

MINUTES OF THE REGULAR CITY COUNCIL MEETING

A regular meeting of the City Council was held on the 18th day of April, 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, Kerr, Morgan, Parde

Absent: Fairbanks.

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.

Brian Daake, Fire Chief, recognized a number of firefighters for their actions in providing the lifesaving care to an occupant prior to getting him to the hospital, as well as the teams quick response, recognition of the situation, and controlling the incident from spreading to the rest of the building. Chief Daake also presented Captain Jeremy Seggerman with a Medal of Honor for his decisive actions in saving the life of the apartment's occupant before he succumbed to the smoke and gases being produced by the fire.

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 April 4, 2016, as on file in the City Clerk's Office.
- e. Approval of Treasurer's Report of Claims:
 - e(1). Approval of Beatrice Humane Society claim in the amount of \$5,000.00
 - e(2). Approval of Gage Area Growth-NGage claim in the amount of \$25,000.00.
 - e(3). Approval of Main Street Beatrice claim in the amount of \$3,000.00.
 - e(4). Approval of balance of Treasurer's Report of Claims in the amount of \$360,614.40.
- f. Approval of BASWA Report of Claims in the amount of \$60,286.69.
- g. Approval of write-off of ambulance bad debts.
- h. Approval of bid from R.L. Tiemann Construction, Inc., in the amount of \$52,439.96 for the Alley Reconstruction – 2016, as recommended by the Board of Public Works.
- i. Approval of Beatrice Plus funding request from Beatrice Gun Club in the amount of \$1,750.00 to assist in paying for Exhibition Shooter Tim Bradley to provide entertainment for two (2) shows during Homestead Days, as recommended by the Beatrice Plus Committee.
- j. Approval of Beatrice Plus funding request from Main Street Beatrice in the amount of \$750.00 to assist in paying for Wayfinding/Identification Signage for public parking areas, as recommended by the Beatrice Plus Committee.

- k. Approval of Beatrice Plus funding request from St. Paul’s Lutheran School in the amount of \$2,500.00 to assist in paying for a Nature Explore Classroom, as recommended by the Beatrice Plus Committee.
- l. Resolution Number 5892 entering into a lease with Larry Delabar for farming purposes.
- m. Resolution Number 5893 to restate the City’s three (3) retirement plans, pursuant to the federal Pension Protection Act of 2006.
- n. Resolution Number 5894 executing the United States Army Donations Program Qualification Checklist for Donations of Combat Material Municipalities, for the purpose of acquiring for display former United States Army combat materials/vehicles.
- o. Resolution Number 5895 entering into an Interlocal Agreement for the purpose of creating a Mutual Finance Organization as authorized by the Nebraska Mutual Finance Assistance Act.
- p. Resolution Number 5896 approving Sublease of Farm Lease from Jim Brod to Steven Wright for property located near the Industrial Park and old County Fairgrounds.
- q. Resolution Number 5897 appointing Matt Schmitt to the Community Redevelopment Authority.

Councilman Fairbanks arrived at 7:08 p.m.

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

Roll Call: Yea: Billesbach, Catlin, Clabaugh, Cook, Fairbanks, Kerr, Morgan, Parde
 Nay: None
 Abstain: Clabaugh – e(3); Cook – e(1); Morgan – e(2) MOTION CARRIED.

j - Moved by Catlin, seconded by Parde, that the Beatrice Plus funding request from Main Street Beatrice in the amount of \$750.00 to assist in paying for Wayfinding/Identification Signage for public parking areas, as recommended by the Beatrice Plus Committee, be approved, accepted, and/or ratified as presented.

Councilman Parde inquired if this request was in addition to the public funding request that was approved at the last City Council meeting. Tobias Tempelmeyer, City Administrator, noted this was in addition to the public funding request, noting this is a joint project between the City, Main Street, and the Chamber. Councilman Kerr inquired if these signs will be placed along the highway and how many parking lots there are throughout town. Tempelmeyer noted the signs will not be placed along the highway and that there are approximately nine (9) public parking lots that will be marked.

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

PUBLIC HEARINGS/BIDS

There were no public hearings/bids.

RESOLUTION

Resolution Number 5898 adopting the City of Beatrice Strategic Plan of April 2016

Mayor Wirth introduced Resolution Number 5898 adopting the City of Beatrice Strategic Plan of April 2016.

Moved by Catlin, seconded by Billesbach, that Resolution Number 5898 be passed and adopted.

Joe Johnson, Olsson Associates, noted it has been a pleasure working on this project. Johnson noted that through the process of putting the Plan together, all of the agencies worked together to brainstorm ideas that can help Beatrice grow. Johnson noted that under each strategy a specific person is assigned to the project to ensure the objective is completed.

Councilman Fairbanks inquired how the responsible party was assigned and if the responsible party is aware that they were chosen. Tobias Tempelmeyer, City Administrator, noted some of these items were brought to the table by the various Boards, however he is unsure if the Boards have met to let the responsible party know. Councilman Fairbanks noted he is glad to see everyone working together.

