

MINUTES OF THE REGULAR CITY COUNCIL MEETING

A meeting of the City Council was held on the 15th day of June, 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

Absent: Catlin, 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 June 1, 2015, as on file in the City Clerk's Office.
- e. Approval of Treasurer's Report of Claims:
 - e(1) Approval of Street Department claims in the amount of \$40,120.06, as recommended by the BPW.
 - e(2) Approval of Main Street claim in the amount of \$5.00.
 - e(3) Approval of Gage Area Growth-NGage claim in the amount of \$6,400.00.
 - e(4) Approval of the balance of Treasurer's Report of Claims in the amount of \$444,241.50.
- f. Approval of BASWA Report of Claims in the amount of \$7,155.77.
- g. Resolution Number 5778 authorizing vendors permission to sell goods on City property in Charles Park, 5th Street between High Street and Ella Street, 5th Street between Ella Street and Court Street, and the greenspace located east of North 2nd Street between Ella Street and Grant Street for Homestead Days, June 14-21, 2015.

Moved by Morgan, seconded by Billesbach, that the items listed under the consent agenda, be approved, accepted and/or ratified as presented.

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

Nay: None

Abstain: Clabaugh – e(2); Morgan – e(3)

MOTION CARRIED.

PUBLIC HEARINGS/BIDS

Public hearing concerning an application to the Nebraska Department of Economic Development for a Community Development Block Grant in the amount of \$250,000.00 for the reconstruction of North 2nd Street between Ella Street and Grant Street.

Tobias Tempelmeyer, City Administrator, reviewed the current grant the City has for the reconstruction of 2nd Street, Ella to Grant, in which the bricks will be removed and the street leveled out. Tempelmeyer noted there are funds available through a public works grant and City Administration would like to apply for this funding in order to finish the remaining portion of 2nd Street up on the One and Six Year Road Plan. Mayor Wirth inquired if this grant would be in addition to the Transportation Grant the City has received. Tempelmeyer noted that it is in addition and this grant will not cover all of the costs, but will help. Councilman Fairbanks inquired if the plans are to level out the road. Tempelmeyer noted that is the plan and James Burroughs is currently looking at options to work on drainage. Councilman Fairbanks also inquired if the two (2) projects would coincide with each other and if the City had to complete one (1) project before starting on the other. Tempelmeyer noted the City is working out the details and said the plan is to close the street and complete the entire project at once instead of having to close the street multiple times due to the use of that section.

Moved by Morgan, seconded by Cook, to close public hearing at 7:08 p.m.

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

MOTION CARRIED.

RESOLUTIONS

Resolution Number 5779 authorizing the application in the amount of \$250,000.00 for the reconstruction of North 2nd Street between Ella Street and Grant Street.

Mayor Wirth introduces Resolution Number 5779 authorizing the application in the amount of \$250,000.00 for the reconstruction of North 2nd Street between Ella Street and Grant Street.

Moved by Morgan, seconded by Kerr, that Resolution Number 5779 be passed and adopted.

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

MOTION CARRIED.

Resolution Number 5779 has been passed and adopted.

Resolution Number 5780 authorizing the application under the United States Department of Agriculture (USDA) Rural Development, Rural Business Development Grant Program (RBDG) in the amount of \$50,000.00 to establish a revolving loan fund for qualifying business pursuant to the grant application and award.

Mayor Wirth introduced Resolution Number 5780 authorizing the application under the United States Department of Agriculture (USDA) Rural Development, Rural Business Development Grant Program (RBDG) in the amount of \$50,000.00 to establish a revolving loan fund for qualifying business pursuant to the grant application and award.

Moved by Morgan, seconded by Cook, that Resolution Number 5780 be passed and adopted.

Councilman Kerr asked for clarification on the USDA grant, and that the funding would not be used for the downtown area, it would be for the outlying area and also inquired if anyone has applied for the funding. Greg Butcher, City Attorney, noted no one has applied, as the City first

needs to establish the revolving loan fund, and once the fund is established, applicants can come to the City to apply for revolving loan funds through the USDA grant. Councilman Kerr inquired what the interest rate would be. Butcher noted that the interest rate will be established case by case. Butcher also noted that the USDA does not want to overlap the RBDG program covering the area from 2nd Street to 10th Street, Market to Grant. Councilman Kerr inquired if once these funds have been established if they can never be used in downtown area. Butcher noted that these funds will have to be used for business outside of the downtown area. Councilman Kerr inquired if the City has any supporting businesses. Butcher noted the City will have to line up businesses to show support for this grant. Councilman Clabaugh inquired if the dollar amounts and numbers are set from the USDA. Butcher noted that they are. Councilman Kerr inquired how many businesses there were outside the downtown area. Councilman Fairbanks noted he thought there were between 70-80.

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

MOTION CARRIED.

Resolution Number 5780 has been passed and adopted.

Resolution Number 5781 removing the no parking zone along the east side of 11th Street from Jackson Street to Arthur Street.

