

**MINUTES OF THE CITY COUNCIL REGULAR MEETING HELD SEPTEMBER 6, 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 Catlin, Fetty, Langdale, Moore, Parde, Schmale, Tiemann  
Absent: Councilmember Carey

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 August 15, 2011 as on file in the City Clerk's Office.
- e. Approval of minutes of special meeting on August 22, 2011 as on file in the City Clerk's Office.
- f. Approval of minutes of worksession on August 22, 2011 as on file in the City Clerk's Office.
- g. Approval of minutes of worksession on August 29, 2011, as on file in the City Clerk's Office.
- h. Approval of Treasurer's Report of Claims
  - (1) Approval of claim of Robert L. Tiemann Construction in the amount of \$6,598.44
  - (2) Approval of balance of Treasurer's Report of Claims in the amount of \$404,700.93
- i. Approval of BASWA Report of Claims in the amount of \$62,939.66
- j. Approval of special designated permit application of Main Street Beatrice for the Governor's Pheasant Hunt event on November 4 and November 5, 2011, from 5:00 p.m. until 1:00 a.m. at Valentino's, 701 Court St.
- k. Approval of special designated permit application of Main Street Beatrice for the Magic of Main Street fundraiser on October 7, 2011, from 7:00 p.m. until midnight at The Kensington, 105 N 6<sup>th</sup> St.
- l. Resolution Number 5324 to release and indemnify Cincinnati Insurance Co. regarding the property loss claim resulting from fire damages at 700-800 Park Street, property owned by Sea Breeze Land Development.
- m. Refer claim of Gerald Hulse, 530 W. Ella, for damages to residence on July 25, 2011, due to forced entry by the Beatrice Police Dept., to the City Attorney and City's Insurance carrier for review and disposition.
- n. Refer claim of Roger Aden, 1321 S 9<sup>th</sup>, for damages to water line at 635 W. Court on March 14, 2011 during an inspection, to the City Attorney and City's Insurance carrier for review and disposition.

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

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

Motion carried.

**3 - Public Hearings/Bids:**

- a. **Hearing**
  - (1) **Public Hearing concerning the application of Engel-Biz LLC dba Sam & Louie's New York Pizzeria, 2205 North 6<sup>th</sup> Street, for a Class I Liquor License.**

Mayor Schuster announced that a hearing will now be held concerning the application of Engel-Biz LLC dba Sam & Louie's New York Pizzeria, 2205 North 6<sup>th</sup> Street, for a Class I Liquor License.

Police Captain, Gerald Lamkin, under oath, presented the Police investigative report and traffic report, which found nothing to prohibit issuance of license. Chief Building Official, Dennis Mitchell, under oath, presented the planning report, showing everything in compliance. Steve Engelbrecht, 1017 Darwin, applicant, and Andy Carothers, attorney for the applicant, under oath, appeared to request approval and answer questions of the business. No one appeared in opposition.

Moved by Fetty, seconded by Langdale, that the public hearing be closed at 7:06 p.m.

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

Motion carried.

Moved by Fetty, seconded by Schmale, that the application of Engel-Biz LLC dba Sam & Louie's New York Pizzeria, 2205 North 6<sup>th</sup> Street, for a Class I Liquor License, be recommended to the Nebraska Liquor Control Commission for approval.

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

Motion carried.

#### **4– Resolutions:**

- a. Approval of agreement with Olsson Associates, Inc. for on-call NEPA services pertaining to Project ENH-6105(6), 2<sup>nd</sup> Street improvements between Court and Ella.**

Mayor Schuster introduced Resolution Number 5325 approving an agreement with Olsson Associates, Inc. for on-call NEPA services pertaining to Project ENH-6105(6), 2<sup>nd</sup> Street improvements between Court and Ella.

Moved by Fetty, seconded by Moore, that Resolution Number 5325 be passed and adopted.

City Engineer, Rex Behrends, explained that an engineer must be certified to complete National Environmental Policy Act (NEPA) services and this agreement would hire Olsson Associates to provide these services at a cost of \$8,500; the City's share would be 20%.

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

Motion carried.

