

MINUTES OF THE REGULAR CITY COUNCIL MEETING

A regular meeting of the City Council was held on the 3rd day of October, 2016 at 7:00 P.M. in the BPS Administration Building Board 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 September 19, 2016, as on file in the City Clerk's Office.
- e. Approval of minutes of work session meeting on September 26, 2016, as on file in the City Clerk's Office.
- f. Approval of minutes of special meeting on September 30, 2016, as on file in the City Clerk's Office.
- g. Approval of write-off of ambulance bad debts.
- h. Refer claim of Blue Rivers Area Agency on Aging regarding damages to their personal property to City Attorney and City Insurance carrier for review and disposition.
- i. Approval of public funding request from Main Street Beatrice in the amount of \$500.00 for the Night of the Great Pumpkin event.
- j. Approval of public funding request from Main Street Beatrice in the amount of \$2,194.53 for the Christmas/Holiday Activities event.
- k. Approval of public funding request from Main Street Beatrice in the amount of \$632.10 for the Chocolate Lover's Shopping Day Extravaganza event.
- l. Approval of Change Order #2 in the amount of \$176,410.18 and final pay request in the amount of \$214,888.18 for the Mill & Overlay Project #15-002.
- m. Resolution Number 5966 to apply for assistance from Land & Water Conservation Fund for renovating Hannibal Park.

Moved by Catlin, seconded by Morgan, 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

Abstain: Clabaugh – i, j, and k

MOTION CARRIED.

PUBLIC HEARINGS/BIDS

Public Hearing to consider amendment to Table 4-2 of the Zoning Ordinance, Number 94-13, as such ordinance relates to religious assembly use and primary education use.

Mayor Wirth announced that a public hearing will now be held to consider amendment to Table 4-2 of the Zoning Ordinance, Number 94-13, as such ordinance relates to religious assembly use and primary education use.

Greg Butcher, City Attorney, explained the proposed amendment regarding religious assembly use and primary education use. Butcher reviewed the Religious Land Use and Institutionalized Persons Act (RLUIPA) noting it is the City Administration's recommendation is to match the current zoning codes for clubs, mortuaries, education buildings, and funeral homes for all religious assemblies.

Moved by Catlin, seconded by Parde, that the public hearing be closed at 7:06 p.m.

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

Public Hearing to consider declaring an area to be substandard and blighted and adoption of the Redevelopment Plan for Redevelopment Area #6.

Mayor Wirth announced that a public hearing will now be held to consider declaring an area to be substandard and blighted and adoption of the Redevelopment Plan for Redevelopment Area #6.

Tobias Tempelmeyer, City Administrator, noted this parcel of land is located by Flowing Springs, next to YMCA and continues to 16th and Scott Street. Tempelmeyer noted this is the first step that needs to be taken in order to use tax increment financing (TIF) to develop the area and Goossen has indicated they would like to use TIF financing to develop this area.

Councilman Kerr inquired if streets will need to be installed and if so, how much that will cost the City. Tempelmeyer noted streets will need to be installed and he would have to look into the cost. Greg Butcher, City Attorney, noted Goossen could also use TIF to fund as well. Butcher also noted the Planning and Zoning Commission, as well as the Community Redevelopment Authority (CRA) did approve these items.

Moved by Catlin, seconded by Clabaugh, that the public hearing be closed at 7:09 p.m.

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

Public Hearing concerning the recently developed draft 2016 Downtown Revitalization Plan.

Mayor Wirth announced that a public hearing will now be held concerning the recently developed draft 2016 Downtown Revitalization Plan.

Lonnie Dickson, Hanna:Keelan Associates, P.C., and Pat Birch, Schemmer Associates, reviewed the 2016 Downtown Revitalization Plan. Dickson noted the consensus from the Steering Committee, as well as citizen input via surveys and open houses noted downtown façade improvement, business marketing, and infrastructure improvements, as well as sidewalk improvements. Dickson noted there is an opportunity to utilize Tax Increment Financing (TIF) as an option to make these improvements.

