

**MINUTES OF THE CITY COUNCIL REGULAR MEETING HELD MARCH 5, 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 February 20, 2012, as on file in the City Clerk's Office.
- e. Approval of minutes of worksession on February 27, 2012, as on file in the City Clerk's Office.
- f. Approval of Treasurer's Report of Claims in the amount of \$501,986.49.
- g. Approval of BASWA Report of Claims in the amount of \$38,731.27.
- h. Approval of pay request #3 in the amount of \$110,222.50 to Ayars & Ayars for the Carnegie Restoration.
- i. Approval of plans, specifications and advertisement for bids for Armor Coat Paving Project #12-497.
- j. Approval of plans, specifications and advertisement for bids for Curb & Gutter Project 2012.
- k. Approval of contract with Pavers, Inc. in the amount of \$165,840.00 for the Mill & Overlay Project #12-496.
- l. Approval of contract with MC2, Inc. in the amount of \$297,400.00 for the WPC Dept. UV System Upgrade.
- m. Resolution Number 5377 executing Preliminary Engineering Services Supplement Agreement with Olsson Associates for Project URB-6108(1) City Wide Resurfacing.
- n. Resolution Number 5378 entering into a license agreement with Larry and Meredith Larkins for ingress and egress purposes along the abandoned UPRR ROW in Section 2-5-6. (Pickrell to Cortland trail)
- o. Resolution Number 5379 entering into a license agreement with Harold and Raymond Parde and Cathy Agena for ingress and egress purposes along the abandoned UPRR ROW in Section 25-6-6. (Pickrell to Cortland trail)

Moved by Fetty, seconded by Langdale, that the items listed under the consent agenda, with the exception of item o, 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 Langdale, that Resolution Number 5379 entering into a license agreement with Harold and Raymond Parde and Cathy Agena for ingress and egress purposes along the abandoned UPRR ROW in Section 25-6-6. (Pickrell to Cortland trail)

Councilmember Moore requested separate consideration of this item to abstain due to conflict of interest.

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

Motion carried.

**3 - Public Hearings/Bids:**

**a. Hearing**

- (1) Public Hearing on the application of Farmer's Cooperative dba Farmers Cooperative, 1615 N 6<sup>th</sup> Street, for a Class B Liquor License.**

Mayor Schuster announced that a public hearing will now be held regarding the application of Farmer's Cooperative dba Farmers Cooperative, 1615 N 6<sup>th</sup> Street, for a Class B Liquor License.

Police Chief, Bruce Lang, under oath, presented the Traffic Engineering and Investigative Report; the standard investigation was conducted by the police department and nothing was uncovered that would preclude issuance of the license. Chief Building Inspector, Dennis Mitchell, under oath, presented the Inspection Report showing the property in compliance with zoning and building regulations. Darol Grummert, representing Farmers Cooperative, under oath, appeared to request approval of the license for this location due to the business's merger with Farmers Cooperative; there are no changes to the operation. No one appeared in opposition.

Moved by Fetty, seconded by Moore, that the public hearing be closed at 7:08 p.m.

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

Motion carried.

Moved by Fetty, seconded by Carey, that the application of Farmer's Cooperative dba Farmers Cooperative, 1615 N 6<sup>th</sup> Street, for a Class B 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 application of Robert Sandersfeld to rezone property described as part of Lot 35, I.N. McConnell's Subdivision, S1/2 of SW1/4 Section 32-4-6, located at 1050 W Mary, from "R-4" Multiple-family Residential to "GC" General Commercial.**

Mayor Schuster announced that a public hearing will now be held regarding the application of Robert Sandersfeld to rezone property described as part of Lot 35, I.N. McConnell's Subdivision, S1/2 of SW1/4 Section 32-4-6, located at 1050 W Mary, from "R-4" Multiple-family Residential to "GC" General Commercial.

