

**MINUTES OF THE CITY COUNCIL REGULAR MEETING HELD NOVEMBER 7, 2011 AT 7:00 P.M. IN THE BPS ADMINISTRATION MEETING ROOM, 320 NORTH 5<sup>TH</sup> 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.

Jack Robbins, BPW-WPC Superintendent, presented awards that his department recently received; the Scott Wilbur Outstanding Facility Award for the operation and maintenance of the WPC Treatment Plant, and the Safety Award for safety programs conducted.

**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 October 17, 2011 as on file in the City Clerk's Office.
- e. Approval of minutes of worksession on October 24, 2011 as on file in the City Clerk's Office.
- f. Approval of Treasurer's Report of Claims
  - (1) Approval of claim of R.L. Tiemann Construction in the amount of \$81,306.55
  - (2) Approval of balance of Treasurer's Report of Claims in the amount of \$549,204.92
- g. Approval of BASWA Report of Claims in the amount of \$38,031.93.
- h. Approval of pay estimate #2 in the amount of \$74,416.34 to R. L. Tiemann Construction for the Grable Ave Reconstruction Project, as recommended by the BPW.
- i. Approval of write-off of ambulance bad debts to be sent to Collection Associates.
- j. Approve renewal application to Nebr Dept of Environmental Quality for operation of a Solid Waste Compost Facility.
- k. Resolution Number 5339 renewing the lease agreement with Sertoma for the Chautauqua Park Cabin.  
(Note: action delayed to a future meeting at the request of the Sertoma Club)
- l. Resolution Number 5340 appointing Karla Hopkins as a member of the Housing Authority.
- m. Resolution Number 5341 appointing Lori Warner and Randy Schlueter to the Community Redevelopment Authority.
- n. Resolution Number 5342 approving renewal of Maintenance Agreement No. 4 with the Nebraska Department of Roads.
- o. Resolution Number 5343 entering into an Intergovernmental Agreement with the Nebr Dept of Environmental Quality regarding implementation of the Storm Water Management Plan Program.

Moved by Fetty, seconded by Langdale, that the items listed under the consent agenda, with the exception of item k which has been removed, be approved, accepted and/or ratified as presented. Tiemann abstain from f(1) and h.

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

Motion carried.

**3 - Public Hearings/Bids:**

- a. **Hearing**
  - (1) **Semi-annual report of the Citizen's Advisory Review Committee as provided by LB840.**

Mayor Schuster announced that a public hearing will now be held to hear the Semi-annual report of the Citizen's Advisory Review Committee as provided by LB840.

CARC Chairman, Grant Jones, presented the semi-annual report of the Citizens Advisory Review Committee. The report for the fiscal year ending 9/30/2011 shows a beginning balance of \$1,237,926; sales tax received of \$250,000, plus farm rent and interest income of \$16,340; expenditures of \$472,039 for Northgate utility services and road construction, and \$1,750 for the E-coaching program, plus misc expenses, leaving an ending balance of \$1,030,152. The committee has discussed the study for a Redevelopment Area #4, and recommended a May 2012 ballot issue to approve/extend the Economic Development Program beyond March 31, 2013.

Moved by Fetty, seconded by Schmale, that the public hearing be closed at 7:09 p.m.

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

Motion carried.

**4- Resolutions:**

**a. Resolution to execute the Union Contract with the Nebraska Association of Public Employees, AFSCME Local 61.**

Mayor Schuster introduced Resolution Number 5344 executing the Union Contract with the Nebraska Association of Public Employees, AFSCME Local 61.

Moved by Fetty, seconded by Langdale, that Resolution Number 5344 be passed and adopted.

City Administrator Niedfeldt highlighted changes to the 3-year contract; COL of 0% the first year, 2% the second year, and 2% the third year, 3-year freeze to the minimum salaries for all pay levels, no benefit changes. The total package increase is .5% the first year and 2.5% each year thereafter.

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

Motion carried.

