

## MINUTES OF THE REGULAR CITY COUNCIL MEETING

A regular meeting of the City Council was held on the 15<sup>th</sup> day of August, 2016 at 7:00 P.M. in the BPS Administration Building Board Room, 320 North 5<sup>th</sup> 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.

### 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 August 1, 2016, as on file in the City Clerk's Office.
- e. Approval of Treasurer's Report of Claims in the amount of \$453,612.76.
- f. Approval of BASWA Report of Claims in the amount of \$46,146.30.
- g. Approval of Change Order No. 1 decrease in the amount of \$779.23 to R.L. Tiemann Construction, Inc., for the Alley Reconstruction – 2016 project, as recommended by the Board of Public Works.
- h. Approval of special designated license for St. Joseph Catholic Church for a special event on October 15, 2016 from 4:00 p.m. until 7:00 p.m. at 612 High Street, Beatrice, Nebraska.
- i. Recommend to the Nebraska Liquor Control Commission Approval of Application for Addition to Liquor License for Casey's Retail Company/Casey's General Store #2702, License #B-71285, 1116 North 6<sup>th</sup> Street, Beatrice, NE 68310.
- j. Resolution Number 5945 approving the request from Beatrice Area Chamber of Commerce and Gage County Tourism to close Highway 136, which is also known as Court Street, from 4<sup>th</sup> Street to 6<sup>th</sup> Street, and 5<sup>th</sup> Street, from Perkins Street to High Street, on December 3, 2016, between 6:00 p.m. and 7:00 p.m., for the Holiday Lighted Parade, and permission to use Charles Park for staging a pictures with Santa tent for patrons to purchase pictures with Santa.
- k. Resolution Number 5946 appointing a committee to review, evaluate, and select the best possible response to the request for proposals, to negotiate and agree to terms with a responding relator, and to negotiate the final terms of a sale contract to be presented to the City Council at a later date for the final purchase of the residential home located at 1923 Ella Street, Beatrice, Nebraska.
- l. Resolution Number 5947 executing the Annual Certification of Army Materiel Status form for the army tank located at Chautauqua Park and to execute and sign all other documentation to authorize the continued future display of the army tank located at Chautauqua Park.

m. Resolution Number 5948 entering into an agreement between the City of Beatrice, Nebraska and Geo-Comm, Inc., for GIS Map Data Maintenance and other related services for the Southeast Region 911 system pursuant the GIS Data Maintenance Agreement.

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

Roll Call: Yea: Billesbach, Catlin, Clabaugh, Cook, Kerr, Morgan, Parde  
Nay: None  
Abstain: Cook - h

MOTION CARRIED.

### **PUBLIC HEARINGS/BIDS**

There were no Public Hearings/Bids.

### **RESOLUTION**

**Resolution Number 5949 executing the Indemnification Agreement with Beatrice Industrial, LLC, related to the City of Beatrice's application to the Nebraska Department of Environmental Quality's Brownfield Assessment Grant Program on behalf of Beatrice Industrial, LLC, relating to the assessment of environmental contaminants on or near property located at 500 Irving Street, Beatrice, NE and authorizing the Mayor and City Administration to sign the application on behalf of the City and submit to the Nebraska Department of Environmental Quality**

Mayor Wirth introduced Resolution Number 5949 executing the Indemnification Agreement with Beatrice Industrial, LLC, related to the City of Beatrice's application to the Nebraska Department of Environmental Quality's Brownfield Assessment Grant Program on behalf of Beatrice Industrial, LLC, relating to the assessment of environmental contaminants on or near property located at 500 Irving Street, Beatrice, NE and authorizing the Mayor and City Administration to sign the application on behalf of the City and submit to the Nebraska Department of Environmental Quality.

Moved by Catlin, seconded by Morgan, that Resolution Number 5949 be passed and adopted.

