

**MINUTES OF THE CITY COUNCIL REGULAR MEETING HELD JUNE 18, 2012 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.

**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 June 4, 2012 as on file in the City Clerk's Office.
- e. Approval of Treasurer's Report of Claims
  - (1) Approval of claim of Beatrice Lawn Care Inc. in the amount of \$654.00.
  - (2) Approval of balance of Treasurer's Report of Claims in the amount of \$730,772.45.
- f. Approval of BASWA Report of Claims in the amount of \$64,608.39.
- g. Approval of pay request #6 to Ayars & Ayars in the amount of \$123,679.50 for the Carnegie Restoration Project.
- h. Resolution Number 5424 granting permission to Derek Fralin dba Fralin Concession to sell on City property at Hannibal Park and Northern Natural Gas ball fields.

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

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

Moved by Fetty, seconded Langdale that Resolution Number 5424 granting permission to Derek Fralin dba Fralin Concession to sell on City property at Hannibal Park and Northern Natural Gas ball fields be passed and adopted

h – Councilmember Fetty questioned the process for granting permits to sell goods on City property and that the City is not recovering any cost from the individual for use of City utilities. Discussion followed about the possibility of creating a permit process that could be handled administratively and including an additional flat fee for the use of City utilities. The concessionaire could provide their own utilities with the use of a generator. City Administrator Tempelmeyer explained that City staff was in the process of re-writing the peddlers permit process and would be bringing that to the Council for discussion at a future worksession.

Moved by Fetty, seconded by Schmale, to amend the agreement with Derek Fralin dba Fralin Concession to sell on City property, that the City will not provide utilities.

Discussion held with concerns about the noise of a generator and changing the rules this late in the ball season.

Roll Call: Yea: Fetty, Schmale  
Nay: Carey, Catlin, Langdale, Moore, Parde, Tiemann Motion to amend failed.

Vote on original motion:

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

**3 - Public Hearings/Bids:**

**a. Hearings:**

**(1) Public Hearing on adopting a new Zoning Map showing the boundaries of zoning districts and extra-territorial jurisdiction.**

Mayor Schuster announced that a public hearing be held on adopting a new Zoning Map showing the boundaries of zoning districts and extra-territorial jurisdiction.

City Engineer, Rex Behrends, explained that this is an updated map with all of the changes made since the zoning map was approved 02/08/1998; the new map will have an approved date of 6/18/2012. The extra-territorial map has also been updated showing the boundaries of the City's jurisdiction.

Moved by Fetty, seconded by Carey, that the public hearing be closed at 7:21 p.m.

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

Motion carried.

**(2) Public Hearing on Plan Modification "O" to the Redevelopment plan for Redevelopment Area No. 4 requested by Fakler Architects, LLC for a new office facility at Lot 8 or Lot 9, Block 1, Westons 2<sup>nd</sup> Addition (6<sup>th</sup> & Garfield Streets)**

Mayor Schuster announced that a public hearing be held on Plan Modification "O" to the Redevelopment plan for Redevelopment Area No. 4 requested by Fakler Architects, LLC for a new office facility at Lot 8 or Lot 9, Block 1, Westons 2<sup>nd</sup> Addition (6<sup>th</sup> & Garfield Streets)

City Administrator, Tobias Tempelmeyer, explained that the Community Redevelopment Authority has met twice to review and approve the application; Planning & Zoning Commission has met and reviewed the application for compliance with the City's comprehensive plan. Michael Fakler plans to remove one house and replace it with a professional building for his own office and possible additional space for rent. The building will be either on Lot 8, which he owns, or Lot 9 if he can negotiate with the adjacent property owner to swap lots.

Moved by Fetty, seconded by Carey, that the public hearing be closed at 7:23 p.m.

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

Motion carried.

**4- Resolutions:**

**a. Resolution approving the Redevelopment Plan for Redevelopment Area 4 as modified by Modification O.**

Mayor Schuster introduced Resolution Number 5425 approving the Redevelopment Plan for Redevelopment Area 4 as modified by Modification O.

Moved by Fetty, seconded by Tiemann, that Resolution Number 5425 be passed and adopted.

Mayor Schuster explained that passage of this resolution executes the redevelopment plan discussed in public hearing.

