

MINUTES OF THE REGULAR CITY COUNCIL MEETING

A regular meeting of the City Council was held on the 6th day of June, 2016 at 7:00 P.M. in the BPS Administration Meeting Room, 320 North 5th 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 regular meeting on May 16, 2016, as on file in the City Clerk's Office.
- e. Approval of minutes of work session meeting on May 23, 2016, as on file in the City Clerk's Office.
- f. Approval of Treasurer's Report of Claims in the amount of \$389,678.99.
- g. Approval of BASWA Report of Claims in the amount of \$189,331.36.
- h. Approval of final payment for the Beatrice Public Library project.
- i. Resolution Number 5910 entering into a Letter Agreement for professional services with Felsburg, Holt, and Ullevig to provide an On-Call MS4 Compliance Assistance Services – Task 7 MS4 2015 Annual Reporting and LB 1226 Stormwater Funding – Annual Reporting.
- j. Resolution Number 5911 adopting a "List of Tree Species To Be Planted" for the City of Beatrice, Nebraska.
- k. Resolution Number 5912 regulating the speed of all traffic traveling east or west on part of Hoyt Street between North 21st Street and the eastern Beatrice city limit.
- l. Resolution Number 5913 granting Main Street Beatrice and their designees, permission to sell or offer for sale or peddle goods, wares, or merchandise on sidewalks located on Court Street between 3rd Street and 8th Street, and sidewalks located on 5th Street between Market Street and Ella Street, as part of the July 2016 Main Street Beatrice Sidewalk Sales on July 21, 2016 thru July 23, 2016.
- m. Resolution Number 5914 to adopt the "City of Beatrice Social Media Policy".
- n. Resolution Number 5915 entering into an Interlocal Agreement for Cooperative Development and Use of the Nebraska Regional Interoperability Network for the purpose of allowing information to be shared among emergency and communication centers across the State of Nebraska.

- o. Resolution Number 5916 entering into a LPA Program Agreement Suppl. #1 – Federal-Aid Funds regarding the installation of a bicycle/pedestrian trail from the Water Park to Hannibal Park and designating Doug Zulauf to serve as the City’s representative and Project Liaison (PL) for the Beatrice Hannibal Park Trail, Project No. ENH-34(42), Control Number 13212.
- p. Resolution Number 5917 executing the NEPA Services Supplemental Agreement No. 1 with Olsson Associates, Inc., for NDOR Project Number ENH-6105(6), Control Number 13127, 2nd Street, Court to Ella Street.
- q. Resolution Number 5918 approving the request from Main Street Beatrice to close Highway 136, which is also known as Court Street, from 4th Street to 7th Street, on Thursday, October 27, 2016, between 4:00 p.m. and 7:45 p.m., for the Night of the Great Pumpkin event.
- r. Resolution Number 5919 executing the Nebraska Crime Commission 2016 Victims of Crime Act (VOCA) & State Victim Assistance Grant Application for fiscal year 2017.

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

Roll Call: Yea: Billesbach, Catlin, Clabaugh, Cook, Fairbanks, Kerr, Morgan, Parde
 Nay: None
 Abstain: Clabaugh – 1 and q MOTION CARRIED.

f – Moved by Catlin, seconded by Kerr, to approve the of Treasurer’s Report of Claims in the amount of \$389,678.99.

Councilman Kerr noted he pulled the claims to vote against the \$4,000.00 claim for the Gage County Sheriff tax sale for the wooded lot and grain elevator.

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

k – Moved by Catlin, seconded by Kerr, that Resolution Number 5912 regulating the speed of all traffic traveling east or west on part of Hoyt Street between North 21st Street and the eastern Beatrice city limit, be approved, accepted, and/or ratified as presented.

Councilman Fairbanks inquired why this issue was brought up. Councilman Kerr noted he asked to have this brought to City Council in order to set the speed limit the same when traveling both east and west on Hoyt Street to avoid any confusion. Councilman Parde inquired what the speed limit would be set at. Greg Butcher, City Attorney, noted the speed limit will be set at 35 mph going both directions and this issue was approved and recommended by the Traffic Committee.

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

PUBLIC HEARINGS/BIDS

Public Hearing on the proposed annexation of the proposed plat of Covered Bridge Fifth Addition owned by Flowing Springs Development, LLC.

Mayor Wirth announced that a public hearing will now be held on the proposed annexation of the proposed plat of Covered Bridge Fifth Addition owned by Flowing Springs Development, LLC.

