MINUTES OF THE CITY COUNCIL SPECIAL MEETING HELD AUGUST 22, 2011 AT 6:30 P.M. IN THE BPS ADMINISTRATION MEETING ROOM, 320 NORTH 5TH STREET. .

1 – Roll Call: Present: Mayor Schuster, Councilmembers Carey, Fetty, Langdale, Moore, Parde, Tiemann
Absent: Councilmembers Catlin, Schmale

Mayor Schuster announced that a copy of the Open Meetings Act is available 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.

Moved by Fetty, seconded by Langdale, that the items listed under the consent agenda be approved, accepted and/or ratified as presented.

Roll Call: Yea: Carey, Fetty, Langdale, Moore, Parde, Tiemann
Nay: None Motion carried.

3 – Resolutions:

a. **Approval of program agreement with the Nebr. Dept of Roads for Project URB-6108(1) Beatrice City Wide Resurfacing.**

Mayor Schuster introduced Resolution Number 5320 approving the program agreement with the Nebr. Dept of Roads for Project URB-6108(1) Beatrice City Wide Resurfacing.

Moved by Fetty, seconded by Moore, that Resolution Number 5320 be passed and adopted.

City Administrator Niedfeldt explained that since the original agreement was signed in 2009, there have been numerous changes in procedures and requirements, so the state has requested that a new program agreement be signed for this city-wide mill and overlay project. Federal STP funds will pay for 80% of the $1,034,000 project and the City's 20% share is included in the Street Fund proposed FY2012 budget.

Councilmember Schmale arrived at 6:35 pm

Roll Call: Yea: Carey, Fetty, Langdale, Moore, Parde, Tiemann, Schmale
Nay: None Motion carried.

Passed and adopted Resolution Number 5320.

b. **Approval of agreement with Olsson Associates, Inc. for preliminary engineering services associated with Project URB-6108(1) Beatrice City Wide Resurfacing.**

Mayor Schuster introduced Resolution Number 5321 approving the agreement with Olsson Associates, Inc. for preliminary engineering services associated with Project URB-6108(1) Beatrice City Wide Resurfacing

Moved by Fetty, seconded by Moore, that Resolution Number 5321 be passed and adopted.

City Administrator Niedfeldt explained that one of the new procedures is that the City interview and select a qualified consultant to provide preliminary engineering and environmental services. The committee selected Olsson Associates,

Inc. as qualified and has recommended that the City enter into an agreement with them to provide services for this project.

Roll Call: Yea: Carey, Fetty, Langdale, Moore, Parde, Tiemann, Schmale
Nay: None Motion carried.

Passed and adopted Resolution Number 5321.

c. Approval of agreement with Beatrice Community Hospital and Healthcare Center, Inc., for a temporary street.

Mayor Schuster introduced Resolution Number 5322 approving an agreement with Beatrice Community Hospital and Healthcare Center, Inc., for a temporary street.

Moved by Fetty, seconded by Schmale, that Resolution Number 5322 be passed and adopted.

City Administrator Niedfeldt, explained that this will authorize the hospital to install a temporary public street, which will also provide access to Oregon Trail, while the hospital makes improvements to the south entrance and until the pipeline has completed the upgrade of a gas line so that the permanent street can be installed on the north side. Jim Nelson, attorney on behalf of the Beatrice Community Hospital, spoke that the agreements with the gas company are in place to replace the pipeline, and that they need to provide temporary access to Oregon Trail while the south entrance intersection is being re-worked.

Roll Call: Yea: Carey, Fetty, Langdale, Moore, Parde, Tiemann, Schmale
Nay: None Motion carried.

Passed and adopted Resolution Number 5322.

d. Approval of the findings and recommendations of the Selection Committee with regards to the selection of a Design-Builder for the Carnegie Building restoration project.

Mayor Schuster introduced Resolution Number 5323 approving the findings and recommendations of the Selection Committee with regards to the selection of a Design-Builder for the Carnegie Building restoration project.

Moved by Fetty, seconded by Schmale, that Resolution Number 5323 be passed and adopted.

Mayor Schuster explained that the Selection Committee had met and interviewed three interested contractors. The committee recommended the following order for negotiating a contract for a Design-Builder for the Carnegie Building restoration project: 1. Ayars & Ayars, Inc. 2. Cheever Construction Co. and 3. R.L. Tiemann Construction. Using the design-build process city administration will next negotiate with the contractor to decide what the scope of the project will be and at what cost and then bring back a contract for approval. Discussion followed regarding how the order was determined and that the dollar amount of the proposals submitted were not based upon identical work so the rankings were not necessarily based upon which contractor was low bid, but beyond to experience and ability to accomplish the task. This process differs from a formal bid process where plans and specifications are drawn up and all contractors bid on providing the same scope of work.

Roll Call: Yea: Fetty, Parde, Langdale, Schmale, Mayor Schuster
Nay: Carey, Moore
Abstain: Tiemann Motion carried.

Passed and adopted Resolution Number 5323.

Councilmember Catlin arrived at 7:12 p.m.

4 – Adjournment

Moved by Fetty, seconded by Schmale, that the meeting be adjourned at 7:14 p.m.

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

MINUTES OF THE BEATRICE CITY COUNCIL
WORK SESSION

A work session of the Beatrice City Council was held on the 22nd day of August, 2011 at the Beatrice Public School Administration Office, 320 North 5th Street, Beatrice, Nebraska.

Attending: Mayor Schuster, Council Members: Fetty, Moore, Carey, Catlin, Langdale, Parde, Schmale, and Tiemann. Also present City Administrator Neal Niedfeldt and City Attorney Tobias Tempelmeyer.
Absent: None

Mayor Schuster announced that a copy of the Open Meetings Act is located in the meeting room and is accessible to members of the public.

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.

Moved by Fetty, seconded by Schmale that the items listed under the consent agenda be approved, accepted and/or ratified as presented.

Roll Call: Yea: Carey, Catlin, Fetty, Langdale, Moore, Parde, Schmale, Tiemann
Nay: None MOTION CARRIED.

DISCUSSION ITEMS

Request by Matthew and Alexis Winder to amend the Beatrice City Code to grandfather their Pot Belly Pigs.

Tobias J. Tempelmeyer, City Attorney, provided a synopsis of the background on this issue. Krista Carlson and Alexis Winder addressed the Council and outlined a number of reasons why they do not believe the Animal Ordinance is valid, including that their pot bellied pigs are domestic animals, the law is unconstitutional, the City waived its rights, the City is acting arbitrarily, and an alleged threat to pull funding from Main Street. Discussion ensued regarding grandfathering pot bellied pigs. Mrs. Winder indicated that she would be ok with the compromise if she did not have to sell her house or if her pigs were not destroyed. Various individuals addressed the Council speaking in favor of the Council granting a grandfathering of the pot bellied pigs. The City Council directed the City Attorney to draft language for a grandfathering clause to be presented at a future City Council meeting.

ADJOURNMENT

Moved by Fetty, seconded by Schmale, that the meeting be adjourned at 8:30 p.m.

Roll Call: Yea: Carey, Catlin, Fetty, Langdale, Moore, Parde, Schmale, Tiemann
Nay: None MOTION CARRIED.

Dennis M. Schuster, Mayor

Attest:

Linda S. Koch, City Clerk