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

Motion carried.

Passed and adopted Resolution Number 5425.

**b. Resolution executing an agreement with Olsson Associates to assist in the streetscape design for 5<sup>th</sup> Street between Court and Ella Street. (downtown improvement grant CDBG #10-DTR-102)**

Mayor Schuster introduced Resolution Number 5426 executing an agreement with Olsson Associates to assist in the streetscape design for 5<sup>th</sup> Street between Court and Ella Street. (downtown improvement grant CDBG #10-DTR-102)

Moved by Fetty, seconded by Schmale, that Resolution Number 5426 be passed and adopted.

City Engineer Behrends explained that the agreement is for Olsson's to help with the layout of the design for concrete colors or stamping, crosswalk surfacing, planters, benches, and provide specifications. The base cost will be \$2,000, plus \$125.00 per hour for any additional services.

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

Motion carried.

Passed and adopted Resolution Number 5426.

**c. Resolution entering into a Construction Engineering Services agreement with Nebr. Dept. of Roads for the Main Street Historic Byway Signage Project, ENH-34(39) #13080.**

Mayor Schuster introduced Resolution Number 5427 Resolution entering into a Construction Engineering Services agreement with Nebr. Dept. of Roads for the Main Street Historic Byway Signage Project, ENH-34(39) #13080.

Moved by Fetty, seconded by Langdale, that Resolution Number 5427 be passed and adopted.

City Engineer Behrends explained that this is a federal aid project and this agreement assigns the City as construction manager.

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

Motion carried.

Passed and adopted Resolution Number 5427.

**d. Resolution entering into an Interlocal Agreement to provide EMS services to Gage County.**

Mayor Schuster introduced Resolution Number 5428 Resolution entering into an Interlocal Agreement to provide EMS services to Gage County.

Moved by Fetty, seconded by Schmale, that Resolution Number 5428 be passed and adopted.

Fire Chief, Brian Daake, explained that the proposed agreement is similar to previous agreements; changes include the term dates from July 1, 2012 to June 30, 2013; and increasing the annual fee by \$5,000 for a total of \$180,000. The boundaries are the same at this time; language is included that if the boundaries change then the fee will change.

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

Motion carried.

Passed and adopted Resolution Number 5428.

**e. Resolution initiating foreclosure proceedings against properties with delinquent assessments.**

Mayor Schuster introduced Resolution Number 5429 initiating foreclosure proceedings against properties with delinquent assessments.

Moved by Fetty, seconded by Schmale, that Resolution Number 5429 be passed and adopted.

Mayor Schuster explained that this resolution concerns the delinquent water main and sewer assessments on the Crest Addition property; the delinquent paving was acted on at the last meeting. City Administrator Tempelmeyer explained that once the County has issued tax sale certificates it will take three years before the City can foreclose.

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

Motion carried.

Passed and adopted Resolution Number 5429.

**5 – Ordinances:**

**a. Ordinance to amend Section 406 of the Zoning Ordinance, to adopt a new Zoning Map showing the boundaries of the zoning districts and extra-territorial jurisdiction.**

Mayor Schuster introduced an ordinance to amend Section 406 of the Zoning Ordinance, to adopt a new Zoning Map showing the boundaries of the zoning districts and extra-territorial jurisdiction.

Moved by Fetty, seconded by Moore, that said ordinance be given number 12-026, 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 12-026 by number only the first, second and third times.

Moved by Fetty, seconded by Moore, that Ordinance Number 12-026 be passed and approved.

Mayor Schuster explained that this ordinance enacts the maps as discussed in the public hearing.

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

Motion carried.

Passed and approved Ordinance Number 12-026.

**6 – Public Forum:**

No one appeared at public forum.

**7 – Discussions/Reports:**

**a. Monthly City Administrator Report**

Mayor Schuster referred to the City Administrator's Monthly report as presented in the packet.

**8 – Miscellaneous:**

Next regular council meeting is July 2, 2012 at 7:00 p.m. in the BPS Admin Bldg Meeting Room.  
Worksession on June 25, 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 7:34 p.m.

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

Motion carried.

**Linda S. Koch CMC, City Clerk**

**Mayor Dennis Schuster**