

MINUTES OF THE REGULAR CITY COUNCIL MEETING

A regular meeting of the City Council was held on the 21st day of March, 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, Fairbanks, Kerr, Morgan, Parde

Absent: None.

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 March 7, 2016, as on file in the City Clerk's Office.
- e. Approval of Treasurer's Report of Claims in the amount of \$293,384.65.
- f. Approval of BASWA Report of Claims in the amount of \$51,975.52.
- g. Approval of special designated license application of American Legion Bitting Norman 27 for a special event on May 21, 2016 from 10:00 a.m. to 12:00 a.m. at 701 Dorsey Street, Beatrice, Nebraska.
- h. Approval of special designated license application of Community Players, Inc. a special event on April 2, 2016 from 5:30 p.m. to 11:00 p.m. at 412 Ella Street, Beatrice, Nebraska.
- i. Approval of special designated license application of Community Players, Inc. a special event on April 9, 2016 from 5:30 p.m. to 11:00 p.m. at 412 Ella Street, Beatrice, Nebraska.
- j. Resolution Number 5880 re-appointing Cheryl Wirth to the Beatrice Housing Authority Board.
- k. Resolution Number 5881 appointing Cheryl Sturdivant as the Resident Advisor to the Beatrice Housing Authority Board.
- l. Resolution Number 5882 re-appointing Darin Baehr to the Beatrice Board of Public Works.
- m. Resolution Number 5883 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, for Homestead Days, on June 18, 2016 and June 19, 2016.

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

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

Nay: None

MOTION CARRIED.

Presentation of Auditor's Report and the Comprehensive Annual Financial Report for the year ending September 30, 2015

Chris Lindner, Auditor from BKD, presented the auditor's report to the City Council, noting there were no issues found. Lindner thanked Linda Koch, Finance Director, and the City staff for their hard work in preparing the Comprehensive Annual Financial Report (CAFR) which is a very extensive document. Lindner noted there was only one (1) audit adjustment made for the FY2015 financial report.

Councilman Fairbanks inquired if the changes that were implemented were suggested by BKD, if they were State mandated, or if they were the wish of City Administration. Lindner noted most of the changes were in regards to how things were recorded, and how to report things, further noting it basically comes down to different firms have different takes on what approach they prefer.

Lindner noted the City currently has approximately 4.3 months of operating expenditures, or cash reserves on hand, noting the recommendation is for a healthy city government to have two (2) months of cash reserves on hand. Lindner also noted compared to peer groups, Beatrice is also in a very good position.

Councilman Fairbanks inquired what the City was still working towards the goal of having six (6) months of cash reserves on hand and how long it would take the City to reach that goal. Tobias Tempelmeyer, City Administrator, noted that the City will continue towards that goal, further noting it may take four (4) to five (5) years to reach the goal.

Councilman Clabaugh wished to commend the Department Heads on working to stay within the budget, noting Tempelmeyer and Koch, have done a great job with the City's budget.

Beatrice Humane Society 2015 Annual Report

John Rypma, President of Beatrice Humane Society (Society), presented the 2015 Annual Report to the City Council. Councilman Cook inquired how the Capital Campaign fundraising project is coming along. Rypma noted a total of \$600,000.00 has been raised for the \$1.3 million project. Tobias Tempelmeyer, City Administrator, asked Rypma to explain what the Capital Campaign is for. Rypma noted the Society plans to build a new shelter on Highway 136, across from Southeast Community College. The new shelter will provide more adequate pens to help with disease control. The shelter will sit on approximately 5.3 acres and will provide dog runs for the animals housed at the shelter. Mayor Wirth inquired if the Society has been busier than last year. Rypma noted the numbers are lower than they have been in the past. Rypma noted that Bryce Caulk, the new Director, has been more active with social media, posting pictures of the animals available for adoption, as well as leaving with their new owner. Rypma noted Caulk has six (6) years of experience in running a shelter, has animal control training, and also has nutrition background. Mayor Wirth inquired the timeline for construction of the new shelter and Rypma indicated it is estimated to be six (6) months from the start date. Rypma noted they are trying to raise all of the funds prior to starting construction. Councilman Fairbanks inquired how citizens are able to donate to the project and Rypma noted the donation information is on the Society's website.

Rypma noted the Society has worked for two (2) years to sign a contract with Kansas State University, in which their final year students travel to the facility and perform surgeries while closely supervised. Rypma noted these students average at least seventy (70) more hands on procedures since this program has started. Councilman Cook inquired about the partnership with Petsmart in Lincoln, Nebraska. Rypma noted someone from the Society runs animals to Lincoln weekly and the partnership has proven to be very successful.

A member of the public inquired if the shelter would remain a no-kill shelter. Rypma noted that the shelter is and will remain as no-kill as they can be. Rypma noted that the only animals that are put down are due to the temperament or bad health of the animal, further noting that any animal with any chance to be adopted will remain under the Humane Society's care until adoption occurs.

