

**MINUTES OF THE CITY COUNCIL REGULAR MEETING HELD FEBRUARY 2, 2015, AT 7:00 P.M. IN THE BPS ADMINISTRATION MEETING ROOM, 320 NORTH 5<sup>TH</sup> STREET, BEATRICE, NE**

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

**1 – Roll Call:** Present: Mayor Wirth; Councilmembers Billesbach, Catlin, Clabaugh, Cook, Kerr, Morgan, Parde  
Absent: Councilmember 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.

Mayor Wirth read a Proclamation proclaiming February 10, 2015 as “Quarter Day in Beatrice” to commemorate the release of the Homestead National Monument of America quarter into circulation; Mark Engler, Superintendent of the Homestead National Monument was present to receive the proclamation and invited everyone to attend the Quarter Launch and Coin Exchange event to be held on February 10<sup>th</sup> at 10:00 a.m. at the Beatrice High School.

**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 January 19, 2015, as on file in the City Clerk’s Office.
- e. Approval of minutes of special meeting on January 26, 2015, as on file in the City Clerk’s Office.
- f. Approval of minutes of worksession on January 26, 2015, as on file in the City Clerk’s Office.
- g. Approval of Treasurer’s Report of Claims in the amount of \$221,783.28.
- h. Approval of BASWA Report of Claims in the amount of \$33,207.99.
- i. Setting the public hearing for the One & Six Year Street Plan to be held on February 16, 2015 at 7:00 p.m.
- j. Resolution Number 5728 appointing Jason Sutter and Robert McClelland to the City of Beatrice Library Board.
- k. Resolution Number 5729 appointing Alan Fetty to the Beatrice Planning and Zoning Commission.
- l. Resolution Number 5730 appointing Krista Wiedel to the Civil Service Commission.
- m. Resolution Number 5731 appointing Krista Wiedel to the Board of Adjustments.
- n. Resolution Number 5732 approving an Interlocal Agreement for the Southeast Region 911 Emergency Communications Study Agreement Addendum.
- o. Refer claim of Evalyn Fitzwater, 701 North 8<sup>th</sup> Street, for damages sustained to her electric stove on January 19, 2015, allegedly as a result of a power outage to the City Attorney and City’s Insurance Carrier for review and disposition.
- p. Approval of special designated liquor license application of St. Joseph Catholic Church for a special event on March 1, 2015 from 4:00 p.m. to 7:00 p.m. at 612 High Street, Beatrice, NE.

Moved by Catlin, seconded by Clabaugh, that the items listed under the consent agenda, be approved, accepted and/or ratified as presented.

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

Nay: None

Motion carried.

### 3 - Public Hearings/Bids:

#### a. Hearing

#### **(1) Public Hearing on the application of LMRRLR LLC for Community Development Block Grant Reuse funds in the amount of \$80,000 plus \$2,000 in administration fees.**

Mayor Wirth announced that a public hearing be held on the application of LMRRLR LLC for Community Development Block Grant Reuse funds in the amount of \$80,000 plus \$2,000 in administration fees.

City Administrator, Tobias Tempelmeyer, explained the application for funds to assist them with the purchase of an existing business in Beatrice and reviewed the terms of the loan, which will be repaid over a term of seven years at an interest rate of 2.9%, and requires that the business retain three existing full-time employees for sixty of the eighty-four months. Security includes a Deed of Trust on their personal residence and security in the businesses assets.

Applicants Rob and Leanne Ruskamp, 2778 East Juniper Road, appeared and provided the council with more information regarding their background and plans for the business, which provides embroidery and screen printing services; as a staple business in the community they see this as an opportunity to lift up the business, build something special and keep the sales in Beatrice.

Glennis McClure, NGage Executive Director, appeared and explained that she had reviewed the applications and felt that both the CDBG loan and the application for LB840 funds would provide nice assistance to this business in transition and retain a current business that already has goodwill in the community. She was impressed with Leanne's marketing background and experience and the due diligence that the Ruskamps had in having the business appraised.

