

MINUTES OF THE REGULAR CITY COUNCIL MEETING

A regular meeting of the City Council was held on the 2nd day of April, 2018 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.

Mayor Wirth presented the proclamation proclaiming April 8-14, 2018 as National Library Week and April as National Library Month to Laureen Riedesel, Library Director. Riedesel reported to the City Council the various events happening at the Library this month, including a Beatrice Women Artist event on April 3rd at 7:00 p.m. Claude Bourbon will perform a medieval and Spanish blues show on April 24th, doors open at 6:30 p.m. and the show will begin at 7:00 p.m. On April 29, 2018 at 2:30 p.m. will be the dedication of lower level of Library and the Vette Cultural Arts Center and Thomas Heritage Room.

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 19, 2018, as on file in the City Clerk's Office.
- e. Approval of Treasurer's Report of Claims in the amount of \$276,500.25.
- f. Approval of BASWA Report of Claims in the amount of \$16,572.44.
- g. Approval of Pay Request #2 in the amount of \$116,703.00 to Philip Carkoski Construction for the WPC Bar Screen Replacement, as recommended by the Board of Public Works.
- h. Award of bid for the Bell Street (10th to 12th) and Summit (7th to 9th) Concrete Reconstruction Projects – 2018 to R.L. Tiemann Construction, in the amount of \$383,611.83, as recommended by the Board of Public Works.
- i. Resolution Number 6201 executing the Settlement Agreement and Mutual Release between the City and Antique Brick Warehouse to terminate an Agreement for the sale of bricks entered into on or about June 16, 2014, as recommended by the Board of Public Works.
- j. Resolution Number 6202 granting permission to Bobbie Cramer to sell or offer for sale or peddle goods, wares, or merchandise in Hannibal Park and at the West Scott Street Ballfields.
- k. Resolution Number 6203 granting permission to Derek Fralin, d/b/a Fralin Concessions, to sell or offer for sale or peddle goods, wares, or merchandise upon the public parking lot at Hannibal Park and the Scott Street Ball Fields.

1. Resolution Number 6204 extending the City's agreement with BKD, LLP, for the audit of the basic financial statements of the City of Beatrice, Nebraska, the Beatrice Board of Public Works, the Beatrice Airport Authority, and an audit/review of the City's Keno activity for fiscal years 2018 through 2021.

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

Resolution Number 6205 executing the Supplemental Agreement No. 1 between the City of Beatrice, Nebraska, and the State of Nebraska, Department of Roads, confirming the modified payment terms for Project No. NH-77-1(136), Control No. 13339, regarding improvements to Highway US-77 within the corporate limits of the City, as recommended by the Board of Public Works.

Mayor Wirth introduced Resolution Number 6205 executing the Supplemental Agreement No. 1 between the City of Beatrice, Nebraska, and the State of Nebraska, Department of Roads, confirming the modified payment terms for Project No. NH-77-1(136), Control No. 13339, regarding improvements to Highway US-77 within the corporate limits of the City, as recommended by the Board of Public Works.

Moved by Catlin, seconded by Billesbach, that Resolution Number 6205 be passed and adopted.

Tobias J. Tempelmeyer, City Administrator/General Manager, reported to the Council the Hwy 77 project started today north out of town. The City will be responsible for a portion up to Hickory Road. The City's original estimated portion for this project was \$934,372.84; however, bids came in higher than anticipated and the City's portion is now estimated at \$1,451,721.27. Tempelmeyer noted he asked Nebraska Department of Transportation (NDOT) to allow the City to pay the difference over five (5) years. NDOT stated they could not extend for five (5) years; however, they have agreed to allow the City to pay \$934,372.84 in FY18 and pay the difference over the next three (3) years. The payments will be due January 31, 2019, January 31, 2020, and January 31, 2021.

Councilman Kerr inquired if there would be interest added on the City's portion NDOT is allowing to be repaid. Tempelmeyer noted there will no interest added and further noted the cost may go up or down depending upon how the construction goes.

Councilman Parde inquired if this increase will push back any scheduled projects the City had planned. Tempelmeyer noted the City should be able to perform all planned projects for next year. The bid for Bell and Summit Street that were approved tonight came in significantly lower

than budgeted and there is also \$100,000 for contingency in the FY19 budget.

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

Resolution Number 6205 has been passed and adopted.

ORDINANCES

Ordinance amending Section 16-165 and 16-166 of the Beatrice City Code regarding reckless driving and negligent driving.

Mayor Wirth introduced an ordinance amending Section 16-165 and 16-166 of the Beatrice City Code regarding reckless driving and negligent driving.

Moved by Catlin, seconded by Cook, that said ordinance be given number 18-006 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 18-006 by number only the first, second, and third time.

Moved by Catlin, seconded by Billesbach, that Ordinance Number 18-006 be passed and approved.