PUBLIC HEARINGS/BIDS

There were no public hearings/bids.

RESOLUTION

Resolution Number 5884 to de-designate a portion of Redevelopment Area No. 1, as "blighted" and "substandard"

Mayor Wirth introduced Resolution Number 5884 to de-designate a portion of Redevelopment Area No. 1, as "blighted" and "substandard".

Moved by Catlin, seconded by Billesbach, that Resolution Number 5884 be passed and adopted.

Tobias Tempelmeyer, City Administrator, reviewed the proposed resolution to remove a portion of the Redevelopment Area No. 1 as blighted and substandard. The City currently has a study for Redevelopment Area No. 5 around the Beatrice Community Hospital and Sargent Street. Tempelmeyer noted that according to State code, a City cannot have more than thirty-five percent (35%) designated as blighted and substandard, and adding Redevelopment Area No. 5 would bring to the City to (34.9%). Tempelmeyer noted that the area that would be removed would be the Beatrice Municipal Airport runway area, which would lower the blighted and substandard area to about 29.2%. Tempelmeyer noted the City would leave the highway frontage, as well as property around Tractor Supply and the old Husqvarna building. Ron Hasley, 701 North 7th Street, inquired what area near Sargent Street would be included in Redevelopment Area No. 5 and Tempelmeyer noted it would not include the residential area where Hasley owns property.

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

Resolution Number 5884 has been passed and adopted.

ORDINANCES

Ordinance Number 16-005, 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 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.

Councilman Kerr noted there has been growing concern with this ordinance, as well as suggestions and ideas for the City Council to consider from concerned property owners. Councilman Kerr proposed postponing the consideration of this ordinance to a later date, to allow a full committee of Councilmembers and representatives of the public to see if a solution can be agreed upon.

Moved by Kerr, seconded by Catlin, to postpone the third and final reading until April 18, 2016.

Councilman Morgan noted he appreciates all of the comments from the last meeting, further noting everyone knows something needs to be done and it may be worth some consideration to discuss other options. Councilman Fairbanks noted a committee reviewed the proposed ordinance and has been discussed publicly four (4) times now, further noting until the ordinance is in place and enforced the City has no idea how this is really going to affect the property owners. Councilman Fairbanks wished to move forward with the ordinance as proposed and address any problems that come up. Councilman Parde noted he agrees with Councilman Morgan that it would be worth discussing again before moving forward as there were a couple ideas that were brought up last meeting that were not thought about.

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

MOTION CARRIED.

Mayor Wirth noted he will put together a committee to review the proposed ordinance further.

Ordinance Number 16-006, final reading, adding Article XI and Sections 7-350, 7-351, 7-352, 7-353, 7-354, 7-355, 7-356, 7-357, 7-358, 7-359, 7-360, 7-361 and 7-362 to the Beatrice City Code regarding vacant buildings.

Mayor Wirth introduced consideration of Ordinance Number 16-006 adding Article XI and Sections 7-350, 7-351, 7-352, 7-353, 7-354, 7-355, 7-356, 7-357, 7-358, 7-359, 7-360, 7-361 and 7-362 to the Beatrice City Code regarding vacant buildings.

Moved by Catlin, seconded by Billesbach, that said Ordinance Number 16-006, the title thereof be approved and said ordinance be read by title only the third and final time tonight.

Moved by Kerr, seconded by Catlin, to postpone the third and final reading until April 18, 2016.

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

MOTION FAILED.

Jeff Hubka, 508 Court Street, noted that under current city code the building inspector can gain access to any building and nuisance property. Hubka noted that if have a building owner cannot or will not repair the building, no amount of fines or fees will guarantee that they will take care of their property, further noting he feels this will have a negative effect on the downtown buildings. Hubka offered three (3) solutions instead of requiring owners to register their buildings. The first solution was to make funds available with a low interest loan. The second solution was if the property owner obtained a bid for repair work, the City could split the cost with the property owner and work cooperatively to resolve the issue. The third solution offered was to provide some type of grant that would advance money on the building and place a lien on the property until the funding was paid back. Hubka noted if people had incentive to come forward and repair their building, there would be ways to resolve the issues. Councilman Kerr noted there is money for those types of issues Hubka was speaking about.

Councilman Fairbanks wished to remind everyone that this is not just a downtown issue, and this ordinance would cover all of Beatrice. Councilman Fairbanks noted that the rest of community should not have to foot the bill for those property owners if they simply cannot maintain their property and suggested they look at selling the property if that be the case. Hubka posed the question of what if the owner is unable to sell the property.

Councilman Parde noted he does not feel the City should be able to tell a property owner what to do with their property, further noting when it comes to vacant buildings the owner should be able to do what they see fit with their property.

Nick Jurgens, 400 Court Street, noted he spoke to the City Attorney of Emporia, Kansas, and was informed that their ordinance has not been enforced for a number of years due to several issues with it. Jurgens noted Emporia's City Attorney stated they are going to give their ordinance another run, but did not seem very optimistic that it will work this time either. Councilman Clabaugh noted a report would be given from the person who drafted Emporia's ordinance.

