

MINUTES OF THE CITY COUNCIL REGULAR MEETING HELD SEPTEMBER 20, 2010, AT 7:00 P.M. IN THE BPS ADMINISTRATION MEETING ROOM, 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.

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 7, 2010 as on file in the City Clerk's Office.
- e. Approval of Treasurer's Report of Claims
 - (1) Approval of claim of Jason Schmale in the amount of \$425.00
 - (2) Approval of balance of claims in the amount of \$833,724.74
- f. Approval of BASWA Report of Claims in the amount of \$76,108.74.
- g. Approval of manager application of Tamra Little in connection with the Class C Liquor License of the American Legion Post 27, 701 Dorsey Street, be recommended to the Nebr Liquor Control Commission.
- h. Resolution Number 5228 entering into License Agreement with Farmers Cooperative for use of property along the abandoned UP Right-of-Way in Pickrell for a term of 20 years.
- i. Approval of write-off of ambulance bad debts to be sent to Collection Associates or uncollectible.
- j. Approval of purchase of snow blower for the Street Department from Nebraska Environmental Products in the amount of \$98,061.00 as recommended by the Board of Public Works.

Moved by Catlin, seconded by Fetty, that the items listed under the consent agenda with the exception of items d, h, and j, be approved, accepted and/or ratified as presented. Councilmember Schmale abstained from item e(1).

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

Moved by Catlin, seconded by Fetty, that the minutes from the 9/7/10 city Council meeting be amended to reflect that Councilmember Catlin voted against the motion made by Councilmember Moore to remove the 5% increase from the WPC budget.

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

Moved by Catlin, seconded by Fetty, that the minutes of the regular meeting on September 7, 2010 as on file in the City Clerk's Office, be approved as amended.

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

Moved by Schmale, seconded by Fetty, that Resolution Number 5228 entering into License Agreement with Farmers Cooperative for use of property along the abandoned UP Right-of-Way in Pickrell for a term of 20 years be passed and adopted.

Councilmember Carey requested discussion. City Administrator, Neal Niedfeldt, explained that the Coop was requesting a long-term agreement for use of City property along the trail and adjacent to their business. The proposed agreement is over 20 years with 3% increase each year.

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

Motion carried.

Moved by Catlin, seconded by Carey, to approve the purchase of a snow blower for the Street Department from Nebraska Environmental Products in the amount of \$98,061.00 as recommended by the Board of Public Works.

Councilmember Carey requested discussion. City Administrator Niedfeldt explained that this item was as approved in the FY2011 budget and needs to be replaced, by ordering now should arrive in December.

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

Motion carried.

3 – Public Hearings/Bids:

a. Hearings

(1) Public Hearing on the acquisition of real property described as the N1/2 of Lot 25, all Lot 26, Block 13, Second Addition to South Beatrice (700 Block South 8th).

A public hearing was held on the acquisition of real property described as N1/2 of Lot 25, all Lot 26, Block 13, Second Addition to South Beatrice.

City Attorney, Tobias Tempelmeyer, explained that when the property was purchased for the parks shop it was both the buyer and seller's intention that this parcel be included, however, it was left out of the legal description. This will complete the transaction, with the City paying the cost of the 2009 taxes paid by the seller.

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 on the acquisition of real property described as improvements on Lot 1, Beatrice Business Campus Subdivision. (West Highway 136)

Mayor Schuster announced that a public hearing will now be held on the acquisition of real property described as improvements on Lot 1, Beatrice Business Campus Subdivision.

Michael Ayars, representing Ayars & Ayars, proprietor of the business campus building, presented the Council with his history of the original objective, construction and then upgrades made to the Beatrice Business Campus (BBC) building. The BBC is his personal investment, built as a growth model for high-tech industries, located on land leased from Southeast Community College. Mayor Schuster explained that agreements were signed that set out for Gage Co Economic Development (GCED) to pay the carrying costs until there were sufficient tenants to cover the costs. Since the building is currently vacant GCED has been covering these costs. With GCED's contract under discussion, the possibility of purchasing the BBC building was brought up for consideration. The proposed purchase price would be \$687,208.13. Discussion followed.

Moved by Catlin, seconded by Carey, that the public hearing be closed at 7:57 p.m.

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

Motion carried.

