

**MINUTES OF THE CITY COUNCIL REGULAR MEETING HELD JUNE 2, 2014, AT 7:00 P.M. IN THE BPS ADMINISTRATION MEETING ROOM, 320 NORTH 5<sup>TH</sup> STREET.**

Pledge of Allegiance

**1 – Roll Call:** Present: Mayor Schuster, Councilmembers Catlin, Clabaugh, Cook, Fairbanks, Kerr, Langdale, Morgan, Parde  
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 May 19, 2014, as on file in the City Clerk's Office.
- e. Approval of Treasurer's Report of Claims in the amount of \$123,937.97
- f. Approval of BASWA Report of Claims in the amount of \$30,050.72
- g. Resolution Number 5647 removing one parking stall on the west side of 5<sup>th</sup> Street between High and Ella Streets just south of the alley.
- h. Approval of Special Designated License application of D & J Enterprises dba KABO for a beer garden and dance on June 13, 2014 from 6:00 p.m. until 2:00 a.m. and June 14, 2014 from 2:00 p.m. until 2:00 a.m. at 115 S 5<sup>th</sup> Street, and permission to use the City-owned alley for said beer garden.

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

Roll Call: Yea: Catlin, Clabaugh, Cook, Fairbanks, Kerr, Langdale, Morgan, Parde  
Nay: None

Motion carried.

Moved by Catlin, seconded by Parde, that the Special Designated License application of D & J Enterprises dba KABO for a beer garden and dance on June 13, 2014 from 6:00 p.m. until 2:00 a.m. and June 14, 2014 from 2:00 p.m. until 2:00 a.m. at 115 S 5<sup>th</sup> Street, and permission to use the City-owned alley for said beer garden, be approved.

h - Councilmember Parde voiced his concern about giving permission to use City property and the possible liability if something happened, and questioned the alley stairway and barricading the area for the entire period. Discussion followed as to whether there had been any trouble in the past with this event, City Administrator Tempelmeyer reported not to his knowledge.

Roll Call: Yea: Catlin, Clabaugh, Cook, Fairbanks, Langdale, Morgan  
Nay: Kerr, Parde

Motion carried.

**3 - Public Hearings/Bids:**

**a. Hearings**

- (1) Public Hearing on the application of Charles C. Higgins for the rezoning of the proposed Higgins Second Addition, a part of the NE1/4 of Section 35-4-6 and a part of the SE1/4 of Section 35-4-6, located north of Highway 136, south of Lincoln Street and west of 33<sup>rd</sup> Street, and Lot 1, Higgins Addition, from "AG" Agricultural and "GC" General Commercial to "LC" Light Commercial District.**

Mayor Schuster announced that a public hearing be held on the application of Charles C. Higgins for the rezoning of the proposed Higgins Second Addition, a part of the NE1/4 of Section 35-4-6 and a part of the SE1/4 of Section 35-4-6,



Mayor Schuster introduced Resolution Number 5646 removing parking on the east and west side of 16<sup>th</sup> Street between Ella and Lincoln Streets.

Moved by Catlin, seconded by Clabaugh, that Resolution Number 5646 be passed and adopted.

City Engineer Burroughs explained how the City defines a collector street, and that 16<sup>th</sup> Street is classified as a collector street, which should have two through lanes 11 feet wide for a total of 22 feet. To handle parking also, the roadway width needs to be 30 feet and this section of 16<sup>th</sup> Street is not 30 feet. Discussion followed on the effect this could have on households living along this street and whether the City would be looking at other collector streets which are less than 30 feet but allow parking. Kate Ratigan, 1222 Lincoln, asked if 5<sup>th</sup> Street is considered a collector street; yes it is and has two 11-foot lanes plus diagonal parking. Les White, 1923 S 4<sup>th</sup>, did not feel it made sense to remove parking.

Roll Call: Yea: Catlin, Clabaugh, Kerr, Langdale, Morgan  
Nay: Parde, Fairbanks, Cook

Motion carried.

Passed and adopted Resolution Number 5646.

## **5 – Ordinances:**

### **a. Ordinance approving Higgins Second Addition plat.**

Mayor Schuster introduced an Ordinance approving Higgins Second Addition plat.

Moved by Catlin, seconded by Langdale, that said ordinance be given number 14-009, the title thereof be approved, the rules be suspended and said ordinance be read by number only three times tonight.

Roll Call: Yea: Catlin, Clabaugh, Cook, Fairbanks, Kerr, Langdale, Morgan, Parde  
Nay: None

Motion carried.

Mayor Schuster read Ordinance Number 14-009 by number only the first, second and third times.

Moved by Catlin, seconded by Langdale, that Ordinance Number 14-009 be passed and approved.

Roll Call: Yea: Catlin, Clabaugh, Cook, Fairbanks, Kerr, Langdale, Morgan, Parde  
Nay: None

Motion carried.

Passed and approved Ordinance Number 14-009.

### **b. Ordinance approving the annexation of Higgins Second Addition.**

Mayor Schuster introduced an Ordinance approving the annexation of Higgins Second Addition.

Moved by Catlin, seconded by Cook, that said ordinance be given number 14-010, the title thereof be approved, the rules be suspended and said ordinance be read by number only three times tonight.