Matthew Schmit, 305 Morton Drive, noted that the only revenue the City receives from a vacant building is property taxes and noted that a vacant building costs the community much more in lost rent, utilities, media, marketing, and salaries.

John Russell, 2010 Court Street, noted as a taxpayer he has heard a lot of concerns about the proposed ordinance. Russell noted that the City currently has the right to inspect buildings at any time and that will not change. Russell voiced his concern of implementing this ordinance and the possible increased expenses the City may incur that will be passed on to the taxpayers.

Trevor Chadwick, 1609 Court Street, presented an email from Casey Woods, Executive Director of Emporia Main Street, in which with the vacant building ordinance that was approved in Emporia, eighteen (18) business were opened, only eight (8) businesses closed, and fifty-eight (58) jobs were created.

Ron Hasley, 701 North 7th Street, noted he is not sure all of the concerns are warranted, as there have not been many instances over the past forty (40) years, further noting the City may have legal issues arise should this ordinance pass. Hasley noted there are several members of the City Council who may have conflict of interest on these proposed ordinances and posed the question of how they would testify when their own buildings are not being taken care of.

Larry Kassebaum, 920 North 11th Street, noted he spoke to the City Inspector of Emporia, Kansas and was informed that they never had an adjoining building ordinance, and that their abandoned and vacant building ordinance covers both residential and industrial properties. Kassebaum noted that Nebraska City has since suspended their vacant building ordinance and urged the City Council to speak with them to find out why before passing the proposed ordinance.

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

MOTION CARRIED.

Mayor Wirth read Ordinance Number 16-006 by title the third time.

Ordinance Number 16-006 has been passed and approved.

RESOLUTION

Resolution Number 5885 establishing various fees

Mayor Wirth introduced Resolution Number 5885 establishing various fees.

Moved by Catlin, seconded by Parde, that Resolution Number 5885 be passed and adopted.

Tobias Tempelmeyer, City Administrator, noted the proposed fee resolution would add Section 10 regarding fees for vacant buildings. Tempelmeyer also noted Section 11 will be removed at this time, due to the ordinance regarding adjoining buildings being postponed until April 18, 2016. Tempelmeyer noted the fee resolution outlining adjoining building fees would be brought back on April 18, 2016.

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

MOTION CARRIED.

Resolution Number 5885 has been passed and adopted.

PUBLIC FORUM

Councilman Morgan noted he feels the City Council needs to make a strong commitment to looking at the vacant building ordinance again six (6) to nine (9) months down the road to ensure it is working for all involved.

Steve Winter, 1921 Garfield Street, appeared to thank the City, School Board, and County Board for a job well done on the recent rebranding project. Winter also thanked the employees for all

of the hard work performed on a daily basis and urged the citizens and community members to support all that goes on throughout the community in an effort to become a better place.

Mayor Wirth noted Chris Henrichs' who has been a dispatcher for twenty-two (22) years is being honored with a retirement party this Thursday for anyone that would like to attend.

DISCUSSIONS/REPORTS

Legislative Update

Tobias Tempelmeyer, City Administrator, noted LB295, which would require cities to give notice to the County Board if the city wishes to zone something. The County would then have thirty (30) days to respond, after which the city would be able to proceed as they wished. Tempelmeyer also noted that there will be a hearing on Thursday for an amendment to LB958 regarding levy limits. Tempelmeyer noted the amendment would take all of the things the cities were concerned with and place them all on community colleges. Tempelmeyer noted he will continue to monitor the proposed bill.

City Administrator's Monthly Report

Tobias Tempelmeyer, City Administrator, noted the bids for Standing Bear Trail are due this Thursday and the timeline is to sign a contract in April, with the work to be completed as early as June. City Administration is looking to apply for a Local Civic, Cultural, and Convention Center Grant for improvements to the City Auditorium. Some of the improvements would include: heat in the gymnasium, installation of handicap accessible doors, and tile replacement. The City does have some money budgeted for this in FY2016 and FY2017. The grant application is due in May.

Councilman Parde inquired if there had been changes made in any alleys recently. Tempelmeyer noted the barricades have been removed in the alley by St. Joseph's Catholic Church. Tempelmeyer also noted he was informed that someone from the Church would be contacting the City regarding transferring the ownership of that alley to the Church.

ADJOURNMENT

The next regular Council meeting is April 4, 2016 at 7:00 p.m. in the BPS Admin Bldg Meeting Room. There will be a Work Session on March 28, 2016 at 7:00 p.m. in the BPS Admin Bldg Meeting Room.

Moved by Catlin, seconded by Billesbach, that the meeting be adjourned at 8:46 p.m.

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

MOTION CARRIED.

Erin Saathoff, City Clerk

Stan Wirth, Mayor