MINUTES OF THE REGULAR CITY COUNCIL MEETING

A regular meeting of the City Council was held on the 1st day of May, 2017 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: 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.

Mayor Wirth presented the following elementary students with a “Mayor for a Day” honorary certificate for participating in the Great American Cleanup Elementary “Clean Your Block Party” sponsored by Keep Beatrice Beautiful: Bryson Engelman from Cedar Elementary; Eli Duncan from Lincoln Elementary; Emma Hillmann from Paddock Lane Elementary; Maddie Nielsen from Stoddard Elementary School; and Isabella Scheele from St. Paul’s Lutheran School. There were no entries from St. Joseph’s Catholic School this year.

Mayor Wirth read a proclamation proclaiming May 7-13, 2017 as “Tourism Week”. Lisa Wiegand, Gage County Tourism Director, thanked the Mayor and City Council for their support. Wiegand noted 2017 is a special year for tourism with the upcoming Solar Eclipse, as well as the celebration of Nebraska turning 150.

Mayor Wirth read a proclamation proclaiming May 7-13, 2017, as “Drinking Water Week”. Steve Kelley, Water Superintendent, received the proclamation and thanked Administration, Mayor Wirth, BPW Board, and the City Council for their support.

Mayor Wirth read a proclamation proclaiming May 2017 as “Preservation Month”. Laureen Riedesel, Library Director, accepted the proclamation on behalf of Michael Sothan, Executive Director of Main Street. Riedesel spoke in regards to the upcoming Mother’s Day tour.

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 17, 2017, as on file in the City Clerk’s Office.
e. Approval of minutes of work session meeting on April 24, 2017, as on file in the City Clerk’s Office.
f. Approval of Treasurer’s Report of Claims in the amount of $433,688.46.
g. Approval of BASWA Report of Claims in the amount of $75,924.21.

h. Approval of Special Designated License application of D & J Enterprises, LLC dba Kabo Bar for a beer garden and dance on July 22, 2017 from 4:00 p.m. until 2:00 a.m., August 19, 2017 from 2:30 p.m. until 2:00 a.m., and September 9, 2017 from 4:00 p.m. until 2:00 a.m. at 115 South 5th Street, and permission to use the City-owned alley for said beer garden.

i. Award of bid for the Hendrix Addition Sanitary Sewer Extension Project 2017 to K2 Construction, in the amount of $57,560.00, as recommended by the Board of Public Works.

j. Award of bid for the 2nd Street (Court to Scott Street) Water Main Improvements – 2017 project to TH Construction, Co., in the amount of $23,354.97, as recommended by the Board of Public Works.

k. Award of bid for the Industrial Park Roadway Improvements to R.L. Tiemann Construction, Inc., in the amount of $348,218.40, as recommended by the Board of Public Works.

l. Award of bid for the City Auditorium Restoration Project to Masonry Construction, Inc., in the amount of $131,198.00.

m. Approval of Change Order #1 increase in the amount of $25,313.00 to Masonry Construction, Inc., for the City Auditorium Restoration Project.

n. Refer claim of Russell Mann under the Nebraska Political Subdivision Tort Claims Act to City Attorney and City Insurance carrier for review and disposition.

o. Resolution Number 6047 identifying Tobias Tempelmeyer as the CDBG Administrator and designated employee for the day-to-day responsibility of various open CDBG grants.

p. Resolution Number 6048 appointing Tobias Tempelmeyer as Interim City Attorney.

q. Resolution Number 6049 executing Agreement Amendment #2 with the Firefighters Union, Local No. 1098 relating to Paramedic Pay.

r. Resolution Number 6050 executing the Memorandum of Understanding with the Firefighters Union, Local No. 1098 to provide for paramedic pay which is competitive in the regional area.

s. Resolution Number 6051 entering into a farm lease amendment between the City of Beatrice and Justin M. Wiegand for farming purposes on real property known as Gage County FSA Farm #9045, Tract #7680.

t. Resolution Number 6052 executing the agreement between the City of Beatrice and Nebraska Department of Roads, regarding improvements to Hwy 136, as recommended by the Board of Public Works.

u. Resolution Number 6053 executing the agreement between the City of Beatrice and Nebraska Department of Roads, regarding modifying traffic signals and replacing a traffic controller at the intersection of Hwy 77 and Dorsey Street, as recommended by the Board of Public Works.