Dickson noted one (1) target area is to focus on the concentrated pedestrian area, between 1st and 8th Street, from the alley between Bell and Market Streets. Dickson noted with the recent downtown historic designation, property owners have the potential to use historic tax credits for improvements to their buildings.

Councilman Clabaugh noted he thought the process went very well and the Committee had very thoughtful discussions regarding many issues with great ideas presented. Councilman Clabaugh noted he believes this could be wonderful for the downtown.

Councilman Fairbanks inquired how to get property owners to participate in the improvements. Dickson noted one of the most important steps is to get the word out that funding is available and noted organizations such as Main Street would be helpful with this. Dickson noted there were many positive comments about expanding the 5th Street development throughout the City. Councilman Clabaugh noted he believes the recent downtown historic designation will have a major impact on this project.

Greg Butcher, City Attorney, noted Mayor Wirth would be putting together a group to design a Façade Improvement Program. Butcher noted Michael Sothan, Main Street Executive Director, and himself have been talking to property owners in order to get the word out regarding the availability of TIF financing. Butcher further noted when using TIF financing, there is often times less hurdles to jump over in order to make building improvements.

Councilman Kerr noted he believes the recent issues with 407 Court Street has raised awareness of the available funding possibilities that many of the downtown property owners may not have been aware of and would like to make sure to continue to provide information to property owners.

Moved by Catlin, seconded by Billesbach, that the public hearing be closed at 7:30 p.m.

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

RESOLUTIONS

Resolution Number 5967 declaring the proposed Redevelopment Area No. 6 as blighted and substandard

Mayor Wirth introduced Resolution Number 5967 declaring the proposed Redevelopment Area No. 6 as blighted and substandard.

Moved by Catlin, seconded by Cook, that Resolution Number 5967 be passed and adopted.

Tobias Tempelmeyer, City Administrator, noted these two (2) resolutions declare Redevelopment Area No. 6 as blight and substandard and approve the Redevelopment Plan as discussed during the Public Hearing.

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

Resolution Number 5967 has been passed and adopted.

Resolution Number 5968 to approve Redevelopment Plan for Redevelopment Area No. 6

Mayor Wirth introduced Resolution Number 5968 to approve Redevelopment Plan for Redevelopment Area No. 6.

Moved by Catlin, seconded by Cook, that Resolution Number 5968 be passed and adopted.

There was no discussion by the City Council or public.

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

Resolution Number 5968 has been passed and adopted.

Resolution Number 5969 to adopt the 2016 Downtown Revitalization Plan

Mayor Wirth introduced Resolution Number 5969 to adopt the 2016 Downtown Revitalization Plan.

Moved by Catlin, seconded by Billesbach, that Resolution Number 5969 be passed and adopted.

There was no discussion by the City Council or public.

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

Resolution Number 5969 has been passed and adopted.

ORDINANCES

Ordinance to amend Table 4-2 of the Zoning Ordinance, Number 94-13, as such ordinance relates to religious assembly use and primary education use

Mayor Wirth introduced an ordinance to amend Table 4-2 of the Zoning Ordinance, Number 94-13, as such ordinance relates to religious assembly use and primary education use.

Moved by Catlin, seconded by Parde, that said ordinance be given number 16-052 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, Fairbanks, Kerr, Morgan, Parde
Nay: None MOTION CARRIED.

Mayor Wirth read Ordinance Number 16-052 by number only the first, second, and third time.

Moved by Catlin, seconded by Morgan, that Ordinance Number 16-052 be passed and approved.

There was no discussion by the City Council or public.

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

Ordinance Number 16-052 has been passed and approved.

Ordinance approving the Subdivision Improvement Agreement between the City and Northgate Investment Co., LLC, for Northgate Crossing Second Addition

Mayor Wirth introduced an ordinance approving the Subdivision Improvement Agreement between the City and Northgate Investment Co., LLC, for Northgate Crossing Second Addition.

