

## MINUTES OF THE REGULAR CITY COUNCIL MEETING

A special meeting of the City Council was held on the 8<sup>th</sup> day of September, 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.

### 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 special meeting on August 31, 2015, as on file in the City Clerk's Office.
- e. Approval of Treasurer's Report of Claims:
  - e(1) Approval of Keep Beatrice Beautiful claim in the amount of \$6,371.00.
  - e(2) Approval of the balance of Treasurer's Report of Claims in the amount of \$333,263.76.
- f. Approval of BASWA Report of Claims in the amount of \$39,660.95.
- g. Resolution Number 5807 granting permission to Gage County Tourism and their designees, to sell or offer for sale or peddle goods, wares, or merchandise in Charles Park for the 2015 Trail of Treasures between the dates of October 2, 2015 and October 4, 2015.
- h. Resolution Number 5808 granting permission to Julie Fisher, d/b/a Julie's Hotdogs, to sell goods upon City property.
- i. Approval of Manager Application for Stan T. Meyer, License #I-112091, in connection with Sam & Louie's New York Pizza.
- j. Resolution Number 5813 granting permission to Beatrice Area Chamber of Commerce and their designees, to sell or offer for sale art pieces upon the City property located in the Carnegie Building located at 218 North 5<sup>th</sup> Street.

Moved by Catlin, seconded by Morgan, that the items listed under the consent agenda, with the exception of item e(1), be approved, accepted and/or ratified as presented.

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

Nay: None

Abstain: Parde

MOTION CARRIED.

Moved by Catlin, seconded by Kerr, to approve the Keep Beatrice Beautiful claim in the amount of \$6,371.00.

Councilman Kerr noted he requested this item to be pulled off as he was unable to find supporting information in the packet. Tobias Tempelmeyer, City Administrator, noted the claim

could be found on page 8 of the claims listing. Councilman Kerr noted he missed it and had no further question.

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

## **PUBLIC HEARINGS/BIDS**

### **Public Hearing on the Proposed Fiscal Year 2016 and 2017 Biennial Budget.**

Mayor Wirth announced that a public hearing will now be held on the proposed Fiscal Year 2016 and 2017 Biennial Budget.

Tobias Tempelmeyer, City Administrator, noted a public hearing is required in order to pass the proposed biennial budget. Mayor Wirth inquired if there were any further questions or concerns. There were no questions or concerns brought up by the City Council or the public.

Moved by Catlin, seconded by Cook, that the public hearing be closed at 7:08 p.m.

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

### **Ordinance to adopt the Biennial Appropriations Bill for Fiscal Years 2016 and 2017.**

Mayor Wirth introduced an ordinance to adopt the Biennial Appropriations Bill for Fiscal Years 2016 and 2017, in the amount of \$44,454,032 for FY2016 and \$41,433,929 for FY2017.

Moved by Catlin, seconded by Billesbach, that said ordinance be given number 15-013, 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 15-013 by number only the first, second, and third times.

Moved by Catlin, seconded by Clabaugh, that Ordinance Number 15-013 be passed and approved.

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

Ordinance Number 15-013 has been passed and approved.

Moved by Catlin, seconded by Parde, to increase the total restricted funds authority for the fiscal year beginning on October 1, 2015 and ending on September 30, 2016, by an additional 1% as authorized in Section 13-519 of the Nebraska Revised Statutes.

Linda Koch, Finance Director, explained that there is a lid for all municipalities on restricted funds that you can request from taxpayers. The taxes received thru the State, such as motor

vehicle tax and local option sales tax, can only be increase every year by two and one-half percent (2.5%). State Statute allows an increase of an additional one percent (1%), giving authority to build the base up should you need to increase property tax. The base amount is carried forward from year to year, whether you use it or not. This action has to have a supermajority vote. Councilman Fairbanks asked Administration try to explain what the property tax funds are used for. Tobias Tempelmeyer, City Administrator, noted that these restricted funds are used for city services, such as police, fire, public properties, and the library. Tempelmeyer noted that the Electric, Water, WPC, and Street Department have their own funds and that these funds cannot be co-mingled. Koch noted that additional restricted funds include improvements to streets, parks, and public buildings.

