

SUMMARY OF THE CITY COUNCIL REGULAR MEETING HELD JULY 6, 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, 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 June 21, 2010 as on file in the City Clerk's Office.
- e. Approval of minutes of worksession on June 28, 2010 as on file in the City Clerk's Office.
- f. Approval of Treasurer's Report of Claims in the amount of \$225,929.88.
- g. Approval of BASWA Report of Claims in the amount of \$32,932.18.
- h. Approval of plans, specifications and advertisement for bids for Armor Coat Project #10-489 as recommended by the BPW.
- i. Approval of contract with Neuvirth's Construction in the amount of \$268,000 for Lift Station #5 improvements, as recommended by the BPW.
- j. Resolution Number 5209 appointing Tobias Tempelmeyer as the CDBG Administrator for the NEAPCO grant.
- k. Refer lawsuit filed in District Court Daniel Meints vs. the City of Beatrice to the City Attorney and City's Insurance Carrier for review and disposition.

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

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

Motion carried.

Councilmember Lytle arrived at 7:04 p.m.

Moved by Catlin, seconded by Fairbanks, to approve the contract with Neuvirth's Construction in the amount of \$268,000 for Lift Station #5 improvements, as recommended by the BPW.

Councilmember Fairbanks requested more information about the project. Mayor Schuster and City Administrator Niedfeldt explained that the bids came in high but that through negotiations with lowest bidder were able to reduce the price further. The old lift station needs repair and is near capacity so replacement of it was a top priority in the current budget. Other projects will be deferred unless other funding becomes available. Discussion followed.

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

Motion carried.

Moved by Catlin, seconded by Fetty, to refer the lawsuit filed in District Court Daniel Meints vs. the City of Beatrice to the City Attorney and City's Insurance Carrier for review and disposition.

Councilmember Carey requested an update. City Attorney Tempelmeyer explained that this was for action taken two weeks ago to clean up Mr. Meint's properties on South 9th and Ella Streets.

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

Motion carried.

3 – Public Hearings/Bids:

a. Hearing

1) Public Hearing concerning the progress of the Community Development Block Grant for the completion of a video analysis of the storm sewer system.

Mayor Schuster announced that a public hearing be held concerning the progress of the Community Development Block Grant for the completion of a video analysis of the storm sewer system.

CDBG Grant Administrator, Tobias Tempelmeyer, explained that a public hearing was required on the progress of the project as part of the grant monitoring process. The work has been done and the Engineering Department is in the process of reviewing the films.

Moved by Catlin, seconded by Lytle, that the public hearing be closed at 7:23 p.m.

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

Motion carried.

2) Public Hearing on the acquisition of real property described as Lots 1 & 2, Block 4, Zimmerman Addition. (SW corner of Scott and Bluff Street)

Mayor Schuster announced that a public hearing be held on the acquisition of real property described as Lots 1 & 2, Block 4, Zimmerman Addition.

City Attorney Tempelmeyer explained that this property, which is near the pet cemetery and W. Scott ballfields, is being acquired from Leroy Lopez in exchange for City-owned property on Grace Street which is closer to his home.

Moved by Catlin, seconded by Lytle, that the public hearing be closed at 7:25 p.m.

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

Motion carried.

4 – Resolutions:

a. Resolution purchasing real estate described as Lots 1 & 2, Block 4, Zimmerman Addition

Mayor Schuster introduced Resolution Number 5210 purchasing real estate described as Lots 1 & 2, Block 4, Zimmerman Addition.

Moved by Catlin, seconded by Fetty, that Resolution Number 5210 be passed and adopted.

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

Motion carried.

Resolution Number 5210 has been passed and adopted.

b. Resolution executing a sale of real estate described as Lots 7-9, Block 2, Scheves Addition to Librado Leroy Lopez and Rhonda Lopez.

Mayor Schuster introduced Resolution Number 5211 executing a sale of real estate described as Lots 7-9, Block 2, Scheves Addition to Librado Leroy Lopez and Rhonda Lopez.

Moved by Catlin, seconded by Carey, that Resolution Number 5211 be passed and adopted.

Mayor Schuster explained that this sells City-owned property on Grace Street to the Lopez's to be maintained by them which they plan to use as a garden spot.

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

Motion carried.

Resolution Number 5211 has been passed and adopted.

c. Resolution entering into an Interlocal Agreement with Gage County and approving application for 2010 Local Solicitation for a Justice Assistance Grant (JAG) Program Award to be used for the SEADE Program.

Mayor Schuster introduced Resolution Number 5212 entering into an Interlocal Agreement with Gage County and approving application for 2010 Local Solicitation for a Justice Assistance Grant (JAG) Program Award to be used for the SEADE Program.

Moved by Catlin, seconded by Fetty, that Resolution Number 5212 be passed and adopted.

Police Chief, Bruce Lang, explained that these funds were a part of the stimulus package earmarked for drug task force and that this agreement requires the City and County to share the funds to be used towards operation of the Southeast Area Drug Enforcement Task Force. No match is required.

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

Motion carried.

Resolution Number 5212 has been passed and adopted.

d. Resolution regulating parking on the north side of Beaver Street between 6th and 8th Streets.

Mayor Schuster introduced Resolution Number 5213 regulating parking on the north side of Beaver Street between 6th and 8th Streets.

