

MINUTES OF THE REGULAR CITY COUNCIL MEETING

A regular meeting of the City Council was held on the 16th day of July, 2018 at 7:00 P.M. in the BPS Administration Building Board Room, 320 North 5th Street, Beatrice, Nebraska.

Mayor Wirth led those in attendance in the Pledge of Allegiance.

ROLL CALL

Attending: Mayor Wirth, Councilmembers: Billesbach, Catlin, Clabaugh, Cook, Kerr,
Morgan, Parde

Absent: Fairbanks.

Mayor Wirth announced that a copy of the Open Meetings Act is posted in the meeting room and is accessible to members of the public.

Bruce Lang, Chief of Police, introduced two (2) officers who were recently promoted within the Beatrice Police Department. Jay Murphy has been promoted from Sergeant to Lieutenant and Dan Moss has been promoted from Officer to Sergeant.

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 July 2, 2018, as on file in the City Clerk's Office.
- e. Approval of Treasurer's Report of Claims:
 - e(1). Approval of Gage Area Growth-NGage claim in the amount of \$37,425.07.
 - e(2). Approval of balance of Treasurer's Report of Claims in the amount of \$337,629.36.
- f. Approval of BASWA Report of Claims in the amount of \$58,532.39.
- g. Approval of Special Designated License application of The Brass Rail for a wedding on August 11, 2018 from 4:00 p.m. until 1:00 a.m., at Country Cookin Café, 111 South 8th Street, Beatrice, Nebraska.
- h. Approval of Special Designated License application of Community Players, Inc. for a fundraiser on August 3, 2018 from 6:30 p.m. to 10:00 p.m., at 412 Ella Street, Beatrice, Nebraska.
- i. Approval of Change Order #1 decrease in the amount of \$5,000.00 for the Beatrice Water Pollution Control Dewatering Pilot Study to Andritz Separation Technologies, Inc., as recommended by the Board of Public Works.
- j. Approval of Beatrice Plus funding request from Lonnie Priefert in the amount of \$296.80 for flowers, mulch, and paint for the welcome sign on the east side of town, as recommended by the Beatrice Plus Advisory Board.
- k. Resolution Number 6239 approving the "90% Plans" dated May 17, 2018 including Right of Way Plans for NDOR Project Number ENH-34(32), Control Number 13212, regarding installing a bicycle/pedestrian trail from the Water Park to Hannibal Park.

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

Roll Call: Yea: Billesbach, Catlin, Clabaugh, Cook, Kerr, Morgan, Parde
Nay: None
Abstain: Morgan – item e(1)

MOTION CARRIED.

j – Moved by Catlin, seconded by Parde, that the Beatrice Plus funding request from Lonnie Priefert in the amount of \$296.80 for flowers, mulch, and paint for the welcome sign on the east side of town, as recommended by the Beatrice Plus Advisory Board, be approved, accepted, and/or ratified as presented.

Councilman Parde noted it appears the work has been done and asked for clarification. Tobias J. Tempelmeyer, City Administrator/General Manager, stated the work has been completed and Mr. Priefert came in and asked for reimbursement. Tempelmeyer noted Administration felt Beatrice Plus funding was the most appropriate fund to reimburse for the work completed. Councilman Parde noted he feels work should be done after approval in order to be considered for reimbursement.

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

MOTION CARRIED.

PUBLIC HEARINGS/BIDS

Public Hearing on the new application of Rogelio Coronado & Rogelio D Jesus Coronado, dba Country Cookin' Cafe, 111 South 8th Street, Beatrice, Nebraska, for a Class C liquor license.

Mayor Wirth announced that a public hearing will now be held on the new application of Rogelio Coronado & Rogelio D Jesus Coronado, dba Country Cookin' Cafe, 111 South 8th Street, Beatrice, Nebraska, for a Class C liquor license.

Bruce Lang, Chief of Police, under oath, noted there was nothing out of the ordinary found regarding the request for a Class C liquor license. Rob Mierau, Chief Building Inspector, under oath, noted there were no issues found in the planning report, further noting previous businesses have had a liquor license in the past.

Moved by Catlin, seconded by Cook, that the public hearing be closed at 7:09 p.m.

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

MOTION CARRIED.