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

### **Public Hearing to set the Fiscal Year 2016 Final Property Tax Request**

Mayor Wirth announced that a public hearing will now be held to set the Fiscal Year 2016 Final Property Tax Request.

Tobias Tempelmeyer, City Administrator, noted this is a hearing to set the property tax request levy for FY 2016 at .380223. The levy for FY 2017 will be brought in front of the Council next year.

Moved by Catlin, seconded by Kerr, that the public hearing be closed at 7:18p.m.

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

## **RESOLUTIONS**

### **Resolution Number 5809 setting the property tax request for the City of Beatrice for Fiscal Year 2016.**

Mayor Wirth introduced Resolution Number 5809 setting the property tax request for the City of Beatrice for Fiscal Year 2016.

Moved by Catlin, seconded by Cook, that Resolution Number 5809 be passed and adopted.

Tobias Tempelmeyer, City Administrator, noted the proposed resolution sets the property tax levy for FY 2016 at .380223. Councilman Kerr inquired if the City of Beatrice was higher or lower than other cities our size. Linda Koch, Finance Director, noted that the City is around \$0.02 over the average for municipalities of our size.

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

Resolution Number 5809 has been passed and adopted.

**Resolution Number 5810 calculating the amount of unused restricted funds authority.**

Mayor Wirth introduced Resolution Number 5810 calculating the amount of unused restricted funds authority.

Moved by Catlin, seconded by Billesbach, that Resolution Number 5810 be passed and adopted.

Tobias Tempelmeyer, City Administrator, noted the proposed resolution sets the unused restricted funds for FY15 to be carried forward to future budget years at \$695,445.02.

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

Resolution Number 5810 has been passed and adopted.

**Resolution Number 5811 approving an agreement with the Beatrice Humane Society, Inc.**

Mayor Wirth introduced Resolution Number 5811 approving an agreement with the Beatrice Humane Society, Inc.

Moved by Catlin, seconded by Morgan, that Resolution Number 5811 be passed and adopted.

Tobias Tempelmeyer, City Administrator, noted that the proposed agreement with the Beatrice Humane Society is identical to the previous agreement. The only change is that if a dog is darted on behalf of City, the City will pay up to \$150 to have the dart removed. This occurred approximately three (3) times last year. Mayor Wirth also noted that if the Beatrice Humane Society should happen to find their own building, this contract would be renegotiated. Councilman Parde inquired if a vet has to remove the dart from the animal and Tempelmeyer noted that the dart does have to be removed by a vet.

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

Resolution Number 5811 has been passed and adopted.

**Resolution Number 5812 establishing various fees.**

Mayor Wirth introduced Resolution Number 5812 establishing various fees.

Moved by Catlin, seconded by Parde, that Resolution Number 5812 be passed and adopted.

Tobias Tempelmeyer, City Administrator, noted that a couple years ago all of the fees charged within the City were placed into one (1) resolution that is reviewed on an annual basis. This year, the only change has to do with water park rates. The proposed change is to increase the daily admission charge by \$0.50 and increase the youth season pass by \$5.00. Councilman Kerr noted that unfortunately as the costs go up, the City has no choice but to pass along some of the expense to the public. Councilman Fairbanks noted that the Water Park is not a money maker and he wished to not increase these rates, as the Water Park gives kids and families a place to go and be active outside. Councilman Fairbanks inquired on the number of false alarms and the fee

associated with them. Tempelmeyer noted that the number of false alarms was looked at a number of years ago and that although the City spends more than \$50.00 on false alarms, the fee has helped the total number of false alarms received. Bruce Lang, Chief of Police, noted that prior the ordinance being passed, businesses had no incentive to fix alarms, adding that since the passage of these fees, the number of alarms has been reduced and he feels the system is working very well.

Moved by Fairbanks, seconded by Parde, that the Water Park fees not be increased for 2016.