Mayor Wirth introduced Resolution Number 5781 removing the no parking zone along the east side of 11th Street from Jackson Street to Arthur Street.

Moved by Morgan, seconded by Kerr, that Resolution Number 5781 be passed and adopted.

Tobias Tempelmeyer, City Administrator, reported the Council that residents approached the City wishing to remove the parking along the east side of 11th Street near the old hospital. The Traffic Committee reviewed the request and have no issues with removing the parking.

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

MOTION CARRIED.

Resolution Number 5781 has been passed and adopted.

Resolution Number 5782 executing the Contract for Sale of Real Estate to David J. Doering and Peggy L. Doering.

Mayor Wirth introduced Resolution Number 5782 executing the Contract for Sale of Real Estate to David J. Doering and Peggy L. Doering.

Moved by Morgan, seconded by Cook, that Resolution Number 5782 be passed and adopted.

Tobias Tempelmeyer, City Administrator, noted Mr. Doering has approached the City about purchasing the property adjacent to his property for \$15,000.00. Tempelmeyer noted the City is working through one (1) issue with an easement. Greg Butcher, City Attorney, noted the southern portion of the property is vacated and that is what the City is selling. Butcher noted he would like to request an amendment for the General Utility Easement “as necessary”. Butcher

noted it would be approximately fifteen feet (15'). Mayor Wirth inquired if that would be covered under the contract. Butcher noted that it would be covered.

Moved by Kerr, seconded by Morgan, to amend the Contract for Sale of Real Estate to allow the City to retain a General Utility Easement as necessary.

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

MOTION CARRIED.

Moved by Morgan, seconded by Cook, that Resolution Number 5782 be passed and adopted.

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

MOTION CARRIED.

Resolution Number 5782 has been passed and adopted.

Resolution Number 5783 executing the Loan Agreement and Promissory Note between the City of Beatrice and Nu Nebraska RC L.L.C., a Nebraska limited liability company, for a direct loan up to the amount of \$35,000.00 under the City of Beatrice LB 840 Fund for Economic Development.

Mayor Wirth introduced Resolution Number 5783 executing the Loan Agreement and Promissory Note between the City of Beatrice and Nu Nebraska RC L.L.C., a Nebraska limited liability company, for a direct loan up to the amount of \$35,000.00 under the City of Beatrice LB840 Fund for Economic Development.

Moved by Morgan, seconded by Billesbach, that Resolution Number 5783 be passed and adopted.

Tobias Tempelmeyer, City Administrator, reviewed Nu Nebraska has applied for an LB840 loan to look at the feasibility to build an assisted living facility in Beatrice. The City would reimburse up to one-half (½) of cost upon receiving copies of invoices. Nu Nebraska has also agreed to sign a Personal Guarantee.

Mayor Wirth noted this was approved by the CARC committee. Councilman Fairbanks noted he wished it was for a different type of enterprise, however he would support it. Councilman Clabaugh noted he was pleased they are looking at Beatrice and bringing in possibly sixty (60) jobs. Bryan Mellage, resident of Southeast Nebraska, was present and noted Nu Nebraska would like to ask City Council for their approval to move forward and Nu Nebraska would begin moving on the project tomorrow. Mellage noted the owners of Nu Nebraska would like to ask the council to change the personal guarantee to be divided equally among the three (3) owners, stating the City would still get the full guarantee. Councilman Kerr inquired if it would be a deal breaker if the Council did not agree. Mellage noted that right now they do not want to move forward without this change. Councilman Kerr inquired if Nu Nebraska will run this business and how many jobs this business would bring into the City and what the pay scale would be. Mellage noted Nu Nebraska will own and operate the business and will hire manager. Mellage also noted approximately sixty (60) employees will be hired and the pay scale for a can would be around \$20.00/hour. Councilman Fairbanks noted he does not have a problem with dividing the

Personal Guarantee as requested as long as it was ok with Greg Butcher, City Attorney. Butcher noted no contract has been signed at this time so there would be no issue in making that amendment.

Moved by Fairbanks, seconded by Cook, to amend the Personal Guarantee to be divided equally among the owners of Nu Nebraska.

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

MOTION CARRIED.

Moved by Morgan, seconded by Billesbach, to approve Resolution Number 5783.

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

MOTION CARRIED.

Resolution Number 5783 has been passed and adopted.

Resolution Number 5784 entering into an Agreement with Gage Area Growth Enterprises, a Nebraska Nonprofit corporation, (NGage) to provide funding as authorized by Neb.Rev.Sat. §13-315.

Mayor Wirth introduced Resolution Number 5784 entering into an Agreement with Gage Area Growth Enterprises, a Nebraska Nonprofit corporation, (NGage) to provide funding as authorized by Neb.Rev.Sat. §13-315.

Moved by Clabaugh, seconded by Kerr, that Resolution Number 5784 be passed and adopted.

