

## **MINUTES OF THE REGULAR CITY COUNCIL MEETING**

A meeting of the City Council was held on the 4<sup>th</sup> day of May, 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 presented the following elementary students with a “Mayor for a Day” honorary certificate for participating in a litter pick-up project sponsored by Keep Beatrice Beautiful: Mitchel Klassen from Lincoln Elementary; Heidi Lee Fischer from Paddock Lane Elementary; Jaslynn Bordeaux from Stoddard Elementary; Lysie Lancaster from St. Joseph’s Catholic School; and Lucas Saathoff from St. Paul’s Lutheran School. There were no entries from Cedar Elementary School this year. Linda Grell, Keep Beatrice Beautiful Director, thanked all of the students who participated in the trash trek during April 13-25. Overall the participants collected approximately 2,000 pounds of trash. The winners this year were randomly drawn from all of the students who participated.

Mayor Wirth read a Proclamation proclaiming May 3-9, 2015 as “Drinking Water Week”. Steve Kelley, Water Superintendent, received the proclamation. Kelley noted Beatrice was blessed with adequate supply of water and was honored to have a Department that is dedicated to serve the public.

Mayor Wirth read a Proclamation proclaiming May 2015 as “National Preservation Month”. Michael Sothan, Main Street Executive Director, received the proclamation and invited everyone to participate in the upcoming events.

### **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 April 20, 2015, as on file in the City Clerk’s Office.
- e. Approval of minutes of Work Session on April 27, 2015, as on file in the City Clerk’s Office.
- f. Approval of Treasurer’s Report of Claims in the amount of \$119,857.17.
- g. Approval of BASWA Report of Claims in the amount of \$38,340.11.
- h. Approval of contract with R.L. Tiemann Construction, Inc., in the amount of \$46,133.20 for the Curb & Gutter Replacement Project #15-006, as recommended by the BPW.

- i. Approval of contract with Ditch Diggers in the amount of \$160,988.00 for the Hwy 77 Big Blue River Water Main Crossing Project.
- j. Approval of Special Designated License for Risky's, Inc, dba Risky's Sports Bar for a Human Foosball Tournament in the south side lot of 2317 North 6<sup>th</sup> Street, on June 20, 2015 from 9:00 a.m. until 1:00 a.m.
- k. Approval of Special Designated License application of D & J Enterprises, LLC dba Kabo for a beer garden and dance on June 19, 2015 from 6:00 p.m. until 2:00 a.m., June 20, 2015 from 2:00 p.m. until 2:00 a.m., and July 11, 2015 from 2:00 p.m. until 2:00 a.m. at 115 South 5<sup>th</sup> Street, and permission to use the City-owned alley for said beer garden.
- l. Resolution Number 5770 authorizing vendors permission to sell goods on City property in Chautauqua Park for Homestead Days, June 14-21, 2015.

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

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

**k** – Moved by Catlin, seconded by Cook, that the Special Designated License application of D & J Enterprises, LLC dba Kabo for a beer garden and dance on June 19, 2015 from 6:00 p.m. until 2:00 a.m., June 20, 2015 from 2:00 p.m. until 2:00 a.m., and July 11, 2015 from 2:00 p.m. until 2:00 a.m. at 115 South 5<sup>th</sup> Street, and permission to use the City-owned alley for said beer garden, be approved.

Councilman Parde expressed that he did not think it was appropriate to use City property for a beer garden and that he would be voting against this issue.

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

**l** – Moved by Catlin, seconded by Cook, that Resolution Number 5770 authorizing vendors permission to sell goods on City property in Chautauqua Park for Homestead Days, June 14-21, 2015.

Councilman Parde inquired if all the vendors would be required to have a permit in order to sell good in Chautauqua Park. Greg Butcher, City Attorney, noted that the vendors would need to obtain permission through the Chamber rather than every vendor obtaining permission from the City. Councilman Kerr inquired if all of the vendors are required to be insured and carry liability insurance. Lora Young, Executive Director of the Beatrice Area Chamber noted that the Chamber does require the vendors to have liability insurance.

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

### **PUBLIC HEARINGS/BIDS**

There were no public hearings/bids.

## RESOLUTIONS

There were no resolutions.

## ORDINANCES

### **Ordinance to amend Section 7-21, relating to the International Residential Code, 2009 Edition, published by the International Code Council.**

Mayor Wirth introduced an Ordinance amending Section 7-21, relating to the International Residential Code, 2009 Edition, published by the International Code Council.

Moved by Catlin, seconded by Billesbach, that said ordinance be given number 15-010, 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 15-010 by number only the first, second, and third times.

Moved by Catlin, seconded by Clabaugh, that Ordinance Number 15-010 be passed and approved.

Greg Butcher, City Attorney, presented the proposed ordinance regarding residential wall foundations that was previously reviewed at the Work Session. Butcher noted there were a number of discrepancies with City code and the current practices. The proposed ordinance outlines the current practices and will clear up any confusion. Butcher also noted that area contractors have been contacted regarding the proposed changes and there were no concerns.

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

Ordinance Number 15-010 has been passed and approved.

### **Ordinance to amend Article IV of the Beatrice City Code regarding Sewers and Sewage Disposal.**

Mayor Wirth introduces an Ordinance amending Article IV of the Beatrice City Code regarding Sewers and Sewage Disposal.

Moved by Catlin, seconded by Parde, that said ordinance be given number 15-011, 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 15-011 by number only the first, second and third times.

Moved by Catlin, seconded by Parde, that Ordinance Number 15-011 be passed and approved.