Discussion held regarding the value of the collateral provided and also on depleting the funds available in the CDBG Revolving Loan Fund and reducing the LB840 funds for economic development.

Moved by Catlin, seconded by Cook, that the public hearing be closed at 7:19 p.m.

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

Motion carried.

### 4 – Resolutions:

#### **a. Resolution approving a loan from the CDBG Revolving Loan Fund in the amount of \$82,000 for financial assistance to LMRRLR LLC in the amount of \$80,000, and administration fee of \$2,000.**

Mayor Wirth introduced Resolution Number 5733 approving a loan from the CDBG Revolving Loan Fund in the amount of \$82,000 for financial assistance to LMRRLR LLC in the amount of \$80,000, and administration fee of \$2,000.

Moved by Catlin, seconded by Parde, that Resolution Number 5733 be passed and adopted.

City Administrator Tempelmeyer presented the recommendation of the Citizens Advisory Review Committee to approve submitting the application on to the City Council by a vote of 2-1. He also noted that the administration fees are a fee which is paid back to the City.

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

Motion carried.

Resolution Number 5733 has been passed and adopted.

**b. Resolution identifying the CDBG Administrator.**

Mayor Wirth introduced Resolution Number 5734 identifying the CDBG Administrator.

City Administrator Tempelmeyer explained that this is a requirement when administering CDBG Loans.

Moved by Catlin, seconded by Cook, that Resolution Number 5734 be passed and adopted.

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

Motion carried.

Resolution Number 5734 has been passed and adopted.

**c. Resolution approving a loan from the LB840 Fund to LMRRLR LLC in the amount of \$60,000.**

Mayor Wirth introduced Resolution Number 5735 approving a loan from the LB840 Fund to LMRRLR LLC in the amount of \$60,000.

Moved by Catlin, seconded by Morgan, that Resolution Number 5735 be passed and adopted.

Mayor Wirth explained that this loan is for the same business as discussed in the hearing.

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

Motion carried.

Resolution Number 5735 has been passed and adopted.

**d. Resolution approving a loan from the LB840 Fund to Gopalji LLC dba the Victorian Inn in the amount of \$300,000.**

Mayor Wirth introduced Resolution Number 5736 approving a loan from the LB840 Fund to Gopalji LLC dba the Victorian Inn in the amount of \$300,000.

Moved by Catlin, seconded by Billesbach, that Resolution Number 5736 be passed and adopted.

City Administrator Tempelmeyer explained the application for LB840 funds to assist them with the addition of rooms and a pool area on to the Victorian Inn and reviewed the terms of the loan, which will be repaid over ten years at an interest rate of 2.9%. Security is provided in the form of a Deed of Trust on the property. The Citizens Advisory Review Committee recommended approval on a vote of 2-1.

Dan and KJ Patel, 1903 North 6<sup>th</sup> Street, appeared and provided information to the Council regarding the addition which will provide additional rooms needed during the summer, bringing in more revenue and lodging taxes and employ an additional four-five people. They are currently at a disadvantage by not

having a pool. Construction has begun on the project, however the estimated cost of the project has grown to \$600,000; they currently have a small bank loan and are looking to request the remaining 50% from the City.

Glennis McClure, NGage Executive Director, appeared and explained that she had reviewed the application and it was good to see expansion of a business that has been doing well and fills a demand for the community.

Discussion held that Tax Increment Financing was not an option because that funding needs to go for public improvements; that the project had already begun; and that the business may have the option of going to the bank for the additional funding, however, they preferred to get the loan from the City. Discussed that funds are being depleted in the LB840 fund and future projects, such as the intersection at 6<sup>th</sup> and Industrial Row, still need to be paid, but that \$250,000 per year is deposited into the LB840 fund.

Recessed at 7:35 p.m.

Reconvened at 7:37 p.m.

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

City Attorney, Greg Butcher, explained that during the recess he reviewed the City Code and that for appropriations of money, or when entering into a contract, it requires an affirmative vote of the majority of elected officials, which would be five, and that the Mayor has the authorization to make the fifth and deciding vote.

