

**MINUTES OF THE CITY COUNCIL REGULAR MEETING HELD MARCH 17, 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, Carey, Cook, Fairbanks, Langdale, 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.

Mayor Schuster read a Proclamation proclaiming April 1, 2014 as Mayors Day of Recognition for National Service.

**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 3, 2014, as on file in the City Clerk's Office.
- e. Approval of Treasurer's Report of Claims in the amount of \$278,843.88.
- f. Approval of BASWA Report of Claims in the amount of \$12,812.23.
- g. Resolution Number 5604 approving Investment Policy Statements for the various City of Beatrice Retirement Plans.
- h. Resolution Number 5605 entering into an Interlocal Agreement for the purpose of creating a Mutual Finance Organization as authorized by the Nebraska Mutual Finance Assistance Act.
- i. Resolution Number 5606 appointing Richard Kerr to fill the vacated Councilmember representing the Third Ward.
- j. Resolution Number 5607 appointing Richard Clabaugh to fill the vacated Councilmember representing the Second Ward.
- k. Resolution Number 5608 approving the closure of Highway 136, also known as Court Street, from 2<sup>nd</sup> Street to 19<sup>th</sup> Street on June 14<sup>th</sup>, 2014, from 8:00 a.m. to 12:00 p.m. for the Homestead Days Parade.
- l. Resolution Number 5609 entering into a farm lease agreement with Larry Delabar.
- m. Resolution Number 5610 entering into a Loan Agreement with the National Museum of the U.S. Air Force for the display of the T-33A aircraft at the airport entrance.
- n. Approval of special designated liquor license application of Main Street Beatrice for a special event on April 26, 2014 from 5:45 p.m. to 8:15 p.m. at 514 Court Street in Beatrice, NE.

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

Roll Call: Yea: Catlin, Carey, Cook, Fairbanks, Langdale, Parde  
Nay: None

Motion carried.

City Clerk, Linda Koch, administered the Oath of Office to appointed Councilmembers Richard Clabaugh and Richard Kerr.

Moved by Catlin, seconded by Cook, that Resolution Number 5604, approving Investment Policy Statements for the various City of Beatrice Retirement Plans, be passed and adopted.

g – Councilmember Cook questioned whether the resolution should name the trustees by their title rather than by the person's name; City Attorney, Greg Butcher, explained that a previous resolution had named these individuals by name as trustees of the retirement plans.

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

Motion carried.

Moved by Catlin, seconded by Kerr, that Resolution Number 5609, entering into a farm lease agreement with Larry Delabar, be passed and adopted.

l – Councilmember Fairbanks had a question regarding the fence; City Administrator, Tobias Tempelmeyer, explained that the fence was removed when the C&D Landfill was built, therefore, Mr. Delabar could no longer use that portion of the ground as pasture so those acres have been reduced.

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

Motion carried.

Moved by Catlin, seconded by Carey, that Resolution Number 5610, entering into a Loan Agreement with the National Museum of the U.S. Air Force for the display of the T-33A aircraft at the airport entrance, be passed and adopted.

m – Councilmember Fairbanks questioned why this agreement was not directly with the Airport Authority; City Administrator Tempelmeyer explained that the agreement has always been with the City of Beatrice and the federal government has instructed City officials to sign the agreement.

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

Motion carried.

### **3 - Public Hearings/Bids:**

#### **a. Hearings**

#### **(1) Public Hearing on an application to rezone a 26.927 acre tract of land in the NE1/4 of Section 2-3-6, located west of the Beatrice High School from the present zoning of "AG" Agricultural and "R-2" Residential Single-Family to "LC" Limited Commercial. (to be platted Spence First Addition)**

Mayor Schuster announced that a public hearing be held on an application to rezone a 26.927 acre tract of land in the NE1/4 of Section 2-3-6, located west of the Beatrice High School from the present zoning of "AG" Agricultural and "R-2" Residential Single-Family to "LC" Limited Commercial, which is to be platted Spence First Addition.

City Attorney Butcher presented the Planning & Zoning Commission's recommendation in favor of the zoning change. The property is located to the west of the Beatrice High School and is being purchased by the school district for future use and the rezoning to "LC" allows for school uses.

Moved by Catlin, seconded by Carey, that the public hearing be closed at 7:22 p.m.

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

Motion carried.

#### **(2) Public Hearing regarding the proposed annexation of the proposed Spence First Addition.**

Mayor Schuster announced that a public hearing be held regarding the proposed annexation of the proposed Spence First Addition.

City Attorney Butcher presented the Planning & Zoning Commission's recommendation for approval by unanimous vote. The property meets the statutory requirement for annexation and utilities are available along Scott Street.

Moved by Catlin, seconded by Cook, that the public hearing be closed at 7:26 p.m.

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

Motion carried.

**(3) Public Hearing concerning an amendment to the City of Beatrice Zoning Ordinance regarding front and side yard setbacks of 50' corner lots and residential fence placement.**

Mayor Schuster announced that a public hearing will be held concerning an amendment to the City of Beatrice Zoning Ordinance regarding front and side yard setbacks of 50' corner lots and residential fence placement.

