

MINUTES OF THE BEATRICE CITY COUNCIL WORK SESSION

A work session of the Beatrice City Council was held on the 23rd day of April, 2018 at 7:00 p.m. at the BPS Administration Building Board Room, 320 North 5th Street, Beatrice, Nebraska.

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 available 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.

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

MOTION CARRIED.

PUBLIC HEARINGS/BIDS

There were no public hearings/bids.

RESOLUTIONS

There were no resolutions.

ORDINANCES

There were no ordinances.

PUBLIC FORUM

No one appeared at public forum.

DISCUSSIONS/REPORTS

Possible Revisions to the City's Junked Motor Vehicles Ordinance.

Tobias J. Tempelmeyer, City Administrator/General Manager explained there are three (3) big changes that would be made with the proposed revisions of the ordinance. First, the terminology of "Junked Motor Vehicle" will change. They will be referred to as "Junk Vehicles," so items like trailers and campers will also be included. Second, the new definition of junk vehicle encompasses vehicles that are either mechanically inoperable, cannot be legally operated on

public roadways due to their condition (missing windshields, signal lights, etc.), or cannot be legally operated on public roadways because it is not registered or insured. Third, the timeframe for the ordinance will change from twenty-one (21) days to thirty (30) days. The main reason for this is because when someone buys a new car, they have thirty (30) days to license it.

Tempelmeyer went on to explain the process outlined in the revised ordinance. With the new ordinance, after a junk vehicle sits for thirty (30) days, the City may issue a citation for a city code violation and/or issue a Notice of City's Intention to Remove and Abate. There is then a seven (7) day period to appeal the Notice before the vehicle is towed. Tempelmeyer explained the City can tow vehicles under the current code; however, the revised ordinance outlines the process and offers an option to appeal.

Vehicles that are stored in a building or completely enclosed within a privacy fence are currently exempt, but the revised ordinance would add more exemptions. Businesses whose primary purpose is to sell, scrap, service, repair, restore, offer for rental, tow, or store vehicles would not be completely exempt from the ordinance. Other businesses that have a vehicle in disrepair can apply for an exemption permit. There will also be a hobbyist license allowing someone to keep up to two (2) vehicles they are restoring. Also, racecar drivers can obtain a permit that will allow them to keep their racecar outdoors without being subject to the junk vehicle ordinance.

Councilman Parde voiced his concern that the fees are too high. Councilman Parde stressed that we want to deter people who do not follow the rules, not punish those who are actually trying to. Councilman Fairbanks expressed that he felt the fees were too low, noting if someone is truly a hobbyist or wants to race a racecar, they will pay the fee.

Councilman Billesbach inquired if a carport would count as an "enclosure." Tempelmeyer and Abby Stark, Legal Assistant, stated it would not. Stark pointed out the revised ordinance specifically states tarping a car or placing it on a trailer will not constitute abatement. Tempelmeyer noted the revised ordinance also makes it clear that it will not be considered an abatement if someone moves a vehicle from one (1) location to another location where it is still in violation.

Councilman Clabaugh noted the revised ordinance seems to address a lot of the concerns that were previously voiced by the public in regards to changing the junk motor vehicle ordinance. Councilman Morgan suggested making the permit fee for all three (3) exemption permit types fifty dollars (\$50.00) for simplicity's sake.

Councilman Kerr inquired if the revised ordinance "puts teeth" into the effort to rid the City of junk vehicles. Chet McGrury, Code Compliance Officer, confirmed the revised ordinance will be more effective.

Councilman Catlin inquired whether the ordinance is written to provide enough due process. Councilman Catlin expressed hesitation to enter onto someone's property and take a vehicle. Tempelmeyer confirmed the ordinance gives notice and an opportunity to be heard, therefore due process requirements are satisfied.

Councilman Billesbach inquired if the City can do anything about storage containers. Tempelmeyer explained currently they are treated as accessory structures; however, there may be further or revised regulations coming soon to keep these under control.

Possible Cardboard Ban

Councilman Cook requested the City Council discuss the possibility of a cardboard ban in the City's Landfill. Councilman Cook noted he thinks the Landfill is reaching the end of its life and further explained the City of Lincoln recently enacted an ordinance like this and the drop-off locations seem to be working very well. Councilman Cook said Lincoln residents learned quickly that the haulers will not take cardboard if left out.

Mayor Wirth mentioned in previous discussion with Von Busch, the garbage hauler for Beatrice, he was informed Lincoln had been having some issues with their ordinance. Specifically, that residents will leave out cardboard and garbage. The hauler will take the garbage, but leave the cardboard and at that point, the cardboard blows all around the neighborhood.

Councilman Fairbanks inquired about citywide recycling. Councilman Fairbanks inquired if the Council had ever assembled specifics on the cost, etc. Councilman Fairbanks stated he supports the cardboard ban. Councilmen Kerr and Morgan both believe a cardboard ban is a backdoor way of making citywide recycling mandatory and they feel mandatory recycling is just asking for a fight.

Councilman Clabaugh noted Lincoln has estimated ten (10) percent of their landfill material used to be cardboard. Councilman Clabaugh inquired what percentage of the Beatrice Landfill is cardboard. Tempelmeyer reported a very high percentage of the largest cardboard consumers in town already recycle. Almost all restaurants, etc. have separate dumpsters for cardboard already.

Councilman Cook conceded that a cardboard ban would take some time for the community to get used to and stated he believes Lincoln campaigned their cardboard ban for six (6) months to a year before it actually became effective. In general, Councilman Cook said the general public will not like a cardboard ban because it is something new.

Councilman Fairbanks inquired about the cost of the cardboard dropoff containers. Councilman Clabaugh noted Lincoln received several grants to enable their cardboard ban. The Council agreed before seriously considering this, more information is needed, specifically the price of the containers, how many would be needed, the site locations, what the cost to pickup would be, and how long it would prolong the life of the Landfill.

Councilman Kerr expressed strong opposition to the idea as he feels the City would be trying to legislate a behavior in someone's private life. The Council agreed to revisit the idea in one (1) month.

ADJOURNMENT

Moved by Catlin, seconded by Billesbach, that the meeting be adjourned at 7:41 p.m.

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

Erin Saathoff, City Clerk

Stan Wirth, Mayor