

## MINUTES OF THE REGULAR CITY COUNCIL MEETING

A meeting of the City Council was held on the 6<sup>th</sup> day of April, 2015 at 7:00 P.M. in the BPS Administration Meeting Room, 320 North 5<sup>th</sup> Street, Beatrice, Nebraska.

Mayor Wirth led those in attendance in the Pledge of Allegiance

### ROLL CALL

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

Absent: None

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.

Mayor Wirth read a proclamation proclaiming April as Library Appreciation Month and April 12-18, 2015 as National Library Week. Laureen Riedesel, Library Director, was present to receive the proclamation. Riedesel reported to the Council a number of activities being held in honor of Library Appreciation Month and National Library Week, including a craft program coordinated by Southeast Community College on April 9<sup>th</sup>, book discussion, doll lovers club, and Sparky and the Fire Department will be guests. The summer reading program will kick off on April 25<sup>th</sup>. Sam & Louie's will be donating 15% of their total profit to the Library on Monday, April 27<sup>th</sup>. The Library book sale will be held in May. Riedesel invited any and all of the Council to participate.

### 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 16, 2015, as on file in the City Clerk's Office.
- e. Approval of minutes of Work Session on March 23, 2015, as on file in the City Clerk's Office.
- f. Approval of Treasurer's Report of Claims:
  - f(1) Approval of claims to Beatrice Humane Society in the amount of \$5,000.00.
  - f(2) Approval of claims to Gage Area Growth-NGage in the amount of \$20,926.72.
  - f(3) Approval of the balance of Treasurer's Report of Claims in the amount of \$80,032.97.
- g. Approval of BASWA Report of Claims in the amount of \$40,106.89.
- h. Resolution Number 5757 appointing Linda Koch as the Finance Director and Deputy Treasurer.
- i. Resolution Number 5758 appointing Erin Saathoff as the City Clerk and Linda Koch as Deputy City Clerk.
- j. Resolution Number 5759 authorizing signatories on behalf of the City.

- k. Resolution Number 5760 amending the 2013 Storm Water Grant Intergovernmental Agreement with the State of Nebraska to extend the final date to December 31, 2015.
- l. Resolution Number 5761 entering into an agreement with Snyder & Associates for preliminary engineering services for the 2<sup>nd</sup> Street, Court to Ella, Project ENH-6105(6)
- m. Approval of contract with Goossen Construction in the amount of \$47,348.00 for the Lake Ridge Estates Sanitary Sewer Improvement Project #15-004, as recommended by the BPW.
- n. Resolution Number 5762 authorizing the City to apply for grant assistance from the Kiewit Foundation for the installation of a new playground equipment at the Scott Street Ball Fields.
- o. Approval of special designated license for Main Street Beatrice for a beer garden in the parking lot at 120 N 6th Street, on June 20, 2015 from 10:00 a.m. until 12:00 a.m. for the annual Ribfest fundraiser and permission to use a portion of City right-of-way along the sidewalk of said parking lot.

Moved by Catlin, seconded by Kerr, that the items listed under the consent agenda, with the exception of items h and i, be approved, accepted and/or ratified as presented; Cook abstained from item f(1); Morgan abstained from item f(2); and Clabaugh abstained from item o.

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

**h** - Moved by Catlin, seconded by Morgan, that Resolution Number 5757 appointing Linda Koch as the Finance Director and Deputy Treasurer.

Councilman Fairbanks noted he had the same concern with items h and i and he would be voting against them simply because he felt both jobs should have been opened up and gone through the application process. Fairbanks went on to say the Council has spent a great deal on ensuring the bidding process does not just pass through quickly and here we had the opportunity to take applications for jobs we have created, but we are just hiring from within. Fairbanks noted that he does not have a problem with the people being appointed and stated he thinks both are qualified and will do a fine job, the issue is that we will not know if there is someone else out there more qualified without taking applications. Fairbanks stated he did not think that was the right way to handle it and that was the reason he pulled it off to vote against it. Fairbanks wished both of the ladies good luck.

Councilman Kerr noted there were a couple of factors leading up to these appointments. Kerr noted that he has been a proponent of promoting from within and noted that it has been done in the past effectively. Kerr also noted that we did not have a very long timeline due to not much notice given and that you do not want to be without someone in these positions for long. Kerr noted that both ladies are exceptional and will do a great job.