James Burroughs, City Engineer, reported to the Council that upon his recent review of the Sanitary Sewer city code he would recommend the proposed changes in order to clear up any confusion. Burroughs also noted prior to approval of this ordinance he would like the term septic tanks in Section 26-115.1 and 26-115.2 changed to septic systems. Greg Butcher, City Attorney, noted that change could be made in the motion to approve this ordinance as amended. Butcher noted that upon the review of the city code, the proposed ordinance was made cohesive with all ordinances by moving the definitions to front of ordinance and also kept consistency throughout the ordinance when referring to public sanitary sewer system.

Councilman Fairbanks inquired what made the City review these codes. Burroughs noted the City has been dealing with some properties that currently would not meet the requirements and there was a need to update the language to match the current rate ordinance. Butcher noted that upon the approval of the proposed ordinance, citizens would not be automatically found out of compliance. Councilman Kerr inquired if there are lagoons within the City's two (2) mile radius. Burroughs noted there are some lagoons and other septic systems within the two (2) mile jurisdiction.

Moved by Catlin, seconded by Kerr, to amend Sections 26-115.1 and 26-115.2 by replacing the term septic tanks with the term septic systems.

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

Moved by Catlin, seconded by Kerr, that Ordinance Number 15-011 be passed and approved as amended.

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

Ordinance Number 15-011 has been passed and approved.

## **PUBLIC FORUM**

Councilman Kerr noted a letter from the Nebraska Department of Health & Human Services was distributed inviting the City Council, Mayor, and Administration to contact the Beatrice State Developmental Center (BSDC) and set up a tour of the facility.

Mayor Wirth noted an article from the New York Times regarding the Beatrice Community Hospital was distributed for the Council.

## **DISCUSSIONS/REPORTS**

### **Presentation of Auditor's Report and the Comprehensive Annual Financial Report for the year ending September 30, 2014**

Chris Lindner, BDK, presented the City's financial Audit. Lindner noted that Linda Koch and her team take a lot of pride within the Comprehensive Annual Financial Report (CAFR) and noted the City was once again awarded the Government Finance Certificate which is a very prestigious award. Lindner noted that there are many steps in the audit process, such as having a second party look at the reports in addition to the team that reviewed the financials onsite. Lindner noted there were recommendations on how some items were previously being handled and Koch made the recommended changes. BDK addressed some areas that needed tighter internal control, such as the placement of the City's IT equipment, and noted there are some new accounting changes that may have an impact on the City in the future. Councilman Morgan expressed he felt it was a good idea to look at the City's IT Department and address the ease of access to the hardware.

Lindner pointed out the statistical pages beginning on Page 137, which gives great idea for where the City has been and where the City is now. Lindner noted the City's unrestricted fund balance is at 39% or 4.8 months of operating expenditures in cash reserves. The recommended practice according to the GFOA is to have at least 2 months on hand so the City is in a good position. Councilman Fairbanks inquired how many months the City was looking at having in the Cash Reserve Policy. Tobias Tempelmeyer, City Administrator, noted the Administration was looking at having six (6) months on hand.

### **Beatrice Fire and Rescue Department 2014 Annual Report**

Brian Daake, Fire Chief, presented the Beatrice Fire and Rescue Department 2014 Annual Report. Daake noted the Department responded to over 2,500 calls for the eighth (8<sup>th</sup>) year in a row. Daake noted the ordinance passed by the Council for dealing with false alarms has helped as the Department saw huge increase in those calls. Daake noted a continuing challenge due to a decline in volunteerism will be providing services to the neighboring communities. Daake also noted that looking forward the Department will be the use of the LUCAS devices, statewide documentation on how we can improve survivability, and the Department would like to push for a community wide CPR program. Councilman Morgan expressed that the Beatrice Fire and Rescue Department is one (1) of the finest professional groups he has seen and noted they support Southeast Community College well.

### **Legislative Update**

Tobias Tempelmeyer, City Administrator, presented the Legislative Update. Tempelmeyer noted that over half of the bills are still stuck in committee. Tempelmeyer noted that LB610 which would increase gas tax has advanced to final voting and that Governor Ricketts has announced that he will veto this bill. Councilman Fairbanks inquired what steps the City needed to take in order to show support for LB610 and also inquired on LB150 which would redefine LB840. Tempelmeyer noted if the Council wished to support LB610, they would need to let him know. Tempelmeyer noted that some cities were using LB840 to loan money within political subdivisions and LB150 would narrow the scope. Councilman Parde further inquired what the

Council needed to do to support LB610 and discussion ensued. Mayor Wirth noted that this item is not on the agenda and this topic would be brought back to the May 18<sup>th</sup> meeting to allow for public input as well.

### **EXECUTIVE SESSION**

Moved by Catlin, that the Beatrice City Council go into closed session at 8:06 p.m., for the protection of public interest to discuss real estate.

Seconded by Cook, that the Beatrice City Council go into closed session at 8:06 p.m., for the protection of public interest to discuss real estate.

Mayor Wirth announces that Moved by Catlin, seconded by Cook, that the Beatrice City Council go into closed session at 8:06 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 8:43 p.m.

### **ADJOURNMENT**

The next regular City Council meeting is May 18, 2015 at 7:00 p.m. in the Beatrice Public Schools Administration Building Meeting Room; there will be a Council Work Session on Tuesday May 26, 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 8:43 p.m.

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

**Erin Saathoff, City Clerk**

**Stan Wirth, Mayor**