Roll Call: Yea: Catlin, Clabaugh, Cook, Fairbanks, Kerr, Langdale, Morgan, Parde  
Nay: None

Motion carried.

Mayor Schuster read Ordinance Number 14-010 by number only the first, second and third times.

Moved by Catlin, seconded by Cook, that Ordinance Number 14-010 be passed and approved.

Roll Call: Yea: Catlin, Clabaugh, Cook, Fairbanks, Kerr, Langdale, Morgan, Parde

Nay: None

Motion carried.

Passed and approved Ordinance Number 14-010.

**c. Ordinance approving the rezoning of Higgins Second Addition and Lot 1 of Higgins Addition from “AG” Agricultural and “GC” General Commercial to “LC” Light Commercial District.**

Mayor Schuster introduced an Ordinance approving the rezoning of Higgins Second Addition and Lot 1 of Higgins Addition from “AG” Agricultural and “GC” General Commercial to “LC” Light Commercial District.

Moved by Catlin, seconded by Langdale, that said ordinance be given number 14-011, the title thereof be approved, the rules be suspended and said ordinance be read by number only three times tonight.

Roll Call: Yea: Catlin, Clabaugh, Cook, Fairbanks, Kerr, Langdale, Morgan, Parde  
Nay: None

Motion carried.

Mayor Schuster read Ordinance Number 14-011 by number only the first, second and third times.

Moved by Catlin, seconded by Langdale, that Ordinance Number 14-011 be passed and approved.

Roll Call: Yea: Catlin, Clabaugh, Cook, Fairbanks, Kerr, Langdale, Morgan, Parde  
Nay: None

Motion carried.

Passed and approved Ordinance Number 14-011.

**d. Ordinance approving the Subdivision Improvement Agreement of Higgins Second Addition.**

Mayor Schuster introduced an Ordinance approving the Subdivision Improvement Agreement of Higgins Second Addition.

Moved by Catlin, seconded by Clabaugh, that said ordinance be given number 14-012, the title thereof be approved, the rules be suspended and said ordinance be read by number only three times tonight.

Roll Call: Yea: Catlin, Clabaugh, Cook, Fairbanks, Kerr, Langdale, Morgan, Parde  
Nay: None

Motion carried.

Mayor Schuster read Ordinance Number 14-012 by number only the first, second and third times.

Moved by Catlin, seconded by Kerr, that Ordinance Number 14-012 be passed and approved.

City Attorney Butcher explained that the agreement is with the property owners, however, the property is being purchased on contract by the Beatrice Public Schools who will have control over it and do not anticipate building in the near future, therefore the agreement sets out obligations of the developer, which may be assigned to the Beatrice Public Schools, to come back with a plan should they decide to build at some future date.

Roll Call: Yea: Catlin, Clabaugh, Cook, Fairbanks, Kerr, Langdale, Morgan, Parde  
Nay: None

Motion carried.

Passed and approved Ordinance Number 14-012.

**6 – Public Forum:**

No one appeared at public forum.

## **7 – Discussions/Reports:**

### **a. Presentation by Olsson Associates of the Feasibility Study of Hwy 136 Relocation.**

Representatives from Olsson Associates presented their findings of a Feasibility Study on the Relocation of Highway 136 one block south to Market Street as one idea from the 2011 Downtown Revitalization Study to relocate truck traffic out of the central business district and provide more creativity of redevelopment of the area. The study was performed from an engineering perspective to address the environmental impact, traffic operations, the challenge presented by the 6<sup>th</sup> & Market parking structure and presentation of two concept designs, one of which utilized round-a-bouts for traffic flow and safety. Discussion followed regarding how the acquisition and removal of the parking structure would happen and what other properties may need to be acquired and how traffic patterns would change. Further discussion followed regarding the possible impact to customer traffic in the downtown business district. Paul Shada, owner of Blue Rose Antiques at 517 Court, spoke against the idea; that the visibility of his store front to traffic going by was key to his business. Kate Ratigan, owner of Black Crow Restaurant at 405 Court, also spoke against re-routing traffic; that downtown businesses would suffer if you take away the source of people driving by and she encouraged more input from downtown business owners to find a better solution to move truck traffic without moving all traffic. Darrell Johnsen, owner of Aunt Mary's at 111 8<sup>th</sup> Street, appeared to question how pedestrians would cross the highway from his parking lot to his restaurant and event center. Ryan Johnsen, 708 Market, spoke against the plan because his home, which he recently moved into, would be destroyed in the process. Katy Donahue, also of 708 Market, was also concerned with the impact on family homes on Market Street not wanting to live close to a highway. Discussion followed.

## **8 – Miscellaneous:**

Next regular council meeting is June 16, 2014 at 7:00 p.m. in the BPS Admin Bldg Meeting Room. There will be a BASWA meeting on June 9, 2014 at 7:00 p.m. in the Sargent Room at the Beatrice Public Library. The Worksession will be on June 23, 2014 at 7:00 p.m. in the BPS Admin Bldg Meeting Room.

Moved by Catlin, seconded by Langdale, that the meeting be adjourned at 8:50 p.m.

Roll Call:        Yea: Catlin, Clabaugh, Cook, Fairbanks, Kerr, Langdale, Morgan, Parde  
                      Nay: None

Motion carried.

**Linda S. Koch, City Clerk**

**Mayor Dennis Schuster**