

## MINUTES OF THE REGULAR CITY COUNCIL MEETING

A regular meeting of the City Council was held on the 5<sup>th</sup> day of October, 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, Parde

Absent: Morgan

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 October 15, 2015 as “Conflict Resolution Day in Beatrice” and presented it to Ade Badejo, Executive Director of The Resolution Center of Beatrice.

### 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 September 28, 2015, as on file in the City Clerk’s Office.
- e. Resolution Number 5823 approving the request from Beatrice Area Chamber of Commerce and Gage County Tourism to close Highway 136, which is also known as Court Street, from 4<sup>th</sup> Street to 6<sup>th</sup> Street, and 5<sup>th</sup> Street, from Perkins Street to High Street, on December 3, 2015, between 5:30 p.m. and 8:00 p.m., for the Miracle on 5<sup>th</sup> Street Lighted Parade.
- f. Approval of special designated license for Main Street Beatrice for the Pheasant Hunt fundraiser on November 6, 2015 from 4:00 p.m. until 12:00 a.m. and November 7, 2015 from 3:00 p.m. to 12:00 a.m. at 701 Court Street, Beatrice, Nebraska.

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

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

Nay: None

Abstain: Clabaugh – f

MOTION CARRIED.

### PUBLIC HEARINGS/BIDS

There were no public hearings/bids.

### RESOLUTIONS

**Resolution Number 5824 executing the Letter Agreement for Professional Services with Olsson Associates, Inc., to develop and create a 5-Year Strategic Plan.**

Mayor Wirth introduced Resolution Number 5824 executing the Letter Agreement for Professional Services with Olsson Associates, Inc., to develop and create a 5-Year Strategic Plan.

Moved by Catlin, seconded by Billesbach, that Resolution Number 5824 be passed and adopted.

Tobias Tempelmeyer, City Administrator, noted the City received seven (7) responses to the Request for Proposals to prepare a strategic planning process for the City of Beatrice. A committee interviewed two (2) firms and is their recommendation to proceed with Olsson Associates. The total cost of the project is \$25,000 and it is estimated that the process will be completed over a four (4) month time frame.

Councilman Fairbanks noted he is hesitant to vote for spending more money on a strategic plan when the City has failed to implement plans that have been paid for in the past and he would like some sort of guarantee that the City will actually implement the plan before voting to spend more money. Mayor Wirth noted that the strategic plan will lay out what the community philosophy is, it will be the City Council's job to ensure that the proposed plan is followed thru with.

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

Resolution Number 5824 has been passed and adopted.

**Resolution Number 5825 executing the Final Design Engineering Services Supplemental Agreement No. 1 with Snyder & Associates, Inc., for NDOR Project Number ENH-6105(6), Control Number 13127, 2<sup>nd</sup> Street, Court to Ella Street.**

Mayor Wirth introduced Resolution Number 5825 executing the Final Design Engineering Services Supplemental Agreement No. 1 with Snyder & Associates, Inc., for NDOR Project Number ENH-6105(6), Control Number 13127, 2<sup>nd</sup> Street, Court to Ella Street.

Moved by Catlin, seconded by Kerr, that Resolution Number 5825 be passed and adopted.

Tobias Tempelmeyer, City Administrator, noted that the proposed resolution is for an additional geotechnical report that was missed. All work has been completed and the additional cost of the project was \$305.00.

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

Resolution Number 5825 been passed and adopted.

**Resolution Number 5826 executing the Contract for Sale of Real Estate to Rush Creek Construction, Inc.**

Mayor Wirth introduced Resolution Number 5826 executing the Contract for Sale of Real Estate to Rush Creek Construction, Inc.

Moved by Catlin, seconded by Clabaugh, that Resolution Number 5826 be passed and adopted.

Tobias Tempelmeyer, City Administrator, noted the proposed resolution is for the real estate transaction that was discussed at the last meeting. The Contract for Sale of Real Estate is to sell two (2) lots owned by the City in the Industrial Park to Rush Creek Construction, Inc.

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

Resolution Number 5826 has been passed and adopted.

## ORDINANCES

**Ordinance to convey real estate, described as Lots Twenty-eight (28) and Twenty-nine (29), Gage County Industrial Park Second Addition to the City of Beatrice, Gage County, Nebraska, owned by the City of Beatrice to Rush Creek Construction, Inc.**

Mayor Wirth introduced an ordinance to convey real estate, described as Lots Twenty-eight (28) and Twenty-nine (29), Gage County Industrial Park Second Addition to the City of Beatrice, Gage County, Nebraska, owned by the City of Beatrice to Rush Creek Construction, Inc.

Moved by Catlin, seconded by Kerr, that said ordinance be given number 15-017 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, Parde  
Nay: None MOTION CARRIED.

Mayor Wirth read Ordinance Number 15-017 by number only the first, second, and third time.

Moved by Catlin, seconded by Parde, that Ordinance Number 15-017 be passed and approved.

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

Ordinance Number 15-017 has been passed and approved.

**Ordinance amending Section 9-126 and adding Section 9-127.1 of the Beatrice City Code regarding the sale, possession, and discharge of fireworks, specifically sky lanterns.**

Mayor Wirth introduced an ordinance amending Section 9-126 and adding Section 9-127.1 of the Beatrice City Code regarding the sale, possession, and discharge of fireworks, specifically sky lanterns.

Moved by Catlin, seconded by Cook, that said ordinance be given number 15-018 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, Parde  
Nay: None MOTION CARRIED.