4 – Resolutions:

Mayor Schuster explained that this agreement provides for Beatrice Fire & Rescue to cover ambulance calls to Wymore and their area during the Wymore squad's reorganization period and allocates to the City the County funding Wymore would have received, for two 45-day periods. Fire Chief, Brian Daake, reported that since August 16, Beatrice had responded on 14 calls, of which with the old tiering agreement they would have responded to 12 anyway, so at this time is not creating an extra burden.

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

Motion carried.

Passed and adopted Resolution Number 5232.

5 – Ordinances:

a. Ordinance approving salaries for various City employees.

Introduced an ordinance approving salaries for various City employees.

Moved by Catlin , seconded by Schmale, that said ordinance be given number 10-022, the title thereof 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 10-022 by number only the first, second and third times.

Moved by Catlin, seconded by Fetty, that Ordinance Number 10-022 be passed and approved.

Mayor Schuster explained that this sets City employee salaries, per union contracts, for the coming year. City Administrator Niedfeldt reported that City, Fire, and IBEW contracts called for a 3% increase, and FOP varied just over 4%, plus a few performance based increases.

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

Motion carried.

Passed and approved Ordinance Number 10-022.

b. Ordinance establishing water rate charges.

Mayor Schuster introduced an ordinance establishing water rate charges.

Moved by Catlin, seconded by Fetty, that said ordinance be given number 10-023, the title thereof approved, the rules be suspended, and said ordinance be read by number only three times tonight.

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

Motion carried.

Mayor Schuster read Ordinance Number 10-023 by number only the first, second and third times.

Moved by Catlin, seconded by Fetty, that Ordinance Number 10-023 be passed and approved.

Mayor Schuster explained this raises water rates 9% as recommended by BPW. City Administrator Niedfeldt explained the increase, which to the average residential customer would increase \$1.40 per month. Discussion followed.

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

Motion carried.

Passed and approved Ordinance Number 10-023.

c. Ordinance establishing wastewater rate charges.

Mayor Schuster introduced an ordinance establishing wastewater rate charges.

Moved by Catlin, seconded by Fetty, that said ordinance be given number 10-024, the title thereof approved, the rules be suspended, and said ordinance be read by number only three times tonight.

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

Motion carried.

Mayor Schuster read Ordinance Number 10-024 by number only the first, second and third times.

Moved by Catlin, seconded by Fetty, that Ordinance Number 10-024 be passed and approved.

Mayor Schuster explained this raises wastewater rates approximately 5% as recommended by the BPW. City Administrator Niedfeldt explained that the average residential customer would increase 90 cents. Discussion followed.

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

Motion carried.

Passed and approved Ordinance Number 10-024.

6- Public Forum:

No one appeared at public forum.

7- Discussions/Reports:

a. Discussion regarding the contracts with Sanitary Garbage Company.

Mayor Schuster introduced discussion regarding the current contracts with Sanitary Garbage Co. for both hauling and the recycling center, which allow to give notice by the end of this month to extend for another four-year term if agreed to by both parties, if not the contracts terminate March 31, 2011. City Attorney Tempelmeyer, explained that if extended it is uncertain what the rates would be because it is not provided in the contract. Discussion followed that the City had received good service at a reasonable rate and that it has not been bid out since the early 90's and there may be other parties interested in the contract. Erich Tiemann, 501 North 11th, would like to see the garbage contract re-bid.

Moved by Catlin, seconded by Fetty, to extend the contracts with Sanitary Garbage Co. for another four-year term.

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

Motion failed.

b. City Administrator's Monthly Report

Referred to the City Administrator's Monthly Report as printed in the packet. City Administrator Niedfeldt announced that on our second submission, the City is the recipient of a Downtown Revitalization Grant in the amount of \$30,000.

8- Miscellaneous:

Next regular council meeting is October 4, 2010 at 7:00 p.m. in the BPS Admin Bldg Meeting Room.
Worksession on September 27, 2010 at 7:00 p.m. in the Beatrice Public Library Sargent Meeting Room.
Special meeting for approval of final claims at noon on September 30, 2010 in the City/BPW Conference Room.

Moved by Catlin, seconded by Fairbanks, that the meeting be adjourned at 8:52 p.m.

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

Motion carried.

Linda S. Koch City Clerk

Mayor Dennis Schuster