

**MINUTES OF THE CITY COUNCIL REGULAR MEETING HELD OCTOBER 3, 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  
Absent: Councilmember Tiemann

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.

Lori Warner, Executive Director of the Chamber of Commerce, presented the City with a plaque designating Beatrice as an International Safe Community, the 16<sup>th</sup> community in the USA and 253<sup>rd</sup> in the World to be honored with this award. It is a five-year commitment and annually must submit what we are doing to keep our community safe.

Mayor Schuster read a Proclamation proclaiming October 2011 as National Disability Employment Awareness Month. Connie Russell, Resource Manager for MOSAIC, was present to receive the proclamation and thanked businesses that help individuals with disabilities live the American dream, to have a job and earn money.

**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 September 19, 2011 as on file in the City Clerk's Office.
- e. Approval of minutes of special meeting on September 30, 2011 as on file in the City Clerk's Office.
- f. Refer claim of Jenifer Parde, 922 N 9<sup>th</sup> Street, for damages to her vehicle on 9/2/2011 at 9<sup>th</sup> and Garfield from tar striking vehicle, to the City Attorney and City's Insurance Carrier for review and disposition.

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

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

Motion carried.

Moved by Fetty, seconded by Schmale, to refer claim of Jenifer Parde, 922 N 9<sup>th</sup> Street, for damages to her vehicle on 9/2/2011 at 9<sup>th</sup> and Garfield from tar striking vehicle, to the City Attorney and City's Insurance Carrier for review and disposition.

Councilmember Moore requested more detail of the claim; City Attorney Tempelmeyer referred to the claimant's description of what happened.

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

Motion carried.

**3 - Public Hearings/Bids:**

**a. Hearings**

- (1) Public Hearing on the application of Delmar Schoneweis to rezone the W1/2 of Lots 5 & 6, Block 7, Highland Park Addition, located at 900 Oak Street, from "R-2" Single-Family Residential to "GC" General Commercial.**

Mayor Schuster announced that a public hearing be held on the application of Delmar Schoneweis to rezone the W1/2 of Lots 5 & 6, Block 7, Highland Park Addition, located at 900 Oak Street, from "R-2" Single-Family Residential to "GC" General Commercial

Stan Wirth, Chairman of Planning & Zoning, reported that the Commission again reviewed the request previously denied by council at the June 6, 2011 meeting, because of misinformation provided and felt Mr. Schoneweis should have the opportunity to be heard again. The Planning & Zoning Commission at their September 20<sup>th</sup> meeting unanimously approved to recommend the rezoning request to the City Council. Mr. Schoneweis' plans are to construct an 80x60 ft storage building on the lot and will build up the north edge to meet floodplain stipulations. Dennis Mitchell, Chief Building Official, spoke against rezoning the property to GC because the distance is too far from the main thoroughfare. Discussion followed regarding the proposed application, including uses allowed in GC that could affect adjacent property owners in the future.

Moved by Fetty, seconded by Schmale, that the public hearing be closed at 7:17 p.m.

Roll Call: Yea: Carey, Catlin, Fetty, Langdale, Moore, Parde  
Nay: Schmale Motion carried.

**4- Resolutions:**

**a. Resolution establishing ambulance fees.**

Mayor Schuster introduced Resolution Number 5332 establishing ambulance fees.

Moved by Fetty, seconded by Schmale, that Resolution Number 5332 be passed and adopted.

Fire Chief, Brian Daake, presented the proposed increase in ambulance fees, which was included in the FY2012 budget and is an overall increase of about 5%.

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

Passed and adopted Resolution Number 5332.

**b. Resolution entering into a lease agreement for farming purposes with Justin Wiegand for property described as Parcel A, adjacent to the landfill located in W1/2 of NE1/4 of Section 20-3-6.**

Mayor Schuster introduced Resolution Number 5333 entering into a lease agreement for farming purposes with Justin Wiegand for property described as Parcel A, adjacent to the landfill located in W1/2 of NE1/4 of Section 20-3-6.

Moved by Fetty, seconded by Langdale, that Resolution Number 5333 be passed and adopted.

City Administrator, Neal Niedfeldt, explained the renewal of the farm lease with Mr. Wiegand for three years, starting at \$161.00 per acre in 2012, increasing to \$165.00 per acre in 2013 and 2014 for 62.7 acres of crop land with an additional option on the acres where BASWA plans to construct a Construction & Demolition site.

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

Passed and adopted Resolution Number 5333.

**c. Resolution entering into a lease agreement for farming purposes with Justin Wiegand for property described as Parcel B, West of Center Street, in the E1/2 of NW1/4 Section 4-3-6.**

Mayor Schuster introduced Resolution Number 5334 entering into a lease agreement for farming purposes with Justin Wiegand for property described as Parcel B, West of Center Street, in the E1/2 of NW1/4 Section 4-3-6.