Moved by Catlin, seconded by Clabaugh, that the new application of Rogelio Coronado & Rogelio D Jesus Coronado, dba Country Cookin' Cafe, 111 South 8th Street, Beatrice, Nebraska, for a Class C liquor license, be recommended to the Nebraska Liquor Control Commission for approval.

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

MOTION CARRIED.

Public Hearing to amend and add sections of the Zoning Ordinance of the City of Beatrice, Ordinance Number 94-13; specifically, to amend Section 222 relating to definitions; to amend Table 4-2 relating to the permissibility of operating a bed and breakfast in residential areas; to amend Section 307 relating to commercial use types; and to add Section 708 relating to storage containers.

Mayor Wirth announced that a public hearing will now be held to amend and add sections of the Zoning Ordinance of the City of Beatrice, Ordinance Number 94-13; specifically, to amend Section 222 relating to definitions; to amend Table 4-2 relating to the permissibility of operating a bed and breakfast in residential areas; to amend Section 307 relating to commercial use types; and to add Section 708 relating to storage containers.

Abby Stark, City Attorney, noted the City recently received an inquiry regarding operating an Airbnb. The proposed changes will allow airbnb's to operate in residential areas upon obtaining a special use permit and will be required to pay lodging taxes. Stark noted the definition change now states a bed and breakfast does not have to serve breakfast in order to allow for airbnb's. Stark noted the Planning and Zoning Commission recommended approval of these proposed changes at their meeting earlier this evening.

Stark reviewed the proposed changes regarding storage containers. Stark noted a public hearing was held previously and the ordinance has been revised to include additional feedback and recommendations suggested by the Council or public. Stark noted storage containers will not be permitted on lots zoned General Industrial, Light Industrial, or General Commercial when used as residential. Property owners who have taken the required steps to handle storage containers and are currently addressed as accessory buildings, will be allowed to keep the structures on their property. Stark also noted storage containers will not be allowed within the floodway.

Councilman Kerr inquired how many storage containers are allowed in residential areas. Stark stated no storage containers will be allowed in residential areas. Tobias J. Tempelmeyer, City Administrator/General Manager, noted the new definition will not classify storage containers as accessory buildings. Stark noted many complaints come from residential neighborhoods as they are not ascetically pleasing. Councilman Kerr inquired how many containers will be allowed in other zoning districts. Stark noted in General Commercial the limit is two (2) and in the Central Business District they will not be allowed. Councilman Kerr voiced his opinion that as long as a business owner meets the required setbacks the City should not limit the use of these containers.

Rod Rehm, 512 South 5th Street, stated he was told by the Building Inspector that he would be allowed to have two (2) storage containers in the Central Business District but now it sounds as if this will not be allowed. Tempelmeyer stated if he has previously obtained the necessary permits, he will be allowed to keep two (2) storage containers there and they will be treated as accessory buildings. Rehm inquired what he is to do with the other three (3) that are for sale that he has on the property. Stark noted upon passage of this ordinance, property owners will have until October 16, 2018 to comply. Councilman Kerr noted the City has requested the storage

containers be moved out of the residential area and asked where he would be allowed to put the storage containers if he is unable to sell them.

Deb Rehm, 512 South 5th Street, inquired what options they have if they are unable to sell the containers by the deadline. Tempelmeyer stated if it gets close to the deadline and the containers have not been sold they can meet with the City to see if a solution can be found.

Councilman Catlin inquired what requirements there are for car lots that have buildings sitting on them for sale. Stark noted it depends on what zoning district they are in. Rob Mierau, Chief Building Inspector, stated they will need to look into this further and set guidelines moving forward. Councilman Catlin inquired what differences there are between the Central Business District and General Commercial. Mierau stated there are more restrictions in the Central Business District and noted it may make more sense to have that area rezoned. Councilman Catlin noted he would like to have Administration look at the possibility of rezoning the Central Business District.

Councilman Parde inquired if someone will be allowed to purchase a storage container to be used at his residential home. Stark noted upon passage of the proposed ordinance that would not be allowed. Mierau also noted there is nothing in the International Building Code that defines storage containers, making it difficult to address them as an accessory building.