Tobias Tempelmeyer, City Administrator, noted Beatrice Industrial, LLC purchased the Store Kraft building and they understand there are environmental concerns with the property. Nebraska Department of Environmental Quality (NDEQ) has a grant process to further assist with an environmental assessment, however, only municipalities can apply for the grant. Tempelmeyer noted NDEQ is ok with the City applying for the grant on behalf of Beatrice Industrial, LLC. Tempelmeyer noted the Indemnification Agreement notes the City is not responsible for any issues that may be found on the property and the second part of the resolution authorizes the Mayor to sign the grant application and submit to NDEQ.

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

MOTION CARRIED.

Resolution Number 5949 has been passed and adopted.

**Resolution Number 5950 entering into an agreement between the City of Beatrice, Nebraska and Unite Private Networks, to allow Unite rights to install and maintain Third Party Facilities upon the utility poles of the City pursuant to the First Amendment to Pole Attachment Agreement**

Mayor Wirth introduced Resolution Number 5950 entering into an agreement between the City of Beatrice, Nebraska and Unite Private Networks, to allow Unite rights to install and maintain Third Party Facilities upon the utility poles of the City pursuant to the First Amendment to Pole Attachment Agreement.

Moved by Catlin, seconded by Billesbach, that Resolution Number 5950 be passed and adopted.

Tobias Tempelmeyer, City Administrator, noted the City currently has a Pole Attachment Agreement with Unite Private Networks. Unite has approached the City requesting to hang additional items upon the poles. Pat Feist, Electric Superintendent, has reviewed the amendment and is comfortable with it.

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

MOTION CARRIED.

Resolution Number 5950 has been passed and adopted.

**ORDINANCES**

**Ordinance vacating Lots 11, 12, and 13, Gage County Industrial Park Second Addition to the City of Beatrice, Gage County, Nebraska**

Mayor Wirth introduced an ordinance vacating Lots 11, 12, and 13, Gage County Industrial Park Second Addition to the City of Beatrice, Gage County, Nebraska.

Moved by Catlin, seconded by Parde, that said ordinance be given number 16-035 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, Kerr, Morgan, Parde  
Nay: None

MOTION CARRIED.

Mayor Wirth read Ordinance Number 16-035 by number only the first, second, and third time.

Moved by Catlin, seconded by Cook, that Ordinance Number 16-035 be passed and approved.

Tobias Tempelmeyer, City Administrator, noted there is a rule in City Code stating you cannot build across lot lines. The proposed ordinance will vacate Lots 11, 12, and 13, where the hatchery will be built. Tempelmeyer noted the second action that needs to take place is the replatting of the lots. Tempelmeyer noted both of these items have been reviewed and recommended by the Planning and Zoning Commission.

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

MOTION CARRIED.

Ordinance Number 16-035 has been passed and approved.

**Ordinance approving the plat of Hendrix Addition to the City of Beatrice, Gage County, Nebraska**

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

Moved by Catlin, seconded by Parde, that said ordinance be given number 16-036 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, Kerr, Morgan, Parde  
Nay: None MOTION CARRIED.

Mayor Wirth read Ordinance Number 16-036 by number only the first, second, and third time.

Moved by Catlin, seconded by Billesbach, that Ordinance Number 16-036 be passed and approved.

Tobias Tempelmeyer, City Administrator, noted this ordinance is to re-plat the lots that were just vacated.

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

Ordinance Number 16-036 has been passed and approved.

**Ordinance authorizing the issuance of public safety tax anticipation bonds of the City of Beatrice, Nebraska, in the principal amount of not to exceed six hundred thousand dollars (\$600,000) for the purpose of purchasing public safety vehicles and public safety equipment, constructing improvements to public safety facilities and miscellaneous costs associated therewith; directing the application of the proceeds of said bonds; prescribing the form of said bonds and directing the determination of certain terms of said bonds; providing for the levy and collection of taxes to pay the same; providing for the sale of the bonds; authorizing the delivery of the bonds to the purchaser.**

Mayor Wirth introduced an ordinance authorizing the issuance of public safety tax anticipation bonds of the City of Beatrice, Nebraska, in the principal amount of not to exceed six hundred thousand dollars (\$600,000) for the purpose of purchasing public safety vehicles and public safety equipment, constructing improvements to public safety facilities and miscellaneous costs associated therewith; directing the application of the proceeds of said bonds; prescribing the form of said bonds and directing the determination of certain terms of said bonds; providing for the levy and collection of taxes to pay the same; providing for the sale of the bonds; authorizing the delivery of the bonds to the purchaser.