Passed and adopted Resolution Number 5344.

**b. Resolution to execute the Union Contract with the International Brotherhood of Electrical Workers Local No. 1536.**

Action postponed on Resolution Number 5345 executing the Union Contract with the International Brotherhood of Electrical Workers Local No. 1536, until the Contract has been signed by IBEW.

**c. Resolution to execute the Union Contract with the Firefighters Union, Local No. 1098.**

Mayor Schuster introduced Resolution Number 5346 executing the Union Contract with the Firefighters Union, Local No. 1098.

Moved by Fetty, seconded by Schmale, that Resolution Number 5346 be passed and adopted.

City Administrator Niedfeldt explained the contract changes; COL 0% the first year, 2% the second year and 2% the third year, limitation put on vacation paid out upon separation, reduced sick leave hours earned each year but made allowance for annual sick leave payout similar to the other three contracts.

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

Motion carried.

Passed and adopted Resolution Number 5346.

**d. Resolution to execute the Union Contract with the Fraternal Order of Police Lodge 45A.**

Mayor Schuster introduced Resolution Number 5347 executing the Union Contract with the Fraternal Order of Police Lodge 45A.

Moved by Fetty, seconded by Langdale, that Resolution Number 5347 be passed and adopted.

City Administrator Niedfeldt explained the contract changes; COL 0% the first year, 2% the second year and 2% the third year, no change to benefits, language changed regarding shift changes.

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

Motion carried.

Passed and adopted Resolution Number 5347.

**e. Resolution entering into lease agreement with FOP Lodge 45A for use of a portion of the Police Station for a Fitness Center.**

Mayor Schuster introduced Resolution Number 5348 entering into lease agreement with FOP Lodge 45A for use of a portion of the Police Station for a Fitness Center.

Moved by Fetty, seconded by Schmale, that Resolution Number 5348 be passed and adopted.

Mayor Schuster explained this is a renewal of the current lease as provided in the FOP contract to lease a part of upstairs for a fitness center.

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

Motion carried.

Passed and adopted Resolution Number 5348.

**5- Ordinances:**

**a. Ordinance establishing salaries for various City employees.**

Mayor Schuster introduced an ordinance establishing salaries for various City employees.

Moved by Fetty, seconded by Schmale, that said ordinance be given number 11-027, 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, Fetty, Langdale, Moore, Parde, Schmale, Tiemann  
Nay: None

Motion carried.

Mayor Schuster read Ordinance Number 11-027 by number only the first, second and third times.

Moved by Fetty, seconded by Schmale, that Ordinance Number 11-027 be passed and approved.

Mayor Schuster explained that this ordinance sets the salaries for the coming year as a result of union contract negotiations, including any step increases provided by contract and performance based increases as approved by the City Administrator and Mayor.

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

Motion carried.



Nay: None

Motion carried.

Mayor Schuster read Ordinance Number 11-030 by number only the first, second and third times.

Moved by Fetty, seconded by Langdale, that Ordinance Number 11-030 be passed and approved.

City Attorney Tempelmeyer explained the proposed changes, using the 2010 Census counts to bring the population count in each of the City's four wards closer together, by moving the 3<sup>rd</sup> Ward line on 8<sup>th</sup> Street to 9<sup>th</sup> Street from Grant to Scott Street, and clarifying that Doyle Lane is the 3<sup>rd</sup> Ward line.

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

Motion carried.

Passed and approved Ordinance Number 11-030.

**6 – Public Forum:**

No one appeared at public forum.

**7- Discussions/Reports:**

**8 –Miscellaneous:**

Next regular council meeting is November 21, 2011 at 7:00 p.m. in the BPS Admin Bldg Meeting Room. Worksession will be held on November 28, 2011 at 7:00 p.m.

Moved by Fetty, seconded by Schmale, that the meeting be adjourned at 7:27 p.m.

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

Motion carried.

**Linda S. Koch, City Clerk**

**Mayor Dennis Schuster**