Moved by Fetty, seconded by Moore, that Resolution Number 5334 be passed and adopted.

City Administrator Niedfeldt explained the renewal of the farm lease with Mr. Wiegand for three years, starting at \$101.00 per acre in 2012, increasing to \$104.00 per acre in 2013 and 2014, for 8.5 acres of crop land just south of the West Scott ball diamonds.

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

Motion carried.

Passed and adopted Resolution Number 5334.

**d. Resolution entering into a lease agreement for farming purposes with Jason and Jeremy Siems for property described as Parcel C, the Old Fairgrounds along the Big Blue River.**

Mayor Schuster introduced Resolution Number 5335 entering into a lease agreement for farming purposes with Jason and Jeremy Siems for property described as Parcel C, the Old Fairgrounds along the Big Blue River.

Moved by Fetty, seconded by Langdale, that Resolution Number 5335 be passed and adopted.

City Administrator Niedfeldt explained the renewal of the farm lease with Mr. Siems for three years, starting at \$85.00 per acre in 2012 and increasing to \$87.00 per acre in 2013 and 2014, for 20.6 acres of crop land for property at South 2<sup>nd</sup> Street along the Big Blue River.

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

Motion carried.

Passed and adopted Resolution Number 5335.

**5- Ordinances:**

**a. Ordinance approving the application of Delmar Schoneweis to rezone the W1/2 of Lots 5 & 6, Block 7, Highland Park Addition, located at 900 Oak Street, from "R-2" Single-Family Residential to "GC" General Commercial.**

Mayor Schuster introduced an ordinance approving the application of Delmar Schoneweis to rezone the W1/2 of Lots 5 & 6, Block 7, Highland Park Addition, located at 900 Oak Street, from "R-2" Single-Family Residential to "GC" General Commercial.

Moved by Fetty, seconded by Catlin, that said ordinance be given number 11-022, the title thereof be approved, the rules be suspended, and said ordinance be read by number only three times tonight.

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

Motion failed.

Moved by Fetty, seconded by Carey, that said ordinance be given number 11-022, the title thereof be approved and said ordinance be read by title only one time tonight.

Discussion that more time is needed to determine what other uses are allowed in GC and if they may be appropriate for the area.

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

Motion carried.

Mayor read by title one time:

“An ordinance to amend the Zoning Map for the City of Beatrice, Nebraska by changing the zoning of the west half of Lots Five (5) and Six (6), Block Seven (7), Highland Park Addition, Beatrice, Gage County, Nebraska; from “R-2” Single Family Residential District to “GC” General Commercial District; repeal conflicting ordinances; and to provide for publication in pamphlet form and for an effective date of this ordinance.”

**a. Motion to reconsider Ordinance Number 11-017 to amend Section 5-7 of the Beatrice City Code regarding keeping of unusual animals. Second reading.**

Moved by Carey, seconded by Moore, to reconsider action on Ordinance Number 11-017 as amended.

Discussion held to reconsider action since concerns had been expressed on the way the vote went. Krista Carlson, Legal Counsel for Alexis Winder, appeared against reconsidering action on the ordinance as amended with the 70 ft setback because it will not do any good, the 70 ft setback is unacceptable. Alexis Winder, 508 Bellwood Drive, appeared in favor of reconsidering action on the ordinance only if the setback is reduced to at least 50 ft. Discussion followed.

Moved by Schmale, seconded by Catlin, to call for the question.

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

Motion carried.

Vote on motion to reconsider action on Ordinance Number 11-017:

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

Motion carried.

Moved by Fetty, seconded by Schmale, that Ordinance Number 11-017 as amended, the title thereof be approved, and said ordinance be read by title only the second time tonight.

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

Motion carried.

Mayor Schuster read Ordinance Number 11-017 by title the second time:

“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. Report from Pat Pope, President and CEO of Nebraska Public Power District.**

Councilmember Tiemann arrived at 7:53 p.m.

Pat Pope, President and CEO of Nebraska Public Power District, presented a report to the Council on the State of NPPD; the challenges this past summer with the flooding along the Missouri River, a new summer peak of 2,589 MW on August 1st, the projected 2012 wholesale rate increase of 6.5%, implementation of a Strategic Plan, advocating transmission expansion with the Southwest Power Pool, and the impact of complying with Environmental Protection Agency regulations regarding Cross State Air Pollution Rule. Gary Thompson, of the NPPD Board of Directors, also spoke. Discussion was held.

**8 –Miscellaneous:**

Next regular council meeting is October 17, 2011 at 7:00 p.m. in the BPS Admin Bldg Meeting Room, with a Worksession on October 24, 2011 in the Beatrice Library Sargent Room, 100 N 16th.

Moved by Fetty, seconded by Schmale, that the meeting be adjourned at 8:48 p.m.

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

Motion carried.

**Linda S. Koch, City Clerk**

**Mayor Dennis Schuster**