Moved by Catlin, seconded by Parde, that said ordinance be given number 16-037 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, Kerr, Morgan, Parde  
Nay: None

MOTION CARRIED.

Mayor Wirth read Ordinance Number 16-037 by number only the first, second, and third time.

Moved by Catlin, seconded by Kerr, that Ordinance Number 16-037 be passed and approved.

Tobias Tempelmeyer, City Administrator, noted every three (3) years the City looks to reissue public safety debt bonds. Linda Koch, Finance Director, prepared a list of a number of projects that will be completed with these bonds. Tempelmeyer noted the proposed bonds is expected to be \$575,000.00 and the cost would be 1.73% for the issuance of said bonds. Tempelmeyer asked the City Council to proceed with approving the proposed ordinance, as was done for BASWA, so we can proceed with the issuance of the bonds and not have to work with a timeline of future City Council meetings.

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

MOTION CARRIED.

Ordinance Number 16-037 has been passed and approved.

## **PUBLIC FORUM**

No one appeared at public forum.

## **DISCUSSIONS/REPORTS**

### **407 Court Street**

Greg Butcher, City Attorney, reported to the City Council that after the discussion held on July 18, 2016 regarding 407 Court Street, a revised agreement, addressing who was responsible for back taxes, was submitted to the attorneys for all parties involved. A telephone conference was held between all attorneys in early August and another revision of the agreement was sent out for approval. Butcher noted today he received a list of concerns from the owner of 405 Court Street. Butcher noted at this time, the City is close to agreement of the revisions, with the exception of one (1) issue in regards to indemnification of the City. Butcher noted at this time all other issues and concerns are between the owners and the contractor, and unfortunately the issue is out of the City's hands at this time. Councilman Kerr inquired if an agreement cannot be reached by all parties, if the City will be back to square one. Butcher noted that is correct and if an agreement cannot be reached, the City would also have to rebid the project.

### **City Administrator's Monthly Report**

Tobias Tempelmeyer, City Administrator, noted the Building Inspections Department sent out 118 letters regarding the adjoining building ordinance. To date, sixty-five (65) voluntary registrations have been received, leaving fifty-three (53) that they will follow up on. Tempelmeyer noted the Public Properties Department has been busy working on the two (2) new fields being installed at Hannibal Park, as well as completing the improvements at the Scott Street Ballfields, which make the entire complex ADA accessible. Mayor Wirth also noted they have been busy cleaning up the disgraceful vandalism at the Beatrice Public Library that

occurred this weekend. Tempelmeyer noted the Standing Bear Trail is moving along and will be completed by September 15, 2016. Tempelmeyer further noted the City Council will review the biennial budget at a special meeting on August 29, 2016 and will have a budget approval hearing at their regular meeting on September 6, 2016.

### **EXECUTIVE SESSION**

Moved by Catlin, that the Beatrice City Council go into closed session at 7:30 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 7:30 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 7:30 p.m., for the protection of public interest to discuss real estate.

Roll Call: Yea: Billesbach, Catlin, Clabaugh, Cook, Kerr, Morgan  
Nay: Parde

MOTION CARRIED.

Reconvened at: 8:10 p.m.

### **ADJOURNMENT**

The next regular Council meeting is Tuesday, September 6, 2016 at 7:00 p.m. in the BPS Administration Building Board Room. There will be a special City Council meeting on August 29, 2016 at 7:00 p.m., followed by a Work Session at a location to be announced at a later date.

Moved by Catlin, seconded by Parde, that the meeting be adjourned at 8:10 p.m.

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

MOTION CARRIED.

**Erin Saathoff, City Clerk**

**Stan Wirth, Mayor**