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

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

MOTION CARRIED.

h - Moved by Catlin, seconded by Parde, to approve of Special Designated License application of D & J Enterprises, LLC dba Kabo Bar for a beer garden and dance on July 22, 2017 from 4:00 p.m. until 2:00 a.m., August 19, 2017 from 2:30 p.m. until 2:00 a.m., and September 9, 2017
Councilman Parde stated he pulled this item as he does not believe City property should be used for beer gardens. Councilman Fairbanks inquired if the length of time requested was longer than in past years. Jeff Shew, part owner of Kabo Bar, stated August 19th, the time has been increased to coincide with the Blue River Jam event that will be taking place along the entire block in front of Kabo.

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

r – Moved by Catlin, seconded by Catlin, that Resolution Number 6050 executing the Memorandum of Understanding with the Firefighters Union, Local No. 1098 to provide for paramedic pay which is competitive in the regional area, be approved.

Councilman Fairbanks indicated he pulled this item as he does not feel he has had enough information on the issue to vote on the matter. Councilman Morgan also indicated he felt he needed more information prior to voting on the topic. Tobias Tempelmeyer, City Administrator, noted item q on the consent agenda was the amendment to the union contract, and item r is a non-binding item. Councilman Kerr inquired if this increase brings our employees closer to the array. Tempelmeyer reported the increase will bring our department closer, noting it should also help in retaining current employees, recruit new employees to the City, as well as encourage our current employees to become paramedics. Tempelmeyer stated currently paramedics make an additional $1.78 per hour, which will increase to $2.75 per hour effective October 1, 2017.

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

PUBLIC HEARINGS/BIDS

Public Hearing to receive the semi-annual report of the Citizen’s Advisory Review Committee as provided by the Local Option Municipal Economic Development Act R.R.S., 1943.

Mayor Wirth announced that a public hearing will now be held to receive the semi-annual report of the Citizen’s Advisory Review Committee as provided by the Local Option Municipal Economic Development Act R.R.S., 1943.

Grant Jones, CARC president, reviewed the LB840 and CDBG funds. Jones noted the LB840 fund balance may be lowered by $100,000, should the City Council approve the loan to Hybrid Turkeys, LLC. Jones also noted the State will no longer be replenishing the CDBG fund. Councilman Fairbanks inquired if the Committee discussed holding onto some of the CDBG funds knowing the State will no longer be reimbursing the City. Jones noted they are currently looking at another funding source.
Moved by Catlin, seconded by Billesbach, that the public hearing be closed at 7:39 p.m.

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

Public Hearing to amend Article Thirteen (13) of the Zoning Ordinance of the City of Beatrice, Ordinance Number 94-13, regarding Administration and Procedures.

Mayor Wirth announced that a public hearing will now be held to amend Article Thirteen (13) of the Zoning Ordinance of the City of Beatrice, Ordinance Number 94-13, regarding Administration and Procedures.

Greg Butcher, City Attorney, reviewed the proposed changes in regards to updating the policies and procedures to match the City’s current practices. Butcher stated the changes include notifying adjacent property owners regarding proposed zoning changes.

Moved by Catlin, seconded by Billesbach, that the public hearing be closed at 7:42 p.m.

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

RESOLUTIONS

Resolution Number 6054 executing a Loan Agreement, Promissory Note, Deed of Trust, and related documents between the City of Beatrice and Hybrid Turkeys, LLC, for economic development loans totaling $100,000.00 from LB840 funds.

Mayor Wirth introduced Resolution Number 6054 executing a Loan Agreement, Promissory Note, Deed of Trust, and related documents between the City of Beatrice and Hybrid Turkeys, LLC, for economic development loans totaling $100,000.00 from LB840 funds.

Moved by Catlin, seconded by Morgan, that Resolution Number 6054 be passed and adopted.

Tobias Tempelmeyer, City Administrator, reviewed the terms of the Loan Agreement with Hybrid Turkeys in the amount of $100,000, which is forgivable should they continue to do business in Beatrice for ten (10) years. Tempelmeyer stated Hybrid Turkeys, LLC did purchase the lot for $60,000 and will in addition to this loan be using TIF financing to pay for the required infrastructure.

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

Resolution Number 6054 has been passed and adopted
ORDINANCES

Ordinance vacating Lots 5, 6, 7, 8, 9, 16, and 17, Wildwood Estates Addition to the City of Beatrice, Gage County, Nebraska.

Mayor Wirth introduced an ordinance vacating Lots 5, 6, 7, 8, 9, 16, and 17, Wildwood Estates Addition to the City of Beatrice, Gage County, Nebraska.

Moved by Catlin, seconded by Parde, that said ordinance be given number 17-009 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 17-009 by number only the first, second, and third time.

Moved by Catlin, seconded by Billesbach, that Ordinance Number 17-009 be passed and approved.

Tobias Tempelmeyer, City Administrator, reported at the request of the Developers of Wildwood Estates Addition, some of lots on the interior of the existing plat have been redrawn and will then be replatted.