Tobias Tempelmeyer, City Administrator, presented an aerial photo of the proposed plat for Covered Bridge Fifth Addition, which would begin after you cross the Covered Bridge. Tempelmeyer noted Flowing Springs Development has plans to redevelop this area, further noting the annexation and platting of Covered Bridge Fifth Addition is the first steps in developing the area.

Allen Henk, 605 Clearwater Circle, expressed the Association's concern with the increased traffic on the first part of 25th Street, which is a private drive. Tempelmeyer noted on the current plat, the first part of 25th Street will remain private and the new addition after the Covered Bridge would be public and maintained by the City. Henk noted the Association's hope is to have the City take over maintaining the entire length of 25th Street. Councilman Kerr noted when Flowing Springs was first brought to the City, their plat included undersized roads and curbs and it was agreed that the City would not take over the streets. Tempelmeyer noted that at this time, the plat does still show these streets as private. Henk noted the Association feels it would be more feasible to have the City maintain 25th Street, rather than having to repave and make necessary improvements to 19th Street for the other access to the proposed new addition. Tempelmeyer invited Henk to contact the City to set up a meeting with James Burroughs, City Engineer, and Jason Moore, Street Superintendent, to discuss the future of the streets in the Flowing Springs Development.

Moved by Catlin, seconded by Clabaugh, that the public hearing be closed at 7:16 p.m.

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

Public Hearing on the rezoning of property owned by Flowing Springs Development, LLC.

Mayor Wirth announced that a public hearing will now be held on the rezoning of property owned by Flowing Springs Development, LLC.

Tobias Tempelmeyer, City Administrator, noted the parcel of land that was just discussed regarding annexation is currently zoned R3 PUD and R2 PUD and Flowing Springs Development, LLC would like to have the property rezoned to R-1 and R-4, which will allow townhouses and single family residences.

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

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

Public Hearing to consider amendment to Zoning Ordinance Number 94-13 relating to mobile homes and mobile home parks.

Mayor Wirth announced that a public hearing will now be held to consider amendment to Zoning Ordinance Number 94-13 relating to mobile homes and mobile home parks.

Greg Butcher, City Attorney, noted as previously discussion at a Work Session, in the 1970s the City of Beatrice opted out of state requirements for inspection of mobile homes and mobile home parks, which required the City to inspect those facilities to ensure the number of mobile homes allowed in each lot are not exceeded and that the utility connections are up to code. The Building Inspections Department looked back and found that these inspections have not taken place since that time. Moving forward the City would still be responsible for all the zoning issues, however, the State would deal with anything in regards to utility connections. Butcher further noted it was the recommendation of Planning and Zoning Commission to approve this amendment.

Moved by Catlin, seconded by Billesbach, that the public hearing be closed at 7:22 p.m.

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

Public Hearing to consider amendment to Zoning Ordinance Number 94-13 relating to custom manufacturing and brewery/distillery uses in zoning districts.

Mayor Wirth announced that a public hearing will now be held to consider amendment to Zoning Ordinance Number 94-13 relating to custom manufacturing and brewery/distillery uses in zoning districts.

Greg Butcher, City Attorney, reported that James Burroughs, City Engineer, Rob Mierau, Building Inspector, and himself have been reviewing the City's current Zoning Ordinance with other cities and noted brewery/distillery use was not defined within the City's current Zoning Ordinance. In an effort to stay ahead of the game, it is their recommendation to amend the current Zoning Ordinance to permit brewery/distillery use. Butcher further noted that upon review, it was found that the City's definition of custom manufacturing did not match the definition of any of the other cities and have made the recommendation to redefine custom manufacturing to include small scale assembly. Butcher noted it is the recommendation of the Planning and Zoning Commission to approve the amendments.

Moved by Catlin, seconded by Parde, that the public hearing be closed at 7:25 p.m.

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

RESOLUTION

Resolution Number 5920 renewing the garbage hauling contract with Sanitary Garbage Co., Inc.

Mayor Wirth introduced Resolution Number 5920 renewing the garbage hauling contract with Sanitary Garbage Co., Inc.

Moved by Catlin, seconded by Cook, that Resolution Number 5920 be passed and adopted.

