

## MINUTES OF THE REGULAR CITY COUNCIL MEETING

A regular meeting of the City Council was held on the 6<sup>th</sup> day of August, 2018 at 7:00 P.M. in the BPS Administration Building Board Room, 320 North 5<sup>th</sup> Street, Beatrice, Nebraska.

Mayor Wirth led those in attendance in the Pledge of Allegiance.

### ROLL CALL

Attending: Mayor Wirth, Councilmembers: Billesbach, Catlin, Clabaugh, Fairbanks, Kerr, Morgan  
Absent: Cook, Parde.

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 July 16, 2018, as on file in the City Clerk's Office.
- e. Approval of Treasurer's Report of Claims in the amount of \$560,525.82.
- f. Approval of BASWA Report of Claims in the amount of \$3,840.01.
- g. Approval of write-off of ambulance bad debts.
- h. Approval of Pay Request #1 in the amount of \$45,026.30 to Lottman Carpenter Construction for the Hannibal Park Ballfield Trail NG & PC Project #NPS 31-01039.
- i. Award of bid for the Standing Bear Trail Phase II Project - 2018 to Lottman Carpenter Construction, Inc., in the amount of \$370,429.70.
- j. Approval of special designated license application of St. Joseph Catholic Church for a soup supper to be held on October 21, 2018 from 4:00 p.m. to 7:00 p.m. at 612 High Street, Beatrice, Nebraska.
- k. Approval of special designated license application of The Brass Rail for a luau to be held on August 25, 2018 from 10:00 a.m. to 7:00 p.m. at 212 Court Street, Beatrice, Nebraska.
- l. Refer claim of Timothy Price regarding damages to his personal property to City Attorney and City Insurance carrier for review and disposition.
- m. Resolution Number 6242 granting permission for the Beatrice Humane Society to hold a "Doggie Dip Evening" fundraiser at the Big Blue Water Park on August 23, 2018.
- n. Resolution Number 6243 approving the request from Main Street Beatrice to close Highway 136, which is also known as Court Street, from 4th Street to 7th Street, on Thursday, October 25, 2018, between 4:00 p.m. and 7:45 p.m., for the Night of the Great Pumpkin event.

Moved by Catlin, seconded by Billesbach, that the items listed under the consent agenda, be approved, accepted, and/or ratified as presented.

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

MOTION CARRIED.

## PUBLIC HEARINGS/BIDS

### **Public Hearing on the change of location application of Back Alley Eatery, LLC, dba Back Alley BBQ, 2312 North 6<sup>th</sup> Street, Beatrice, Nebraska, for their Class CK-102373 liquor license.**

Mayor Wirth announced that a public hearing will now be held on the change of location application of Back Alley Eatery, LLC, dba Back Alley BBQ, 2312 North 6th Street, Beatrice, Nebraska, for their Class CK-102373 liquor license.

Bruce Lang, Chief of Police, under oath, noted this is simply for a location change and there was nothing out of the ordinary found regarding the request. Rob Mierau, Chief Building Inspector, under oath, noted there were no issues found in the planning report and there are no foreseeable issues with this location change.

Moved by Catlin, seconded by Billesbach, that the public hearing be closed at 7:04 p.m.

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

MOTION CARRIED.

Moved by Catlin, seconded by Morgan, that the change of location application of Back Alley Eatery, LLC, dba Back Alley BBQ, 2312 North 6<sup>th</sup> Street, Beatrice, Nebraska, for their Class CK-102373 liquor license, be recommended to the Nebraska Liquor Control Commission for approval.

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

MOTION CARRIED.

### **Public Hearing for the purpose of considering adoption of Plan Modification “DD” to the Redevelopment Plan for Redevelopment Area No. 2. (Hevelone Building Redevelopment Project)**

Mayor Wirth announced that a public hearing will now be held for the purpose of considering adoption of Plan Modification “DD” to the Redevelopment Plan for Redevelopment Area No. 2. (Hevelone Building Redevelopment Project)

Tobias J. Tempelmeyer, City Administrator/General Manager, reported to the Council this project is for the renovation for new office space in the Hevelone Building. Tempelmeyer noted the plan has been presented to the Community Redevelopment Authority (CRA) two (2) times and it has also been recommended for approval by the Planning and Zoning Commission. Councilman Kerr inquired if this business also received funding from the Downtown Façade Improvement program. Tempelmeyer stated they did receive funding for façade improvements and further noted the office space renovations is what the TIF financing will be used for.

