MINUTES OF THE REGULAR CITY COUNCIL MEETING

A regular meeting of the City Council was held on the 7th day of August, 2017 at 7:00 P.M. in the BPS Administration Building Board 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
Absent: Parde.

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 July 17, 2017, as on file in the City Clerk’s Office.
e. Approval of minutes of work session meeting on July 24, 2017, as on file in the City Clerk’s Office.
f. Approval of Treasurer’s Report of Claims:
   f(1). Approval of Beatrice Humane Society claim in the amount of $1,000.00.
   f(2). Approval of balance of Treasurer’s Report of Claims in the amount of $478,937.21.
g. Approval of BASWA Report of Claims in the amount of $67,622.15.
h. Approval of Pay Request #1 in the amount of $95,445.14 to Lottman Carpenter Construction Co. for the 2nd Street Reconstruction Project, Ella to Grant, as recommended by the Board of Public Works.
i. Approval of Change Order #2 in the amount of $24,813.00 and Change Order #3 in the amount of $25,100.00 and Pay Request #1 in the amount of $138,579.35 to Masonry Construction, Inc., for the Municipal Auditorium Repairs – 2017.
j. Approval of special designated license for Beatrice Area Chamber of Commerce, Inc., for a beer garden in the Tabernacle at Chautauqua Park at 9th Street and Grable Avenue, on September 30, 2017 from 12:00 p.m. until 11:55 p.m. for the Oktoberfest fundraiser.
k. Resolution Number 6088 granting permission for the Beatrice Humane Society to hold a “Doggie Dip Evening” fundraiser at the Big Blue Water Park on August 24, 2017.
l. Resolution Number 6089 granting Main Street Beatrice and their designees, permission to sell or offer for sale or peddle goods, wares, or merchandise on sidewalks and public right of way located on Court Street, between 2nd Street and 10th Street, and 5th Street, between Market Street and Ella Street, during the Total Solar Eclipse weekend, on August 18, 2017 thru August 21, 2017.
m. Resolution Number 6090 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 26, 2017, between 4:00 p.m. and 7:45 p.m., for the Night of the Great Pumpkin event.
n. Resolution Number 6091 appointing Phil Dittbrenner to the Beatrice Airport Authority.
o. Resolution Number 6092 entering into a Letter Agreement for Professional Services with Olsson Associates to provide engineering services for the evaluation of the biosolids drying process at the Wastewater Treatment Facility, as recommended by the Board of Public Works.

p. Resolution Number 6093 granting permission to the City Administrator and his designees, permission to sell or offer for sale or peddle goods, wares, or merchandise upon the public right of way, sidewalks, parking lots, parks, and sports fields throughout the City of Beatrice, except for the property at 400 Ella Street, 205 North 4th Street, 201 North 5th Street, 500 North Commerce Street, and upon the City Property located on sidewalks and public right of way located on Court Street, between 2nd Street and 10th Street and 5th Street, between Market Street and Ella Street, on the dates of August 18, 2017 thru August 21, 2017.

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

Roll Call: Yea:  Billesbach, Catlin, Clabaugh, Cook, Fairbanks, Kerr, Morgan
Nay:  None
Abstain:  Cook – f(1)  MOTION CARRIED.

k – Moved by Catlin, seconded by Billesbach, that Resolution Number 6088 granting permission for the Beatrice Humane Society to hold a “Doggie Dip Evening” fundraiser at the Big Blue Water Park on August 24, 2017, be approved.

