

MINUTES OF THE CITY COUNCIL REGULAR MEETING HELD APRIL 2, 2012 AT 7:00 P.M. IN THE BPS ADMINISTRATION MEETING ROOM, 320 NORTH 5TH STREET.

1 – Roll Call: Present: Mayor Schuster, Councilmembers Catlin, Fetty, Langdale, Moore, Parde, Schmale, Tiemann
Absent: 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.

Mayor Schuster read a proclamation proclaiming April 8-14 as National Library Week. Laureen Riedesel, Library Director, accepted the proclamation and spoke of the events and programs planned to honor the week.

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 19, 2012, as on file in the City Clerk's Office.
- e. Approval of minutes of worksession on March 26, 2012, as on file in the City Clerk's Office.
- f. Approval of Treasurer's Report of Claims
 - (1) Approval of claim of Robert L Tiemann Construction in the amount of \$600.00
 - (2) Approval of balance of Treasurer's Report of Claims in the amount of \$701,103.74
- g. Approval of BASWA Report of Claims in the amount of \$29,121.43
- h. Approval of contract in the amount of \$37,074.50 with Pavers, Inc. for the 2012 Curb and Gutter Project.
- i. Approval of contracts for Waterline Project on Court Street-1st to 4th, Bid A to TL Excavation in the amount of \$15,903.29 and Bid B to Horizontal Boring in the amount of \$57,340.00, as recommended by BPW.
- j. Approval of plans, specifications, and advertisement for bids for Paving Dist. #495 for Berke's Fourth Addn.
- k. Approval of Water Dept. ISO in the amount of \$19,003.74 for WaterMain Dist.#253 for Berke's Fourth Addn.
- l. Approval of change orders 1, 3, 4, 6, 7, 8, 9 and 10 for a total decrease of \$7,708.00 to Ayars & Ayars for the Carnegie Restoration Project.
- m. Resolution Number 5390 showing that no objections were filed regarding Paving District #494 (19th Street South of Scott).
- n. Resolution Number 5391 approving grant application to the Nebraska Emergency Management Agency for replacement of the City Auditorium generator.
- o. Approval of special designated liquor permit application of Main Street Beatrice for Ribfest event to be held June 16, 2012 from 2:00 p.m. until 1:00 a.m. in parking lot located at 7th & Ella Streets.

Moved by Fetty, seconded by Schmale, that the items listed under the consent agenda, with the exception of items l and o, be approved, accepted and/or ratified as presented. Tiemann abstain from f(1)

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

Motion carried.

Moved by Fetty, seconded by Schmale, to approve change orders 1, 3, 4, 6, 7, 8, 9 and 10 for a total decrease of \$7,708.00 to Ayars & Ayars for the Carnegie Restoration Project .

Councilmember Tiemann questioned denying the Z-flashing and reasons for the change order increase of \$5,000 for costs associated with extending the project 24 days, due to a late start for the mold abatement. Mayor Schuster reported the costs had been reviewed and were justified and that the Z-flashing could still be picked up at the end.

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

Motion carried.

Moved by Fetty, seconded by Parde, that the special designated liquor permit application of Main Street Beatrice for Ribfest event to be held June 16, 2012 from 2:00 p.m. until 1:00 a.m. in parking lot located at 7th & Ella Streets, be approved.

Councilmember Carey arrived at 7:18 p.m.