Moved by Catlin, seconded by Parde, that said ordinance be given number 16-053 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, Fairbanks, Kerr, Morgan, Parde
Nay: None MOTION CARRIED.

Mayor Wirth read Ordinance Number 16-053 by number only the first, second, and third time.

Moved by Catlin, seconded by Morgan, that Ordinance Number 16-053 be passed and approved.

Tobias Tempelmeyer, City Administrator, noted the Subdivision Improvement Agreement calls for the owner to obtain an irrevocable letter of credit in the amount of \$173,956.53 for the construction of public improvements. Tempelmeyer noted the City will install underground electrical service and water main. Upon completion, Northgate Investment will then reimburse the City for the cost associated with that installation.

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

Ordinance Number 16-053 has been passed and approved.

PUBLIC FORUM

No one appeared at public forum.

DISCUSSIONS/REPORTS

Full-Time Code Enforcement Officer

Mayor Wirth noted this issue was brought forward by the request of several City Council members in order to help the Building Inspections Department. Tobias Tempelmeyer, City Administrator, noted the timing of bringing this item forward may be the issue, as making the position full-time would cost the City just over \$66,000.00 per year and the position is currently not budgeted for. Tempelmeyer noted there are some line items that could be adjusted, however would still leave the City short approximately \$58,000.00. Tempelmeyer further noted that had this been brought up during the budget review, the City could have left the property tax levy at \$0.01 instead of reducing to \$0.004, which would have generated approximately \$60,000.00.

Councilman Parde noted he feels the Building Inspections Department needs to have more manhours in order to keep up with all of the complaints received. Councilman Kerr noted the Department has received over 850 calls regarding nuisance properties and would like to have a second full time employee on staff to address these issues. Tempelmeyer noted there is no argument on whether we need a full-time code enforcement officer, the issue that would need to be addressed is finding the funding for the position, as it is not budgeted for.

Councilman Clabaugh noted the City Council had discussed the need of a full-time employee when discussing the adjoining and vacant building ordinances.

Councilman Fairbanks noted his concern is the City has increased the budget to demolish dilapidated structures and posed the question if the \$66,000.00 would be better utilized for the demolition portion of the budget. Councilman Fairbanks further noted his suggestion would be to assign the code enforcement responsibility to the Police Department.

Rob Mierau, Chief Building Inspector, noted since creating the part-time position in January, there have been 850 code violations corrected and he feels the Department is still being reactive instead of proactive in addressing these issues. Mierau further noted there is definitely plenty of work to bring on a full-time code enforcement officer.

Councilman Morgan inquired about the difference in the part-time wage of \$12.00 per hour and a full-time position starting at \$19.39 per hour. Tempelmeyer noted the full-time wage is pursuant to union contract.

Mayor Wirth noted Linda Koch, Finance Director, Tempelmeyer, and himself will take a closer look at the budget to see if funding can be found.

Repairs to Alley – 5th Street to 6th Street, Logan to Washington

Tobias Tempelmeyer, City Administrator, noted this item has been discussed a number of times and Administration would like to have a vote in regards to beginning the procedure to repair the alley using gap and extend.

Moved by Catlin, seconded by Morgan, that the City of Beatrice begin the procedure of a gap and extend project pursuant to Nebraska Revised Statute Section 18-2001-2004 in an unimproved alley located between 5th Street and 6th Street, Logan Street to Washington Street.

Roll Call: Yea: Fairbanks

Nay: Billesbach, Clabaugh, Cook, Kerr, Morgan, Parde

Abstain: Catlin

MOTION FAILED.

Administration will work with the property owners to come up with a solution.

ADJOURNMENT

The next regular Council meeting is October 17, 2016 at 7:00 p.m. in the BPS Administration Building Board Room. There will be a Work Session on October 24, 2016 at 7:00 p.m. in the BPS Administration Building Board Room.

Moved by Catlin, seconded by Parde, that the meeting be adjourned at 7:56 p.m.

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

Nay: Cook

MOTION CARRIED.

Erin Saathoff, City Clerk

Stan Wirth, Mayor