Tobias Tempelmeyer, City Administrator, presented the funding agreement with Gage Area Growth Enterprises, which is similar to the current agreement with the term of contract for three (3) years. Greg Butcher, City Attorney, noted that after the initial contract was signed, an amendment was made changing when the financials are to be brought to City Council and that amendment was left as is.

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

MOTION CARRIED.

Resolution Number 5784 has been passed and adopted.

ORDINANCES

Ordinance to convey real estate, described as the S. 33' of vac. Swarthmore Ave., adj. to Lot 1, Blk. 15, Brumback's 2nd owned by the City of Beatrice to David J. Doering and Peggy L. Doering

Mayor Wirth introduced an Ordinance to convey real estate, described as the S. 33' of vac. Swarthmore Ave., adj. to Lot 1, Blk. 15, Brumback's 2nd owned by the City of Beatrice to David J. Doering and Peggy L. Doering

Moved by Morgan, seconded by Cook, that said ordinance be given number 15-012, 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, Clabaugh, Cook, Fairbanks, Kerr, Morgan
Nay: None

MOTION CARRIED.

Mayor Wirth read Ordinance Number 15-012 by number only the first, second, and third times.

Moved by Morgan, seconded by Clabaugh, that Ordinance Number 15-012 be passed and approved.

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

MOTION CARRIED.

Ordinance Number 15-012 has been passed and approved.

PUBLIC FORUM

Councilman Kerr reported that Councilman Parde is in Arkansas spending time with his newest granddaughter, Amelia Grace.

Lora Young, Executive Director of the Beatrice Area Chamber, was present and introduced Abby Schademann, the new Director of Tourism.

DISCUSSIONS/REPORTS

Community Video

Tobias Tempelmeyer, City Administrator, noted that FES has approached the City regarding putting together a city-wide video to be used for advertisement and possible economic development outreach. Tempelmeyer reported the estimated price is just under \$10,000 and noted the Chamber and NGage may be interested. Councilman Kerr inquired if Beatrice Plus fund could be used to fund this. Tempelmeyer noted that Beatrice Plus fund were probably not eligible, however LB840 fund could possibly be used. Councilman Clabaugh inquired what NGage and the Chamber thoughts were on this project. Glennis McClure, NGage Executive Director, noted she is interested and had also met with another company regarding a video this morning. Lora Young, Executive Director of the Beatrice Area Chamber, noted the Chamber used to have video that was distributed and used as a marketing and recruiting tool. Young also noted the City is in a time crunch with Homestead Days only occurring once a year, and feels Homestead Days would be an important part of the a community video. Councilman Fairbanks stated he is not opposed to the idea, although he does have concern with the City locking in with one group and felt FES should provide a sample of the end product in order to sell it to the City. Tempelmeyer noted that at this time City Administration is looking for approval and interest of this project an there is no money being voted on at this time. Councilman Morgan agreed that FES needs to show the City an end result prior to paying for a video.

City Administrator's Monthly Report

Tobias Tempelmeyer, City Administrator presented the monthly report to the Council. Bruce Lang, Chief of Police, was present to report to the Council that after six (6) weeks of being set up in the backup center, the Communication Center was reopened today at 1:00 p.m. Lang noted this was possibly the worse lightning strike the vendors have seen. Lang also noted that with the addition of the City of Crete, dispatchers have begun to answer the phones "Southeast Nebraska 911" or "Southeast Communications".

Tempelmeyer noted that with the recent flooding again, Mark Pethoud and his staff have done a great job to try to get those areas fixed. Tempelmeyer also noted that the WPC Department employees have gone as far as staying overnight in order to ensure the Plant stayed up and running; the Electric Department continues to work through their 12.5 conversion project, the next phase will be removing the two (2) pole structures out of alleyways; and the Water Department is about finished with one (1) of their water main projects for the year. Councilman Kerr inquired when the City would be spraying for mosquitoes and Tempelmeyer noted spraying will begin tomorrow night and encouraged citizens to help out by dumping out any standing water on their property.

EXECUTIVE SESSION

Moved by Morgan, that the Beatrice City Council go into closed session at 7:57 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 7:57 p.m., for the protection of public interest to discuss real estate.

Mayor Wirth announced that Moved by Morgan, seconded by Billesbach, that the Beatrice City Council go into closed session at 7:57 p.m., for the protection of public interest to discuss real estate.

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

MOTION CARRIED.

Reconvened at 8:25 p.m.

ADJOURNMENT

The next regular City Council meeting is July 6, 2015 at 7:00 p.m. in the Beatrice Public Schools Administration Building Meeting Room; there will be a Council Work Session on June 22, 2015 at 7:00 p.m. in the Beatrice Public Schools Administration Building Meeting Room.

Moved by Morgan, seconded by Clabaugh, that the meeting be adjourned at 8:26 p.m.

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

MOTION CARRIED.

Erin Saathoff, City Clerk

Stan Wirth, Mayor