

MINUTES OF THE CITY COUNCIL REGULAR MEETING HELD SEPTEMBER 2, 2014, AT 7:00 P.M. IN THE BPS ADMINISTRATION MEETING ROOM, 320 NORTH 5TH STREET.

Mayor Schuster led those in attendance in the 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 August 18, 2014, as on file in the City Clerk's Office.
- e. Approval of minutes of worksession on August 25, 2014, as on file in the City Clerk's Office.
- f. Approval of Treasurer's Report of Claims in the amount of \$115,993.36
- g. Approval of BASWA Report of Claims in the amount of \$47,138.11
- h. Resolution Number 5674 appointing Cheryl Wirth to the Beatrice Housing Authority.
- i. Resolution Number 5675 renewing the Interlocal Agreement with Gage County for the City to provide Emergency Medical Services in Gage County.

Moved by Catlin, seconded by Clabaugh, that the items listed under the consent agenda, with the exception of item i, be approved, accepted and/or ratified as presented. Fairbanks abstained from item 2(d)

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

i - Moved by Catlin, seconded by Kerr, that Resolution Number 5675 renewing the Interlocal Agreement with Gage County for the City to provide Emergency Medical Services in Gage County be passed and adopted.

Councilmember Fairbanks questioned that term of the agreement starting 7/1/2014 was prior to today, 9/2/2014, and why had it not been considered on a timelier basis. City Administrator, Tobias Tempelmeyer, explained that the County had just presented the agreement to the City and that it was essentially the same as the previous agreement with one sentence added regarding submission of the Medical Services report.

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

3 - Public Hearings/Bids:

a. Hearings

(1) Public Hearing to amend Table 4-2 of the Zoning Ordinance of the City of Beatrice, Ordinance Number 94-13, concerning permitting Group Care Facilities in Agricultural "AG" Zoned Districts.

Mayor Schuster announced that a Public Hearing be held to consider an amendment to Table 4-2 of the Zoning Ordinance of the City of Beatrice, Ordinance Number 94-13, concerning permitting Group Care Facilities in Agricultural "AG" Zoned Districts.

Mayor Schuster explained that at a previous worksession discussion had been held that Teen Challenge had acquired property in an "AG" Agricultural District to operate a rehabilitation center and found that to do so would require a

change in the City's zoning ordinance regarding permitting that type of use in "AG"; therefore the Planning & Zoning Commission has held the appropriate hearing and the item is now being brought to the council for consideration. Mayor Schuster further explained that the item being considered tonight is to discuss the policy of allowing group care facilities in "AG". Stan Wirth, Chairman of Planning & Zoning Commission, and Rita Hydo, Planning & Zoning Commission member, appeared to present the commission's report, that after hearing testimony during their public hearing, including information about Teen Challenge, and taking into consideration that this change would apply to any group in this category, it is the commission's recommendation to allow Group Care Facilities in "AG" by special use permit; by making it a special permitted use, each group would have to apply to Planning & Zoning for approval and thereby provide more control. City Attorney, Greg Butcher, explained that by going through this application process it will provide oversight that the group is meeting, and maintaining, all requirements and stipulations. Discussion followed, including that the zoning ordinance in place is to protect the consistency and integrity of neighborhoods and how change may impact an area. Bob Larson, Director of Operations for Teen Challenge of the Midlands, appeared to provide information on their organization, which uses a faith-based approach to help individuals deal with all kinds of addictions and dependencies. Casey Collins, 101 Franklin Ave, appeared to share some research he did regarding the impact of property valuations adjacent to a Teen Challenge center in Cape Girardeau, Missouri and that the County Assessor there said there had been no impact on values and he felt the organization had a positive impact on their community. Mr. Collins also provided information on a positive property sale in Beatrice near the inactive OMNI property and Mosaic group home on South 16th Street and further expressed his support for such a facility in our community. John Riha, 25378 S 23rd Road, appeared in opposition to allowing such permitted uses in "AG" which would open it up to various uses, including centers for the handicap and prison work release programs, and that zoning regulations are to protect the safety and general welfare of the public. He further noted that an adjacent property owner had lost a recent land sale.

Moved by Catlin, seconded by Langdale, that the public hearing be closed at 8:00 p.m.

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

Motion carried.

4 – Resolutions:

- a. Resolution prohibiting parking along the north and south sides of Market Street west of the intersection of 5th Street a distance of 120' on the north side and 85' on the south side.**

Mayor Schuster introduced Resolution Number 5676 prohibiting parking along the north and south sides of Market Street west of the intersection of 5th Street a distance of 120' on the north side and 85' on the south side.

Moved by Catlin, seconded by Langdale, that Resolution Number 5676 be passed and adopted.

City Attorney Butcher presented the traffic committee's review that for traffic stopped on 5th street when vehicles are parked in these stalls it makes it hard to see to pull out and recommended removing parking on two stalls. They had contacted area businesses and they understood the safety issues.

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

Motion carried.

Resolution Number 5676 has been passed and adopted.

5 – Ordinances:

- a. Ordinance Number 14-018, final reading, on the proposed annexation of property owned by the State of Nebraska, located in the NE1/4 Section 35-4-6 and the NW1/4 of Section 36-4-6 to the north and east of Lincoln Street and 33rd Street.**