Rod Rehm noted he was told he would have to pay to have his property rezoned and talk to his neighboring property owners to find out if they are in agreeance with that and asked why the City does not just do this work. Tempelmeyer stated the City can look into this, however, it may not be done within the timeframe he needs in order to comply, which is why it was suggested he speaks to the other owners so the City is not spot zoning. Rehm inquired how the storage containers he has on his property will be treated. Stark noted as long as he has met all the requirements prior to this ordinance passing, he will be allowed to have two (2) of them and they will be treated as accessory buildings.

Moved by Catlin, seconded by Morgan, that the public hearing be closed at 7:33 p.m.

Roll Call: Yea: Billesbach, Catlin, Clabaugh, Cook, Kerr, Morgan, Parde

Nay: None

MOTION CARRIED.

ORDINANCES

Ordinance to amend Table 4-2 and Section 307 of the Zoning Ordinance of the City of Beatrice, Ordinance Number 94-13, relating to the permissibility of operating a bed and breakfast in residential districts and commercial use types.

Mayor Wirth introduced an ordinance to amend Table 4-2 and Section 307 of the Zoning Ordinance of the City of Beatrice, Ordinance Number 94-13, relating to the permissibility of operating a bed and breakfast in residential districts and commercial use types.

Moved by Catlin, seconded by Billesbach, that said ordinance be given number 18-017 the title thereof be approved, the rules be suspended and said ordinance be read by number only three (3) times tonight.

Roll Call: Yea: Billesbach, Catlin, Clabaugh, Cook, Kerr, Morgan, Parde
Nay: None MOTION CARRIED.

Mayor Wirth read Ordinance Number 18-017 by number only the first, second, and third time.

Moved by Catlin, seconded by Parde, that Ordinance Number 18-017 be passed and approved.

Tobias J. Tempelmeyer, City Administrator/General Manager, noted the Planning and Zoning Commission did recommend approval of the proposed ordinance at their meeting earlier this evening.

Roll Call: Yea: Billesbach, Catlin, Clabaugh, Cook, Kerr, Morgan, Parde
Nay: None MOTION CARRIED.

Ordinance Number 18-017 has been passed and approved.

Ordinance to amend Section 222 and to add Section 708 of the Zoning Ordinance of the City of Beatrice, Ordinance Number 94-13, relating to definitions and storage containers.

Mayor Wirth introduced an ordinance to amend Section 222 and to add Section 708 of the Zoning Ordinance of the City of Beatrice, Ordinance Number 94-13, relating to definitions and storage containers.

Moved by Catlin, seconded by Cook, that said ordinance be given number 18-018 the title thereof be approved, the rules be suspended and said ordinance be read by number only three (3) times tonight.

Roll Call: Yea: Billesbach, Catlin, Clabaugh, Cook, Kerr, Morgan, Parde
Nay: None MOTION CARRIED.

Mayor Wirth read Ordinance Number 18-018 by number only the first, second, and third time.

Moved by Catlin, seconded by Billesbach, that Ordinance Number 18-018 be passed and approved.

Tobias J. Tempelmeyer, City Administrator/General Manager, noted the Planning and Zoning Commission did recommend approval of the proposed ordinance at their meeting earlier this evening. Councilman Catlin noted he would like Administration to take a look at the possibility of rezoning the Central Business District. Tempelmeyer noted Administration will add to the list to review. Councilman Kerr noted he is not in favor of the proposed ordinance, further noting he feels as long as property owners are able to meet required setbacks they should be allowed as many of the storage containers as needed for their business.

Roll Call: Yea: Billesbach, Catlin, Clabaugh, Cook, Morgan, Parde
Nay: Kerr MOTION CARRIED.

Ordinance Number 18-018 has been passed and approved.

Ordinance to close and vacate a portion of Edgmont Avenue, located in Brumback's Second Addition to the City of Beatrice, Gage County, Nebraska, adjacent to Parcel ID #010507000.

Mayor Wirth introduced an ordinance to close and vacate a portion of Edgmont Avenue, located in Brumback's Second Addition to the City of Beatrice, Gage County, Nebraska, adjacent to Parcel ID #010507000.

Moved by Catlin, seconded by Morgan, that said ordinance be given number 18-019 the title thereof be approved, the rules be suspended and said ordinance be read by number only three (3) times tonight.

Roll Call: Yea: Billesbach, Catlin, Clabaugh, Cook, Kerr, Morgan, Parde
Nay: None MOTION CARRIED.

Mayor Wirth read Ordinance Number 18-019 by number only the first, second, and third time.