Clabaugh inquired about Housing Strategy #3, Promote the expansion of the Nebraska Municipal Land Bank Act to First Class Cities. Johnson explained that expansion is very important to First Class cities and currently only Lincoln and Omaha are allowed to do this. Johnson further noted the City of Beatrice could take a leadership role on this.

Mayor Wirth inquired what one (1) of the top priorities should be. Johnson noted fiber optic communications is one (1) of the most critical infrastructures for communities.

Councilman Cook noted he would like to see the Strategic Plan brought back on a monthly basis to ensure progress is being accomplished. Mayor Wirth noted the City Council could take a look at the Strategic Plan on a quarterly basis.

Johnson noted Beatrice has been an outstanding community to work with and wished the City Council well.

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

Resolution Number 5898 has been passed and adopted.

Resolution Number 5899 authorizing application to the Civic & Community Center Financing Fund grant for improvements to the Beatrice Municipal Auditorium.

Mayor Wirth introduced Resolution Number 5899 authorizing application to the Civic & Community Center Financing Fund grant for improvements to the Beatrice Municipal Auditorium.

Moved by Catlin, seconded by Clabaugh, that Resolution Number 5899 be passed and adopted.

Tobias Tempelmeyer, City Administrator, noted the City will be applying for a Civic & Community Center Financing Fund (CCCFF) grant for repairs and improvements to the Auditorium. Tempelmeyer noted the City was awarded a CCCFF grant in the past that was used for improvements to the Carnegie Building. Tempelmeyer noted some of the improvements will be HVAC work, installation of ADA doors, tile repair, and tuck pointing on the exterior of the building. Tempelmeyer also noted there are some funds in the Public Properties Department budget that will be used as part of the match.

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

Resolution Number 5899 has been passed and adopted

ORDINANCES

Ordinance Number 16-005, third and final reading, adding Article XII and Sections 7-370, 7-371, 7-372, 7-373, 7-374, 7-375, 7-376, 7-377, 7-378, 7-379, 7-380, and 7-381 to the Beatrice City Code regarding adjoining buildings.

Mayor Wirth introduced for consideration of Ordinance Number 16-005 adding Article XII and Sections 7-370, 7-371, 7-372, 7-373, 7-374, 7-375, 7-376, 7-377, 7-378, 7-379, 7-380, and 7-381 to the Beatrice City Code regarding adjoining buildings.

Moved by Catlin, seconded by Cook, that said Ordinance Number 16-005, the title thereof be approved and said ordinance be read by title only the third and final time tonight and that said ordinance be passed and approved.

Councilman Kerr noted the Committee, including business owners and City Councilmembers, went through ordinance, met two (2) times and in the end came up with an amendment that resulted in both sides being satisfied.

Moved by Kerr, seconded by Catlin, to amend Ordinance Number 16-005, and to replace it with the committee amendment in its entirety.

Tobias Tempelmeyer, City Administrator, noted there were a couple of definitions found that were left in the ordinance and were no longer used, so those have been removed. Tempelmeyer noted registration is now a voluntary registration, giving the property owner the option to either show proof of insurance or allow the City to inspect the property. Tempelmeyer also noted that the penalty section was amended to remove the misdemeanor charge and make it an infraction.

Councilman Morgan inquired if the amendments made to the ordinance satisfies what Councilman Kerr was hoping to accomplish. Councilman Kerr noted that they do.

Mayor Wirth thanked the members of the Committee, which included Councilman Clabaugh, Councilman Billesbach, Councilman Kerr, Anna Cunningham, Judi Knowles, Nick Jurgens, and Jeff Hubka.

Jeff Hubka, 508 Court Street, noted that he believes the proposed amended ordinance is a win win for all involved, noting the ordinance allows the City more enforcement and also limits the workload for Building Inspections office, and property owners now have the option to choose to show proof of insurance or allow the City to inspect their property. Hubka further noted that if any ordinance is to be passed, the amended ordinance in front of the City Council is the best option.

Nick Jurgens, 400 Court Street, noted that everything went well during the meetings and further noted that while nothing will ever be perfect, he believes this ordinance will keep everyone together and on the same page to benefit everyone involved.

Ron Miller, 701 High Street, noted he hoped some of these amendments can be carried over to vacant building ordinance. Mayor Wirth noted the vacant building ordinance is not on the agenda and could not be discussed at this time.

Krista Wiedel, 1123 North 9th Street, Vice President of the Tri-County Board of Realtors, wished to express their appreciation to the City Council for working together with building owners and thanked them for the efforts in trying to beautify downtown.

Kate Ratigan, 405 Court Street, inquired if the property owner has a standard liability policy if the property would be covered. Tempelmeyer noted it states the property owner may acquire not less than a \$1 million dollar policy. Ratigan what the property owner would be required to do if they have that policy in place. Tempelmeyer noted the property owner would be required to provide proof of the policy and register their property annually.

