

MINUTES OF THE CITY COUNCIL REGULAR MEETING HELD MARCH 19, 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 March 5, 2012, as on file in the City Clerk's Office.
- e. Approval of Treasurer's Report of Claims
 - (1) Approval of Claim of Robert L. Tiemann Construction in the amount of \$265.90
 - (2) Approval of balance of Treasurer's Report of Claims in the amount of \$358,450.12
- f. Approval of BASWA Report of Claims in the amount of \$70,824.23.
- g. Approval of contract with R.L. Tiemann Construction in the amount of \$23,077.65 for Valley Gutters 2012.
- h. Approval of plans, specifications, and advertisement for bids for Alley Reconstruction Projects (2).
- i. Approval of plans, specifications, and advertisement for bids for Paving District #494 (South 19th Street).
- j. Resolution Number 5383 regarding closure of State Highway 136 on June 16, 2012 from 8:00 a.m. to 12:00 p.m. for Homestead Days Parade, a special event that requires notification to the Nebr Dept of Roads and City's agreement to indemnify the State.
- k. Resolution Number 5384 approving addendum to Smart Solutions Group agreement for consulting services regarding formation, training, and recruitment for the economic development organization structure.

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

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

Motion carried.

Moved by Fetty, seconded by Langdale, that Resolution Number 5384 approving addendum to Smart Solutions Group agreement for consulting services regarding formation, training, and recruitment for the economic development organization structure, be passed and adopted.

Mayor Schuster explained the satisfaction the group has had with Smart Solution's assistance over the past few months and that this addendum will help to complete the process in a timely manner. Myron Dorn, Matt Bauman, and Andrea Schafer, appeared and also spoke in support of continuing to work with Smart Solutions to help with the recruitment of an executive director and assistance in the setting up the organization's operation and training of board members.

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 the application to Nebr Dept Economic Development for a CDBG Grant to study the feasibility of relocating Highway 136.**

Mayor Schuster announced that a public hearing be held on the application to Nebr Dept Economic Development for a CDBG Grant to study the feasibility of relocating Highway 136.

City Attorney, Tobias Tempelmeyer, explained that relocating Highway 136 one-block south to Market Street from 3rd to 8th or 9th Street, is a part of the Downtown Revitalization Plan provided by RDG. The CDBG grant would provide \$30,000 towards the estimated cost of \$75,000 to have a feasibility study done.

Moved by Fetty, seconded by Schmale, that the public hearing be closed at 7:16 p.m.

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

Motion carried.

(2) Public Hearing on the acquisition of real property formerly owned by the UPRR 100' wide in the W1/2 of Section 13-6-6 and the S1/2 of Section 12-6-6 and S1/2 of Section 11-6-6.

Mayor Schuster announced that a public hearing be held on the acquisition of real property formerly owned by the UPRR 100' wide in the W1/2 of Section 13-6-6 and the S1/2 of Section 12-6-6 and S1/2 of Section 11-6-6.

City Attorney Tempelmeyer explained that this property, from Cortland south 1.5 miles, is a part of the trail project from Pickrell to Cortland that we found was not owned by the City of Beatrice. Both property owners have agreed to deed the property to the City at no cost, so that the City can continue with the trails project per the grant application.

Moved by Fetty, seconded by Carey, that the public hearing be closed at 7:19 p.m.

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

Motion carried.

(3) Public Hearing on the rezoning of property in the SW1/4 of NE1/4 of Section 32-4-6 (proposed Bird's First Addition) from AG Agricultural to R-4 Multiple-Family Residential.

Mayor Schuster announced that a public hearing be held on the rezoning of property in the SW1/4 of NE1/4 of Section 32-4-6 (proposed Bird's First Addition) from AG Agricultural to R-4 Multiple-Family Residential, located at Highway 4 and Pleasant Street.

City Attorney Tempelmeyer explained the owner has requested to divide off the agricultural land, and a plat has been presented for this parcel where a residence is located, which is why the proposed rezoning to R-4.

Moved by Fetty, seconded by Moore, 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) Public Hearing on the annexation of property in the SW1/4 of the NE1/4 of Section 32-4-6 (proposed Bird's First Addition), located at Highway 4 and Pleasant Street.