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

Councilman Cook noted this is a great event and invited John Rypma, President of the Beatrice Humane Society, to speak on behalf of the event. Rypma, 1901 South 5th Street, stated approximately eighty (80) dogs and their owners have attended this event in the past years. Rypma noted they do ask that owners with aggressive animals not attend and have not had any issues in the past.

p – Moved by Catlin, seconded by Fairbanks, that Resolution Number 6093 granting the City Administrator and his designees, permission to sell or offer for sale or peddle goods, wares, or merchandise upon the public right of way, sidewalks, parking lots, parks, and sports fields throughout the City of Beatrice, except for the property at 400 Ella Street, 205 North 4th Street, 201 North 5th Street, 500 North Commerce Street, and upon the City Property located on sidewalks and public right of way located on Court Street, between 2nd Street and 10th Street and 5th Street, between Market Street and Ella Street, on the dates of August 18, 2017 thru August 21, 2017, be passed and adopted.

Councilman Fairbanks inquired how those peddling on City property will be policed. Tobias Tempelmeyer, City Administrator, noted City Hall will keep track of individuals or businesses who have contacted the City to sell goods upon City property. Tempelmeyer stated as the resolution is written, the City will have the right to revoke permission for any reason, at any time, if problems arise with any vendor located upon City property.

Roll Call: Yea:  Billesbach, Catlin, Clabaugh, Cook, Fairbanks, Kerr, Morgan
Nay:  None  MOTION CARRIED.
PUBLIC HEARINGS/BIDS

Public Hearing to receive the semi-annual report of the Citizen’s Advisory Review Committee as provided by the Local Option Municipal Economic Development Act R.R.S., 1943.

Mayor Wirth announced that a public hearing will now be held to receive the semi-annual report of the Citizen’s Advisory Review Committee as provided by the Local Option Municipal Economic Development Act R.R.S., 1943.

Grant Jones, CARC Chairman, reviewed the funds in the LB840 and CDBG accounts. Jones noted two (2) projects will be coming to the City Council soon. Excel Development re-applied for LB840 funding for the development where the old hospital is located and a local couple applied for LB840 funding to purchase another business within the community. Jones noted both applications were unanimously approved.

Moved by Catlin, seconded by Clabaugh, that the public hearing be closed at 7:12 p.m.

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

Public Hearing for the purpose of amending Table 4-2 and Table 9-1 of the Zoning Ordinance, Ordinance Number 94-13 relating to daycare facilities and parking facilities.

Mayor Wirth announced that a public hearing will now be held for the purpose of amending Table 4-2 and Table 9-1 of the Zoning Ordinance, Ordinance Number 94-13 relating to daycare facilities and parking facilities.

Tobias Tempelmeyer, City Administrator, reviewed the changes to Table 4-2 and Table 9-1 in order to clean up prior errors. In 2012, parking facility and a definition was added to Table 4-2; in 2014, an old version of Table 4-2 was used which did not include Parking Facility. In 2016, Daycare 1, Daycare 2, and Daycare Facility, along with definitions were added to Table 4-2 and Table 9-1. The last revision in 2016, used an old version of Table 4-2 and Table 9-1, which did not include the daycare uses, however, the definitions remained. The proposed changes will correct both tables to reflect how they were intended to be when they were previously passed and approved.

Moved by Catlin, seconded by Morgan, that the public hearing be closed at 7:13 p.m.

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

RESOLUTIONS

Resolution Number 6094 establishing the final allocation for levy authority for property taxes for the Airport Authority for the fiscal year ending September 30, 2018.
Mayor Wirth introduced Resolution Number 6094 establishing the final allocation for levy authority for property taxes for the Airport Authority for the fiscal year ending September 30, 2018.

Moved by Catlin, seconded by Kerr, that Resolution Number 6094 be passed and adopted.

There was no further discussion from the City Council or public.

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

MOTION CARRIED.

Resolution Number 6094 has been passed and adopted.

ORDINANCES

Ordinance amending Table 4-2 and Table 9-1 of the Zoning Ordinance, Ordinance Number 94-13 relating to daycare facilities and parking facilities.

Mayor Wirth introduced an ordinance amending Table 4-2 and Table 9-1 of the Zoning Ordinance, Ordinance Number 94-13 relating to daycare facilities and parking facilities.