Moved by Catlin, seconded by Billesbach, that the public hearing be closed at 7:07 p.m.

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

Nay: None

MOTION CARRIED.

**Public Hearing for the purpose of considering adoption of Plan Modification “EE” to the Redevelopment Plan for Redevelopment Area No. 1. (Beatrice Lodging Redevelopment Project)**

Mayor Wirth announces that a public hearing will now be held for the purpose of considering adoption of Plan Modification “EE” to the Redevelopment Plan for Redevelopment Area No. 1. (Beatrice Lodging Redevelopment Project)

Tobias J. Tempelmeyer, City Administrator/General Manager, noted this proposal is for a new hotel to be built on the north side of Holiday Inn Express, which will sit in the existing parking lot of Holiday Inn Express. Tempelmeyer noted the Developer is currently working on the plat design. Tempelmeyer stated this will be an extended stay hotel with 46 to 52 rooms, north of holiday inn express, in parking lot of holiday inn express. Councilman Billesbach inquired if there will be enough parking for both hotels. Tempelmeyer stated that has not been verified and will be part of the review process when the plat comes through. Councilman Clabaugh noted the PACE funding recently discussed may be a good option for this project. Tempelmeyer noted it has been suggested to the Developer.

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

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

Nay: None

MOTION CARRIED.

**RESOLUTIONS**

**Resolution Number 6244 adopting Plan Modification “DD” to the Redevelopment Plan for Redevelopment Area No. 2. (Hewelone Building Redevelopment Project)**

Mayor Wirth introduced Resolution Number 6244 adopting Plan Modification “DD” to the Redevelopment Plan for Redevelopment Area No. 2. (Hewelone Building Redevelopment Project)

Moved by Catlin, seconded by Morgan, that Resolution Number 6244 be passed and adopted.

Tobias J. Tempelmeyer, City Administrator/General Manager, noted upon approval by this body, it will be taken back to the Community Redevelopment Authority (CRA) when the Redevelopment Agreement has been prepared.

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

Nay: None

MOTION CARRIED.

Resolution Number 6244 has been passed and adopted.

**Resolution Number 6245 adopting Plan Modification “EE” to the Redevelopment Plan for Redevelopment Area No. 1. (Beatrice Lodging Redevelopment Project)**

Mayor Wirth introduced Resolution Number 6245 adopting Plan Modification “EE” to the Redevelopment Plan for Redevelopment Area No. 1. (Beatrice Lodging Redevelopment Project)

Moved by Catlin, seconded by Billesbach, that Resolution Number 6245 be passed and adopted.

Tobias J. Tempelmeyer, City Administrator/General Manager, noted the plat will be coming forward for review on this project and upon approval will be taken back to the Community Redevelopment Authority (CRA) to enter into the Redevelopment Agreement. Tempelmeyer noted the plat will need to be approved prior to entering into the Redevelopment Agreement, as the plat will set the legal description for the area. Councilman Fairbanks inquired why the Developer chose this location, rather than the Store Kraft area. Tempelmeyer stated the Developer had already picked the location, as they already own the property.

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

Nay: None

MOTION CARRIED.

Resolution Number 6245 has been passed and adopted.

**Resolution Number 6246 entering into an agreement to loan Eight Thousand Five Hundred Dollars (\$8,500.00) to Larry E. Kassebaum and Joyce Kassebaum, for their building located at 110 North 7<sup>th</sup> Street, as part of the Downtown Façade Improvement Program and CDBG Grant 15-DTR-109.**

Mayor Wirth introduced Resolution Number 6246 entering into an agreement to loan Eight Thousand Five Hundred Dollars (\$8,500.00) to Larry E. Kassebaum and Joyce Kassebaum, for their building located at 110 North 7<sup>th</sup> Street, as part of the Downtown Façade Improvement Program and CDBG Grant 15-DTR-109.

Moved by Catlin, seconded by Morgan, that Resolution Number 6246 be passed and adopted.

Tobias J. Tempelmeyer, City Administrator/General Manager, noted this is the final applicant for the Downtown Façade Improvement program. Tempelmeyer stated the property owner and the State Historical Preservation Office (SHPO) were unable to come to an agreement regarding the windows, so the windows will remain in the same condition. Tempelmeyer noted the overall grant will be less than originally awarded, as the owner will not have the expense of replacing the windows. Tempelmeyer noted the deadline for this project will remain the same as the other Downtown Façade Improvement programs, which is October 1, 2018. Councilman Kerr inquired if the storm water drainage issues have been resolved at this location. Tempelmeyer noted the storm water catch basin repair began today.

