

**MINUTES OF THE CITY COUNCIL REGULAR MEETING HELD APRIL 4, 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.

Mayor Schuster read a proclamation proclaiming April 2011 as Child Abuse Prevention Month. Wes Henning was present to receive the proclamation.

Mayor Schuster read a proclamation proclaiming April 10-16, 2011 as National Library Week. Lauren Riedesel received the proclamation and encouraged citizens to take advantage of the many resources available at the Beatrice Public Library.

**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 March 21, 2011 as on file in the City Clerk's Office.
- e. Approval of minutes of worksession on March 28, 2011 as on file in the City Clerk's Office.
- f. Approval of Treasurer's Report of Claims in the amount of \$345,998.14.
- g. Approval of BASWA Report of Claims in the amount of \$17,213.31.
- h. Approval of contract with Vector Construction, Inc. in the amount of \$57,783.00 for Hoyt Street Bridge Repairs, as recommended by the BPW.
- i. Resolution Number 5281 entering into an Interlocal Agreement to create a Mutual Finance Organization for funding assistance for fire protection districts.

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.

**3 - Public Hearings/Bids:**

**a. Hearings**

- (1) Public Hearing regarding the acquisition of real estate located along the north right-of-way of Hickory Road from Highway 77 west ½ mile.**

Mayor Schuster announced that a public hearing be held regarding the acquisition of real estate located along the north right-of-way of Hickory Road from Highway 77 west one-half mile.

City Engineer, Rex Behrends, explained that the acquisition was needed to extend utilities and to move forward with the Northgate Crossing First Addition plat. The property owner, Mr. Spilker, is in agreement with the sale.

Moved by Fetty, seconded by Schmale, 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 authorizing the acquisition of real estate located along the north right-of-way of Hickory Road from Highway 77 west ½ mile.**

Mayor Schuster introduced Resolution Number 5282 authorizing the acquisition of real estate located along the north right-of-way of Hickory Road from Highway 77 west one-half mile

Moved by Fetty, seconded by Schmale, that Resolution Number 5282 be passed and adopted.

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

Motion carried.

Resolution Number 5282 has been passed and adopted.

- b. Approval of second addendum to the Interlocal agreement between the City of Beatrice and the Beatrice Area Solid Waste Agency regarding the issuance of Solid Waste Facilities Revenue Bonds, Series 2011.**

Mayor Schuster introduced Resolution Number 5283 authorizing execution of the Second Addendum to the agreement between the City and BASWA regarding issuance of Solid Waste Facilities Revenue Bonds, Series 2011.

Moved by Fetty, seconded by Langdale, that Resolution Number 5283 be passed and adopted.

City Administrator, Neal Niedfeldt, explained that this resolution authorizes execution of the second addendum dealing with the issuance of the Beatrice Area Solid Waste Agency bonds up to \$1,750,000. Once the dollar amount of the issue has been determined then the second addendum will be prepared with the actual amount of the issue.

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

Motion carried.

Resolution Number 5283 has been passed and adopted.

- c. Resolution establishing residential garbage rates.**

Mayor Schuster introduced Resolution Number 5284 establishing residential garbage rates.

Moved by Fetty, seconded by Schmale, that Resolution Number 5284 be passed and adopted.

City Attorney, Tobias Tempelmeyer, explained that the proposed fees include those set by the new hauling contract plus the BASWA disposal fees, which have remained the same for now.

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

Motion carried.

Resolution Number 5284 has been passed and adopted.

**5– Ordinances:**

- a. Ordinance Number 11-007, second reading, to amend portions of Section 5 of the Beatrice City Code dealing with animals and animal ownership.**

Mayor Schuster introduced consideration of the second reading of Ordinance Number 11-007 to amend portions of Section 5 of the Beatrice City Code dealing with animals and animal ownership.

Moved by Fetty, seconded by Moore, that Ordinance Number 11-007, the title thereof be approved and said ordinance be read title only the second time tonight.

Moved by Schmale, seconded Moore, that Section 78 of Ordinance number 11-007 (Sec. 5-123 (d) of the City Code), be amended to eliminate the sentence "At no time shall any animal impounded in the animal shelter remain at the animal shelter in excess of fifteen (15) days, and that Section 78 of Ordinance Number 11-007 be and hereby is amended.

It was brought to the City's attention that there are cases, such as in a court case, which the Humane Society would be required to keep an animal longer than fifteen days therefore the City Attorney recommended that this language be removed.

