that Resolution Number 5189 be passed and adopted.

City Administrator Niedfeldt presented the proposed City Auditorium use fee schedule, which is simpler and provides different rates for events when admission is charged and no admission and a separate fee for youth practices.

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

Motion carried.

Resolution Number 5189 has been passed and adopted.

b. Resolution setting rates for admission to the Beatrice Water Park.

Mayor Schuster introduced Resolution Number 5190 setting rates for admission to the Beatrice Water Park.

Moved by Fetty, seconded by Fairbanks, that Resolution Number 5190 be passed and adopted.

Mayor Schuster presented the proposed Water Park rates, which provide for an increase in the season pass rates, but leave the daily admission the same. Mark Pethoud, Building & Parks Supervisor, reported that the increase could bring the Water Park closer to breaking even. Councilmembers asked for possible cost savings, which he reported that closing one hour earlier or opening one hour later could save \$7600 on the season. Discussion followed.

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

Motion carried.

Resolution Number 5190 has been passed and adopted.

c. Resolution entering into settlement agreement with Ziegler's regarding boundary line near the WPC

facility at 13th & Beaver Streets.

Mayor Schuster introduced Resolution Number 5191 entering into settlement agreement with Ziegler's regarding boundary line near the WPC facility at 13th & Beaver Streets.

Moved by Fetty, seconded by Fairbanks, that Resolution Number 5191 be passed and adopted.

Mayor Schuster explained this is to take care of a past dispute and change the legal to match where the fence is located.

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

Motion carried.

Resolution Number 5191 has been passed and adopted.

5 – Ordinances:

a. Amend Section 26-14 of the Beatrice City Code regarding Utility Deposit Requirements.

Mayor Schuster introduced an ordinance amending Section 26-14 of the Beatrice City Code regarding Utility Deposit Requirements.

Moved by Fetty, seconded by Fairbanks, that said ordinance be given number 10-003, the title thereof be approved, the rules be suspended, and said ordinance be read by number only three times tonight.

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

Motion carried.

Mayor Schuster read Ordinance Number 10-003 by number the first, second and third time.

Moved by Fetty, seconded by Fairbanks, that Ordinance Number 10-003 be passed and approved.

City Administrator Niedfeldt explained that this would remove the deposit requirement from City Code and allow the Board of Public Works Board to establish what is necessary in conjunction with other collection procedures and policies.

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

Motion carried.

Ordinance Number 10-003 has been passed and approved.

6– Public Forum:

No one appeared at Public Forum.

7- Discussions/Reports:

a. Update on Beatrice 20/20 Vision Activities by Phil and Susan Cook.

Phil and Susan Cook, 1604 South 3rd Street, representatives of Beatrice 20/20 Vision Committee, presented the final report of the Sustainable Design Assessment Team (SDAT), a living document to assist the City and entire community. They also reported on the overwhelming support with the October 09 riverfront cleanup. The City was successful in receiving an AmeriCorps grant, which will bring a team of 10 young people, from April 29 to June 12, to assist with continuation of the riverfront project and cleanup effort. The Beatrice High School continues to be involved by growing plants to be placed in the cleared areas along the river and training Tri-County students to also do water-testing.

b. Lincoln Journal Star Recycling Program presentation.

A representative from the Lincoln Journal Star presented information about a curbside recycling program which they started in Lincoln and have now expanded to surrounding communities. Through the Beatrice Daily Sun, they plan to promote the Recycling Program in Beatrice the week of April 12th. For a monthly fee of \$7.00-\$10.00 customers will receive a bin to fill with acceptable recyclables, which will be picked up weekly and taken to the Beatrice Recycling Center to be sorted and processed by Von Busch.

8- Miscellaneous:

- a. Next regular council meeting is April 19, 2010 at 7:00 p.m. at BPS Admin Bldg meeting room.
- b. Worksession is April 26, 2010 at 7:00 p.m. in the Beatrice Public Library N. meeting room.

Moved by Fetty, seconded by Schmale, that the meeting be adjourned at 8:23 p.m.

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

Motion carried.

Linda S. Koch, City Clerk

Mayor Dennis Schuster