Mayor Schuster announced that a public hearing be held on the annexation of property in the SW1/4 of the NE1/4 of Section 32-4-6 (proposed Bird's First Addition), located at Highway 4 and Pleasant Street.

Mayor Schuster reviewed the process requiring a separate hearing to annex the property at the same time the plat is considered will not need three readings. City Attorney Tempelmeyer explained that the owner has requested annexation of the property which is adjacent to the City limits and already receiving City services.

Moved by Fetty, seconded by Schmale, 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.

(5) Public Hearing on the proposed Economic Development Program.

Mayor Schuster announced that a public hearing be held regarding the proposed Economic Development Program.

Mayor Schuster reviewed the proposed Economic Development Plan, modified with requests discussed at previous worksessions, including a change in the Revolving Loan Fund match to 50%. The program presented is a compilation of uses as provided in state statutes. The program would go on the May ballot with one question to answer in affirmative to approve the program. Matt Bauman appeared to ask about what the funds could be used on, whether the program still included use outside of the City limits; yes it does. Mayor Schuster further explained that statutes are more restrictive for general fund expenditures, but an approved economic development program allows more flexibility in uses needed for economic development opportunities. The program will be funded with a \$250,000 annual appropriation from the General fund. Discussion followed.

Moved by Fetty, seconded by Langdale, that the public hearing be closed at 7:31p.m.

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

Motion carried.

4- Resolutions:

a. Resolution authorizing application to Nebr Dept Economic Development for a CDBG Grant to study the feasibility of relocating Highway 136.

Mayor Schuster introduced Resolution Number 5385 authorizing application to Nebr Dept Economic Development for a CDBG Grant to study the feasibility of relocating Highway 136.

Moved by Fetty, seconded by Schmale, that Resolution Number 5385 be passed and adopted.

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

Motion carried.

Passed and adopted Resolution Number 5385.

b. Resolution acquiring real property in the W1/2 of Section 13-6-6 and the S1/2 of Section 12-6-6 and S1/2 of Section 11-6-6 from the Nebraska Trails Foundation.

Mayor Schuster introduced Resolution Number 5386 acquiring real property in the W1/2 of Section 13-6-6 and the S1/2 of Section 12-6-6 and S1/2 of Section 11-6-6 from the Nebraska Trails Foundation.

Moved by Fetty, seconded by Tiemann, that Resolution Number 5386 be passed and adopted.

Councilmember Moore commented that he did not agree with the City maintaining property outside the city limits. Given some time maybe could work with another entity on this.

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

Motion carried.

Passed and adopted Resolution Number 5386.

c. Resolution acquiring real property in the W1/2 of Section 13-6-6 and the S1/2 of Section 12-6-6 and S1/2 of Section 11-6-6 from the Village of Cortland.

Mayor Schuster introduced Resolution Number 5387 acquiring real property in the W1/2 of Section 13-6-6 and the S1/2 of Section 12-6-6 and S1/2 of Section 11-6-6 from the Village of Cortland.

Moved by Fetty, seconded by Schmale, that Resolution Number 5387 be passed and adopted.

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

Motion carried.

Passed and adopted Resolution Number 5387.

d. Resolution adopting an Economic Development Program to be presented to the voters of the City of Beatrice for their approval at the primary election on May 15, 2012.

Mayor Schuster introduced Resolution Number 5388 adopting an Economic Development Program to be presented to the voters of the City of Beatrice for their approval at the primary election on May 15, 2012.

Moved by Fetty, seconded by Schmale, that Resolution Number 5388 be passed and adopted.

This places the question on the May 15th primary election ballot; if by chance it fails the issue can be placed on the November ballot. City Attorney Tempelmeyer explained that the ½ cent sales tax continues on and will all be placed in the General fund and then \$250,000 will be appropriated annually from the General fund to fund the Economic Development Program.

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

Motion carried.

Passed and adopted Resolution Number 5388.

e. Resolution entering into a Contract for Sale of Real Estate with Lynn and Lynnette Reiff for property described as E125' of N120' of Lot 1, Block 8, R.B. Harrington's Sub, located at W. Court and Bluff Streets.