Moved by Catlin, seconded by Morgan, that said ordinance be given number 17-015 the title thereof be approved, and said ordinance be read by title only the first time tonight.

Tobias Tempelmeyer, City Administrator, noted Planning and Zoning will take action on this item and make their recommendation at their next meeting to be held August 15, 2017, at which point Ordinance Number 17-015 will be brought back to pass and approve.

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

MOTION CARRIED.

Mayor Wirth read Ordinance Number 17-015 by title one (1) time.

Ordinance vacating Lots 45, 46, 47, and 48, South Beatrice, an Addition to the City of Beatrice, Gage County, Nebraska.

Mayor Wirth introduced an ordinance vacating Lots 45, 46, 47, and 48, South Beatrice, an Addition to the City of Beatrice, Gage County, Nebraska.

Moved by Catlin, seconded by Billesbach, that said ordinance be given number 17-016 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
Nay: None

MOTION CARRIED.

Mayor Wirth read Ordinance Number 17-016 by number only the first, second, and third time.

Moved by Catlin, seconded by Cook, that Ordinance Number 17-016 be passed and approved.
Tobias Tempelmeyer, City Administrator, reported to the City Council the four (4) lots near TY Tobacco will be vacated in order for the Young’s to sell a portion of this property and the area will be platted as Vitosh Addition. The new owner, Tyler Vitosh, plans to build some type of commercial building for recreational vehicle storage. Tempelmeyer noted the first step of this transaction is to vacate the lots and then approve the plat.

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

Ordinance Number 17-016 has been passed and approved.

Ordinance approving the plat of Vitosh Addition to the City of Beatrice, Gage County, Nebraska.

Mayor Wirth introduced an ordinance approving the plat of Vitosh Addition to the City of Beatrice, Gage County, Nebraska.

Moved by Catlin, seconded by Cook, that said ordinance be given number 17-017 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, Morgan
       Nay: None

Ordinance Number 17-017 has been passed and approved.

Ordinance approving the plat of Janzen First Addition to the City of Beatrice, Gage County, Nebraska.

Mayor Wirth introduced an ordinance approving the plat of Janzen First Addition to the City of Beatrice, Gage County, Nebraska.

Moved by Catlin, seconded by Morgan, that said ordinance be given number 17-018 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, Morgan
       Nay: None

Ordinance Number 17-018 has been passed and approved.
Moved by Catlin, seconded by Clabaugh, that Ordinance Number 17-018 be passed and approved.

Tobias Tempelmeyer, City Administrator, noted Leroy Janzen wishes to divide his irregular shaped lot into two (2) lots in order to sell the lot with the residence separately. Tempelmeyer explained it was found this property was never platted, so an administrative subdivision cannot be done and in order to divide the property, it must be platted.

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

MOTION CARRIED.

Ordinance Number 17-018 has been passed and approved.

PUBLIC FORUM

Brian Daake, Fire Chief, and Bruce Lang, Chief of Police, gave an update on the preparation for the upcoming total solar eclipse. Daake, noted planning for this event has been very difficult primarily due to so many unknowns, further noting it is always better to be over-prepared. Daake had a conference call with NEMA last week, who reported they anticipate 60,000 people to be coming to this area. Daake noted one (1) of the biggest challenges may be traffic gridlock, also noting there is concern that cell phones may not work, much like what happened during the 2015 flood and he has been working with Homeland Security on that issue. As a result of increased police and medical calls for service, both Departments will be bringing in additional help. Daake also noted the Fire Department will be operating out of different locations during the weekend. A command post will be set up in the conference room in the Police Department next to the dispatch center, and will operate similar to that of an emergency. The City has produced a map of viewing locations and dry camping to be handed out to visitors to help direct them where to go. In addition, Daake noted the Beatrice Fire Department has prepared flyers identifying the various health care facilities patients may be transported to in order to help family members who are unaware of the area.