Moved by Catlin, seconded by Billesbach, that Ordinance Number 18-019 be passed and approved.

Tobias J. Tempelmeyer, City Administrator/General Manager, noted Edgmont Avenue, located near Belvedere Avenue and South 5th Street, is a platted street which has not been used as such for many years. The property owners adjacent to the street asked that the property be vacated and they have agreed to purchase the property.

Roll Call: Yea: Billesbach, Catlin, Clabaugh, Cook, Kerr, Morgan, Parde
Nay: None MOTION CARRIED.

Ordinance Number 18-019 has been passed and approved.

Ordinance to convey the vacated portion of Edgmont Avenue located in Brumback's Second Addition to the City of Beatrice, Gage County, Nebraska, adjacent to Parcel ID #010507000, owned by the City of Beatrice, Nebraska to Chris C. Witulski and Kimberly A. Witulski.

Mayor Wirth introduced an ordinance to convey the vacated portion of Edgmont Avenue located in Brumback's Second Addition to the City of Beatrice, Gage County, Nebraska, adjacent to Parcel ID #010507000, owned by the City of Beatrice, Nebraska to Chris C. Witulski and Kimberly A. Witulski.

Moved by Catlin, seconded by Parde, that said ordinance be given number 18-020 the title thereof be approved, the rules be suspended and said ordinance be read by number only three (3) times tonight.

Roll Call: Yea: Billesbach, Catlin, Clabaugh, Cook, Kerr, Morgan, Parde
Nay: None MOTION CARRIED.

Mayor Wirth read Ordinance Number 18-020 by number only the first, second, and third time.

Moved by Catlin, seconded by Morgan, that Ordinance Number 18-020 be passed and approved.

Councilman Cook inquired how the price of the two (2) properties is determined. Abby Stark, City Attorney, noted the other property being conveyed this evening is much larger than this piece. Tobias J. Tempelmeyer, City Administrator/General Manager, noted the other property being discussed this evening also has a general utility easement on it.

Roll Call: Yea: Billesbach, Catlin, Clabaugh, Cook, Kerr, Morgan, Parde
Nay: None MOTION CARRIED.

Ordinance Number 18-020 has been passed and approved.

RESOLUTIONS

Resolution Number 6240 entering into a Contract for Sale of Real Estate to Chris C. Witulski and Kimberly A. Witulski.

Mayor Wirth introduced Resolution Number 6240 entering into a Contract for Sale of Real Estate to Chris C. Witulski and Kimberly A. Witulski.

Moved by Catlin, seconded by Parde, that Resolution Number 6240 be passed and adopted.

There was no further discussion from the City Council or public.

Roll Call: Yea: Billesbach, Catlin, Clabaugh, Cook, Kerr, Morgan, Parde
Nay: None MOTION CARRIED.

Resolution Number 6240 has been passed and adopted.

ORDINANCES

Ordinance to close and vacate the alley located between Hill Street and Grove Street and between Pleasant Street and Bismark Street in Beatrice, Gage County, Nebraska.

Mayor Wirth introduced an ordinance to close and vacate the alley located between Hill Street and Grove Street and between Pleasant Street and Bismark Street in Beatrice, Gage County, Nebraska.

Moved by Catlin, seconded by Billesbach, that said ordinance be given number 18-021 the title thereof be approved, the rules be suspended and said ordinance be read by number only three (3) times tonight.

Roll Call: Yea: Billesbach, Catlin, Clabaugh, Cook, Kerr, Morgan, Parde
Nay: None MOTION CARRIED.

Mayor Wirth read Ordinance Number 18-021 by number only the first, second, and third time.

Moved by Catlin, seconded by Morgan, that Ordinance Number 18-021 be passed and approved.

Tobias J. Tempelmeyer, City Administrator/General Manager, noted this piece of property, located near Riverside Park, is platted as an alley, however, has not been used as such for quite sometime. The property does have utilities running through it and upon sale of the property, the City will retain a general utility easement. This easement states if the property owner wishes to install fence, if the City must enter the area to address issues, the City may remove the fence at the property owners expense. Councilman Kerr noted the property line needs to be found prior to the installation of a fence to ensure it is placed on the correct owner's property to avoid future issues.