Moved by Morgan, seconded by Cook, to reconsider approval of Resolution Number 5733.

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

The motion to pass and adopt Resolution Number 5733 approving a loan from the CDBG Revolving Loan Fund in the amount of \$82,000 for financial assistance to LMRRLR LLC in the amount of \$80,000, and administration fee of \$2,000 has been placed back on the floor for consideration.

Roll Call: Yea: Billesbach, Cook, Morgan, Parde, Mayor Wirth  
Nay: Catlin, Clabaugh, Kerr Motion carried.

Resolution Number 5733 has been passed and adopted.

Moved by Morgan, seconded by Cook to reconsider approval of Resolution Number 5735.

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

The motion to pass and adopt Resolution Number 5735 approving a loan from the LB840 Fund to LMRRLR LLC in the amount of \$60,000 has been placed back on the floor for consideration.

Roll Call: Yea: Billesbach, Cook, Morgan, Parde, Mayor Wirth  
Nay: Catlin, Clabaugh, Kerr Motion carried.

Resolution Number 5735 has been passed and adopted.

**e. Resolution entering into a lease with B-7 Investments LLC for an outdoor seating area in front of the VIP Lounge at 106 North 5<sup>th</sup> Street.**

Mayor Wirth introduced Resolution Number 5737 entering into a lease with B-7 Investments LLC for an outdoor seating area in front of the VIP Lounge at 106 North 5<sup>th</sup> Street.

Moved by Catlin, seconded by Kerr, that Resolution Number 5737 be passed and adopted.

City Administrator Tempelmeyer explained that the proposed lease is the same as the prior lease except that the dollar amount has been reduced from \$100.00 per year to \$25.00 per year, at the request of the VIP Lounge. Councilmember Parde expressed concern with them encroaching out this far.

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

Motion carried.

Resolution Number 5737 has been passed and adopted.

**f. Resolution entering into an agreement with Olsson Associates for the Wastewater Treatment Facility.**

Mayor Wirth introduced Resolution Number 5738 entering into an agreement with Olsson Associates for the Wastewater Treatment Facility.

Moved by Catlin, seconded by Kerr, that Resolution Number 5738 be passed and adopted.

City Administrator Tempelmeyer explained that as a part of the capital improvement plan for the Wastewater Treatment Facility a study was completed and recommended installation of two smaller energy efficient pumps in the two remaining vacant spots in the pump house. The proposed agreement will retain Olsson Associates to assist in the final design and bidding process. City Engineer, James Burroughs and WPC Superintendent, Dean Kelch, were present to answer questions of the council; the current larger pumps will remain in place and could be used in certain situations to keep the plant running smoothly. The cost of the new pumps is estimated at \$250,000 and is in the budget but replacement of a sewer line will be pushed back to allow for this project to be moved forward.

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

Motion carried.

Resolution Number 5738 has been passed and adopted.

**g. Resolution establishing various fees.**

Mayor Wirth introduced Resolution Number 5739 establishing various fees.

Moved by Catlin, seconded by Billesbach, that Resolution Number 5739 be passed and adopted.

City Administrator Tempelmeyer explained that the only change to the fee resolution is to increase the water park daily admission fees and family pass fee to generate sufficient funds to help with the impact of increased costs due to the minimum wage increase.

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

Motion carried.

Resolution Number 5739 has been passed and adopted.

**5 – Ordinances:**

None.

**6 – Public Forum:**

No one appeared at public forum.

**7 – Discussions/Reports:**

**a. Legislative Update**

City Administrator Tempelmeyer presented the legislative update.

**8 – Miscellaneous:**

The next regular council meeting is February 16, 2015 at 7:00 p.m. in the Beatrice Public Schools Administration Building Meeting Room; there will be a Council worksession on February 23, 2015 at 7:00 p.m. in the Beatrice Public Schools Administration Building Meeting Room.

Moved by Catlin, seconded by Parde, that the meeting be adjourned at 7:56 p.m.

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

Motion carried.

**Linda S. Koch, City Clerk**

**Mayor Stan Wirth**