Vote on amendment:

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

Nay: None

Motion carried.

Discussion was held. The council is working on some other amendments but will defer consideration until the next regular council meeting. John Reed, 2115 South 4<sup>th</sup> Street, appeared against the age requirement of 19 to walk a pit bull and against requiring a muzzle for all pit bulls just because of the breed. Kenny Schrader, 820 North 5<sup>th</sup> Street, appeared to tell of some incidences in his area regarding pit bulls running loose and challenging people and then the owners will not take any responsibility, and felt the law should provide repercussions. Gina Grone, 918 Bell, appeared to tell of a bite incident not involving a pit bull, does not believe in muzzling, against breed specific language, and felt that very strong, well enforced breed neutral legislation will work and hold owners of all potentially dangerous animals accountable. Bruce Lang, Chief of Police, appeared to explain that the breed specific issue generally is created because of an irresponsibility issue and currently pit bull is the breed causing the most difficulty in the community. He also explained that without putting a number per residence in the ordinance it makes it difficult when there are complaints and that hording can result in health hazards. He would like to see a reasonable number, which he agreed was five. Regarding the age to walk a potentially dangerous dog, suggested the age be the criminal justice age of an adult which is 18. Sam Stevens, 1315 Washington, appeared to share his experiences as a neighbor to a pit bull that problems happen because the owner does not take care of the animal. Gloria Ottersberg, 1113 Helen, appeared against limiting the number of licenses per residence, that you can own more cats than dogs, and also to be fair between grandfathered horses inside the City limits with those annexed who cannot keep them. Rita Hydo, 208 Sherman, appeared; she runs a state licensed rescue facility for cats and is against limit laws and against laws that pick on a particular breed. Dana Hydo, 1502 Bell, appeared against limiting the number of licenses per residence.

Vote on motion to read second time:

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

Nay: None

Motion carried.

Mayor Schuster read Ordinance Number 11-007 by title the second time:

"An ordinance dealing with animals and animal ownership; to amend Sections 5-1, 5-3, 5-4, 5-5, 5-6, 5-7, 5-8, 5-21, 5-22, 5-23, 5-24, 5-40, 5-41, 5-42, 5-44, 5-45, 5-60, 5-61, 5-62, 5-63 and 5-64 of the Beatrice City Code; to amend the Beatrice City Code by adding Sections 5-9, 5-10, 5-11, 5-12, 5-13, 5-14, 5-15, 5-16, 5-17, 5-18, 5-19, 5-20, 5-25, 5-26, 5-27, 5-28, 5-29, 5-30, 5-31, 5-32, 5-33, 5-34, 5-35, 5-43, 5-46, 5-47, 5-65, 5-66, 5-67, 5-68, 5-69, 5-70, 5-71, 5-72, 5-73, 5-74, 5-75, 5-90, 5-91, 5-92, 5-93, 5-100, 5-101, 5-102, 5-103, 5-104, 5-105, 5-106, 5-107, 5-108, 5-120, 5-121, 5-122, 5-123, 5-124, 5-125, 5-126, and 5-127 to the Beatrice City Code; to repeal Sections 5-36, 5-37, 5-38, 5-39, 5-56, 5-57, 5-58, 5-59, 5-76, 5-77, 5-78, 5-79, 5-80, 5-81, 5-82, and 5-84 of the Beatrice City Code and all other conflicting ordinances or parts of ordinances ;and providing for publication in pamphlet form and an effective date of this ordinance."

## **6 – Public Forum:**

No one appeared at public forum.

**7- Discussions/Reports:**

None.

**8 –Miscellaneous:**

Next regular council meeting is April 18, 2011 at 7:00 p.m. in the BPS Admin Bldg Meeting Room.

Worksession on April 25, 2011 at 7:00 p.m. in the Beatrice Public Library Sargent Meeting Room.

April 6, 2011, at 6:00 p.m. Council will meet at the Kensington to hear presentation by RDG regarding the downtown revitalization project.

Special BASWA meeting next Monday, April 11, 2011 at 6:00 p.m. in the BPS Admin Bldg Meeting Room.

Moved by Fetty, seconded by Moore, that the meeting be adjourned at 9:07 p.m.

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

Motion carried.

**Linda S. Koch, City Clerk**

**Mayor Dennis Schuster**