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

MOTION CARRIED.

Ordinance Number 17-009 has been passed and approved.

Ordinance approving the plat of Wildwood Estates Second Addition, City of Beatrice, Gage County, Nebraska.

Mayor Wirth introduced an ordinance approving the plat of Wildwood Estates Second Addition, City of Beatrice, Gage County, Nebraska.

Moved by Catlin, seconded by Parde, that said ordinance be given number 17-010 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 17-010 by number only the first, second, and third time.

Moved by Catlin, seconded by Billesbach, that Ordinance Number 17-010 be passed and approved.
There was no further discussion from the City Council or the public.

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

Ordinance Number 17-010 has been passed and approved.

**Ordinance amending Article Thirteen (13) of the Zoning Ordinance regarding Administration and Procedures.**

Mayor Wirth introduced an ordinance amending Article Thirteen (13) of the Zoning Ordinance regarding Administration and Procedures.

Moved by Catlin, seconded by Parde, that said ordinance be given number 17-011 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 17-011 by number only the first, second, and third time.

Moved by Catlin, seconded by Cook, that Ordinance Number 17-011 be passed and approved.

There was no further discussion by the City Council or the public.

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

Ordinance Number 17-011 has been passed and approved.

**PUBLIC FORUM**

No one appeared at public forum.

**DISCUSSIONS/REPORTS**

**Approval of Beatrice Plus funding request from St. Joseph Catholic School in the amount of $1,000.00 for the installation of an ADA compliant concrete path into playground**

Moved by Catlin, seconded by Billesbach, approval of Beatrice Plus funding request from St. Joseph Catholic School in the amount of $1,000.00 for the installation of an ADA compliant concrete path into playground.

Councilman Parde stated he will be voting against this item, as it is only accessible to the public during certain times of the day. Councilman Billesbach noted there were concerns with setting
precedence at the previous meeting, however, last year $2500 was approved for St. Paul’s to install an outdoor classroom. Councilman Kerr stated he feels this will be a good addition to the community, noting the playground inside the Indian Creek Mall was funded with Beatrice Plus funds, and it is not accessible twenty-four (24) hours a day.

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

**MOTION CARRIED.**

**407 Court Street – Bid received from Lincoln Custom Masonry for Repairs on East Side of Building**

Moved by Catlin, seconded by Cook, to accept the bid received from Lincoln Custom Masonry for Repairs on East Side of Building.

Greg Butcher, City Attorney, reported in finishing up the demolition of 407 Court Street, Lincoln Custom Masonry reviewed both adjacent buildings. It was found that the 407 Court Street building’s chimney was abutted to 405 Court Street, and upon removal of 407 Court Street, there are exposed holes. Since Lincoln Custom Masonry was hired by the owners of 405 Court Street to complete some repair work, the City asked to have them provide an estimate to have this work done at the same time in which they will be onsite in order to save on costs. Councilman Fairbanks inquired if this was in addition to the original 407 Court Street expenses. Butcher stated this is in addition, which covers the unknown items at the time of the original contract.

Councilman Parde inquired if the owners of 405 Court Street have provided documentation the money that was given to them by the City has been used to pay for the repairs. Butcher indicated the City has received documentation and the owners are holding some of the funds until the completion of this work.

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

**MOTION CARRIED.**

**City-Wide Cleanup 2017 Review**

Jason Moore, Street Superintendent, reported to the City Council the City-Wide Cleanup went fairly well this year. The Department picked up items from 951 locations. Moore noted there were 210 locations in which items were left behind as they were unacceptable. Moore indicated changing the schedule to coincide with Sanitary Garbage’s schedule, in which they were able to pick up most of the items left behind. Mayor Wirth inquired about the mattress dropoff. Moore indicated they had close to 300 mattresses. Councilman Morgan noted he feels it was a great move to have Sanitary Garbage follow the route the following day, further noting he would like to see an amnesty day offered in October to give everyone another day to get rid of their unwanted items. Councilman Fairbanks inquired if there had been any reports of illegal dumping with the changes made. Moore noted there was one (1) illegal dump over the Landfill fence, as well as a couple mattresses near 19th and Dorsey Street, further noting other than those two (2) instances he has not heard of any.
ADJOURNMENT

The next regular Council meeting is May 15, 2017 at 7:00 p.m. in the BPS Administration Building Board Room. There will be a Work Session on May 22, 2017 at the Beatrice Humane Society, 534 South Reed Street.

Moved by Catlin, seconded by Billesbach, that the meeting be adjourned at 8:13 p.m.

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

Erin Saathoff, City Clerk

Stan Wirth, Mayor