

# **Minutes of the City Council Regular Meeting held March 2, 2015, at 7:00 P.M. in the BPS Administration Meeting Room, 320 North 5<sup>th</sup> Street, Beatrice, NE**

Mayor Wirth led those in attendance in the Pledge of Allegiance

**1 – Roll Call:** Present: Mayor Wirth, Councilmembers Billesbach, Clabaugh, Fairbanks, Kerr, Morgan, Parde  
Absent: Councilmembers Catlin, Cook

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.

## **2 - 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 February 16, 2015, as on file in the City Clerk's Office.
- e. Approval of minutes of worksession on February 23, 2015, as on file in the City Clerk's Office.
- f. Approval of Treasurer's Report of Claims
  - (1) Approval of claim of Main Street Beatrice in the amount of \$1,528.70.
  - (2) Approval of balance of Treasurer's Report of Claims in the amount of \$164,613.96.
- g. Approval of BASWA Report of Claims in the amount of \$32,216.48.
- h. Approval of contract with Topkote, Inc. in the amount of \$27,905.10 for the Armor Coat Paving Project #15-001, as recommended by the BPW.
- i. Resolution Number 5746 appointing Gregory Leech to the Beatrice Board of Public Works Board.
- j. Resolution Number 5747 granting permission to Derek Fralin, dba Fralin Concessions, to sell goods upon City property at Hannibal Park and the Scott Street Ball Fields.
- k. Resolution Number 5748 entering into concessions license agreement with Beatrice Girls Softball Association regarding the concession stand and scoreboards located at Hannibal Park.
- l. Approval of special designated liquor license application of Main Street Beatrice for a fundraiser to be held April 10, 2015 from 5:30 pm until 8:30 pm at 405 Court Street, Beatrice, NE.

Moved by Parde, seconded by Kerr, that the items listed under the consent agenda, be approved, accepted and/or ratified as presented; Clabaugh abstained from d, f(1) and l; Fairbanks abstained from e; Parde abstained from d.

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

Motion carried.

## **3 - Public Hearings/Bids:**

### **a. Hearing**

- (1) Public Hearing on the new application of Angela Withrow dba Unfiltered 3 at 513 Ella Street, Beatrice, NE for a Class I liquor license.**

Mayor Wirth announced that a public hearing be held on the new application of Angela Withrow dba Unfiltered 3 at 513 Ella Street, Beatrice, NE for a Class I liquor license.

Police Captain, Gerald Lamkin, under oath, presented the police investigative report, which after the standard investigation process was completed and further checking was done on some items, ultimately found no reason to deny the application. Code Enforcement Officer, Rob Mierau, under oath, presented the planning report, which found the property appropriately zoned for the proposed use; he noted that the Kensington, which is a home for the aged, is within 150' and therefore advised the applicant to change her application to reflect that.

This location previously was a liquor establishment and Mr. Mierau did not recall any noise complaints in past years.

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

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

Motion carried.

Moved by Parde, seconded by Kerr, that the new application of Angela Withrow dba Unfiltered 3 at 513 Ella Street, Beatrice, NE for a Class I liquor license be recommended to the Nebraska Liquor Control Commission for approval.

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

Motion carried.

**(2) Public Hearing on the acquisition of real property described as E125' of N120' of Lot 1, Block 8, R.B. Harrington's Subdivision, Beatrice, Gage County, NE, located at 401 West Court.**

Mayor Wirth announced that a public hearing be held on the acquisition of real property described as E125' of N120' of Lot 1, Block 8, R.B. Harrington's Subdivision, Beatrice, Gage County, NE, located at 401 West Court.

City Administrator, Tobias Tempelmeyer, explained that the City had been working on obtaining a grant from the Nebraska Emergency Management Agency (NEMA) to acquire this property however NEMA advised the property was not eligible because the underground fuel tanks were still on the property. Mr. Reiff has since removed the tanks and the property has been tested but the results are not yet available. The prior purchase agreement in the amount of \$60,000 was contingent upon getting a clean report from the Environmental Protection Agency (EPA) and obtaining the grant. NEMA now has limited funds available so this proposed purchase agreement has removed the requirement that the City obtain a grant, however, the City will continue to work through that process. The \$60,000 purchase price is based upon an appraisal done in July of 2011. Discussion followed regarding the lower assessed value of the property as compared to the purchase price; if a grant is not obtained the entire purchase will be funded from the general fund; this acquisition would leave only one property to acquire to complete the floodway green space; and to continue negotiations on acquiring the remaining properties.