Mayor Wirth agreed stating continuity and consistency are important and urged the Council to unanimously approve the appointments.

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

**i** - Moved by Catlin, seconded by Morgan that Resolution Number 5758 appointing Erin Saathoff as the City Clerk and Linda Koch as Deputy City Clerk.

Councilman Parde inquired if there is additional pay for the Deputy City Clerk. Tobias Tempelmeyer, City Administrator, noted there is no additional pay for the Deputy. It is simply a back up incase something needs to be signed or to take minutes at a Council Meeting.

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

## **PUBLIC HEARINGS/BIDS**

### **Public Hearing to amend Section 703 (c) of the Zoning Ordinance to relax setback adjustments on street side yards for corner lots.**

Mayor Wirth announced that a public hearing be held on amending Section 703(c) of the Zoning Ordinance to relax setback adjustments on the street side yards for corner lots.

Greg Butcher, City Attorney, reported to the City Council that the City has been approached by property owners with corner lots who are looking to expand residential buildings. The zoning ordinance regarding setbacks, allows a front yard historical setback, but it not address street side yards. The procedure used is to look at other houses along the block face and try to sure up with the existing houses. The recommendation from City Administration is to apply the same rule to side yards as front yards. The Planning and Zoning Commission approved this adjustment along with one (1) amendment. The amendment states this does not apply to accessory buildings, it only applies to principal use buildings.

Moved by Catlin, seconded by Clabaugh, that the public hearing be closed at 7:16 p.m.

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

## **RESOLUTIONS**

### **Resolution entering into an Exclusive Contingent Development Agreement with Bluestem Energy Solutions LLC regarding renewable energy development.**

Mayor Wirth introduced Resolution Number 5760 entering into an Exclusive Contingent Development Agreement with Bluestem Energy Solutions LLC regarding renewable energy development.

Moved by Catlin, seconded by Cook, that Resolution Number 5760 be passed and adopted.

Adam Herink of Bluestem Energy Solutions, LLC, thanked the Council and noted he felt this is a tremendous opportunity for the City. Hernik then gave the City Council an overview of the company, noting that Bluestem is a Nebraska based company that was created in 2008. They

have worked with NPPD in the past and would be able to provide Beatrice with the two (2) megawatts of generation as allowed in the NPPD contract. Bluestem would own and operate the renewable generation development for the long term. With the utility industries federal regulations coming down all over the country, it may be more valuable to generate some of your power locally. There would be no upfront costs, meaning no debt, and it would offer sales tax revenue, as well as educational opportunities for local schools.

The first steps of the Exclusive Contingent Development Agreement would be to determine what resources and technical limitations the City has and after that is complete, Bluestem would come back with prices and recommendations for which renewable generation would work best for this community. At that point, the City can decide whether to move forward with the project or simply walk away. Councilman Parde inquired if the City was able to get out of the contract if they wished to proceed differently. Tobias Tempelmeyer, City Administrator, noted that the City could by paying \$25,000.00 or ride out the contract for the duration.

The City would look at entering into a long term commitment for purchasing the power from the renewable generation. Herink noted that the best case senerio would be they would bring back the pricing within six (6) to nine (9) months and upon approval the equipment would be ordered, with the project up and running between eighteen (18) months to two (2) years.

Councilman Kerr inquired what the City's part would be. Tempelmeyer noted that NPPD has looked at the RFQ and other communities have done this. The City's part would be the commitment to purchase the electricity as would be set out in the contract.

Councilman Cook inquired what a kilowatt costs for renewable energy. Herink noted that on the wholesale level it ranges between \$30.00 to \$70.00/megawatt. Councilman Cook also inquired why the City would not look at making a larger generation development. Tempelmeyer noted that the contract with NPPD only allows for two (2) megawatts or three percent (3%) of our total load and the proposed contract with NPPD would allow for four (4) megawatts or ten percent (10%).

Councilman Kerr noted that the City has been looking at doing this for twenty (20) years, and he believes the City should look into this, as there could be considerable savings.

Councilman Clabaugh inquired if the City interviewed other companies. Tempelmeyer noted that RFQ's were mailed to eight (8) potential companies and three (3) proposals were returned. Bluestem was the only company that met the requirement that they own and operate the equipment. Councilman Morgan noted he feels this is worth looking at and feels there could be huge opportunity for savings.