City Attorney Butcher presented the Planning & Zoning Commission's recommendation for approval by unanimous vote. As discussed at previous meetings the proposed set-back changes will provide more viable options for building on these narrow corner lots. The proposed changes to fence regulations will make them more standardized and eliminate confusion, allow for building on the right-of-way by permit with the owner responsible for removal if needed, and provide restrictions so as to not cause sight obstructions.

Moved by Catlin, seconded by Langdale, that the public hearing be closed at 7:35 p.m.

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

Motion carried.

**4 – Resolutions:**

**a. Resolution entering into an Agreement with Nebr. Game and Parks for the Southeast Trail Development.**

Mayor Schuster introduced Resolution Number 5611 entering into an Agreement with Nebr. Game and Parks for the Southeast Trail Development.

Moved by Catlin, seconded by Fairbanks, that Resolution Number 5611 be passed and adopted.

City Attorney Butcher explained that the City had been awarded the maximum federal grant dollars of \$250,000 to develop the UP Railroad right-of-way trail from Highway 77 to South 23<sup>rd</sup> Road and this agreement sets out the obligations and timeline for completion, which is expected to be in 2015. Discussion followed regarding development of the remaining 3.5 blocks from Highway 77 north to the Trailhead in order to complete the trail system. If included in the contractor's bid, there would need to be two contracts, one for the grant portion and one for the non-grant portion for which the City would need to pay from our own funds.

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

Motion carried.

Resolution Number 5611 has been passed and adopted.

**b. Resolution designating 7<sup>th</sup> Street from Lincoln to Monroe as two-way traffic.**

Mayor Schuster introduced Resolution Number 5612 designating 7<sup>th</sup> Street from Lincoln to Monroe as two-way traffic.

Moved by Catlin, seconded by Cook, that Resolution Number 5612 be passed and adopted.

Mayor Schuster explained that this is the first of three resolutions on the agenda this evening dealing with one-way streets. Traffic Committee members Bruce Lang, Jason Moore, and James Burroughs, explained that their approach had been to determine if there was a need for one-way streets and they found that the traffic volumes did not justify the need for a one-way street and they are not serving a useful purpose. They proposed leaving 7<sup>th</sup> Street from Lincoln to Market because of truck route. The streets would remain through streets with no stop signs; traffic would just travel both directions. Stoddard School had been contacted and was in favor of the change, with a plan to make the change

after Memorial Day. Discussion followed that councilmembers had received numerous phone calls in opposition to the change. Alan Fetty, 421 N 16<sup>th</sup> street, appeared and had no position regarding the issue but to let the council know that he had heard from several people against it. Larry Gritz, 2620 Ella, also spoke that if 8<sup>th</sup> Street was changed to two-way that the City look at round-a-bouts as a way to slow down traffic.

Roll Call: Yea: Fairbanks, Cook  
Nay: Catlin, Carey, Clabaugh, Langdale, Kerr, Parde Motion failed.

**c. Resolution designating 7<sup>th</sup> Street from Perkins to Market as two-way traffic.**

This resolution was not introduced.

**d. Resolution designating 8<sup>th</sup> Street from Ella to Monroe as two-way traffic.**

This resolution was not introduced.

**e. Resolution to eliminate the Board of Public Works.**

This resolution was not introduced.

**5 – Ordinances:**

**a. Ordinance approving the plat of Spence First Addition.**

Mayor Schuster introduced an Ordinance approving the plat of Spence First Addition.

Moved by Catlin, seconded by Langdale, that said ordinance be given number 14-002, the title thereof be approved, the rules be suspended and said ordinance be read by number only three times tonight.

Roll Call: Yea: Catlin, Carey, Clabaugh, Cook, Fairbanks, Langdale, Kerr, Parde  
Nay: None Motion carried.

Mayor Schuster read Ordinance Number 14-002 by number only the first, second and third times.

Moved by Catlin, seconded by Kerr, that Ordinance Number 14-002 be passed and approved.

Roll Call: Yea: Catlin, Carey, Clabaugh, Cook, Fairbanks, Langdale, Kerr, Parde  
Nay: None Motion carried.

Ordinance Number 14-002 has been passed and approved.

**b. Ordinance approving the annexation of Spence First Addition.**

Mayor Schuster introduced an Ordinance approving the annexation of Spence First Addition.

Moved by Catlin, seconded by Clabaugh, that said ordinance be given number 14-003, the title thereof be approved, the rules be suspended and said ordinance be read by number only three times tonight.

Roll Call: Yea: Catlin, Carey, Clabaugh, Cook, Fairbanks, Langdale, Kerr, Parde  
Nay: None Motion carried.

Mayor Schuster read Ordinance Number 14-003 by number only the first, second and third times.

Moved by Catlin, seconded by Carey, that Ordinance Number 14-003 be passed and approved.