Councilmember Parde questioned the location which would allow the sale of alcohol within 150' of a church. City Attorney Tempelmeyer explained that the 150' requirement is waivable by the City Council for special designated permits. Police Captain, Gerald Lamkin, also confirmed that special designated permits are temporary and within the 150' is permitted by the liquor control commission through local approval. James Nelson, on behalf of the Beatrice Area Chamber of Commerce and Homestead Days Committee chairman, appeared in favor of granting the special permit to have a beer garden at Ribfest, which over the years has become a very important event of the Homestead Days celebration. The event has outgrown the previous location and asked to work things out to hold the event at the Security First Bank parking lot. Police Captain Lamkin reported that there have not been law enforcement issues with the event in past years, but that last year the fencing taking out a lane of traffic on Ella Street was a potential traffic problem. Dale Simmons, Chairperson for the Ribfest event, appeared to encourage support of the event, Main Street looked hard at this area and wants to keep the event within the 16-block district, plus the bank is willing to allow them to punch holes in the parking lot to put up a tent. Verdella Vetrovsky, representative of Security First Bank, appeared on behalf of the bank that as strong supporters of the community they were glad to donate use of the lot for Ribfest. She explained how the area would be set up and in respect for their neighbors they have moved the start time to 3:00 p.m. and will shut down the band at 11:30 and close at 12:00. Steph Perkins, 608 Springview Circle, appeared in support of honoring the permit and keeping the event in the downtown district. Dale Simmons further clarified that vendors would drop off their trailers and park elsewhere. Michael Arterburn, 714 Ella, on behalf of First Christian Church located north of the proposed beer garden, appeared in opposition and reported that the church elders committee unanimously voted against granting of the permit. They are not opposed to Ribfest but opposed to the permit for the liquor license, which is within 150' of the church and would take council approval to waive that requirement. Gary Thompson, 1820 Jefferson, a member of the First Christian Church, appeared against making an exception to allow a beer garden across the street from the church. Cindy Vetrovsky, 200 S LaSelle, a member of the First Christian Church, appeared to ask that they find a better permanent location. Dean Thornburg, Elder of the First Christian Church, spoke that the church members are here to express our feelings, not against Ribfest, but they do not want a beer garden across the street from the church. Councilmembers further discussed the location and also if the fence goes onto the public sidewalk that it would require approval of the Council to consume alcohol on public property. Alexis Winder, Main Street Director, explained that on the map there is a small portion of the sidewalk included. Discussion held about whether to wait until the 16th to approve the application and use of the sidewalk at the same time. Dale Simmons explained that they could keep the alcohol consumption totally on private property and therefore would not need to come back and ask for permission to use the sidewalk. Michael Arterburn, spoke again in regards to a wedding at the church that day, that it had been worked out with them, but that the issue is the liquor permit and to look at finding another permanent location. Council discussion followed.

Moved by Tiemann, second by Moore, to postpone action for two weeks.

Discussion held whether anything would be different in two weeks, but that this may give the parties involved time to work things out.

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

Motion carried.

3 - Public Hearings/Bids:

a. Hearings

- (1) Public Hearing concerning the progress of the Community Development Block Grant for the development of a downtown revitalization plan.**

Mayor Schuster announced that a public hearing will now be held concerning the progress of the Community Development Block Grant for the development of a downtown revitalization plan.

City Attorney Tempelmeyer explained that it is a requirement by the Department of Economic Development that another public hearing be held once the project is completed to allow for discussion on how the grant went. This grant was for the development of a downtown revitalization plan, which was completed by RDG Planning & Design and will provide a plan as the City moves forward to revitalize the downtown area.

Moved by Fetty, seconded by Schmale, that the public hearing be closed at 8:05 p.m.

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

Motion carried.

(2) Public Hearing to consider declaring Redevelopment Area #4 to be substandard and blighted.

Mayor Schuster announced that a public hearing will now be held to consider declaring Redevelopment Area #4 to be substandard and blighted.

City Attorney Tempelmeyer explained that the area to be considered is along Highway 77 from Garfield to Sargent and west to the Industrial Park. Hanna:Keelan had completed a study of the area and has determined it to be blighted and substandard, which will then allow for the use of Tax Increment Financing to assist in redevelopment of the area.

Moved by Fetty, seconded by Carey, that the public hearing be closed at 8:07 p.m.

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

Motion carried.

(3) Public Hearing to consider adoption of the Redevelopment Plan for Redevelopment Area #4.

Mayor Schuster announced that a public hearing will now be held to consider adoption of the Redevelopment Plan for Redevelopment Area #4.

City Attorney Tempelmeyer explained that once the area is declared blighted, the next step is to adopt the Redevelopment Plan. The addition of this area is within the percent allowed, however, puts the City close to the maximum.

Moved by Fetty, seconded by Schmale, that the public hearing be closed at 8:10 p.m.

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

Motion carried.

(4) Public Hearing concerning an amendment to Article Nine of the City of Beatrice Zoning Ordinance concerning off-street parking regulations.

Mayor Schuster announced that a public hearing will now be held concerning an amendment to Article Nine of the City of Beatrice Zoning Ordinance concerning off-street parking regulations.

Mayor Schuster explained that the proposed amendment, previously discussed at the worksession, has been reviewed by Planning & Zoning and recommended for approval. The proposed changes are to cleanup language and meet our current practice and release the requirement of hard surface to allow for application of rock gravel parking facilities. Discussed storm water runoff, City Attorney Tempelmeyer explained that there are provisions for some type of barrier to hold the rock in place.