Passed and adopted Resolution Number 5325.

- b. Release of securities of Goldenrod Research Corporation for Community Development Block Grant Reuse Loan Agreement, now paid in full and terms satisfied.**

Mayor Schuster introduced Resolution Number 5326 for Release of securities of Goldenrod Research Corporation for Community Development Block Grant Reuse Loan Agreement now paid in full and terms satisfied.

Moved by Fetty, seconded by Langdale, that Resolution Number 5326 be passed and adopted.

City Attorney, Tobias Tempelmeyer, explained that the original CDBG Reuse Loan amount was \$87,500; in 2007 the balance had been paid down to \$62,500; in 2009 the loan was in default and the council approved an agreement to pay \$30,000 over 3 years and the remainder would be forgiven. That agreement has now been paid in full, therefore, this resolution acknowledges that and provides for release of the securities.

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

Motion carried.

Passed and adopted Resolution Number 5326.

#### **5– Ordinances:**

- a. Amend Section 5-7 of the Beatrice City Code regarding keeping of unusual animals.**

Mayor Schuster introduced an ordinance to amend Section 5-7 of the City Code regarding the keeping of unusual animals.

Moved by Fetty, seconded by Moore, that said ordinance be given number 11-017, the title thereof be approved, and said ordinance be read by title only one time tonight.

City Attorney Tempelmeyer explained the proposed amendment, which would grandfather any unusual animals that existed in the corporate city limits as of March 1, 2011, upon proof of ownership and application to obtain a permit by October 1 2011. The grandfathered permit fee is \$25.00 per calendar year and cannot be transferred to another address, expanded or added to. Discussion followed. Alexis Winder, 508 Bellwood Drive, appeared in favor of passing the amendment as a compromise that meets needs of city and individuals that have unusual animals.

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

Motion carried.

Mayor Schuster read Ordinance Number 11-017 by title:

“An ordinance to amend Section 5-7 of the Beatrice City Code regarding keeping of unusual animals within the corporate limits; to repeal conflicting ordinances or parts of ordinances; and to provide for publication in pamphlet form and for an effective date of this ordinance.”

#### **6 – Public Forum:**

No one appeared at public forum.

#### **7- Discussions/Reports:**

##### **a. Recommendation and approval of Beatrice Plus Projects.**

Moved by Schmale, seconded by Tiemann, to approve awarding Beatrice Plus funds to the Beatrice Bullets Organization in the amount of \$5,000 for installation of lights on field 5 at the West Scott Ball fields, as recommended by the Beatrice Plus Committee.

Councilmember Schmale reported on the committee’s review of the two applications received, each asking for \$5,000, one for the Prairie Playground and one for the West Scott Ball field lighting project. The committee’s recommendation was to move forward with the ball field lighting project this fall to provide for more games and revenue from tournaments next year and that the playground submit another application in the near future. Discussion held.

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

Motion carried.

Councilmember Catlin left at 7:37 p.m.

#### **8 – Executive Session:**

I, Fetty, move that the Beatrice City Council go into closed session at 7:38 p.m., for the protection of public interest, to discuss strategy with respect to collective bargaining.

I, Schmale, second that the Beatrice City Council go into closed session at 7:38 p.m., for the protection of public interest, to discuss strategy with respect to collective bargaining.

Mayor Schuster read: it has been moved by Fetty, seconded by Schmale, that the Beatrice City Council go into closed session at 7:38 p.m., for the protection of public interest, to discuss strategy with respect to collective bargaining.

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

Motion carried.

Reconvened at 8:08 p.m.

**8 –Miscellaneous:**

Next regular council meeting is September 19, 2011 at 7:00 p.m. in the BPS Admin Bldg Meeting Room. Worksession on September 26, 2011 in the Beatrice Library Sargent Room, 100 North 16th. Special council meeting on September 30, 2011 at noon in the City/BPW Conference Room, 400 Ella Street.

Moved by Fetty, seconded by Langdale, that the meeting be adjourned at 8:09 p.m.

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

Motion carried.

**Linda S. Koch, City Clerk**

**Mayor Dennis Schuster**