Lang noted there are concerns that the intersection at Highway 4 and Highway 136 will bottleneck. Lange noted officers will have the ability to manually run that traffic light and direct traffic during heavy traffic flow. Lang noted the Department will be increasing on-duty staff in order to be present to help out and welcome those coming into our community. Lang stated it is not only important for first responders to be there in need of help, but also to be an ambassador of the City during the event.

Councilman Kerr inquired if the County has been involved in the planning. Both noted the County has been involved in meetings, as well as the Chamber and various other committees. Councilman Fairbanks inquired how the officers will they be dressed. Lang indicated the officers will be in their normal uniform and bike uniforms.

DISCUSSIONS/REPORTS

Approval of special designated license for Main Street Beatrice for the Magic of Main Street fundraiser on November 10, 2017 from 5:00 p.m. to 12:00 a.m. at the Beatrice City Auditorium, 205 North 4th Street, Beatrice, Nebraska.
Moved by Catlin, seconded by Kerr, that the special designated license for Main Street Beatrice for the Magic of Main Street fundraiser on November 10, 2017 from 5:00 p.m. to 12:00 a.m. at the Beatrice City Auditorium, 205 North 4th Street, Beatrice, Nebraska, be recommended to the Nebraska Liquor Control Commission for approval.

Tobias Tempelmeyer, City Administrator, explained to the City Council this item was not placed on the consent agenda in case the Council wished to have more discussion. Tempelmeyer noted Michael Sothan, Main Street Beatrice Executive Director, has indicated the gym floor will be covered in order to avoid possible damage. Tempelmeyer stated City staff has no concerns with having the event in the City Auditorium. Councilman Morgan inquired why Main Street wishes to change the location of the event. Sothan stated that while the Kensington has been a wonderful host, the committee wanted to try a different location. Sothan noted since Main Street’s office is located within the City Auditorium, this will reduce some staging preparation. Sothan further noted they would like to showcase the City Auditorium.

Councilman Kerr stated Councilman Parde was unable to attend the meeting, however, he wished to let the City Council he is opposed to the item, as this is on City property.

Councilman Cook noted he appreciates Main Street wanting to showcase the City Auditorium as there has been a lot of repairs and work done to the building, further noting it will be nice for citizens to see the work that has been done.

Councilman Clabaugh inquired what areas of the City Auditorium Main Street plans on using. Sothan stated preliminary plans are to use the stage area for the announcer, the gym floor for seating, and the restrooms. Sothan stated they are not anticipating using the seating area and will ensure the Fire Department has their gates secured in order to keep the general public out.

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

NGage Quarterly Report

Walker Zulkoski, NGage Executive Director, presented the 2nd Quarter report for 2017. Zulkoski noted a grant was awarded to Excel Development to tear down the old hospital and build residential homes. Zulkoski noted NGage is focusing on a new marketing campaign in an effort to recruit and retain talent within the community. Zulkoski stated ribbon cuttings were held this quarter for Duonix and World Lawn. Governor Ricketts was in attendance at both ceremonies. Zulkoski noted Governor Ricketts spoke about Beatrice building relationships internationally with both companies at the 2nd Annual Governor’s summit. Zulkoski will be traveling to Duonix home office soon to thank them for their continued business in Beatrice. NGage hosted a SEARN meeting in Beatrice in June, and also met with representatives from SENDD, NBDC, and AFAN on potential projects. The NBDC Director contacted Zulkoski regarding a last minute request from the SPA for a grant application, which was submitted and received. The NBDC team will be down in Beatrice for one (1) week to determine what businesses will be awarded funding.

Zulkoski stated the hotel and retail studies will soon be assessed to see what direction Beatrice will be moving. Zulkoski noted there were press releases for the Whispering Winds Memory
Councilman Fairbanks inquired on the building relationships with industry leaders. Zulkoski noted he has been working with Department of Labor, Department of Education, Department of Economic Development, manufacturing companies, and BPS Administration to develop internship opportunities for students, which may lead to a job after graduation.

