

MINUTES OF THE BEATRICE CITY COUNCIL WORK SESSION

A work session of the Beatrice City Council was held on the 22nd day of January, 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, Morgan, Kerr, 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, Morgan, Kerr, 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

Discussion regarding possible revisions to the City's building codes.

Rob Mierau, Chief Building Inspector, stated the International Codes Beatrice has adopted are updated every three (3) years. Current Beatrice City Code (BCC) is an adaptation of the 2009 versions of the International Codes and the proposed changes would adopt the 2015 version of the Codes. Mierau stated he reviewed the updated Codes to evaluate any changes, additions, or deletions from the 2009 version. Mierau also spoke with a number of contractors to get their

input throughout the process. Mierau stated none of the changes are major and they should not affect contractors' day-to-day operations. The proposed changes to BCC will keep the requirements regarding footings consistent with those in Lincoln and Omaha.

Mayor Wirth inquired about the changes regarding plumbing work that will no longer require a permit. Mierau explained the general practice for contractors and plumbers is if you are doing a repair, you do not need a permit unless you are changing the configuration of the current system. The way the current BCC is written, even minor work like changing out a faucet or fixing a leak requires a permit. Mierau noted it is not realistic to think we have the time and resources to police work this minor. The proposed changes will reflect reasonable and actual practices.

Councilman Fairbanks voiced his support for the proposed changes implementing one (1) uniform appeals process for all of the codes.

Tobias Tempelmeyer, City Administrator/General Manager, mentioned one (1) of the remaining issues requiring policy discussion is whether or not a barrier be required around pools, and if so, what the requirements should be for the barrier. Mierau noted the term barrier is left open to interpretation and some homeowners put up orange snow fence or a wire fence to serve as a barrier. Requiring fences would be one (1) more thing the Building Inspections Department would have to police. Mierau suggested the zoning codes could be used to address pools as well, for example, not allowing pools in front or street-facing yards.

Tempelmeyer noted the obvious issue is safety, however there are ponds, creeks, and a river in town that do not have any sort of a barrier. It can be argued either way, the approach just needs to be consistent. Councilman Billesbach inquired whether the City would be subject to liability if it did not require fences and Tempelmeyer said it would not.

Councilman Fairbanks offered the suggestion that perhaps code should require fences for in-ground pools, but not above ground pools. Mayor Wirth agreed with an in-ground pool there is more of a risk that a small child could wander in. Councilman Clabaugh expressed doubt the City could police portable above-ground pools. Councilman Cook suggested fences be required for any pool that requires a building permit (e.g., in-ground pools, above-ground pools with large permanent decks built around them). Councilman Kerr agreed stating even with above-ground pools, if a permanent deck is constructed around the pool there are permanent steps and in this scenario a homeowner cannot just move the ladder to prevent entry.

Mierau explained the way the code is written now is too vague. People have tried to argue that the side of the pool itself is a "barrier" satisfying the code requirements. Mierau stated his personal opinion is fences should not be required.

Councilman Morgan agreed with Mierau stating if fences are not required, then liability will fall on the homeowners and they can make their own decision on whether to put up a fence or not. Councilman Morgan noted the City cannot legislate safety for everything.

Councilman Parde agreed with Councilman Cook's suggestion that fences be required anytime the pool or a deck around the pool requires a permit. Councilman Parde noted when a deck is built, access from the ground-level is always available much like an in-ground pool.

Tempelmeyer brought up the other issue requiring policy discussion which is the height at which a homeowner can be required to trim weeds and current code states the height is twelve inches (12”).

Councilman Morgan inquired how long the process is from when the homeowner is sent notice until the City goes to mow the area. Tempelmeyer advised the fastest that could happen is six (6) days, because the homeowner has five (5) days to comply after receiving the notice. Tempelmeyer noted the process frequently gets drawn out for months if the certified letters are not picked up by the homeowners. Tempelmeyer went on to explain many of the properties with recurring weed problems are homes that have been foreclosed on or belong to owners who are either out of state or dead.

Chet McGrury, Code Enforcement Officer, stated he believes twelve inches (12”) is manageable. McGrury noted he would not suggest going under ten inches (10”), further noting if the height were lowered to eight inches (8”), there is no way he would be able to keep up.

Councilman Fairbanks noted he would like the height to be shorter, because by the time someone calls to complain about the weeds, it is already out of hand. Councilman Fairbanks understood why it would not be realistic for McGrury and inquired if the time frame could be shortened. Tempelmeyer stated the time frame cannot be shortened because the City must ensure homeowners are provided due process.

Mayor Wirth stated recommendation from the Building Inspections Department should control.

Discussion regarding possible revisions to the City’s junk motor vehicle (JMV) ordinance.

Abby Stark, Legal Assistant, explained revisions have been drafted to the JMV ordinance to accommodate suggestions and concerns raised the last time JMV’s were discussed at a Work Session. A business exemption for businesses such as towing companies, body shops, and other places where JMV’s are part of everyday business, has been added and those businesses would be totally exempt from the ordinance. For all other businesses, simultaneous exemption permits would be allowed for ten percent (10%) of the total number of vehicles owned by the business or one (1), whichever is greater. After the business exemption permit expires, the vehicle would be subject to the ordinance like any other vehicle. Exemption permits were also added in for hobbyists and racecar drivers.

Mayor Wirth and Councilman Fairbanks both agreed that two (2) years is too long for the business exemption permits and feel one (1) year should be long enough.

Councilman Kerr opinioned that hobbyist license will cause problems. Tobias Tempelmeyer, City Administrator/General Manager, assured the Council the hobbyist licenses will only be allowed for one (1) year per vehicle. Councilman Morgan stated he would like to see some sort of a requirement that there be visible progress in order for a hobbyist license to be renewed.

Tempelmeyer asked the Council if they want to keep the time at twenty-one (21) days or change it to something longer. Rob Mierau, Chief Building Inspector, and Chet McGrury, Code Enforcement Officer, both stated thirty (30) days would be better, so cars that have been purchased, but not yet licensed, would not fall into the JMV category.

Councilman Cook and Councilman Fairbanks stated they would like to see the permits available online and current permits be viewable by the public.

With regard to the fees, the Council indicated fees should be kept low.

EXECUTIVE SESSION

Moved by Catlin, that the Beatrice City Council go into closed session at 7:55 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 7:55 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 7:55 p.m., for the protection of public interest to discuss real estate.

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

Reconvened at 8:12 p.m.

ADJOURNMENT

Moved by Catlin, seconded by Clabaugh, that the meeting be adjourned at 8:12 p.m.

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

Erin Saathoff, City Clerk

Stan Wirth, Mayor