

MINUTES OF THE CITY COUNCIL REGULAR MEETING HELD JANUARY 16, 2012 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 January 3, 2012 as on file in the City Clerk's Office.
- e. Approval of Treasurer's Report of Claims in the amount of \$673,896.23.
- f. Approval of BASWA Report of Claims in the amount of \$59,282.40.
- g. Approval of deposit of \$340,000.00 with the Gage County District Court as a supersedeas bond in the lawsuit involving Odell State Bank.
- h. Resolution Number 5365 appointing Tobias Tempelmeyer as the CDBG Administrator for the Downtown Revitalization Grant No. 10-DTR-102.
- i. Resolution Number 5366 adopting a voluntary dental plan for full-time employees, at employee's expense.
- j. Resolution Number 5367 adopting a voluntary vision plan for full-time employees, at employee's expense.
- k. Write-off ambulance bad debts send to Collection Associates.
- l. Approval of special designated liquor permit application of St. Joseph Catholic Church for their Annual Spaghetti Dinner on March 4, 2012 with an alternate date of March 11, 2012 from 4:00 p.m. to 7:00 p.m. at 612 High Street.
- m. Approval of special designated liquor permit application of American Legion Bitting Norman Post #27 for February 26, 2012, March 4, 2012, and March 11, 2012, from 8:00 a.m. to 12:00 p.m. each day, at 701 Dorsey Street for hosting an Area Pool Tournament.

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

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

Motion carried.

Moved by Fetty, seconded by Catlin, to approve a deposit of \$340,000.00 with the Gage County District Court as a supersedeas bond in the lawsuit involving Odell State Bank.

Moved by Moore, seconded by Schmale, that the Beatrice City Council go into closed session at 7:05 p.m. for the protection of the public interest to discuss strategy with respect to pending litigation.

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

Motion carried.

Reconvened at 7:41 p.m.

Vote on motion:

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

Motion carried.

3 - Public Hearings/Bids:

a. Hearing

(1) Public Hearing concerning the new application of Duke's Café and Wine Bar LLC dba Duke's Café and Wine Bar at 418 Court Street for a Class C & K liquor license.

Mayor Schuster announced that a public hearing be held concerning the new application of Duke's Café and Wine Bar LLC dba Duke's Café and Wine Bar at 418 Court Street for a Class C & K liquor license.

Police Chief, Bruce Lang, under oath, presented the Police Investigative and Traffic Reports; the standard investigation was conducted by his department and uncovered nothing that would preclude recommending for approval. Chief Building Inspector, Dennis Mitchell, under oath, presented the planning report and found no problems with the zoning of the property. James W. Orme, 409 N 21st Street Beatrice, as applicant appeared to request approval of the license; his plans are to open a casual eatery and wine bar in downtown Beatrice, hopefully by mid-spring. No one appeared in opposition.

Moved by Fetty, seconded by Carey, that the public hearing be closed at 7:45 p.m.

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

Motion carried.

Moved by Fetty, seconded by Tiemann, that the application of Duke's Café and Wine Bar LLC dba Duke's Café and Wine Bar at 418 Court Street for a Class C & K liquor license be recommended to the Nebraska Liquor Control Commission for approval.

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

Motion carried.

(2) Public hearing on the proposed One and Six Year Road and Street Plan.

Mayor Schuster announced that a public hearing be held on the proposed One and Six Year Road and Street Plan.

City Administrator, Neal Niedfeldt, reviewed the proposed projects to be completed in the six-year plan and the planned funding through a combination of federal and local funds. The largest project in the first year will be the \$1,278,500 mill & overlay project, some small armor coats and construction of a concrete street, 19th Street south of Scott, which will be assessed to the property owners. The 2nd Street brick replacement project is in year two. In year three is a \$3 million reconstruction project for 6th Street from Beaver to Holbrook. Year five will be the first year of the new program where the City will receive 80% of our allocation from the State and allow more flexibility in utilizing the funds for City projects. Discussion followed, this is the current plan, but as needs arise in future years it could be changed.

Moved by Fetty, seconded by Schmale, that the public hearing be closed at 7:59 p.m.

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

Motion carried.

Moved by Fetty, seconded by Langdale, that the One year and Six Year Road and Street Improvement Plan for the City of Beatrice be approved as presented.

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

Motion carried.

4- Resolutions:

None.

5– Ordinances:

None.

6 – Public Forum:

No one appeared at public forum

7- Discussions/Reports:

a. City Administrator’s Monthly Report

Mayor Schuster referred to the City Administrator’s Monthly Report as printed in the packet.

8 –Miscellaneous:

Next regular council meeting is February 6, 2012 at 7:00 p.m. in the BPS Admin Bldg Meeting Room. Worksession will be on January 23, 2012 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 8:00 p.m.

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

Motion carried.

Linda S. Koch, City Clerk

Mayor Dennis Schuster