Gary Thompson, NPPD representative, was present to inform the Council he has had a good deal of experience with Herink and Bluestem. Thompson feels Bluestem is an excellent company and NPPD has had an excellent working relationship with them for a long time. Thompson wished to personally, as a resident, urge the Council to take a good look at this as it is an opportunity for Beatrice to move forward with renewable energy. Thompson also noted that with this renewable generation the City will have a set rate for the contract, noting there is no question that electric

rates at NPPD will continue to go up, and this would be a way to get into an excellent fixed rate so you will know what those costs will be.

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

Resolution Number 5760 has been passed and adopted.

**Resolution entering into an Interlocal Agreement for the purpose of the Nebraska Mutual Finance Assistance Act.**

Mayor Wirth introduced Resolution Number 5761 entering into an Interlocal Agreement for the purpose of the Nebraska Mutual Finance Assistance Act.

Moved by Catlin, seconded by Billesbach, that Resolution Number 5761 be passed and adopted.

Brian Daake, Fire Chief, reported to the Council that in 1998 the Nebraska Legislature passed the Mutual Finance Assistance Act for fire departments. The Act provides the opportunity for additional funding by the creation of an interlocal cooperation agreement with all fire districts within Gage County. The State Treasurer's Office has created a formula based upon valuations and population, which is used to divide the funding among all of the organizations. The City's share is around \$80,000 per year, which is used for the purchase of protective clothing, equipment, and facility upkeep.

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

Resolution Number 5761 has been passed and adopted.

**ORDINANCES**

**Ordinance amending Section 703 (c) of the Beatrice Zoning Ordinance to relax setback adjustments on street side yards for corner lots.**

Mayor Wirth introduced an Ordinance amending Section 703 (c) of the Beatrice Zoning Ordinance to relax setback adjustments on street side yards for corner lots.

Moved by Catlin, seconded by Kerr, that said ordinance be given number 15-005, 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, Fairbanks, Kerr, Morgan, Parde  
Nay: None MOTION CARRIED.

Mayor Wirth read Ordinance Number 15-005 by number only the first, second and third times.

Moved by Catlin, seconded by Clabaugh, that Ordinance Number 15-005 be passed and approved.

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

Ordinance Number 15-005 has been passed and approved.

**Ordinance adopting City Code Section 2-319 to 2-321 creating the position of City Finance Director and assigning duties.**

Mayor Wirth introduced an Ordinance adopting City Code Section 2-319 to 2-321 creating the position of City Finance Director and assigning duties.

Moved by Catlin, seconded by Cook, that said ordinance be given number 15-006, 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, Fairbanks, Kerr, Morgan, Parde  
Nay: None MOTION CARRIED.

Mayor Wirth read Ordinance Number 15-006 by number only the first, second and third times.

Moved by Catlin, seconded by Kerr, that Ordinance Number 15-006 be passed and approved.

Tobias Tempelmeyer, City Administrator, reported to the Council that this ordinance simply adds the position of Finance Director to the city code. The position of Finance Director will be appointed by the Mayor and confirmed by the City Council, similar to other positions within the City.

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

Ordinance Number 15-006 has been passed and approved.

**Ordinance adopting Article XI of the Beatrice City Code regarding purchasing.**

Mayor Wirth introduced an Ordinance adopting Article XI of the Beatrice City Code regarding purchasing.

Moved by Catlin, seconded by Parde, that said ordinance be given number 15-007, 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, Fairbanks, Kerr, Morgan, Parde  
Nay: None MOTION CARRIED.

Mayor Wirth read Ordinance Number 15-007 by number only the first, second and third times.

Moved by Catlin, seconded by Billesbach, that Ordinance Number 15-007 be passed and approved.

Tobias Tempelmeyer, City Administrator, reported to the City Council that the proposed ordinance is the same ordinance that was brought before the Council at the Worksession. The only change was to clarify the term acceptable bid. Greg Butcher, City Attorney, noted that a clarified acceptable bid is any bid less than 150% of the estimated amount and the wording was revised so that it was clear and easy to understand.

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

Ordinance Number 15-007 has been passed and approved.

