

**MINUTES OF THE CITY COUNCIL REGULAR MEETING HELD MARCH 16, 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, 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.

**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 March 2, 2015, as on file in the City Clerk's Office.
- e. Approval of Treasurer's Report of Claims in the amount of \$581,577.17.
- f. Approval of BASWA Report of Claims in the amount of \$28,013.64.
- g. Write-off of mowing bill bad debts.
- h. Resolution Number 5752 appointing Justin Theasmeyer to fill vacancy on the Firefighters' Retirement Committee.
- i. Resolution Number 5753 appointing Wendy Doyle and Richard Mayfield to the Planning & Zoning Commission.
- j. Resolution Number 5754 entering into an agreement with JK Energy Consulting LLC to provide services in relation to a power supply evaluation for the City's electric utility, as recommended by the BPW.

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; Catlin abstained from 2d

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

j - Moved by Catlin, seconded by Kerr, that Resolution Number 5754 entering into an agreement with JK Energy Consulting LLC to provide services in relation to a power supply evaluation for the City's electric utility, as recommended by the BPW, be passed and adopted.

Councilmember Clabaugh questioned whether it would be possible to partner with other cities that are also interested in hiring a consultant to provide like services and thereby reduce the cost. Discussion followed that the same information may be used in other studies. City Administrator, Tobias Tempelmeyer, reported that JK Energy Consulting had provided a set fee for any community interested and we would most likely not see a change in the cost had we waited to join with other communities.

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

### 3 - Public Hearings/Bids:

#### a. Hearings (None)

### 4 – Resolutions:

#### a. Resolution entering into a Contract for Sale of Real Estate selling City-owned property described as Lots 6-9, Block 3, Westons 2<sup>nd</sup> Addition and Lot 8, Block 2, Penner's Addition, located adjacent to 400 Logan, to James H. & Lelebeth C. Perry.

Mayor Wirth introduced Resolution Number 5755 entering into a Contract for Sale of Real Estate selling City-owned property described as Lots 6-9, Block 3, Westons 2<sup>nd</sup> Addition and Lot 8, Block 2, Penner's Addition, located adjacent to 400 Logan, to James H. & Lelebeth C. Perry.

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

Moved by Catlin, seconded by Morgan, that Resolution Number 5755 be passed and adopted.

City Administrator Tempelmeyer explained that James Perry had contacted the City that he was interested in acquiring this property, which is adjacent to his residence; the City had acquired the property through sheriff's sale and removed a dilapidated building but the property has no street frontage and is at an elevation that makes building on it difficult. The proposed agreement is to sell the lots at a price of \$1,000. Discussion followed regarding Mr. Perry's future plans for the property and whether he could sell the lots off at a later date. James Perry, 400 Logan Street, appeared and stated that he is removing the trees at his own expense and plans to make application to have all the lots and his residence turned into one legal parcel.

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

Resolution Number 5755 has been passed and adopted.

#### b. Resolution entering into a Contract for Sale of Real Estate selling City-owned property described as the E33' of vacated South 9<sup>th</sup> Street adjacent to W1/2 of Lots 5 & 6, Block 7, Highland Park Addition, located at 9<sup>th</sup> and Oak Streets, to Todd A. & Soni N. Hydo.

Mayor Wirth introduced Resolution Number 5756 entering into a Contract for Sale of Real Estate selling City-owned property described as the E33' of vacated South 9<sup>th</sup> Street adjacent to W1/2 of Lots 5 & 6, Block 7, Highland Park Addition, located at 9<sup>th</sup> and Oak Streets, to Todd A. & Soni N. Hydo.

Moved by Catlin, seconded by Cook, that Resolution Number 5756 be passed and adopted.

City Administrator Tempelmeyer explained that Mr. Hydo had purchased a parcel at 9<sup>th</sup> and Oak Streets to build a house however in order to meet set back requirements he needs to move the house to the west and therefore has requested to acquire a portion of the right-of-way of 9<sup>th</sup> Street, which was platted but never improved and there are no plans to ever improve it. The proposal is to vacate this portion of 9<sup>th</sup> Street and sell it for \$100. Discussion followed on how the value of the property being sold is figured, but there is no set formula being used, and that the house will improve the area. Todd Hydo, 715 Ella Street, appeared to request approval to purchase the creek bottom land and that once improved with his house the City will receive increased taxes.

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

Resolution Number 5756 has been passed and adopted.

**5 – Ordinances:**

- a. Ordinance conveying City-owned property described as Lots 6-9, Block 3, Westons 2<sup>nd</sup> Addition and Lot 8, Block 2, Penner’s Addition, located adjacent to 400 Logan, to James H. & Lelebeth C. Perry.**

Mayor Wirth introduced an Ordinance conveying City-owned property described as Lots 6-9, Block 3, Westons 2<sup>nd</sup> Addition and Lot 8, Block 2, Penner’s Addition, located adjacent to 400 Logan, to James H. & Lelebeth C. Perry.

Moved by Catlin, seconded by Parde, that said ordinance be given number 15-001, the title thereof be approved, the rules be suspended and said ordinance be read by number only three times tonight.

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

Mayor Wirth read Ordinance Number 15-001 by number only the first, second and third times.