Roll Call: Yea: Catlin, Carey, Clabaugh, Cook, Fairbanks, Langdale, Kerr, Parde  
Nay: None Motion carried.

Ordinance Number 14-003 has been passed and approved.

**c. Ordinance approving the rezoning of Spence First Addition Plat to “LC” Limited Commercial.**

Mayor Schuster introduced an Ordinance approving the rezoning of Spence First Addition Plat to “LC” Limited Commercial.

Moved by Catlin, seconded by Kerr, that said ordinance be given number 14-004, the title thereof be approved, the rules be suspended and said ordinance be read by number only three times tonight.

Roll Call: Yea: Catlin, Carey, Clabaugh, Cook, Fairbanks, Langdale, Kerr, Parde  
Nay: None Motion carried.

Mayor Schuster read Ordinance Number 14-004 by number only the first, second and third times.

Moved by Catlin, seconded by Langdale, that Ordinance Number 14-004 be passed and approved.

Roll Call: Yea: Catlin, Carey, Clabaugh, Cook, Fairbanks, Langdale, Kerr, Parde  
Nay: None Motion carried.

Ordinance Number 14-004 has been passed and approved.

**d. Ordinance amending City of Beatrice Zoning Ordinance regarding front & side yard setbacks of 50’ corner lots.**

Mayor Schuster introduced an Ordinance amending City of Beatrice Zoning Ordinance regarding front & side yard setbacks of 50’ corner lots.

Moved by Catlin, seconded by Langdale, that said ordinance be given number 14-005, the title thereof be approved, the rules be suspended and said ordinance be read by number only three times tonight.

Roll Call: Yea: Catlin, Carey, Clabaugh, Cook, Fairbanks, Langdale, Kerr, Parde  
Nay: None Motion carried.

Mayor Schuster read Ordinance Number 14-005 by number only the first, second and third times.

Moved by Catlin, seconded by Carey, that Ordinance Number 14-005 be passed and approved.

Roll Call: Yea: Catlin, Carey, Clabaugh, Cook, Fairbanks, Langdale, Kerr, Parde  
Nay: None Motion carried.

Ordinance Number 14-005 has been passed and approved.

**e. Ordinance amending City of Beatrice Zoning Ordinance regarding fence regulations.**

Mayor Schuster introduced an Ordinance amending City of Beatrice Zoning Ordinance regarding fence regulations.

Moved by Catlin, seconded by Clabaugh, that said ordinance be given number 14-006, the title thereof be approved, the rules be suspended and said ordinance be read by number only three times tonight.

Roll Call: Yea: Catlin, Carey, Clabaugh, Cook, Fairbanks, Langdale, Kerr, Parde  
Nay: None Motion carried.

Mayor Schuster read Ordinance Number 14-006 by number only the first, second and third times.

Moved by Catlin, seconded by Kerr, that Ordinance Number 14-006 be passed and approved.

Roll Call: Yea: Catlin, Carey, Clabaugh, Cook, Fairbanks, Langdale, Kerr, Parde  
Nay: None Motion carried.

Ordinance Number 14-006 has been passed and approved.

#### **6 – Public Forum:**

Larry Gritz, 2620 Ella Street, appeared at public forum to ask that a study be done for round-a-bouts at the intersections of 8<sup>th</sup> & Ella, 13<sup>th</sup> & Ella, 16<sup>th</sup> & Market, and 12<sup>th</sup> & Scott, to slow down traffic and reduce the possibility of accidents.

#### **7 – Discussions/Reports:**

##### **a. Update on the ballot issue regarding the proposed ½ cent sales tax for public infrastructure**

City Administrator Tempelmeyer reported that he had spoken to a group of individuals at a chamber informational forum regarding the ballot issue on the proposed ½ cent sales tax for public infrastructure.

##### **b. Legislative Update**

City Administrator Tempelmeyer presented a legislative update and councilmembers asked questions about bills of interest to the City.

##### **c. City Administrator’s Monthly Report**

City Administrator Tempelmeyer reviewed highlights from the City Administrator’s monthly report; the budgeted improvements to the skateboard park to replace deteriorated wood structures with steel has been found to be more costly so the project could extend beyond 4-5 years to 7-8 years; the building inspection department has been moved over into the engineering office; the new police cruiser is in service; street projects, including the city-wide resurfacing will begin in April; a study is being done of the Waste Water Treatment Facility; AMI proposals for the Electric dept. have been narrowed down to two; and reviewed the progress of other goals.

#### **8 – Miscellaneous:**

The next regular council meeting is April 7, 2014 at 7:00 p.m. in the BPS Admin Bldg. Meeting Room; a Worksession will be held on March 24, 2014 at 7:00 p.m. in the Beatrice Public Library Sargent Meeting Room.

Moved by Catlin, seconded by Kerr, that the meeting be adjourned at 8:26 p.m.

Roll Call: Yea: Carey, Clabaugh, Cook, Fairbanks, Langdale, Kerr, Parde  
Nay: Catlin Motion carried.

**Linda S. Koch, City Clerk**

**Mayor Dennis Schuster**