Councilman Fairbanks inquired on the inventory assets sight development and where NGage is focusing on developing. Zulkoski noted they look both here in Beatrice, throughout Gage County, as well as the sixty-five (65) acres remaining in the Industrial Park.

Councilman Clabaugh inquired how many and what type of businesses will be receiving the funding. Zulkoski noted it is likely they will focus on six (6) retail businesses and six (6) small industry. Applications will be submitted and awarded by the NBDC.

**Downtown Façade Improvement Program Applications**

Moved by Catlin, seconded by Kerr, that the projects recommended by the Downtown Revitalization Committee proceed to the Tier II Environmental Review process.

Tobias Tempelmeyer, City Administrator, reported the Downtown Revitalization Committee has reviewed the twenty-seven (27) applications that were received for the Downtown Façade Improvement program and have recommended and have recommended seventeen (17) be awarded some of the grant funding they have requested. Tempelmeyer noted in Phase I of the grant an environmental review was done on the entire downtown area. Tempelmeyer stated as part of Phase II of the grant, an environmental review will have to be done on the particular building being awarded grant funding. Tempelmeyer noted State Historic Preservation Office (SHIPPO) will have to approve all work to be done on these buildings and Michael Sothan, Main Street Beatrice Executive Director, has been working with the applicants and will continue to work with them going forward.

The next process will take approximately forty-five (45) days, primarily due to the fact that the State Fire Marshall must conduct an inspection to ensure there are no buried storage tanks, and they have thirty (30) days to respond. After the environmental review process has been completed, applicants may be notified they do not meet the guidelines or applicants may decide they no longer wish to proceed due to various strings attached to the grant funding, such as contractors having to follow Davis-Bacon regulations, and walk away.

Councilman Fairbanks inquired what will be done with the funding if an applicant decides not to proceed. Tempelmeyer stated the Committee could either choose to give additional funding to another applicant, simply have the City be an applicant and use for improvements to the City Auditorium or Carnegie Building, or select another application that was not originally chosen and move forward. Tempelmeyer noted the applicants will have to decide fairly quickly, preferably by November, due to the November 1, 2018 timeline in which the project must be completed.

Councilman Kerr inquired if the applicants have to repay the funding. Tempelmeyer noted the grant funding does not have to be repaid, further noting the grant requires a twenty-five percent (25%) match. Tempelmeyer also noted no applicant was awarded the full seventy-five percent
Tempelmeyer stated as this project moves forward, loan agreements for each individual applicant will be brought forward to be approved. Part of the grant requires the improvements to remain for five (5) years. If the applicant fails to do so, they will be required to repay the City, and the City will then repay Nebraska Department of Economic Development.

Mayor Wirth recognized the Committee members, Laureen Reidesel, Michael Sothan, Carol Schuster, Paul Whaley, and Tempelmeyer.

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

MOTION CARRIED.

EXECUTIVE SESSION

Moved by Catlin, that the Beatrice City Council go into closed session at 8:01 p.m., for the protection of public interest to discuss real estate. Seconded by Billesbach, that the Beatrice City Council go into closed session at 8:01 p.m., for the protection of public interest to discuss real estate.

Mayor Wirth announced that it has been moved by Catlin, seconded by Billesbach, that the Beatrice City Council go into closed session at 8:01 p.m., for the protection of public interest to discuss real estate.

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

MOTION CARRIED.

Reconvened at: 8:21 p.m.

ADJOURNMENT

The next regular Council meeting is August 21, 2017 at 7:00 p.m. in the BPS Administration Building Board Room. There will be a Work Session on August 28, 2017 at 7:00 p.m.

Moved by Catlin, seconded by Morgan, that the meeting be adjourned at 8:21 p.m.

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

MOTION CARRIED.

Erin Saathoff, City Clerk
Stan Wirth, Mayor