Mayor Schuster introduced Resolution Number 5389 entering into a Contract for Sale of Real Estate with Lynn and Lynnette Reiff for property described as E125' of N120' of Lot 1, Block 8, R.B. Harrington's Sub, located at W. Court and Bluff Streets.

Moved by Fetty, seconded by Moore, that Resolution Number 5389 be passed and adopted.

Mayor Schuster explained that the City had been approached by Mr. Reiff to consider purchasing this property through the floodplain buyout program. This resolution sets a price and the events that need to happen before the sale will take place, including addressing federal regulations on environmental issues. If approved, NEMA funds would provide for 75% of the purchase price of \$60,000, the City would be responsible for the other 25%.

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

Motion carried.

Passed and adopted Resolution Number 5389.

5- Ordinances:

a. Ordinance vacating a portion of the plat of Evans First Addition.

Mayor Schuster introduced an ordinance vacating a portion of the plat of Evans First Addition.

Moved by Fetty, seconded by Tiemann, 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, Catlin, Fetty, Langdale, Moore, Parde, Schmale, Tiemann
Nay: None Motion carried.

Mayor Schuster read Ordinance Number 12-010 by number only the first, second and third times.

Moved by Fetty, seconded by Tiemann, that Ordinance Number 12-010 be passed and approved.

The property owner has requested to vacate lots 5, 6, 7, and 8 and re-plat them into two lots.

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

Passed and approved Ordinance Number 12-010.

b. Ordinance approving the plat of Evans Second Addition.

Mayor Schuster introduced an ordinance approving the plat of Evans Second Addition.

Moved by Fetty, seconded by Moore, that said ordinance be given number 12-012, 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 12-012 by number only the first, second and third times.

Moved by Fetty, seconded by Schmale, that Ordinance Number 12-012 be passed and approved.

City Attorney Tempelmeyer explained that the irregular shape of Lot 2 was to keep all of the 100-year floodplain on one lot.

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

Passed and approved Ordinance Number 12-012.

c. Ordinance creating Water Main District Number 253- Berke's Fourth Addition.

Mayor Schuster introduced an ordinance creating Water Main District Number 253 for Berke's Fourth Addition.

Moved by Fetty, seconded by Schmale, that said ordinance be given number 12-013, 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 12-013 by number only the first, second and third times.

Moved by Fetty, seconded by Moore, that Ordinance Number 12-013 be passed and approved.

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

Passed and approved Ordinance Number 12-013.

d. Ordinance creating Paving District Number 495- Berke's Fourth Addition.

Mayor Schuster introduced an ordinance creating Paving District Number 495 for Berke's Fourth Addition.

Moved by Fetty, seconded by Schmale, that said ordinance be given number 12-014, 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 12-014 by number only the first, second and third times.

Moved by Fetty, seconded by Moore, that Ordinance Number 12-014 be passed and approved.

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

Passed and approved Ordinance Number 12-014.

e. Ordinance approving the plat of Bird's First Addition.

Mayor Schuster introduced an ordinance approving the plat of Bird's First Addition.

Moved by Fetty, seconded by Tiemann, that said ordinance be given number 12-015, 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 12-015 by number only the first, second and third times.

Moved by Fetty, seconded by Schmale, that Ordinance Number 12-015 be passed and approved.

Mayor Schuster explained that the property is within the City's zoning jurisdiction which requires the parcel to be platted.

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

Passed and approved Ordinance Number 12-015.

f. Ordinance rezoning of property in the SW1/4 of NE1/4 of Section 32-4-6 (proposed Bird's First Addition)

projects in Beatrice that have enhanced our great quality of life and thanked the council and staff for their commitment to the community. The Foundation's partnership with the City on this library project will enhance academic and research opportunities.

b. Departmental Monthly Report.

Mayor Schuster referred to the monthly department reports as printed in the packet.

8 –Miscellaneous:

Next regular council meeting is April 2, 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 Moore, that the meeting be adjourned at 8:02 p.m.

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

Motion carried.

Linda S. Koch, City Clerk

Mayor Dennis Schuster