Moved by Fetty, seconded by Carey, that the public hearing be closed at 8:14 p.m.

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

Motion carried.

4– Resolutions:

a. Resolution entering into a Project Program Agreement with the Nebraska Department of Roads for Project ENH-34(42) the Hike/Bike Trail from Water Park to Hannibal Park.

Mayor Schuster introduced Resolution Number 5392 entering into a Project Program Agreement with the Nebraska Department of Roads for Project ENH-34(42) the Hike/Bike Trail from Water Park to Hannibal Park.

Moved by Fetty, seconded by Langdale, that Resolution Number 5392 be passed and adopted.

Mayor Schuster explained that once the contract is executed the City will need to pay one-half of our share of the project upfront, which is estimated to be \$125,000. This was not included in the current budget so the payment will be paid from current reserve funds to be replenished over the next couple of years and will need to supplement the budget at the fiscal year end.

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

Motion carried.

Passed and adopted Resolution Number 5392.

b. Resolution designating the Responsible Charge Person for Project ENH-34(42) the Hike/Bike Trail from Water Park to Hannibal Park.

Mayor Schuster introduced Resolution Number 5393 designating the Responsible Charge Person for Project ENH-34(42) the Hike/Bike Trail from Water Park to Hannibal Park.

Moved by Fetty, seconded by Langdale, that Resolution Number 5393 be passed and adopted.

Mayor Schuster explained that the City needs to designate a Responsible Charge person for the project and Rex Behrends has recommended that Doug Zulauf be named that person. Doug has taken the training and Rex will assist him through the project, which will start in 18 months.

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

Motion carried.

Passed and adopted Resolution Number 5393.

c. Resolution declaring Redevelopment Area #4 to be substandard and blighted.

Mayor Schuster introduced Resolution Number 5394 declaring Redevelopment Area #4 to be substandard and blighted.

Moved by Fetty, seconded by Schmale, that Resolution Number 5394 be passed and adopted.

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

Motion carried.

Passed and adopted Resolution Number 5394.

d. Resolution adopting the Redevelopment Plan for Redevelopment Area #4.

Mayor Schuster introduced Resolution Number 5395 adopting the Redevelopment Plan for Redevelopment Area #4.

Moved by Fetty, seconded by Schmale, that Resolution Number 5395 be passed and adopted.

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

Motion carried.

Passed and adopted Resolution Number 5395.

e. Resolution accepting Peter Kiewit Foundation Grant in the amount of \$125,000.00 for the renovation of the Carnegie Building.

Mayor Schuster introduced Resolution Number 5396 accepting Peter Kiewit Foundation Grant in the amount of \$125,000.00 for the renovation of the Carnegie Building.

Moved by Fetty, seconded by Langdale, that Resolution Number 5396 be passed and adopted.

Mayor Schuster announced that the Peter Kiewit Foundation has offered a \$125,000 grant towards the Carnegie Building renovation project and while the City had hoped for more we are grateful to accept what is offered to us and he thanked Laureen Riedesel and Janet Byars for their work on the grant application process. City Attorney Tempelmeyer reviewed the grant requirements which are nothing that cannot be met.

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

Motion carried.

Passed and adopted Resolution Number 5396.

5– Ordinances:

a. Ordinance to amend Section 308, Table 4-2, and Article Nine of the Zoning Ordinance of the City of Beatrice regarding off-street parking regulations.

Mayor Schuster introduced an ordinance to amend Section 308, Table 4-2, and Article Nine of the Zoning Ordinance of the City of Beatrice regarding off-street parking regulations.

Moved by Fetty, seconded by Moore, that said ordinance be given number 12-018, 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 12-018 by number only the first, second and third times.

Moved by Fetty, seconded by Tiemann, that Ordinance Number 12-018 be passed and approved.

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

Motion carried.

Passed and approved Ordinance Number 12-018.

6 – Public Forum:

No one appeared at public forum.

7- Discussions/Reports:

None.

8 –Miscellaneous:

Next regular council meeting is April 16, 2012 at 7:00 p.m. in the BPS Admin Bldg Meeting Room.
Worksession on April 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 8:23 p.m.

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

Motion carried.

Linda S. Koch, City Clerk

Mayor Dennis Schuster