

**MINUTES OF THE CITY COUNCIL REGULAR MEETING HELD AUGUST 18, 2014, AT 7:00 P.M. IN THE BPS ADMINISTRATION MEETING ROOM, 320 NORTH 5<sup>TH</sup> STREET, BEATRICE, NEBRASKA.**

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

**1 – Roll Call:** Present: Mayor Schuster, Councilmembers Catlin, Clabaugh, Cook, Kerr, Langdale, Morgan, Parde  
Absent: Councilmember Fairbanks

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 4, 2014, as on file in the City Clerk's Office.
- e. Approval of Treasurer's Report of Claims in the amount of \$579,812.45
- f. Approval of BASWA Report of Claims in the amount of \$10,780.78
- g. Approval of write-off of ambulance bad debts.
- h. Refer claim submitted by Michelle Harms for reimbursement for alleged phone damages during an incident with law enforcement personnel on July 29, 2014 to the City Attorney and City's Insurance Carrier for review and disposition.
- i. Resolution Number 5669 renewing agreement to appoint Dr. Donald T. Rice, M.D. as Medical Director for Beatrice Fire and Rescue.
- j. Resolution Number 5670 designating school crossing zones on Prairie Lane from Garfield Street to Jefferson Street.
- k. Resolution Number 5671 removing the no parking zone along the north side of Perkins St from 7<sup>th</sup> to 8<sup>th</sup> Streets.
- l. Resolution Number 5672 designating Snow Emergency Routes and Snow Advisory Routes.

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

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

Motion carried.

l - Moved by Catlin, seconded by Parde, that Resolution Number 5672 designating Snow Emergency Routes and Snow Advisory Routes, be passed and adopted.

Councilmember Parde requested more information on the removal of 7<sup>th</sup> Street from Elk to Ella; City Administrator, Tobias Tempelmeyer, explained that this small section did not connect with another route and other through streets provided sufficient traffic routes.

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

Motion carried.

**3 - Public Hearings/Bids:**

- a. Hearings

**4 – Resolutions:**

- a. Resolution granting permission for the Beatrice Humane Society to hold a "Doggie Dip Evening" fundraiser at the Big Blue Water Park.

Mayor Schuster introduced Resolution Number 5673 granting permission for the Beatrice Humane Society to hold a "Doggie Dip Evening" fundraiser at the Big Blue Water Park.

Moved by Catlin, seconded by Kerr, that Resolution Number 5673 be passed and adopted.

City Attorney, Greg Butcher, explained that the City had been approached by the Beatrice Humane Society to hold this fundraising event after the close of the season on September 4<sup>th</sup>, from 5:30 to 7:30 p.m. A number of other municipalities across the state allow for pet owners to bring their pets in at the end of the season and let them swim in the water prior to draining and cleaning the pool. The filters will have been shut off so people should be aware of this when entering the pool with their animals. The City will have lifeguards on duty. John Rypma, Chairman of the Beatrice Humane Society, commented that there will be basic rules regarding bringing dogs in, no aggressive dogs will be allowed, and dogs must be licensed. Michelle Harms, 1340 Market, appeared and asked if she would be allowed to bring her dogs. Mr. Rypma reported that any dogs that have been declared as dangerous or potentially dangerous would not be allowed.

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

Motion carried.

Resolution Number 5673 has been passed and adopted.

#### **5 – Ordinances:**

- a. Ordinance Number 14-018, second 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 33<sup>rd</sup> Street.**

Mayor Schuster introduced consideration for the second reading of Ordinance Number 14-018 annexing 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 33<sup>rd</sup> Street.

Moved by Catlin, seconded by Clabaugh, that said Ordinance Number 14-018, the title thereof be approved, and said ordinance be read by title only the second time tonight.

Stan Wirth, Planning & Zoning Commission Chairperson, presented the commission's recommendation; they held the appropriate public hearing and unanimously recommended annexation of property.

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

Motion carried.

Mayor Schuster read Ordinance Number 14-018 by title:

"An ordinance to extend the boundaries and include within the corporate limits of, and to annex to, the City of Beatrice, Nebraska parcels of land owned by the State of Nebraska and commonly referred to as the "Beatrice State Developmental Center", which are adjacent, contiguous, and located in or near the City of Beatrice, Gage County, Nebraska; to provide service benefits thereto; to repeal conflicting ordinances; and to provide for publication in pamphlet form and effective date of this ordinance."