**Ordinance amending Sections 9-126 and 9-130 regarding permissible fireworks and public fireworks exhibitions.**

Mayor Wirth introduced an Ordinance amending Sections 9-126 and 9-130 regarding permissible fireworks and public fireworks exhibitions.

Moved by Catlin, seconded by Kerr, that said ordinance be given number 15-008, 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, Fairbanks, Kerr, Morgan, Parde  
Nay: None MOTION CARRIED.

Mayor Wirth read Ordinance Number 15-008 by number only the first, second and third times.

Moved by Catlin, seconded by Parde, that Ordinance Number 15-008 be passed and approved.

Tobias Tempelmeyer, City Administrator, reported to the City Council that the proposed ordinance clarifies the definition of fireworks in city code to those permissible as allowed by the State. Tempelmeyer noted that the other change would allow for professional displays of permissible fireworks to be displayed on days other than July 1, 2, 3, and 4, with prior approval from the Fire Chief, Police Chief, and Mayor. Tempelmeyer noted that this would only be permitted for a person who holds display license for professional displays. Councilman Parde inquired if there are fireworks the City allows that the State does not. Greg Butcher, City Attorney, noted that sparklers are allowed in the City and not in the State. Councilman Parde also inquired if the City could ban floating lanterns. Butcher noted that we could if the State does not.

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

Ordinance Number 15-008 has been passed and approved.

## **PUBLIC FORUM**

No one appeared at public forum.

## **DISCUSSIONS/REPORTS**

### **NGage Quarterly Report**

Glennis McClure, NGage Executive Director, reviewed the quarterly report as provided in the Council packet. McClure noted that NGage did complete a strategic plan since the last quarterly report. McClure felt it was important to note that in the strategic plan, business retention and expansion was made a priority and more contacts have been made with existing businesses. McClure noted she has been trying to focus with key employers on what their employment breakdown is, where employees come from, wages, and turnover. Gathering this data will help educators understand what opportunities are available.

McClure noted that there has been quite a bit of activity with entrepreneurship. They have connected with a total of nine (9) new business owners. One (1) of the goals is to provide a monthly workshop for small businesses and NGage is currently working with Southeast Community College on setting this up.

McClure did want to mention that the ECAP study discovery tool is complete. There have been four (4) community conversation meetings and the next meeting will be held on April 15<sup>th</sup>. McClure urged all to attend. The committee is now at the point to move forward with action planning. Some of the characteristics that have been expressed were a list of prioritization, a sense of place, community vision, leadership, and an entrepreneurial support system.

McClure reported to the Council that the Request for Proposals for housing study were reviewed and they have selected Hanna:Keelan to conduct the study. The community-wide branding project will be unveiled tomorrow night.

Councilman Fairbanks inquired what NGage will do with the information gathered from the housing study. McClure noted that information gathered will be used when looking at what the needs of the community and Gage County are for housing, what housing levels are needed, and will help when connecting with potential developers and business when looking at coming to this community.

Councilman Fairbanks inquired what NGage is looking at regarding private funding. McClure noted that the goal is to reach a level of fifty percent (50%) of the total funding being raised privately. Councilman Fairbanks applauded the NGage board for looking at that, and stated he feels it is very important to show ownership.

Councilman Clabaugh noted that Steve Bors is an excellent resource that wants to do things in this community.

## Proposed NGage Bylaws Amendments

Tobias Tempelmeyer, City Administrator, updated the Council on a couple of proposed amendments regarding the NGage Bylaws. The first one (1) is whether or not the City wants to give up a voting seat on the NGage Board. There was a concern in the past that the councilmember representative would have a conflict and would not be able to vote on NGage issues at the City Council level. As an exofficio member, the councilmember could vote. Councilman Clabaugh noted that he wanted to have the Council's representative on the NGage Board be able to vote at the highest level, but also wanted to be on an even level with the County, so he wished to withdraw the request. Mayor Wirth noted that the County will maintain their voting status. Councilman Morgan noted that the relationship that has been developed is very important and growth between the City and County is well worth it. Councilman Parde noted the Council should be able to conduct work without having that one (1) vote here at this level.

Tempelmeyer noted the next proposed bylaw amendment would allow two (2) individuals on the NGage Board to live outside of Gage County. Mayor Wirth noted one (1) example would be, JC Stiles, who lives in Lincoln but has a large company here in Beatrice.