Moved by Parde, seconded by Morgan, that the public hearing be closed at 7:20 p.m.

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

Motion carried.

**4 – Resolutions:**

- a. Resolution entering into a Contract for Sale of Real Estate with Lynn and Lynnette Reiff to purchase the E125' of N120' of Lot 1, Block 8, R.B. Harrington's Subdivision, Beatrice, Gage County, NE, located at 401 West Court.**

Mayor Wirth introduced Resolution Number 5749 entering into a Contract for Sale of Real Estate with Lynn and Lynnette Reiff to purchase the E125' of N120' of Lot 1, Block 8, R.B. Harrington's Subdivision, Beatrice, Gage County, NE, located at 401 West Court.

Moved by Parde, seconded by Morgan, that Resolution Number 5749 be passed and adopted.

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

Motion failed.

Councilmember Cook arrived at 7:21 p.m.

**b. Resolution entering into a Contract for Firm Electric Service with Western Area Power Administration and related agreements with Nebraska Public Power District.**

Mayor Wirth introduced Resolution Number 5750 entering into a Contract for Firm Electric Service with Western Area Power Administration and related agreements with Nebraska Public Power District.

Moved by Parde, seconded by Morgan, that Resolution Number 5750 be passed and adopted.

City Administrator Tempelmeyer explained that the City receives our electric energy from two suppliers, the Western Area Power Administration (WAPA) and Nebraska Public Power District (NPPD), and that the current transmission charges for WAPA are billed point to point and NPPD bills on a Network Integration Transmission Service (NITS). The City can no longer be billed under two different methods, so the proposed amendments to the agreements will change both to the NITS method, which is estimated to save the City \$40,000 per year. NPPD had also provided an estimate on the point to point method, which would have increased the cost \$167,000 per year.

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

Motion carried.

Resolution Number 5750 has been passed and adopted.

**c. Resolution establishing policy guidelines for review of all employee driving records.**

Mayor Wirth introduced Resolution Number 5751 establishing policy guidelines for review of all employee driving records.

Moved by Parde, seconded by Billesbach, that Resolution Number 5751 be passed and adopted.

City Administrator Tempelmeyer explained that the City's insurance carrier, Travelers, had suggested that the City adopt a system where they can review the driving record of employees annually and if an employee is found to have a poor record they would not be allowed to drive city vehicles or their personal vehicle in the conduct of city business. If a conflict arises between this policy and a union contract then the union contract dictates action.

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

Motion carried.

Resolution Number 5751 has been passed and adopted.

**5 – Ordinances:**

**None.**

**6 – Public Forum:**

No one appeared at public forum

## **7 – Discussions/Reports:**

### **a. NPPD Wholesale Contract Negotiations**

City Administrator Tempelmeyer updated the Council on the wholesale contract negotiations with NPPD. There are several options on the table for consideration at this time, with exit fees being the big item. They had hoped to have a contract by March however they are a ways off yet. The contract and options being negotiated is for all of the customers they serve, not just Beatrice.

### **b. Legislative Update**

City Administrator Tempelmeyer presented the Legislative Update and discussed bills of an interest and impact to the City.

## **8 – Miscellaneous:**

The next regular council meeting is March 16, 2015 at 7:00 p.m. in the Beatrice Public Schools Administration Building Meeting Room; there will be a Council worksession on March 23, 2015 at 7:00 p.m. in the Beatrice Public Schools Administration Building Meeting Room.

Moved by Parde, seconded by Clabaugh, that the meeting be adjourned at 7:40 p.m.

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

Motion carried.

**Linda S. Koch, City Clerk**

**Mayor Stan Wirth**