Roll Call: Yea: Billesbach, Catlin, Clabaugh, Cook, Kerr, Morgan, Parde
Nay: None MOTION CARRIED.

Ordinance Number 18-021 has been passed and approved.

Ordinance to convey the vacated portion of the north/south alley located between Hill Street and Grove Street, between Pleasant Street and Bismark Street, owned by the City of Beatrice, Nebraska to Robert M. Mullen and Tana M. Mullen.

Mayor Wirth introduced an ordinance to convey the vacated portion of the north/south alley located between Hill Street and Grove Street, between Pleasant Street and Bismark Street, owned by the City of Beatrice, Nebraska to Robert M. Mullen and Tana M. Mullen.

Moved by Catlin, seconded by Parde, that said ordinance be given number 18-022 the title thereof be approved, the rules be suspended and said ordinance be read by number only three (3) times tonight.

Roll Call: Yea: Billesbach, Catlin, Clabaugh, Cook, Kerr, Morgan, Parde
Nay: None MOTION CARRIED.

Mayor Wirth read Ordinance Number 18-022 by number only the first, second, and third time.

Moved by Catlin, seconded by Billesbach, that Ordinance Number 18-022 be passed and approved.

There was no further discussion from the City Council or public.

Roll Call: Yea: Billesbach, Catlin, Clabaugh, Cook, Kerr, Morgan, Parde
Nay: None MOTION CARRIED.

Ordinance Number 18-022 has been passed and approved.

RESOLUTIONS

Resolution Number 6241 entering into a Contract for Sale of Real Estate to Robert M. Mullen and Tana M. Mullen.

Mayor Wirth introduced Resolution Number 6241 entering into a Contract for Sale of Real Estate to Robert M. Mullen and Tana M. Mullen.

Moved by Catlin, seconded by Parde, that Resolution Number 6241 be passed and adopted.

There was no further discussion from the City Council or public.

Roll Call: Yea: Billesbach, Catlin, Clabaugh, Cook, Kerr, Morgan, Parde
Nay: None MOTION CARRIED.

Resolution Number 6241 has been passed and adopted.

PUBLIC FORUM

Councilman Cook noted he would like the Central Business District zoning from South 6th Street to Market Street to be looked into to make sure it still meets the intent. Tobias J. Tempelmeyer, City Administrator/General Manager, noted Administration will review.

Lonnie Priefert, 2401 Elk Street, Beatrice, Nebraska, appeared to voice his concern with new rental properties in town and the effects they may have on current landlords. Priefert also noted several properties he feels need to be cleaned up. Priefert suggested Administration consider removing the sidewalk along Lincoln Street, 8th to 19th Street, in order to widen the street. Priefert also thanked the Council for approving his Beatrice Plus funding request.

DISCUSSIONS/REPORTS

City Administrator's Monthly Report

Tobias J. Tempelmeyer, City Administrator/General Manager, presented the City Administrator's Monthly Report. Tempelmeyer noted Sanitary Garbage has installed two (2) cardboard recycling dumpsters at 6th and Perkins and in the Sunmart parking lot for citizens to use. The picnic shelter at Hannibal Park has been built and the new playground is being installed next to it. A sidewalk and trail system will also be installed at the complex. Tempelmeyer noted the hazard mitigation open house will be held on July 25, 2018, from 4:00-6:00 p.m. at the Beatrice Public Library and is open to the public. Tempelmeyer reported FEMA requires the City to review their plan every five (5) years and this is the opportunity for citizens to learn more

and provide input. Dorsey Street is back open to traffic, however, 19th Street, Ella to High, is now closed in order for the Street Department to repair blowups along that portion of the street. Tempelmeyer noted Dorsey Street will be closed again at some point this year for a short time to diamond grind the street to smooth the rough creases from patching. Tempelmeyer reported the alley near Logan Street has been repaired and an ordinance to re-open the alley to traffic will be brought to a future meeting.

ADJOURNMENT

The next regular Council meeting is August 6, 2018 at 7:00 p.m. in the BPS Administration Building Board Room. There will be a work session on July 23, 2018 at 7:00 p.m. in the BPS Administration Building Board Room.

Moved by Catlin, seconded by Billesbach, that the meeting be adjourned at 8:00 p.m.

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

MOTION CARRIED.

Erin Saathoff, CMC, City Clerk

Stan Wirth, Mayor