Councilman Morgan noted that it can be a challenge to find people who are willing to sit on the Board. Council President Catlin noted he would like to see discussion only tonight and would like to see what the County decides to do. Mayor Wirth noted the NGage meeting is next week, so a decision does need to be made.

Erich Tiemann, Gage County Board of Supervisors, rural Beatrice, reported to the City Council that he believed the general consensus of the County Board is to maintain its voting status, to allow members with qualifications who live outside of the County to serve on the NGage Board, and the County did not see a problem with changing the nominations to one (1) person.

Councilman Parde inquired if they could come back and change it later on and stated he is still not fond of having someone outside of Gage County serving on the Board. Councilman Clabaugh asked for a clarification that the elected directors would not have to work or live in Gage County. Tempelmeyer noted that the member would only have to meet one (1) of the three (3), live in Gage County, work in Gage County, or have economic development experience. McClure noted there may be individuals that would commit the time and be willing to help.

Moved by Catlin, seconded by Clabaugh, to approve the bylaw amendment to make the City Council member an exofficio member of the NGage Board.

Roll Call: Yea: None

Nay: Billesbach, Catlin, Clabaugh, Cook, Fairbanks, Kerr, Parde

Abstain: Morgan

MOTION FAILED.

Moved Catlin, seconded by Parde, to approve the bylaw amendment to allow two (2) NGage board members to live outside of the County.

Councilman Fairbanks urged other members to vote against this amendment if you want to continue the discussion. Councilman Parde noted he was concerned that the member could even live outside the state. Council President Catlin noted that he was comfortable with this if the Board has someone they trust. Councilman Kerr noted that at times a bigger pool of new eyes is needed and this would provide that opportunity. Mayor Wirth noted that the general public does not always have the economic development experience that others could bring to the Board as those that have been in the business a long time and it would be a benefit to the Board to utilize that experience.

Roll Call: Yea: Catlin, Clabaugh, Cook, Kerr, Mayor Wirth

Nay: Billesbach, Fairbanks, Parde

Abstain: Morgan

MOTION CARRIED.

Moved by Catlin, seconded by Cook, to approve the bylaw amendment removing the requirement that at least two (2) people for each open board seat be nominated.

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

Nay: None

Abstain: Morgan

MOTION CARRIED.

### **Consideration of Requests for Public Funding**

Moved by Catlin, seconded by Cook, that the public funding request of the Beatrice Bullets in the amount of \$1,000.00, be approved.

Tobias Tempelmeyer, City Administrator, reported to the Council that the Beatrice Bullets are looking to put fencing along the foul lines for warm-up areas. The Bullets will be providing \$3,000.00 for the project. Upon completion, the City will own the bullpens. Tempelmeyer noted there is enough funding for all of the requests in front of the Council tonight.

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

Nay: None

MOTION CARRIED.

Moved by Catlin, seconded by Cook, that the public funding request of Main Street Beatrice in the amount of \$350.00, be approved.

Michael Sothan, Main Street Executive Director, was present and addressed the Council regarding the request for the flowers and plants to be planted in the planters and bump-outs in the Main Street Beatrice district.

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

Nay: None

Abstain: Clabaugh

MOTION CARRIED.

Moved by Catlin, seconded by Morgan, that the public funding request of the Gage County Relay for Life in the amount of \$500.00, be approved

Lori Stierwalt, 1510 South 8<sup>th</sup> Street, and Brian Saathoff, 2525 Elk Street, were present and addressed the Council regarding their request for \$500 to help cover some of the expenses so that more money can be submitted to the American Cancer Society. This year marks the 18<sup>th</sup> year that the Relay for Life has been held. The event is very positive and there is a lot of community involvement. Councilman Parde questioned if this qualified for funding as it is located at the Fairgrounds which is not inside City limits, as shown in the requirements on the application. Tobias Tempelmeyer noted that the policy was amended to remove requirement it be within the City limits and the application would be corrected.

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

Moved by Catlin, seconded by Kerr, that the public funding request Chamber \$5,000 for Homestead

Lora Young, Executive Director of the Beatrice Area Chamber, and Angie Bruna, Director of Tourism, requested the funds to cover expenses incurred with Homestead Days such as: advertising, insurance, porta-poties, and a variety combo polka band.