Ordinance Number 14-018 will be brought back for additional consideration at the next meeting on September 2<sup>nd</sup>

- b. Ordinance Number 14-019, second reading, on the proposed annexation of properties owned by Jeffrey D. & Sherry Cullison, Michael C. & Sandra L. Havekost, LaVerne E. & Shirley M. Wolken, located in Wyant's**

**Subdivision, a part of Section 36-4-6 to the east of 33<sup>rd</sup> Street, and property owned by Max L. & Michelle R. Manes, located in Section 9-3-6 to the south of W Belvedere Street.**

Mayor Schuster introduced consideration for the second reading of Ordinance Number 14-019 annexing properties owned by Jeffrey D. & Sherry Cullison, Michael C. & Sandra L. Havekost, LaVerne E. & Shirley M. Wolken, located in Wyant's Subdivision, a part of Section 36-4-6 to the east of 33rd Street, and property owned by Max L. & Michelle R. Manes, located in Section 9-3-6 to the south of W Belvedere Street.

Moved by Catlin, seconded by Kerr, that said Ordinance Number 14-019, the title thereof be approved, and said ordinance be read by title only the second time tonight.

Stan Wirth, Planning & Zoning Commission Chairperson, presented the commission's recommendation; they held the appropriate public hearing, discussed that these properties are currently receiving city services, and unanimously recommended annexation of property.

Jeff Cullison, 526 N33rd Street, appeared and asked why the Higgins property wasn't annexed until the school purchased it. City Attorney Butcher explained that once the property was determined for public use and platted it was annexed. The house on the property had been previously platted and annexed. Mr. Cullison again requested that his property not be annexed until the school developed the land.

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

Motion carried.

Mayor Schuster read Ordinance Number 14-019 by title:

"An ordinance to extend the boundaries and include within the corporate limits of, and to annex to, the City of Beatrice, Nebraska parcels of land owned by Jeffrey D. & Sherry Cullison, Michael C. & Sandra L. Havekost, Max L. & Michelle R. Manes, LaVerne E. & Shirley M. Wolken, which are adjacent, contiguous, and located in or near the City of Beatrice, Gage County, Nebraska; to provide service benefits thereto; to repeal conflicting ordinances; and to provide for publication in pamphlet form and effective date of this ordinance."

Ordinance Number 14-019 will be brought back for additional consideration at the next meeting on September 2<sup>nd</sup>

**6 – Public Forum:**

Michelle Harms, 1340 Market Street and Coach for Beatrice Robotics Group, and group members Hannah Keuten, Autumn Schramm, Chaney Weiss, Trinity Reysen, and Shelby Harms, appeared at public forum regarding a request submitted to have a garage sale and car wash on public property at the Chautauqua Park Tabernacle. City Attorney Butcher explained that the request was for a date that preceded this meeting and therefore action could not be taken; the new date of August 23<sup>rd</sup> was not made known to City staff in advance so that the item could be placed on this agenda for consideration. Ms. Harms explained that the group needed the fundraiser to place an order by the 26<sup>th</sup>; she is to visit with city staff on what her options are.

**7 – Discussions/Reports:**

**a. Welcome Signs.**

City Administrator Tempelmeyer presented the initial design provided by Carol Schuster with the notation "Site of America's First Homestead and the National Park Emblem added. Discussion held regarding the design, with no changes made. The next phase is to design what materials should be used that will stand up to the elements.

**b. City Administrator's Monthly Report**

City Administrator Tempelmeyer presented the monthly report; items noted were: the police department is dealing with short staffing issues due to non-work related absences; the public properties department is completing a sidewalk

project in front of the Carnegie Building which was moved up a year due to the curb and gutter project there and the electric department went ahead and installed the conduit for lighting; the change in the Beatrice Plus program went into effect August 1<sup>st</sup> and customers participating went from 453 in July to 5,503 in August, with 1,932 opting out; the water department is finishing up the water main on West Court Street and have added an additional project at 16<sup>th</sup> & Garfield; the demolition at 513 West Mary was completed last week; and updated the status of some strategic planning goals.

**8 – Miscellaneous:**

Next regular council meeting is TUESDAY, September 2, 2014 at 7:00 p.m. in the BPS Admin Bldg Meeting Room. There will be a Worksession on August 25, 2014 at 7:00 p.m. in the BPS Admin Bldg Meeting Room.

Moved by Catlin, seconded by Cook, that the meeting be adjourned at 7:41 p.m.

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

Nay: None

Motion carried.

**Linda S. Koch, City Clerk**

**Mayor Dennis Schuster**