Councilman Parde inquired how much of an increase would be brought in to the City by raising the Water Park rates. Tempelmeyer noted that when Administration looked at the increase in January, approximately \$5,000 would be brought in. Mark Pethoud, Director of Public Properties, noted that the increase is primarily to cover the minimum wage increase, noting that the Water Park employees wages will be increased to \$9.00 per hour next summer. Councilman Morgan noted that he would prefer not to get behind and have to increase rates \$1.00 or more in the future years in order to make up for it.

Roll Call: Yea: Billesbach, Fairbanks, Parde

Nay: Catlin, Cook, Clabaugh, Kerr, Morgan

MOTION FAILED.

Mayor Wirth then called for a vote on the original motion that Resolution Number 5812 be passed and adopted.

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

Nay: None

MOTION CARRIED.

Resolution Number 5812 has been passed and adopted.

## **ORDINANCES**

### **Ordinance revising the water rate charges for water purchased from the City of Beatrice, Nebraska, as recommended by the Board of Public Works.**

Mayor Wirth introduced an ordinance revising the water rate charges for water purchased from the City of Beatrice, Nebraska, as recommended by the Board of Public Works.

Moved by Catlin, seconded by Parde, that said ordinance be given number 15-014, 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 15-014 by number only the first, second, and third times.

Moved by Catlin, seconded by Billesbach, that Ordinance Number 15-014 be passed and approved.

Tobias Tempelmeyer, City Administrator, noted that with the proposed water rate ordinance, an average residential customer would see an increase of \$1.40/month and an average commercial

customer would see an increase of \$6.40/month. The monthly base fee service charge will have an increase of fifty cents (\$0.50) per month. Councilman Fairbanks inquired if the City would be able to increase the rates for other users, such as the Village of Filley, Koch Nitrogen, and Agrium, if that would allow the City to not increase the rates for the citizens of Beatrice. Tempelmeyer noted that they are not significant enough users and further noted that the rate increase will raise the Department's operating revenues by \$4,000, which will help fund the AMI system and water main projects scheduled for FY16.

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

Ordinance Number 15-014 has been passed and approved.

**Ordinance regulating the fees and charges for the use of the Wastewater Treatment System of the City of Beatrice, Nebraska, as recommended by the Board of Public Works.**

Mayor Wirth introduced an ordinance regulating the fees and charges for the use of the Wastewater Treatment System of the City of Beatrice, Nebraska, as recommended by the Board of Public Works.

Moved by Catlin, seconded by Parde, that said ordinance be given number 15-015, 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 15-015 by number only the first, second, and third times.

Moved by Catlin, seconded by Billesbach, that Ordinance Number 15-015 be passed and approved.

Tobias Tempelmeyer, City Administrator, noted that the proposed sewer rate ordinance would increase the monthly base fee \$1.00 and all customers would see a \$2.00 increase on the infrastructure improvement fee. The average residential customer would see an increase of \$3.38/month and the average commercial customer would see an increase of \$6.01/month. Councilman Kerr wished to clarify that the large increase for the sewer rates is to help offset the cost of the future Plant improvements that are being required from the federal government. Tempelmeyer stated that is correct and noted that the operating cash will increase less than \$1,500 for the Department's operations and all other increases will be put into infrastructure line to assist with those expenses.

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

Ordinance Number 15-015 has been passed and adopted.

**PUBLIC FORUM**

No one appeared at public forum.

## **DISCUSSIONS/REPORTS**

There were no discussions/reports.

## **ADJOURNMENT**

The next regular City Council meeting is September 21, 2015 at 7:00 p.m. in the Beatrice Public Schools Administration Building Meeting Room. There will be a Special Meeting on September 28, 2015 at 7:00 p.m. in the Beatrice Public Schools Administration Building Meeting Room for the approval of FY15 claims.

Moved by Catlin, seconded by Clabaugh, that the meeting be adjourned at 7:44 p.m.

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

**Erin Saathoff, City Clerk**

**Stan Wirth, Mayor**