Tobias Tempelmeyer, City Administrator, noted the proposed resolution is for the renewal of the current contract with Sanitary Garbage for an additional five (5) year contract for 2016 to 2021. The residential rates are currently \$8.90 and will increase to \$9.10. The rates will then increase \$0.30 cents each year. The commercial rates are currently \$2.75 per cubic yard and will increase to \$2.95, and continue to increase between \$0.15 to \$0.20 cents each year. These rates do not include the Landfill fees. Tempelmeyer noted the contract also spells out there will be twice a week pick up and that Sanitary Garbage is not required to pick up large items. Tempelmeyer further noted Sanitary Garbage will pay the City \$2.00 per ton for all recyclables collected by Sanitary Garbage. Tempelmeyer noted it is estimated to bring in an additional \$1,100.00 per year and in return the City will try to bulk up recycling efforts throughout the community.

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

Resolution Number 5920 has been passed and adopted.

Resolution Number 5921 renewing the recycling agreement with Sanitary Garbage Co., Inc.

Mayor Wirth introduced Resolution Number 5921 renewing the recycling agreement with Sanitary Garbage Co., Inc.

Moved by Catlin, seconded by Billesbach, that Resolution Number 5921 be passed and adopted.

Tobias Tempelmeyer, City Administrator, presented the separate agreement with Sanitary Garbage that they will operate the recycling center for additional five (5) years. The only change is the increase of insurance requirements.

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

Resolution Number 5921 has been passed and adopted.

ORDINANCES

Ordinance approving the plat of Covered Bridge Fifth Addition, owned by Flowing Springs Development, LLC.

Mayor Wirth introduced an ordinance approving the plat of Covered Bridge Fifth Addition, owned by Flowing Springs Development, LLC.

Moved by Catlin, seconded by Parde, that said ordinance be given number 16-021 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 16-021 by number only the first, second, and third time.

Moved by Catlin, seconded by Cook, that Ordinance Number 16-021 be passed and approved.

Tobias Tempelmeyer, City Administrator, noted this ordinance would approve the plat that was discussed earlier during the public hearing. Tempelmeyer further noted that the Planning and Zoning Commission recommended approval of the plat and annexation.

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

Ordinance Number 16-021 has been passed and approved.

Ordinance approving the annexation of Covered Bridge Fifth Addition.

Mayor Wirth introduced an ordinance approving the annexation of Covered Bridge Fifth Addition.

Moved by Catlin, seconded by Parde, that said ordinance be given number 16-022 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 16-022 by number only the first, second, and third time.

Moved by Catlin, seconded by Billesbach, that Ordinance Number 16-022 be passed and approved.

Tobias Tempelmeyer, City Administrator, noted that State statute allows the City to annex the property at the same time as replatting the property as long as you have two (2) separate hearings. Tempelmeyer noted that the rest of the unplatted area will remain outside city limits at this time.

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

Ordinance Number 16-022 has been passed and approved.

Ordinance amending the Zoning Map for the City of Beatrice, Nebraska by changing the zoning of Covered Bridge Fifth Addition, owned by Flowing Springs Development, LLC, from R3 PUD and R2 PUD to R-1 and R-4.

Mayor Wirth introduced an ordinance amending the Zoning Map for the City of Beatrice, Nebraska by changing the zoning of Covered Bridge Fifth Addition, owned by Flowing Springs Development, LLC, from R3 PUD and R2 PUD to R-1 and R-4.

Moved by Catlin, seconded by Parde, that said ordinance be given number 16-023 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 16-023 by number only the first, second, and third time.

Moved by Catlin, seconded by Billesbach, that Ordinance Number 16-023 be passed and approved.

There was no further discussion.

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

Ordinance Number 16-023 has been passed and approved.

Ordinance amending zoning ordinance regarding mobile home park certification, regulation, and utilities.

Mayor Wirth introduced an ordinance amending zoning ordinance regarding mobile home park certification, regulation, and utilities.

Moved by Catlin, seconded by Parde, that said ordinance be given number 16-024 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 16-024 by number only the first, second, and third time.

Moved by Catlin, seconded by Clabaugh, that Ordinance Number 16-024 be passed and approved.

Councilman Cook inquired if those who come in to work at Koch Nitrogen plant would not be allowed to rent out a space if they do not meet the requirement of 900 square feet. Greg Butcher, City Attorney, noted that particular section refers to mobile home residential areas. Butcher noted campers are allowed in mobile home parks.

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

Ordinance Number 16-024 has been passed and approved.

Ordinance amending zoning ordinance regarding custom manufacturing and brewery uses in zoning districts.

Mayor Wirth introduced an ordinance amending zoning ordinance regarding custom manufacturing and brewery uses in zoning districts.

Moved by Catlin, seconded by Billesbach, that said ordinance be given number 16-025 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 16-025 by number only the first, second, and third time.