Moved by Catlin, seconded by Billesbach, that Ordinance Number 15-001 be passed and approved.

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

Ordinance Number 15-001 has been passed and approved.

- b. Ordinance vacating a portion of the 9<sup>th</sup> Street right-of-way described as the E33’ of vacated South 9th Street adjacent to W1/2 of Lots 5 & 6, Block 7, Highland Park Addition.**

Mayor Wirth introduced an ordinance vacating a portion of the 9<sup>th</sup> Street right-of-way described as the E33’ of vacated South 9th Street adjacent to W1/2 of Lots 5 & 6, Block 7, Highland Park Addition.

Moved by Catlin, seconded by Kerr, that said ordinance be given number 15-002, the title thereof be approved, the rules be suspended and said ordinance be read by number only three times tonight.

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

Mayor Wirth read Ordinance Number 15-002 by number only the first, second and third times:

Moved by Catlin, seconded by Clabaugh, that Ordinance Number 15-002 be passed and approved.

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

Ordinance Number 15-002 has been passed and approved.

**c. Ordinance conveying City-owned property described as the E33' of vacated South 9<sup>th</sup> Street adjacent to W1/2 of Lots 5 & 6, Block 7, Highland Park Addition, located at 9<sup>th</sup> and Oak Streets, to Todd A. & Soni N. Hydo.**

Mayor Wirth introduced an ordinance conveying City-owned property described as the E33' of vacated South 9<sup>th</sup> Street adjacent to W1/2 of Lots 5 & 6, Block 7, Highland Park Addition, located at 9<sup>th</sup> and Oak Streets, to Todd A. & Soni N. Hydo.

Moved by Catlin, seconded by Kerr, that said ordinance be given number 15-003, the title thereof be approved, the rules be suspended and said ordinance be read by number only three times tonight.

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

Mayor Wirth read Ordinance Number 15-003 by number only the first, second and third times:

Moved by Catlin, seconded by Morgan, that Ordinance Number 15-003 be passed and approved.

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

Ordinance Number 15-003 has been passed and approved.

**d. Ordinance to amend Sections 26-45 and 26-46 of the Beatrice City Code setting utility payment due dates and amending the disconnection policy.**

Mayor Wirth introduced an ordinance to amend Sections 26-45 and 26-46 of the Beatrice City Code setting utility payment due dates and amending the disconnection policy.

Moved by Catlin, seconded by Cook, that said ordinance be given number 15-004, the title thereof be approved, the rules be suspended and said ordinance be read by number only three times tonight.

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

Mayor Wirth read Ordinance Number 15-004 by number only the first, second and third times:

Moved by Catlin, seconded by Cook, that Ordinance Number 15-004 be passed and approved.

City Administrator Tempelmeyer explained that the proposed amendment does not change how the utility bills are being handled, it simply amends language in the city code to mirror what the current practice is, which is that they are due the date upon which they are mailed, after fifteen days the bill is delinquent, and seven business days after the delinquent date the BPW has the right to disconnect.

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

Ordinance Number 15-004 has been passed and approved.

**6 – Public Forum:**

No one appeared at public forum

**7 – Discussions/Reports:**

**a. Olsson Associates report on updating the Comprehensive Plan to include the Energy Portion.**

Avery Oltmans, an employee of Olsson Associates, 2111 South 67<sup>th</sup> Street Omaha, NE, presented a report prepared by Olsson Associates on updating the Beatrice Comprehensive Plan to include an Energy Element Appendix to bring the plan in compliance with Nebraska statutory requirements. The purpose of the law passed in 2010 was to require that all comprehensive plans have an energy element that would provide a profile of existing energy infrastructure and use by sector, evaluate the utilization of renewable energy sources and promote energy efficiency, provide an assessment of energy security, and identify areas for future development. He further explained the data and information reported for these various elements for Beatrice.

**b. Legislative Update**

City Administrator Tempelmeyer presented the Legislative Update and reported that LB28 regarding radon resistant requirements for new construction has been placed in general file and will be monitored.

**c. Monthly City Administrator’s Report**

City Administrator Tempelmeyer presented the Monthly City Administrator’s Report and highlighted the following: the public properties department has installed the new steel structures at the skate park and it is open for use, and the electric department has installed one hundred new LED street lights, which is a multi-year project that will take another four years to complete.

**8 – Executive Session:**

Moved by Catlin, that the Beatrice City Council go into closed session at 7:43 p.m., for the protection of public interest to discuss real estate.

Seconded by Clabaugh, that the Beatrice City Council go into closed session at 7:43 p.m., for the protection of public interest to discuss real estate.

Mayor Wirth announces that Moved by Catlin, seconded by Clabaugh, that the Beatrice City Council go into closed session at 7:43 p.m., for the protection of public interest to discuss real estate.

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

Reconvened at 8:33 p.m.

**9 – Miscellaneous:**

The next regular council meeting is April 6, 2015 at 7:00 p.m. in the Beatrice Public Schools Administration Building Meeting Room; there will be a Council worksession on March 23, 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 8:34 p.m.

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

**Linda S. Koch, City Clerk**

**Mayor Stan Wirth**