Mayor Wirth read Ordinance Number 15-018 by number only the first, second, and third time.

Moved by Catlin, seconded by Clabaugh, that Ordinance Number 15-018 be passed and approved.

Tobias Tempelmeyer, City Administrator, noted the proposed ordinance is to amend the city code in regards to Fireworks to include the definition of sky lanterns and make them illegal within the City limits.

Chris Cullison, 1725 Ella Street, appeared before the City Council and requested that the City Council allow distributors to follow the State laws in regards to the sky lanterns. Cullison also asked the City Council to allow the sky lanterns one more season and to allow them to be used under the special use permit, for events such as weddings, where trained people are releasing the lanterns. Councilman Clabaugh inquired if the lanterns are followed until they have burned out to ensure they are extinguished before landing. Cullison noted that while they do not follow the lanterns until they are burned out, they do explain the proper technique when the public purchases the lanterns from his fireworks stand. Councilman Parde noted that this item was brought up a couple years ago and it was decided at that time to wait to see if the State passes an ordinance on the lanterns. Councilman Parde noted he feels the City should not wait until the State decides to how to address the safety issue of sky lanterns. Councilman Clabaugh also noted that while the sky lanterns are pretty to watch, they seem to be an accident waiting to happen.

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

MOTION CARRIED.

Ordinance Number 15-018 has been passed and approved.

## **PUBLIC FORUM**

No one appeared at public forum.

## **DISCUSSIONS/REPORTS**

### **Approval of Public Funding Request of Gage County Tourism for the Trail of Treasures Event.**

Moved by Catlin, seconded by Billesbach, that the public funding request of Gage County Tourism for the Trail of Treasures Event in the amount of \$706.25 be approved.

Abby Schademann, Gage County Tourism Director, noted the event was held this past weekend and she was very happy with the outcome. This year the number of vendors participating was over thirty (30), which was up from twenty-four (24) last year.

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

MOTION CARRIED.

### **Approval of Public Funding Request of Main Street Beatrice for the Night of the Great Pumpkin.**

Moved by Catlin, seconded by Kerr, that the public funding request of Main Street Beatrice for the Night of the Great Pumpkin in the amount of \$504.08 be approved.

Michael Sothan, Executive Director of Main Street Beatrice, noted this is a great event which brings in a large number of members of our community, as well as surrounding communities.

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

MOTION CARRIED.

**Approval of Public Funding Request of Main Street Beatrice for the Downtown Holiday/Christmas Lighting Maintenance project.**

Moved by Catlin, seconded by Cook, that the public funding request of Main Street Beatrice for the Downtown Holiday/Christmas Lighting Maintenance project in the amount of \$725.00 be approved.

Michael Sothan, Executive Director of Main Street Beatrice, noted Beatrice is becoming known for the many Christmas displays, as well as numerous lighting display areas. This project is one in which Main Street is slowing upgrading the Christmas lighting to LED lighting. Councilman Parde inquired who owns the lights on the downtown businesses. Sothan noted that most of the lighting is owned by the business owners.

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

MOTION CARRIED.

**Approval of Public Funding Request of Main Street Beatrice for Christmas/Holiday Activities.**

Moved by Catlin, seconded by Cook, that the public funding request of Main Street Beatrice for Christmas/Holiday Activities in the amount of \$2,051.70 be approved.

Michael Sothan, Executive Director of Main Street Beatrice, noted this is project focuses on the Christmas holiday activities and promotions in order to highlight the shopping opportunities here in Beatrice. The largest part of this request is the printed shoppers guide that is mailed out to everyone within the 68310 zip code. Councilman Parde inquired if the businesses pay for any of the advertising. Sothan noted that businesses pay for their spots in the shoppers guide.

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

MOTION CARRIED.

**Approval of Public Funding Request of Main Street Beatrice for the Chocolate Lover's Shopping Day Extravaganza.**

Moved by Catlin, seconded by Billesbach, that the public funding request of Main Street Beatrice for the Chocolate Lover's Shopping Day Extravaganza in the amount of \$647.10 be approved.

Michael Sothan, Executive Director of Main Street Beatrice, noted this is another event that the community is very fortunate to have. This event draws hundreds of people downtown to shop and is more than just a chocolate giveaway. Councilman Kerr inquired what line item the

funding for all of these requests comes out of. Tobias Tempelmeyer, City Administrator, noted the funding comes out of the community funding line.

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

Nay: None

Abstain: Clabaugh

MOTION CARRIED.

### **EXECUTIVE SESSION**

Moved by Catlin, that the Beatrice City Council go into closed session at 7:39 p.m., for the protection of public interest to discuss contract negotiations. Seconded by Kerr, that the Beatrice City Council go into closed session at 7:39 p.m., for the protection of public interest to discuss contract negotiations.

Mayor Wirth announces that Moved by Catlin, seconded by Kerr, that the Beatrice City Council go into closed session at 7:39 p.m., for the protection of public interest to discuss contract negotiations.

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

Nay: None

MOTION CARRIED.

Reconvened at: 9:38 p.m.

### **ADJOURNMENT**

The next regular City Council meeting is October 19, 2015 at 7:00 p.m. in the Beatrice Public Schools Administration Building Meeting Room. There will be a City Council Work Session on October 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 9:38 p.m.

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

Nay: None

MOTION CARRIED.

**Erin Saathoff, City Clerk**

**Stan Wirth, Mayor**