

MINUTES OF THE CITY COUNCIL REGULAR MEETING HELD FEBRUARY 21, 2011 AT 7:00 P.M. IN THE BPS ADMINISTRATION MEETING ROOM, 320 NORTH 5TH STREET.

1 – Roll Call: Present: Mayor Schuster, Councilmembers Carey, Catlin, Fetty, Langdale, Moore, Parde, Schmale, Tiemann
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 February 7, 2011 as on file in the City Clerk’s Office.
- e. Approval of Treasurer’s Report of Claims
 - (1) Approval of claim of Robert L Tiemann Construction in the amount of \$1,917.50
 - (2) Approval of balance of Treasurer’s Report of Claims in the amount of \$592,613.81
- f. Approval of BASWA Report of Claims in the amount of \$33,194.19
- g. Approval of plans, specifications, and advertisement for bids for Beatrice City Auditorium Roof Project.
- h. Approval of plans, specifications, and advertisement for bids for Mill & Overlay Project #11-491, as recommended by the BPW.
- i. Approval of plans, specifications, and advertisement for bids for Armor Coat Project #11-492, as recommended by the BPW.
- j. Approval of special designated liquor permit application of St. Joseph’s Catholic Church for a spaghetti dinner on March 6, 2011, from 4:00 p.m. to 7:00 p.m. at 612 High Street.

Moved by Fetty, seconded by Schmale, that the items listed under the consent agenda, be approved, accepted and/or ratified as presented, Councilmember Tiemann abstained from item e (1).

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

3 - Public Hearings/Bids:

- a. Bids
 - (1) Receive bids for the Sanitary Sewer #11-255 for Riverside Park Campground Development NPS Project No. 31-00994**

Mayor Schuster asked if there are any other bids to be received for the Sanitary Sewer #11-255 for Riverside Park Campground Development NPS Project No. 31-00994.

Moved by Fetty, seconded by Schmale, that the bidding be closed at 7:05 p.m. and the bids be opened and read aloud.

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

City Administrator, Neal Niedfeldt, opened the bids and read the same aloud.

<u>Company</u>	<u>Bid Amount</u>	<u>Bid Security provided</u>
Kuhl Trenching	\$23,507.19	5% bid bond
Goossen Construction	\$21,996.79	5% bid bond

Wrightsmen Trenching	\$27,389.83	5% bid bond
Van Kirk Bros Contracting, Sutton NE	\$29,691.12	5% bid bond

Moved by Fetty, seconded by Langdale, that the bids be referred to the City Engineer and City Administrator for review and recommendation at the next regular council meeting on March 7th, 2011.

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

b. Hearings

(1) Proposed Annexation of the N660' of the NE1/4 Section 16-4-6, including Hickory Road and Highway 77 r-o-w. (Northgate property)

Mayor Schuster announced that a public hearing be held regarding the proposed annexation of the North 660 feet of the NE1/4 of Section 16-4-6, together with Hickory Road r-o-w and adjacent Highway 77 r-o-w.

Mayor Schuster explained that this is property to the north of the Northgate Subdivision, not previously annexed, that the developers are now asking to be annexed and will also be bringing forth a plat for your approval. The plan for extension of services and utilities to the area present no issues that would bar the annexation.

Moved by Fetty, seconded by Moore, that the public hearing be closed at 7:10 p.m.

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

4- Resolutions:

a. Resolution adopting policies and procedures necessary for the use of design-build contracts for certain public projects

Mayor Schuster introduced Resolution Number 5276 adopting policies and procedures necessary for the use of design-build contracts for certain public projects.

Moved by Fetty, seconded by Schmale, that Resolution Number 5276 be passed and adopted.

Mayor Schuster explained that the guidelines are necessary for the city to engage in design-build projects. City Attorney, Tobias Tempelmeyer, summarized what is involved, and reviewed the checklist which lays out the procedures that the City needs to follow. These procedures are as laid out in the Nebraska State Statutes.

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

Passed and adopted Resolution Number 5276.

b. Resolution entering into agreement with RelativityREAL, LLC for proposed TV production of Homestead Act of 2010.

Mayor Schuster introduced Resolution Number 5277 entering into agreement with RelativityREAL, LLC for proposed TV production of Homestead Act of 2010.

Moved by Fetty, seconded by Schmale, that Resolution Number 5277 be passed and adopted.

Mayor Schuster explained that the City had been approached by the producer's agent requesting the agreement. City Attorney Tempelmeyer explained that the agreement grants them exclusive rights for a period of one year, if financing is acquired another contract would need to be signed to grant rights and access to property and individuals. The company is a part of the parent organization that produces the Extreme Makeover show.

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

Motion carried.

Passed and adopted Resolution Number 5277.

5– Ordinances:

- a. Ordinance First Reading of the proposed annexation of the N660' of the NE1/4 Section 16-4-6, including Hickory Road and Highway 77 r-o-w.**

Mayor Schuster introduced an ordinance on the proposed annexation of the North 660 feet of the NE1/4 Section 16-4-6, including Hickory Road and Highway 77 r-o-w.

