

**MINUTES OF THE CITY COUNCIL REGULAR MEETING HELD FEBRUARY 1, 2010, AT 7:00 P.M. IN THE MEETING ROOM AT THE BPS ADMINISTRATION BLDG, 320 NORTH 5<sup>TH</sup> 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 February as Nebraska Chamber of Commerce Month. Lori Warner thanked the City Council for the recognition and for their continued support.

**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 January 18, 2010, as on file in the City Clerk's Office.
- e. Approval of minutes of worksession on January 25, 2010 as on file in the City Clerk's Office.
- f. Approval of Treasurer's Report of Claims in the amount of \$337,177.91.
- g. Approval of BASWA Report of Claims in the amount of \$33,461.72.
- h. Approval of write-off of ambulance bad debts.
- i. Approval of special designated permit application of St. Joseph Catholic Church for a dinner event to be held March 7, 2010 from 4:00 p.m. to 7:00 p.m. at 612 High Street.
- j. Refer claim of Lyle Jurgens for water damage at NickJComputerDoctor, 400 Court St. on 1/15/2010 to City Attorney and City's Insurance Carrier for recommendation and disposition.

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

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

Motion carried.

h – Moved by Catlin, seconded by Carey, for approval of write-off of ambulance bad debts.

Councilmember Carey wanted an update because the amount was higher and City Administrator Niedfeldt explained the procedures taken prior to being turned over to the Collection Agency.

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

Motion carried.

j - Moved by Catlin, seconded by Fetty, to refer claim of Lyle Jurgens for water damage at NickJComputerDoctor, 400 Court St. on 1/15/2010 to City Attorney and City's Insurance Carrier for recommendation and disposition.

Councilmember Fetty questioned whether the City had a list of all damaged items in our possession.

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

Motion carried.

**3 – Public Hearings/Bids:**

**a. Hearings:**

- (1) Public hearing to consider the proposed annexation of two tracts of land, described as parts of the**

**SE 1/4 of Section 28, T4N, R6E, and that part of Irving Street between Blocks 24 and 37, Glenover Addition, (located west of 6<sup>th</sup> Street between Hoyt and Irving Streets)**

Mayor Schuster announced that a public hearing be held to consider the proposed annexation of two tracts of land, described as parts of the SE 1/4 of Section 28, T4N, R6E, and that part of Irving Street between Blocks 24 and 37, Glenover Addition.

Mayor Schuster explained that this is to clean up what was thought to have been done with the Store Kraft annexation however these legal descriptions were missed. The interested parties have been contacted and made no comment.

Moved by Catlin, seconded by Carey, that the public hearing be closed at 7:11 p.m.

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

Motion carried.

**(2) Public hearing for the One and Six Year Road and Street Plan**

Mayor Schuster announced that a public hearing be held for the One and Six Year Road and Street Plan.

City Engineer, Rex Behrends, reviewed the list of street projects in the proposed One and Six Year Plan. Street Supt. Ron Baete, explained that this winter had taken a toll on the streets. Councilmembers brought forward their street concerns. Reduced funding and new requirements to be done before receiving federal funding has delayed some projects.

Moved by Catlin, seconded by Schmale, that the public hearing be closed at 7:27 p.m.

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

Motion carried.

Moved by Catlin, seconded by Schmale, that the One and Six Year Road and Street Improvement Plan for the City of Beatrice be approved as presented.

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

Motion carried.

**(3) Public hearing on the acquisition of real property described as Lots 7 through 9, Block 2; and Lots 7 through 12, Block 7; all in Scheves Addition (located 300 block South Grace)**

Mayor Schuster announced that a public hearing be held on the acquisition of real property described as Lots 7 through 9, Block 2; and Lots 7 through 12, Block 7; all in Scheves Addition.

City Attorney, Tobias Tempelmeyer, explained that the City had been mowing this property, and the owners were willing to deed the property over to the City in lieu of paying the bill, but that statutes require a hearing to acquire real estate.

Moved by Catlin, seconded by Carey, that the public hearing be closed at 7:30 p.m.

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

Motion carried.

**4 – Resolutions:**

- a. **Resolution approving the purchase of real estate from James and Susan Latta described as Lots 7 through 9, Block 2; and Lots 7 through 12, Block 7; all in Scheves Addition**

Mayor Schuster introduced Resolution Number 5177 approving the purchase of real estate from James and Susan Latta described as Lots 7 through 9, Block 2; and Lots 7 through 12, Block 7; all in Scheves Addition.

Moved by Catlin, seconded by Fairbanks, that Resolution Number 5177 be passed and adopted.

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

Motion carried.

Passed and Adopted Resolution Number 5177.

#### **5 – Ordinances:**

- a. **Ordinance annexing two tracts of land, described as parts of the SE 1/4 of Section 28, T4N, R6E, and that part of Irving Street between Blocks 24 and 37, Glenover Addition. (First Reading)**

Mayor Schuster introduced an ordinance annexing two tracts of land, described as parts of the SE 1/4 of Section 28, T4N, R6E, and that part of Irving Street between Blocks 24 and 37, Glenover Addition.

Moved by Catlin, seconded by Fetty, that said ordinance be given number 09-046, the title thereof be approved, and said ordinance be read by title only the first time tonight.

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

Motion carried.

Mayor Schuster read Ordinance Number 09-046 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 service benefits thereto; to repeal conflicting ordinances; and to provide for publication in pamphlet form and effective date of this ordinance.”*

#### **6– Public Forum:**

No one appeared at Public Forum.

#### **7- Discussions/Reports:**

None.

#### **8- Miscellaneous:**

- a. Next regular council meeting is February 15, 2010 at 7:00 p.m. at BPS Admin Bldg meeting room.
- b. Worksession is February 22, 2010 at 7:00 p.m. in the Beatrice Public Library N. Price Meeting room.

Moved by Catlin, seconded by Carey, that the meeting be adjourned at 7:34 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**