Moved by Catlin, seconded by Kerr, that Ordinance Number 16-025 be passed and approved.

Councilman Parde inquired if there is a size limit. Greg Butcher, City Attorney, noted there are different limits for various categories listed and that is set by the Liquor Control Commission.

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

Ordinance Number 16-025 has been passed and approved.

Ordinance amending Sections 7-350, 7-351, 7-352, 7-353, 7-354, 7-355, 7-356, 7-357, 7-358, 7-359, 7-360, 7-361 and 7-362 to the Beatrice City Code regarding registration of vacant buildings, set fees for inspections, identify exemptions, notate penalties and outline other matters related to vacant buildings.

Mayor Wirth introduced an ordinance amending Sections 7-350, 7-351, 7-352, 7-353, 7-354, 7-355, 7-356, 7-357, 7-358, 7-359, 7-360, 7-361 and 7-362 to the Beatrice City Code regarding registration of vacant buildings, set fees for inspections, identify exemptions, notate penalties, and outline other matters related to vacant buildings.

Moved by Catlin, seconded by Kerr, that said ordinance be given number 16-026 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 16-026 by number only the first, second, and third time.

Moved by Catlin, seconded by Kerr, that Ordinance Number 16-026 be passed and approved.

Tobias Tempelmeyer, City Administrator, noted that after passing the adjoining building ordinance, there was talk about reviewing the vacant building ordinance in an effort to mirror the fees and definitions for the two (2) ordinances. Tempelmeyer noted a committee the definition of vacant building modified and in order to be a vacant building, the building must be: unoccupied; without a tenant for at least ninety (90) consecutive days; have minimal or no utility consumption for at least ninety (90) consecutive days, and is not for sale, rent, or lease. Tempelmeyer noted all of these requirements must be met in order to be a vacant building. Tempelmeyer noted that the building owner is only required to register a vacant building when the City contacts the owner. The City may waive the registration fee if the owner is able to show proof of liability insurance.

Mayor Wirth noted the committee including City Councilmembers, business owners, and property owners and it was a unanimous decision of the group that this recommendation be approved.

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

Ordinance Number 16-026 has been passed and approved.

RESOLUTIONS

Resolution Number 5922 establishing various fees.

Mayor Wirth introduced Resolution Number 5922 establishing various fees.

Moved by Catlin, seconded by Billebach, that Resolution Number 5922 be passed and adopted.

Tobias Tempelmeyer, City Administrator, noted the fees in the vacant building ordinance that was just passed and approved and this resolution would establish those fees.

Eileen Ratigan, Callaway, Nebraska, noted there are several buildings that are used for special events and she inquired if those buildings would still qualify as a vacant building. Tempelmeyer noted he would have to look into that, noting as long as the building is used every three (3) months or so it should not be an issue.

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

Resolution Number 5922 has been passed and adopted.

PUBLIC FORUM

No one appeared at public forum.

DISCUSSIONS/REPORTS

Flood Emergency Response Plan

Tobias Tempelmeyer, City Administrator, presented the Flood Emergency Response Plan, which is a summary of the LEOP. Tempelmeyer noted that since this Plan was put together, additional figures have been recorded as a reference point to be able to look at what levels various areas of Beatrice are affected. Tempelmeyer noted one of the most useful tools is map of an aerial photo of Beatrice and the surrounding area, along with where additional information can be found regarding flooding for out of town guests or those simply passing through that may not know their way around the area. Mayor Wirth noted it is important to have information available to the public and further noted the maps will likely be distribute at gas stations.

407 Court Street

Greg Butcher, City Attorney, reviewed the timeline of the collapse of 407 Court Street, how the process has gone, and where we are today. On November 12, 2014, the City received notice that the roof at 407 Court Street had collapsed and went out to verify that was the case. November 13, 2014, the City gave notice and condemned the building. The City was then put in contact with King Little, a structural engineer and on December 14, 2014, Little came down and reviewed the building at 407 Court Street, as well as the adjacent buildings, The Black Crow at 405 Court Street and David Lange's Building at 411 Court Street, and Little gave his recommendation for the repairs. Little's recommendation was reviewed by James Burroughs, City Engineer, and at that time adopted the structural engineer documents and went out for bids for the demolition of 407 Court Street. A pre-bid meeting was held giving potential bidders the opportunity to view building in spring 2015. One (1) bid was received from Tiemann Construction in the amount of \$150,000.00. Butcher also noted that the City met with the adjoining property owners a number of times prior to going out for bids.