Moved by Fetty, seconded by Langdale, that said ordinance be given number 11-004, the title thereof be approved and said ordinance be read title only one time tonight.

Mayor Schuster explained that this is the first of three readings as required by state statutes.

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

Motion carried.

Mayor Schuster read Ordinance Number 11-004 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 parcel of land located in the North half of the North half of the Northeast Quarter (NE ¼), Section 16, Township 4 North, Range 6 East of the 6th P.M., Gage County, Nebraska and the Highway 77 right-of-way in the Northwest Quarter (NW ¼) of Section 15, Township 4 North, Range 6 East of the 6th P.M., 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:

- a. Report from the Beatrice Plus Committee and recommendation of Beatrice Plus projects.**

Councilman Schmale reported that the Beatrice Plus Committee had met in early January and reviewed two applications that had been submitted. One from the Beatrice Girls Softball requesting \$1,000 towards the purchase of a drag/broom field groomer for use at Hannibal ball fields and a second from the Beatrice Bullets requesting \$1,500 for safety fence caps to be installed on the West Scott ball field outfield fences. The committee recommended approval of both applications. The committee also discussed contacting Lincoln Cares program to function with our Beatrice plus funds. The round-up process has had decent success and the BPW plans to put out more promotional material.

Moved by Fetty, seconded by Langdale, to award \$1,000 to the Beatrice Girls Softball Association for a drag/broom field groomer for Hannibal Park, and \$1,500 to the Beatrice Bullets Organization for safety fence cap on the outfield fences for West Scott ball fields, as recommended by the Beatrice Plus Committee.

Councilmember Moore stated that while he was in favor of the safety fence cap, he questioned buying the drag for the Beatrice Girls Softball since the organization had purchase the previous drag. Director of Public Properties, Mark Pethoud, explained that other groups were contributing to the cost of the drag, which would then be donated back to the City and used to maintain the fields at Hannibal for all that use them. The old drag needed to be replaced. Discussion followed, noted that both groups have donated a lot towards ball field improvements and bring people into town through tournaments.

Roll Call: Yea: Carey, Catlin, Fetty, Langdale, Parde, Schmale, Tiemann
Nay: Moore

Motion carried.

b. Inspection Department Annual Report

Chief Building Inspector, Dennis Mitchell, presented the Inspection Department 2010 annual report. Of the 964 code enforcement complaints received 695 had been addressed. Animal Control enforcement responded to 1149 calls. Building permits increased from 2009, and total permit fees were \$161,053.42, largely due to the new hospital.

c. Police Department Annual Report

Chief of Police, Bruce Lang, presented the Police Department 2010 annual report. Calls for service, which are for all of Gage County, were slightly less than 2009. He noted that for the City minor in possession numbers were significantly higher, including adult MIP numbers, since the annexation of the college those students are adults. DWI numbers however are down for the third year in a row. The Victim Assistance program, funded through federal grants, had a busy year serving 853 different people in Gage County. Discussion followed. Chief explained that minimum staffing is needed for safety reasons, drug arrests can be sporadic but are fairly well controlled, patrol car maintenance costs are due to the age of the fleet. Chief Lang thanked the council for their support.

d. Fire Department Annual Report

Fire Chief, Brian Daake, presented the Fire Department 2010 annual report. Recognizing the department's 100 year anniversary, the report includes some historical data. It was a challenging year for staffing with two firefighters deployed to Iraq. EMS calls were down; there were fewer in-town inter-facility transfers however 911 calls were up. Statistics show response time hit the 4-minute mark; more than usual number of accidents 3200 block North 6th. The new stymie program, where it is determined to bypass BCH and go directly to the cath-lab, was utilized 7 times. Continue to work with Wymore EMS, of the 35 calls for service only 6 would have not been paramedic intercept calls. Discussion followed. Chief Daake thanked the council for their support.

e. City Administrator's Monthly Report

Mayor Schuster referred to the City Administrator's Monthly Report as printed in the packet. Carey, next three months, City Administrator explained that expenditures are in-line with the budget and revenues are coming in as projected, sales tax is up 5% from the same period a year ago. The only red flag is the funding of health insurance claims at more than anticipated. Further discussion was held regarding proposed state legislative bills that could cut funding and impact future budgets.

8 –Miscellaneous:

Next regular council meeting is March 7, 2011 at 7:00 p.m. in the BPS Admin Bldg Meeting Room.
Worksession on February 28, 2011 at 7:00 p.m. in the Beatrice Public Library Sargent Meeting Room.

Moved by Fetty, seconded by Schmale, that the meeting be adjourned at 7:51 p.m.

Roll Call: Yea: Carey, Fetty, Langdale, Moore, Parde, Schmale, Tiemann
Nay: Catlin

Motion carried.

Linda S. Koch, City Clerk

Mayor Dennis Schuster