Moved by Catlin, seconded by Fairbanks, that Resolution Number 5213 be passed and adopted.

Mayor Schuster explained that complaints had been received from citizens regarding large trucks parked along the north side of the street. Police Chief Lang reported that the trucks do create an obstruction.

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

Motion carried.

Resolution Number 5213 has been passed and adopted.

e. Resolution entering into a lease with the Beatrice Chamber of Commerce for office space in the City Auditorium.

Mayor Schuster introduced Resolution Number 5214 entering into a lease with the Beatrice Chamber of Commerce for office space in the City Auditorium.

Moved by Catlin, seconded by Fetty, that Resolution Number 5214 be passed and adopted.

City Attorney Tempelmeyer explained that the lease is the same as the previous lease except last year's included funding by the Chamber for improvements to the conference room. Lori Warner, President of the Beatrice Area Chamber of Commerce expressed their appreciation for the use of the space; their long-term goal is to find a different location.

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

Motion carried.

Resolution Number 5214 has been passed and adopted.

f. Resolution entering into interlocal agreement with Gage County for the City to provide EMS Services.

Mayor Schuster introduced Resolution Number 5215 entering into interlocal agreement with Gage County for the City to provide EMS Services.

Moved by Catlin, seconded by Lytle, that Resolution Number 5215 be passed and adopted.

City Attorney Tempelmeyer stated that since the worksession the agreement had been changed to remove names and insert positions, remove the Exhibit regarding the committee, and change the dollar amount to \$154,000, with the County now paying Pickrell for BLS services. Fire Chief, Brian Daake, felt the new agreement will provide quality care for our citizens.

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

Motion carried.

Resolution Number 5215 has been passed and adopted.

5 – Ordinances:

a. Ordinance Number 10-008 (read by title twice) establishing sex offender residency restrictions.

Mayor Schuster announced additional consideration of Ordinance Number 10-008 establishing sex offender residency restrictions, which has been read by title twice.

Moved by Catlin, seconded by Fairbanks, that Ordinance Number 10-008, the title thereof be approved, and said ordinance be read by title only the third and final time tonight.

A lengthy discussion continued whether this piece of legislation will accomplish what the citizen's want or needs to be tougher, however it is the strongest language allowed by State law and that it is a start, but the need to continue to contact the State legislators in Lincoln to make changes. Police Chief Lang reviewed how the law got to this point, that it is a piece and will help, and that as a part of the education process work with the school and will continue to do so. Ben Carrel, 817 Bell, appeared to encourage do at least as much as the State allows. Peggy Carrel, 817 Bell, also spoke in support. Robert G. Rothwell, #4 the Pines, opposed this as not an effective measure, go back and do more.

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

Motion carried.

Mayor Schuster read Ordinance Number 10-008 by title the third and final time.

"An ordinance to amend the Beatrice City Code by adding new sections to be numbered 17-118 to 17-120 regarding sexual predator residency restrictions; to prohibit certain persons subject to the sex offender registration act and defined as sexual predators from residing in certain areas within the city, to establish penalties for a violation; to repeal conflicting ordinances; and to provide for publication in pamphlet form and for an effective date of this ordinance."

Moved by Catlin, seconded by Schmale, the Ordinance Number 10-008 be passed and approved.

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

Motion carried.

Ordinance Number 10-008 has been passed and approved.

b. Ordinance conveying real estate described as Lots 7-9, Block 2, Scheves Addition.

Mayor Schuster introduced an ordinance conveying City-owned property, described as Lots 7-9, Block 2, Scheves Addition to Librado Leroy Lopez and Rhonda Lopez.

Moved by Catlin, seconded by Fairbanks, that said ordinance be given number 10-012, 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 10-012 by number the first, second and third time.

Moved by Catlin, seconded by Lytle, the Ordinance Number 10-012 be passed and approved.

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

Motion carried.

Ordinance Number 10-012 has been passed and approved.

c. Ordinance authorizing issuance of \$740,000 in NDEQ Combined Utilities Revenue Bonds for the Water Loop Extension to Northgate Development.

Mayor Schuster introduced an ordinance authorizing issuance of \$740,000 in NDEQ Combined Utilities Revenue Bonds for the Water Loop Extension to Northgate Development.

Moved by Catlin, seconded by Fetty, that said ordinance be given number 10-013, 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 reads Ordinance Number 10-013 by number the first, second and third time.

Moved by Catlin, seconded by Fetty, that Ordinance Number 10-013 be passed and approved.

City Administrator Niedfeldt that this would authorize the issuance of low-interest bonds, backed by Nebr. Dept of Environmental Quality Revolving Loan fund, should the need arise to construct a water loop that would provide a second feed to Northgate, the future location of a primary Health Care facility and also back up the Industrial Park. The City has three years to drawdown the funds, the debt would be paid back through participation from other parties or if necessary water rate increase.

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

Motion carried.

Ordinance Number 10-013 has been passed and approved.

6- Public Forum:

No one appeared at public forum.

7- Discussions/Reports:

8- Miscellaneous:

Next regular council meeting is July 19, 2010 at 7:00 p.m. at BPS Admin Bldg meeting room. Worksession will be on July 26, 2010 at 7:00 p.m.

Moved by Catlin, seconded by Moore, that the meeting be adjourned at 8:29 p.m.

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

Motion carried.

Linda S. Koch, City Clerk

Mayor Dennis Schuster