Rita Hydo, Planning & Zoning Commission member, reported on their concerns that GC is not appropriate for this neighborhood and the affect it could have on neighboring properties, therefore voted to not to recommend approval of the rezoning request.

Ron Perry, 1920 Ella Street, Real Estate Broker representing Mr. Sandersfeld, addressed the council to request approval of the zoning change to turn the property into a good situation and explained the owner's plan to use it for a storage building out of which he would have garage sales periodically, with no storage outside.

Sue Brinkman, 1100 West Mary, Scott and Kate Ticnor, 1047 West Mary, and Dean Lottman, 124 South Bell, all appeared in opposition to the proposed zoning change. They expressed concern that the property would not be kept up and that garage sale items might be left outside, referring to Mr. Sandersfeld's other unsightly properties. They were concerned how it could affect their property values and did not want a business in their neighborhood, which they keep clean and mowed.

Moved by Fetty, seconded by Schmale, that the public hearing be closed at 7:20 p.m.

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

Motion carried.

**4- Resolutions:**

- a. **Resolution entering into an EMS Interlocal Agreement with Gage County for the City to provide emergency medical service to certain areas of Gage County.**

Mayor Schuster introduced Resolution Number 5380 entering into an EMS Interlocal Agreement with Gage County for the City to provide emergency medical service to certain areas of Gage County.

Moved by Fetty, seconded by Carey, that Resolution Number 5380 be passed and adopted.

Fire Chief, Brian Daake, reported that the agreement is the same as the previous one, except that they have eliminated the committee and will now have training events. The dollar amount is the same and the end date coincides with the County's fiscal year at which time they will bring back a new agreement for consideration.

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

Motion carried.

Passed and adopted Resolution Number 5380.

**b. Resolution renewing an Interlocal Agreement between the City and other Fire Districts creating a Mutual Finance Organization.**

Mayor Schuster introduced Resolution Number 5381 renewing an Interlocal Agreement between the City and other Fire Districts creating a Mutual Finance Organization

Moved by Fetty, seconded by Schmale, that Resolution Number 5381 be passed and adopted.

Fire Chief, Brian Daake, explained that this renews the Interlocal Agreement forming the Gage County Mutual Finance Organization, in which all fire districts agree to the same levy, which then allows them to receive funds from the MFO assistance program at the state level. The funds, which come from fire insurance premiums, are used to pay for equipment and training needs.

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

Motion carried.

Passed and adopted Resolution Number 5381.

**c. Resolution authorizing settlement agreement and mutual release with State Bank of Odell.**

Mayor Schuster introduced Resolution Number 5382 authorizing settlement agreement and mutual release with State Bank of Odell.

Moved by Fetty, seconded by Schmale, that Resolution Number 5382 be passed and adopted.

Mayor Schuster explained that the settlement is the best that can be made for all involved.

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

Motion carried.

Passed and adopted Resolution Number 5382.

**5- Ordinances:**

**a. Ordinance approving the subdivision improvement agreement for Berke's Fourth Addition.**

Mayor Schuster introduced an ordinance approving the subdivision improvement agreement for Berke's Fourth Addition.

Moved by Fetty, seconded by Catlin, that said ordinance be given number 12-008, 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 12-008 by number only the first, second and third times.

Moved by Fetty, seconded by Tiemann, that Ordinance Number 12-008 be passed and approved.

City Engineer, Rex Behrends, reported that the subdivision improvement agreement provides for the improvements to the property, paving and water, to be paid for through the creation of assessment districts, at the request of Berke's.

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

Passed and approved Ordinance Number 12-008.

**b. Ordinance approving the plat of Berke's Fourth Addition.**

Mayor Schuster introduced an ordinance approving the plat of Berke's Fourth Addition.

Moved by Fetty, seconded by Schmale, that said ordinance be given number 12-009, 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 12-009 by number only the first, second and third times.

Moved by Fetty, seconded by Schmale, that Ordinance Number 12-009 be passed and approved.

