

MINUTES OF THE SPECIAL CITY COUNCIL MEETING

A special meeting of the City Council was held on the 28th day of September, 2015 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, Clabaugh, Cook, Fairbanks, Kerr,
Morgan, Parde
Absent: Catlin

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 September 21, 2015, as on file in the City Clerk's Office.
- e. Approval of Treasurer's Report of Claims:
 - e(1) Approval of Main Street Beatrice claim in the amount of \$1,906.32.
 - e(2) Approval of the balance of Treasurer's Report of Claims in the amount of \$858,091.11.
- f. Approval of BASWA Report of Claims in the amount of \$277,657.30.
- g. Resolution Number 5821 appointing Tim Doyle to the Board of Adjustments.
- h. Resolution Number 5822 appointing Nathan Clabaugh to the Board of Adjustments.

Moved by Parde, seconded by Billesbach, that the items listed under the consent agenda, be approved, accepted and/or ratified as presented. Clabaugh abstained from item e(1) and h.

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

Nay: None

Abstain: Clabaugh – e(1) and h

MOTION CARRIED.

PUBLIC HEARINGS/BIDS

There were no public hearings/bids.

RESOLUTIONS

There were no resolutions.

ORDINANCES

There were no ordinances.

PUBLIC FORUM

No one appeared at public forum.

DISCUSSIONS/REPORTS

Flying Lanterns

Greg Butcher, City Attorney, discussed a proposed ordinance which would define and forbid the sale and use of sky lanterns in the City of Beatrice. Butcher noted that the cities of Omaha, Lincoln, and Waverly had recently banned their sale and use. The proposed ordinance was modeled after the language passed by the City of Lincoln. Brian Daake, Fire Chief, spoke to the dangers of these kind of items. Daake also noted that the usage requirements for sky lanterns would not be conducive to Nebraska's traditionally dry agricultural conditions. Grass fires, structure fires, and other related property damage may be caused. Councilman Kerr requested that members of City Administration speak with members of the Gage County Board of Supervisors to consider a county wide ban. Mayor Wirth noted this item would be considered at the next regular City Council meeting on October 5, 2015.

False Alarms

Greg Butcher, City Attorney, noted that during recent discussion regarding the fees charged for habitual false alarms, Councilman Fairbanks inquired if the fees charged for these false alarm calls cover the actual costs. City Administration presented data from 2011 to the current date which showed the number of habitual offenders has reduced from eight (8) in 2011 to one (1) in 2015. Total false alarm calls have also reduced. The City Council discussed the data and felt that at this time the fees should remain as they are. Councilman Fairbanks would like a recommendation one way or the other from Police Chief Bruce Lang.

Special Events Liability

Greg Butcher, City Attorney, noted that there had been previous discussions regarding events held on City property or right-of-way, such as parades, sales, beer gardens, street dances, etc. Butcher noted that a number of cities have varying levels of requirements and documentation for usage of City property or events. Grant Jones, Jones Insurance Agency, spoke to the City Council regarding risk transfer. Jones recommended a two (2) tiered system for risk transfer and insurance requirements of those who want to use City property or resources. The first tier would require a one million dollar liability policy with the City named as an additional insured. Most organization may already have this sort of coverage or could easily acquire it. For those who would have more trouble in acquiring such an insurance policy like individuals, loosely organized sporting clubs, and neighbors holding block parties, a fee based approach would be used rather than an insurance requirement. The fee would be cheaper than the insurance, but more expensive than a permit for those entities who had the liability insurance coverage. Councilman Morgan noted that Southeast Community College does not really have issues enforcing this with organizations requesting use of their facilities. The City Council continued a discussion of risk transfer. Butcher noted that the City Council will need to identify what uses and facilities they would like to have covered and what fees they would like to charge. Mayor Wirth requested that information and data be collected and then have City Administration meet with groups who use our facilities and hold events on City property.

Junked Motor Vehicles

Mayor Wirth requested that the City take a look at the current codes and ordinances related to junked motor vehicles and see if we need to apply anymore teeth to them to ensure full enforcement for the betterment of the community. Rob Mierau, Building Inspector, appeared and explained the current process and the twenty-one (21) day requirement. Two (2) issues identified by Mierau and Greg Butcher, City Attorney, were vehicles that are registered but were likely inoperable and vehicles located on commercial property. The City Council discussed the difference in ways the City can handle junked motor vehicles on the street versus on private property. Councilman Fairbanks would like to see more teeth in the regulation of both private and public property. Butcher noted that the current language does not allow enforcement on commercial and industrial property. Mayor Wirth noted that City Administration will review the current codes and make recommendations for consideration at a regular City Council meeting.

ADJOURNMENT

The next regular City Council meeting is October 5, 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 Parde, seconded by Billesbach, that the meeting be adjourned at 8:04 p.m.

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

Nay: None

MOTION CARRIED.

Erin Saathoff, City Clerk

Stan Wirth, Mayor