

## MINUTES OF THE REGULAR CITY COUNCIL MEETING

A meeting of the City Council was held on the 17<sup>th</sup> day of August, 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, Morgan, Parde  
Absent: Fairbanks, Kerr

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.

### 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 3, 2015, 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 \$6,400.00.
  - e(2) Approval of the balance of Treasurer's Report of Claims in the amount of \$492,591.98.
- f. Approval of BASWA Report of Claims in the amount of \$17,858.78.
- g. Approval of write-off of ambulance bad debts.
- h. Resolution Number 5804 amending the City of Beatrice 457(b) Plan for its employees as stated in Amendatory Agreement #2 related to loans.
- i. Approval of Change Order #1 decrease in the amount of \$7,700.18 and final contract price of \$39,861.91 to R.L. Tiemann Construction, Inc. for the Misc. Concrete Street Repairs Project #15-005, as recommended by BPW.
- j. Approval of Change Order #1 decrease in the amount of \$2,537.05 and final contract price of \$43,596.05 to R.L. Tiemann Construction, Inc. for the Curb & Gutter Replacement Project #15-006, as recommended by BPW.
- k. Approval of Change Order #5 increase in the amount of \$16,268.71 to Elkhorn West Construction, Inc. for the Beatrice Public Library Renovation.

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

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

MOTION CARRIED.

**k** – Moved by Catlin, seconded by Parde, that the approval of Change Order #5 increase in the amount of \$16,268.71 to Elkhorn West Construction, Inc. for the Beatrice Public Library Renovation, be approved, accepted and/or ratified as presented.

Councilman Parde noted this change order is a fairly large amount and inquired if this project is getting closer to completion. Tobias Tempelmeyer, City Administrator, the last completion date he has heard of is by October. Lauren Riedesel, Library Director, noted the most recent job schedules indicate the completion should be by the end of September. Councilman Parde inquired if this was change order would be an addition to the final payment. Tempelmeyer noted that this will be an addition to the final contract price.

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

MOTION CARRIED.

### **PUBLIC HEARINGS/BIDS**

There were no public hearings/bids.

### **ORDINANCES**

There were no ordinances.

### **PUBLIC FORUM**

Mayor Wirth noted Senator Deb Fischer will be in Beatrice on August 31, 2015 at Valentino's in the Primavera Room. The City Council will also have Special Meeting on August 31, 2015 to review the budget. Mayor Wirth also noted the League of Nebraska Municipalities Annual Conference will be held September 23-25.

### **DISCUSSIONS/REPORTS**

Tobias Tempelmeyer, City Administrator, presented the monthly report to the City Council. Tempelmeyer noted that the FY16 & FY17 Biennial Budget was presented to the City Council tonight and next week there will be a special meeting to review the budget. Department Heads will be present to answer any questions the Councilmembers may have. Tempelmeyer noted there will also be a special meeting on August 31, 2015 for budget review and on September 8, 2015 the City Council will approve the budget.

The branding project is near completion; the CRA took action on three (3) TIF agreements that have been completed; the Police Department staff is on mandatory overtime due to being short-staffed; the Public Properties Department indicated there are approximately sixty-five (65) trees that will need to be replaced due to the flood; the Scott Street Ballfields will see some activity this fall with the installation of a picnic shelter and ADA playground equipment, both of which received grant funds; and the Electric Department has installed the communication system and fifty-five (55) AMI meters and is currently in the test mode.

### **EXECUTIVE SESSION**

Moved by Catlin, that the Beatrice City Council go into closed session at 7:10 p.m., for the protection of public interest to discuss strategy with respect to litigation which is imminent as evidenced by communication of a claim or threat of litigation to or by the public body and for contract negotiations. Seconded by Morgan, that the Beatrice City Council go into closed session at 7:10 p.m., for the protection of public interest to discuss strategy with respect to

litigation which is imminent as evidenced by communication of a claim or threat of litigation to or by the public body and for contract negotiations.

Mayor Wirth announced that Moved by Catlin, seconded by Morgan, that the Beatrice City Council go into closed session at 7:10 p.m., for the protection of public interest to discuss strategy with respect to litigation which is imminent as evidenced by communication of a claim or threat of litigation to or by the public body and for contract negotiations.

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

MOTION CARRIED.

Reconvened at 7:27 p.m.

### **PUBLIC FORUM**

Ryan Mitchell, President of Dempsters, LLC, appeared at public forum to present to the Mayor and City Council a check for payment in full for their LB840 loan. Mitchell noted things are going well and they have an exciting announcement that will be made at Husker Harvest Days.

### **RESOLUTIONS**

**Resolution Number 5805 executing a NDEQ Remedial Action Plan Monitoring Act/VCP Application Form between the City of Beatrice, Nebraska and the Nebraska Department of Environmental Quality.**

Mayor Wirth introduced Resolution Number 5805 executing a NDEQ Remedial Action Plan Monitoring Act/VCP Application Form between the City of Beatrice, Nebraska and the Nebraska Department of Environmental Quality.

Moved by Catlin, seconded by Billesbach, that Resolution Number 5805 be passed and adopted.

Tobias Tempelmeyer, City Administrator, noted the City has been dealing with environmental issues on the property that was purchased where the former Manufactured Gas Plant was located. The EPA and NDEQ have been investigating this site regarding any contamination that may have occurred in the area. Tempelmeyer noted in working with our counsel, the City can either go thru the EPA's removal process or work thru NDEQ's voluntary cleanup program. Upon reviewing those options, it is the recommendation of the Administration to enter into an agreement with NDEQ for the cleanup.

Councilman Parde inquired if the City had any other options besides the General Fund to pay for the cleanup. Tempelmeyer noted this project may qualify for SRF funds from the State.

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

MOTION CARRIED.

Resolution Number 5805 has been passed and adopted.

## **ADJOURNMENT**

The next regular City Council meeting is Tuesday, September 8, 2015 at 7:00 p.m. in the Beatrice Public Schools Administration Building Meeting Room; there will be a Special Meeting on August 24, 2015 for budget review. There will also be a Special Meeting on August 31, 2015 for budget review.

Moved by Catlin, seconded by Clabaugh, that the meeting be adjourned at 7:33 p.m.

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

MOTION CARRIED.

**Erin Saathoff, City Clerk**

**Stan Wirth, Mayor**