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

### **Demolition of 407 Court Street**

Tobias Tempelmeyer, City Administrator, reported to the Council regarding the need for 407 Court Street to be demolished and removed. Tempelmeyer noted that the request for proposals were mailed to twenty-one (21) contractors, and the City received one (1) bid from Tiemann Construction. Tempelmeyer noted that Bob Tiemann, Erich Tiemann, and James Burroughs, City Engineer, were present to answer any questions the Council may have and that no action would be taken tonight. Tempelmeyer noted that an agreement between all parties would be brought back at the next meeting.

Erich Tiemann gave the Council an overview of the steps that would be taken for the demolition of 407 Court Street if they were to be awarded the project. Erich Tiemann also noted that there would be discussion between the City, adjacent property owners, and the contractor as to what is and is not included. Erich Tiemann explained some different options that they would approach when removing the structure, noting that the two (2) adjacent buildings will need to be shored up prior to any demolition to help prevent possible damage. Erich Tiemann noted that the building is falling vertically at this time, but if it begins to fall again, it could come down and out.

Councilman Fairbanks inquired if the shoring would be inside the buildings and if they would remain after work was completed. Erich Tiemann noted the building torn down will be removed completely, The Black Crow and building to the east will have anchors. King Little will inspect prior to demolition. Tiemann will take down the building gingerly, fill the basement, and spec out concrete slabs to keep water away from buildings, if we know the repurpose for the area that could change. Burroughs noted that the City took a simplistic approach with a minor amount of

impact to the adjacent buildings and those owners have voiced their opinions. Burroughs noted that the City tried to keep it simple in terms of the cost to the City for the demolition.

Councilman Fairbanks inquired if King Little, the structural engineer, would remain on the project. Burroughs noted that the City does not have an ongoing contract and the contractor would be responsible. Robert Tiemann noted that the demolition costs does include paying King Little to come down to inspect the supports of the adjacent buildings prior to demolition. Robert Tiemann noted that what the structural engineer is worried about is that without 407 Court Street standing the adjoining buildings will now have wind load. The supports will be anchored into angle iron and into timbers, wood floor and ceiling and supported by masonry structure.

Councilman Kerr inquired if the City will have an understanding with the business that the City is not liable after the work is completed. Mayor Wirth noted there will be an agreement that everyone involved in will sign off on. Councilman Kerr inquired if this would affect the Black Crow's business. Robert Tiemann noted they have talked with the owners and they will work around their schedule as to not disturb their customers. Burroughs noted that the hope is to install the supports on the second floor so they are not on first floor where the restaurant is located. Councilman Fairbanks inquired if Tiemann's were confident about their bid. Erich Tiemann noted that they will remain at the bid or under.

Councilman Parde inquired how long the demolition and removal would take. Erich Tiemann noted if all goes well from start to finish it would be within the one (1) month range. Burroughs noted that the contractor would have to monitor as they go and if any movement occurs, the contractor would need to stop operations. Erich Tiemann noted that the stabilization will be done prior to demolition and that there would be large insurance policy on this.

Councilman Kerr inquired since the City does not own the building, did the owner sign it over to the City. Mayor Wirth noted that the City condemned the building and that is why it is being removed by the City. Councilman Kerr then inquired if the City has the rights to sell the property after the demolition is completed. Tempelmeyer noted that the City will have a right to go after the owner for costs incurred. Greg Butcher, City Attorney, noted that the City would get an assignment on back taxes and foreclose on the property. The City has negotiated a deal and will be the first in line.

Mayor Wirth noted that we have a concept of the scope and directed administration to put together the agreement to be brought back to the next Council meeting, depending on how quickly everybody is able to get together.

### **Legislative Update**

Tobias Tempelmeyer, City Administrator, reported to the City Council that there has been no movement on the bills the City is watching over the last two (2) weeks.

## **ADJOURNMENT**

The next regular council meeting is April 20, 2015 at 7:00 p.m. in the Beatrice Public Schools Administration Building Meeting Room; there will be a Council Work Session on April 27, 2015 at 7:00 p.m. in the Beatrice Public Schools Administration Building Meeting Room.

Moved by Catlin, seconded by Clabaugh, that the meeting be adjourned at 9:13 p.m.

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

**Linda S. Koch, City Clerk**

**Stan Wirth, Mayor**