Councilman Fairbanks inquired if this change is to mirror State statute. Tobias J. Tempelmeyer, City Administrator/General Manager, noted when prosecuting a reckless driving case recently, the judge did not mention the minimum of five (5) days in jail as stated in City code, nor has it been a practice to have individuals serve jail time for this offense. Tempelmeyer further discussed the fines have been revised to be comparable to what the practice has been and these revisions will clean up the code.

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

Ordinance Number 18-006 has been passed and approved.

Ordinance amending Beatrice City Code regarding building codes and adopting the 2015 International Building Codes, published by the International Code Council.

Mayor Wirth introduced an ordinance amending Beatrice City Code regarding building codes and adopting the 2015 International Building Codes, published by the International Code Council.

Moved by Catlin, seconded by Cook, that said ordinance be given number 18-007 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 18-007 by number only the first, second, and third time.

Moved by Catlin, seconded by Billesbach, that Ordinance Number 18-007 be passed and approved.

Rob Mierau, Chief Building Inspector, noted this will bring the City up to date to the 2015 International Codes. Mierau noted Abby Stark, Legal Assistant, did a great job writing up how the City will address pools. Mierau stated they are looking at addressing where pools will be allowed, which will be addressed in the zoning ordinance.

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

Ordinance Number 18-007 has been passed and approved.

PUBLIC FORUM

Councilman Fairbanks noted today is World Autism Awareness Day and encouraged everyone to support understanding and acceptance with those with autism.

Michael Sothan, Main Street Executive Director, invited the Council and public to the Walk and Bike Action Planning Summit event that will be held April 22, 2018 from 1:00 p.m. to 6:00 p.m. at 301 Court Street. Sothan also extended an invitation to Main Street's Taste of Spring fundraiser on April 13, 2018 from 6:00 p.m. to 8:00 p.m. at Vintage Venue, 620 Court Street.

DISCUSSIONS/REPORTS

Possible New Fire Station

Chief Brian Daake reported to the City Council they have met with two (2) firms who have experience in building fire stations. They reviewed the current Station and assessed the Department's potential needs. It was determined for the City's Department the space needed is between 25-30,000 square feet, or the equivalent of a city block. Daake noted Beatrice Rural Fire, who is also housed in the City's Station, are also on board with a new station and are willing to contribute financially.

Tobias J. Tempelmeyer, City Administrator/General Manager, reported to the Council the next step this body needs to decide is if we are still interested in building a new station. Tempelmeyer noted there are time frames that will need to be met if we are going to proceed; however, we also need to decide whether or not to have a picture of the proposed building or not and whether or not to specify the location. Tempelmeyer also noted another thing to consider is

which type of construction method the City should use for this project. Tempelmeyer explained the three (3) common methods, which are Design-Bid-Build, Design-Build, or Construction Manager at Risk. Tempelmeyer explained each method have their positives. Tempelmeyer further explained if we wish to proceed and take to vote of the people, we need to have a dollar amount needed to complete, as we do not want to ask for too little, nor do we want to ask for too much.

Mayor Wirth asked the Council to share their thoughts on moving forward with the possibility of building a new fire station.

Councilman Kerr noted he believes it is necessary and stated it will be this bodies responsibility to sell the need for a new facility, further stating the Department has outgrown its current location, it has been stationed in since 1965.

Councilman Morgan stated he thinks there is a need and feels it would be nice to have some sort of design to show the public. Councilman Morgan stated there can be benefits with using the Construction Manager method, as you have both an architect and engineer looking at the project, and his recommendation would be to use either the Design Build or Construction Manager method.

Mayor Wirth agreed that if we are asking the community to support the project, the City should have some type of drawing showing a potential design.

Councilman Fairbanks noted one (1) important piece of information that needs to be communicated is the City has nothing to do with the outstanding County issues. Councilman Fairbanks noted while he feels there is a need for a new station, he wants to know the City will be able to pay for this, as he recalled the last discussion that was held on this, there was a gap. Tempelmeyer noted he will look into this and report back to the Council.

Councilman Parde suggested a committee be put together to decide what is needed. Mayor Wirth noted the two (2) firms Chief Daake, as well as Tempelmeyer and various firefighters within the Department, have visited with have built some of the new facilities in Lincoln, and our staff has been able to voice their input as well, however, agreed a committee may be helpful. Mayor Wirth indicated he will appoint a committee and directed administration to proceed with hiring an architect. Tempelmeyer noted an RFQ will be prepared and sent out to begin the process.

ADJOURNMENT

The next regular Council meeting is April 16, 2018 at 7:00 p.m. in the BPS Administration Building Board Room. There will be a work session on April 23, 2018 at 7:00 p.m. in the BPS Administration Building Board Room.

Moved by Catlin, seconded by Kerr, that the meeting be adjourned at 8:07 p.m.

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

Erin Saathoff, City Clerk

Stan Wirth, Mayor