City Engineer, Rex Behrends, explained that this plats a 7-lot addition; most are out of the floodplain except for parts of lot 4 and lot 5.

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

Passed and approved Ordinance Number 12-009.

**c. Ordinance to rezone property described as part of Lot 35, in I.N. McConnell's Subdivision, S1/2 of SW1/4 Section 32-4-6, located 1050 W Mary, from "R-4" Multiple-family Residential to "GC" General Commercial.**

Mayor Schuster introduced an ordinance to rezone property described as part of Lot 35, in I.N. McConnell's Subdivision, S1/2 of SW1/4 Section 32-4-6, located 1050 W Mary, from "R-4" Multiple-family Residential to "GC" General Commercial.

Moved by Fetty, seconded by Schmale, that said ordinance be given number 12-010, the title thereof be approved, the rules be suspended, and said ordinance be read by number only three times tonight.

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

Moved by Fetty, seconded by Moore, that said ordinance be given number 12-010, the title thereof be approved and said ordinance be read by title one time tonight.

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

**d. Ordinance to dedicate various parcels of real estate as City Streets for public use known as: Scott Street, 19<sup>th</sup> Street and Hickory Road.**

Mayor Schuster introduced an ordinance to dedicate various parcels of real estate as City Streets for public use known as: Scott Street, 19<sup>th</sup> Street, and Hickory Road.

Moved by Fetty, seconded by Moore, that said ordinance be given number 12-011, 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 12-011 by number only the first, second and third times.

Moved by Fetty, seconded by Tiemann, that Ordinance Number 12-011 be passed and approved.

City Attorney Tempelmeyer explained that this is to dedicate recently acquired property to be used for City streets, 19<sup>th</sup> Street and Scott Street along the YMCA and Hickory Road north of the new hospital.

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

Passed and approved Ordinance Number 12-011.

**6 – Public Forum:**

George Ulrick, 423 South 9<sup>th</sup>, spoke at public forum regarding the idea to change the library board to an advisory board that he felt the library board was doing a good job and saw no reason to weaken their power.

**7- Discussions/Reports:**

**a. Beatrice Fire and Rescue Department 2011 Annual Report.**

Fire Chief, Brian Daake, presented the Beatrice Fire and Rescue 2011 Annual Report. The material reported shows the hard work of the Fire and EMS department staff. In summary the department responded to 2,559 calls for service, slightly down from 2010. The most significant event of the year was the massive fire at 700 Park Street. In the second full year of the STEMI program where certain cardiac patients are taken directly to the cath lab, they transported eight patients in 2011; have had good success with that program. Thanked the council for their support.

**b. Building Inspection 2011 Annual Report.**

Chief Building Official, Dennis Mitchell, presented the Inspection Department 2011 Annual Report showing the total projects consistent with 2010. He is working on some ideas to stimulate residential construction. Demolition of dilapidated houses continues, three were torn down in 2011, one to be done shortly and two others that are being worked on.

**c. Mowing Contract**

Mark Pethoud, Director of Public Properties, explained the bid procedure, four bids were received with the lowest bid coming from Beatrice Lawn Care at \$98,000. He provided a listing of the City's total expenses for the 2010 and 2011 mowing seasons at \$67,000-\$68,000. With the \$30,000 difference between internal cost and the low bid it was his recommendation to keep it in-house. Discussion followed, commenting on the good job the parks staff has done and that it was good to look into the costs vs. bidding it out, but that the City would keep doing its own mowing.

**8 –Miscellaneous:**

Next regular council meeting is March 19, 2012 at 7:00 p.m. in the BPS Admin Bldg Meeting Room.  
Worksession on March 26, 2012 at 7:00 p.m. in the Beatrice Public Library Sargent Meeting Room.

Moved by Fetty, seconded by Tiemann, that the meeting be adjourned at 7:51 p.m.

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

Motion carried.

**Linda S. Koch, City Clerk**

**Mayor Dennis Schuster**