In late Spring/early summer 2015, Tiemann Construction noted the stucco of The Black Crow would likely come off with the necessary braces put into place in order to stabilize that building during the demolition. At that time concerns with the additional cost and who would pay for what arose. City Administration began meeting with Kate Ratigan in the summer of 2015 to come up with a solution. In the fall of 2015, all parties were able to meet to get everyone on the same page in order to discuss how and when this work would or could be done. Ratigan had concerns with some of the structural reports and King Little was willing to make some edits to his original report, but not all. In March 2016, King Little performed another inspection and at that time noticed another brick peer he was concerned with. Ratigan was able to negotiate and

get the bid down from \$65,000.00 to \$18,000.00. Butcher further noted that unfortunately the parties have been unable to come to a point to agree upon the additional repairs that need to occur, thus bringing the issue to the City Council.

Councilman Kerr inquired if Tiemann was still interested in the demolition and if the bid still stands. Butcher noted Tiemann has indicated they are still interested and they have not indicated any changes to their original bid.

Mayor Wirth noted that while no one is disputing the value of The Black Crow, the City needs to come to terms with the public health and safety issue and determine what the City is willing to pay for.

Councilman Morgan inquired how much the City has paid so far on this project. Butcher noted the total to date is approximately \$10,000.00, which included asbestos testing, King Little's report, and other masonry reviews. Butcher noted that both asbestos tests did come back negative. Councilman Parde inquired if there was a deadline on when these repairs should be completed. Mayor Wirth noted there was an engineer who was concerned with the next freeze/thaw season. Butcher noted the concern that a number of parties have is that another freeze/thaw season will push on the brick pier and their recommendation was that the repairs be completed by October or November of 2016.

Kate Ratigan, owner of 405 Court Street, noted everyone has spent a lot of time on this and would like to get this resolved for the community. Ratigan expressed her belief that the City is required to demolish the building. Ratigan indicated that The Black Crow wants to work with the City and at one time, had a tentative agreement until the engineer returned and viewed the new concerns. Ratigan further noted that the building is a danger to passersby and the demolition could cause problems to the adjacent buildings. Ratigan also noted that there was no note of the brick pier that is concerning now was not included in the initial report. Ratigan noted she found another bid that would repair façade and tuck point her building prior to the demolition of 407 Court Street, for approximately \$18,000.00. Ratigan further noted in the end, The Black Crow would be interested in purchasing the empty lot.

Mayor Wirth offered to have Ratigan put \$9,500.00 into The Black Crow building repairs and the City would give the empty lot to Ratigan once the City owns the lot. Butcher noted that although the City may acquire the lot in the future, currently the City has no legal ties to the lot and would not be able to make such offer. Mayor Wirth then suggested putting a clause into the agreement that once the City owns the property, it will be given to Ratigan.

Councilman Fairbanks noted this is a lose, lose situation for the City Council, and while he feels the City has some sort of responsibility to demolish the 407 Court Street building, he would like to have The Black Crow put something into the repairs as well. Councilman Kerr noted the City has funds available, such as CDBG or LB840, that The Black Crow would be eligible to apply for to make the necessary repairs to their building.

Ryan Ratigan, former Beatrice resident, noted the real issue is not The Black Crow building, it is about the building located at 407 Court Street that has collapsed and caused damage to adjoining

buildings and the City code calls for the City to take care of this issue. Councilman Kerr noted the code says the City has to demolish the building that has collapsed, however there is no mention of any other requirements for adjacent buildings.

Kate Ratigan, noted she believes they are close to an agreement and hopes everyone can look at what the best thing is for Beatrice. Mayor Wirth suggested if Kate Ratigan is interested in the lot, \$10,000.00 be put into an escrow account and if/when the City acquires the lot, and then transfer it to Kate Ratigan.

Tobias Tempelmeyer, City Administrator, noted that before the meeting is closed, City Administration would like some direction moving forward with negotiating an agreement for the cost of the repairs. Mayor Wirth asked for feedback from the Councilmembers and the Councilmembers then gave their input on the issue.

ADJOURNMENT

The next regular Council meeting is June 20, 2016 at 7:00 p.m. in the BPS Admin Bldg Meeting Room. There will be a Work Session on June 27, 2016 at 7:00 p.m. in the BPS Admin Bldg Meeting Room.

Moved by Catlin, seconded by Billesbach, that the meeting be adjourned at 9:05 p.m.

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

Erin Saathoff, City Clerk

Stan Wirth, Mayor