

**MINUTES OF THE CITY COUNCIL REGULAR MEETING HELD JUNE 7, 2010, AT 7:00 P.M. IN THE MEETING ROOM AT THE BPS ADMIN BLDG, 320 NORTH 5<sup>TH</sup> STREET.**

**1 – Roll Call:** Present: Mayor Schuster, Councilmembers Catlin, Carey, 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 read proclamation recognizing the 100<sup>th</sup> Anniversary of the Beatrice Fire Department and proclaiming June 13<sup>th</sup> as Firefighters Memorial Sunday. Fire Chief, Brian Daake announced that the department will be hosting two public events: June 13 is a picnic in Chautauqua Park and June 19 will be an Open House at the Fire Station from 1 to 4.

**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 May 17, 2010 as on file in the City Clerk's Office.
- e. Approval of minutes of special meeting on May 24, 2010 as on file in the City Clerk's Office.
- f. Approval of minutes of worksession on May 24, 2010 as on file in the City Clerk's Office.
- g. Approval of Treasurer's Report of Claims in the amount of \$1,038,171.37.
- h. Approval of BASWA Report of Claims in the amount of \$117,915.64.
- i. Approve plans, specifications and advertisement for bids for 2010 Misc Concrete Highway Repairs as recommended by BPW.
- j. Approve plans, specifications and advertisement for bids for 2010 Alley Reconstruction Project as recommended by BPW.
- k. Resolution Number 5204 reappointing Don Vetrovsky to the Board of Public Works.
- l. Resolution Number 5205 approving contract with Western Area Power Administration, as recommended by BPW.

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

Roll Call: Yea: Catlin, Carey, 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 \$1,038,171.37.

g – Councilmember Fairbanks asked for clarification on the payments being made to lending institutions with TIF funds and when they are paid. They are made upon receipt of funds from the County Treasurer.

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

Motion carried.

Moved by Fetty, seconded by Lytle, to approve the contract with Western Area Power Administration, as recommended by the BPW.

l – Councilmember Lytle asked for an explanation of the impact on the City's cost. City Administrator Niedfeldt explained that the contract had not been adjusted since 2000, and the change would be relatively minor.

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

Motion carried.

### **3 – Public Hearings/Bids:**

#### **a. Hearing**

##### **(1) Public Hearing concerning application for CDBG Grant Recovery provided as a loan to Neapco Components, LLC**

Mayor Schuster announced that a public hearing be held concerning the application for a CDBG-Recovery grant provided as a loan to Neapco Components, LLC

Mayor Schuster explained that with the application NEAPCO would receive a grant from the State to expand their facility and create more jobs. No additional City funds are required. The City of Beatrice serves as the local government requesting the funds and responsible for administration of the grant. Mauricio Yunge, Plant Controller for NEAPCO, spoke about the proposed expansion, that the 90 new jobs would be local jobs, and that the company was looking forward to growing here in Beatrice.

Moved by Fetty, seconded by Schmale, that the public hearing be closed at 7:20 p.m.

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

Motion carried.

### **4 – Resolutions:**

#### **a. Resolution authorizing the City to file an application for CDBG-Recovery grant provided as a loan to Neapco Components, LLC**

Mayor Schuster introduced Resolution Number 5206 authorizing the City to file an application for CDBG-Recovery grant provided as a loan to Neapco Components, LLC

Moved by Fetty, seconded by Carey, that Resolution Number 5206 be passed and adopted.

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

Motion carried.

Resolution Number 5206 has been passed and adopted.

#### **b. Resolution adopting a public records policy.**

Mayor Schuster introduced Resolution Number 5207 adopting a public records policy.

Moved by Fetty, seconded by Fairbanks, that Resolution Number 5207 be passed and adopted.

City Administrator Niedfeldt explained this would establish procedures and fees that are consistent across the board when the public comes into our offices to make a request. The fees cover the cost of producing the records requested.

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

Motion carried.

Resolution Number 5207 has been passed and adopted.

#### **c. Resolution Number 5202 executing a Contract for Sale of Real Estate with Ricky J. Vontz, selling Lot 4, Block 10, Second Addition to South Beatrice (600 block S 10<sup>th</sup> St)**

Mayor Schuster announced continued discussion on Resolution Number 5202 executing a Contract for Sale of Real Estate with Ricky J. Vontz, selling Lot 4, Block 10, Second Addition to South Beatrice, which had been postponed from the May 17<sup>th</sup> meeting.

Motion on the floor from the 5/17/2010 meeting – Moved by Fetty, seconded by Schmale, that Resolution Number 5202 be passed and adopted.

City Attorney Tempelmeyer reported that the Inspection department inspected the property and found no violation on the lot or on either of the adjoining lots.

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

Motion carried.

Resolution Number 5202 has been passed and adopted.

#### **5 – Ordinances:**

##### **a. Ordinance conveying City-owned property, described as Lot 4, Block 10, Second Addition to South Beatrice (600 block S 10<sup>th</sup> St) to Ricky J. Vontz.**

Mayor Schuster introduced an ordinance conveying City-owned property, described as Lot 4, Block 10, Second Addition to South Beatrice to Ricky J. Vontz.

Moved by Fetty, seconded by Fairbanks, that said ordinance be given number 10-007, the title thereof be 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 10-007 by number the first, second and third time.

Moved by Fetty, seconded by Fairbanks, the Ordinance Number 10-007 be passed and approved.

Mayor Schuster explained that this action conveys the real estate.

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

Motion carried.

Ordinance Number 10-007 has been passed and approved.

##### **b. Ordinance establishing sex offender residency restrictions.**

*Mayor Schuster introduces an ordinance establishing sex offender residency restrictions.*

Moved by Fetty, seconded by Schmale, that said ordinance be given number 10-008, the title thereof be approved, the rules be suspended, and said ordinance be read by number only one time tonight.

Mayor Schuster explained that the City Attorney had drafted the ordinance to mirror what is allowed by State Statutes. Emily Rosenthal, 1312 Ella, appeared in support of the ordinance. Mary Sejkora, 1608 N 9<sup>th</sup>, appeared against the restrictions, which apply to all on the registry list and some may not be a danger but simply made a mistake. Ben Carrel, 817 Bell, appeared in support but asked if it could stipulate by the category of the sex offender. City Attorney Tempelmeyer stated that the definition as defined in State Statues does not address different categories. Kari Daniels, 810 Bell, appeared and asked to error on the side of safety and protection of the children. Discussion followed.

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

Motion carried.

Mayor Schuster read Ordinance Number 10-008 by title the first time.

**6- Public Forum:**

No one appeared at public forum.

**7- Discussions/Reports:**

None.

**8- Miscellaneous:**

Next regular council meeting is June 21, 2010 at 7:00 p.m. at BPS Admin Bldg meeting room.

Worksession on June 28, 2010 at 7:00 p.m. in the Beatrice Public Library N. Price Meeting Room.

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

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

Motion carried.

**Linda S. Koch, City Clerk**

**Mayor Dennis Schuster**