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

Tempelmeyer noted this will be the third and final reading of this ordinance and if passed, will be pass as amended.

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

Mayor Wirth read Ordinance Number 16-005 by title the third time.

Ordinance Number 16-005 has been passed and approved.

RESOLUTION

Resolution Number 5900 establishing various fees, including adjoining building code fees.

Mayor Wirth introduced Resolution Number 5900 establishing various fees, including adjoining building code fees.

Moved by Catlin, seconded by Morgan, that Resolution Number 5900 be passed and adopted.

Greg Butcher, City Attorney, noted two (2) versions of the fee resolution were distributed and clarified Version B is the resolution the City Council would be voting on. Butcher noted the resolution gets rid of the late registration fee, as the ordinance that was passed makes the registration voluntary. Butcher noted this resolution also sets the adjoining building fees, which are consistent to those of the current Building Inspections Department fees. Mayor Wirth asked City Administration to place the fee resolution on the City's website and social media.

John Russell, 2010 Court Street, inquired if since registration is voluntary and there is no fee, will there also be no fee if the property owner refuses to register. Butcher noted if the property owner does not register with the City, the City has the right to inspect the property.

Kate Ratigan, 405 Court Street, asked if the amended adjoining building ordinance could be placed on the City's website and social media as well.

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

Resolution Number 5900 has been passed and adopted.

PUBLIC FORUM

Councilman Morgan noted that if there are constants in both the adjoining building ordinance and vacant building ordinance, the City Council should look at the vacant building ordinance again to ensure consistency is carried through.

Councilman Kerr noted he would like the possible incentive program for adjoining and vacant buildings to be placed on the agenda for the next work session.

DISCUSSIONS/REPORTS

NGage Quarterly Report

Glennis McClure, Executive Director of NGage, was present to discuss the quarterly report. McClure noted seventeen (17) business visits were conducted. McClure also noted she has been approached by Beatrice Public Schools (BPS) inquiring if area businesses could be more connected with BPS and generally this was well received by businesses. McClure met with BPS regarding job shadowing, as well as researching the rules and regulations on what the students

can be doing through the program. McClure noted NGage has been working on four (4) large projects and that two (2) of those businesses started looking at Beatrice about one (1) year ago. McClure noted NGage held several workshops and has met with Main Street, Beatrice Area Chamber of Commerce, and SCC Entrepreneurship to see what can be done to further enhance and make this an entrepreneurship community. McClure also noted the housing study is near complete and NGage is waiting for the summary.

Blighted and Substandard Designation for the proposed Redevelopment Area No. 5

Moved by Catlin, seconded by Billesbach, that the Blighted and Substandard Designation for the proposed Redevelopment Area No. 5 be forwarded to the Beatrice Planning and Zoning Commission for review and recommendation.

Tobias Tempelmeyer, City Administrator, reviewed the map of the proposed Redevelopment Area No. 5, which starts at the Beatrice Community Hospital, wraps back around the east side of Beatrice, and ends up around 13th and Dorsey Street. Greg Butcher, City Attorney, noted Planning and Zoning will review the Blighted and Substandard Designation of Redevelopment Area No. 5, as well as the general Redevelopment Plan that will be forwarded to Planning and Zoning from the Community Redevelopment Authority, will be brought back to the City Council at a Public Hearing on May 2, 2016. Upon approval of the Plan, Tax Increment Financing (TIF) projects will be available in this area.

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

Legislative Update

Tobias Tempelmeyer, City Administrator, noted the Legislation is winding down and nothing of any concern has come out of this session.

City Administrator's Monthly Report

Tobias Tempelmeyer, City Administrator, noted the RFP for the 2016 Beatrice Downtown Revitalization grant is currently out and proposals are due back May 2, 2016. Tempelmeyer noted Kerri McGrury, Victim Assistance Coordinator, was named Victim Advocate of the Year. Tempelmeyer noted the Beatrice Public Library had a 4th and final walkthrough for the renovation project. Tempelmeyer further noted the Building Inspections Department provided a number of before and after pictures of various properties they have worked to get cleaned up.

EXECUTIVE SESSION

Moved by Catlin, that the Beatrice City Council go into closed session at 8:13 p.m., for the protection of public interest to discuss contract negotiations. Seconded by Parde, that the Beatrice City Council go into closed session at 8:13 p.m., for the protection of public interest to discuss real estate.

Mayor Wirth announced that it has been Moved by Catlin, seconded by Parde, that the Beatrice City Council go into closed session at 8:13 p.m., for the protection of public interest to discuss real estate.

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

Reconvened at 8:30 p.m.

ADJOURNMENT

The next regular Council meeting is April 18, 2016 at 7:00 p.m. in the BPS Admin Bldg Meeting Room. There will be a Work Session on April 25, 2016 at 7:00 p.m. in the BPS Admin Bldg Meeting Room.

Moved by Catlin, seconded by Kerr, that the meeting be adjourned at 8:30 p.m.

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

Erin Saathoff, City Clerk

Stan Wirth, Mayor