Councilman Fairbanks inquired if the property owner is satisfied with the end result of the repairs to be done that they came into agreement with SHPO. Tempelmeyer stated he has not heard the owner is not happy and while the owner may have liked a different end result, was

unable to afford some of the ideas SHPO suggested and this was the compromise agreed upon by both parties.

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

MOTION CARRIED.

Resolution Number 6246 has been passed and adopted.

**Resolution Number 6247 establishing the final allocation for levy authority for property taxes for the Airport Authority for the fiscal year ending September 30, 2019.**

Mayor Wirth introduced Resolution Number 6247 establishing the final allocation for levy authority for property taxes for the Airport Authority for the fiscal year ending September 30, 2019.

Moved by Catlin, seconded by Clabaugh, that Resolution Number 6247 be passed and adopted.

Tobias J. Tempelmeyer, City Administrator/General Manager, noted this resolution will set the levy for property taxes for the Airport Authority, which is a decrease of approximately \$10,000 from their approved FY19 budget.

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

MOTION CARRIED.

Resolution Number 6247 has been passed and adopted.

**Resolution Number 6248 entering into a contract with Steve Bragg for Animal Control services.**

Mayor Wirth introduced Resolution Number 6248 entering into a contract with Steve Bragg for Animal Control services.

Moved by Catlin, seconded by Billesbach, that Resolution Number 6248 be passed and adopted.

Tobias J. Tempelmeyer, City Administrator/General Manager, noted Steve Bragg has been performing the duties of Animal Control services for the past nine and one-half (9 ½) years. This contract is for three (3) years and the terms and conditions remain the same.

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

MOTION CARRIED.

Resolution Number 6248 has been passed and adopted.

**ORDINANCES**

There were no ordinances.

## **PUBLIC FORUM**

No one appeared at public forum.

## **DISCUSSIONS/REPORTS**

### **Tire Amnesty Report – Linda Grell**

Linda Grell, Executive Director of Keep Beatrice Beautiful, reported to the Council the tire amnesty event will be held at the Gage County Fairgrounds on August 15<sup>th</sup> and 16<sup>th</sup>, from 8:00 a.m. to 5 p.m., or until a maximum of 375 tons is reached. Grell stated this is the twelfth (12<sup>th</sup>) time for the event and it is held every other year. Grell noted no rims are accepted and no tire dealers can participate in this program. Grell also noted law enforcement will be in the area to help direct traffic. Councilman Billesbach inquired where the tires are taken. Grell noted a company out of Concordia, Kansas was the low bid and will begin hauling the tires out on August 16<sup>th</sup>.

### **Fire Department Update**

Brian Daake, Fire Chief, gave the Council an update on the recommendations of JEO regarding a new Fire Department. Daake stated at this time they are looking at a stand-alone facility and have not had discussions of remodeling the current facility at this time. JEO has eight (8) possible sites, however nothing has been confirmed at this time. Fire Department employees have been included to provide feedback to JEO when reviewing the layouts. Daake noted nothing has been finalized, however, they are getting closer to a final design. Daake also noted with the road work along Ella Street beginning, it has been determined the Department needs to have a facility with access to two (2) streets, in order to not delay response time.

Councilman Kerr inquired how soon the Council needs to decide on placing this item on the ballot. Tobias J. Tempelmeyer, City Administrator/General Manager, reported a resolution to approve and present to the County Clerk to be placed on the ballot. Tempelmeyer noted it will state the facility will have “x” amount of space, a dollar amount, and will ask for a sales tax increase. Councilman Kerr stated in order to continue to provide services to our community and allow for larger vehicles, etc., a new facility is a need, not a want. Councilman Kerr further noted the City does not have a large debt at this time so now is the time to proceed.

Mayor Wirth noted the health of the firefighters also needs to be taken into consideration. Daake stated there will be decontamination areas to help with that. Daake also noted when looking into the design, travel distance within the facility was discussed, stating ideally you want everything within 200 feet, in order to respond as quickly as possible.

Councilman Morgan inquired if the price will include fixtures as well. Tempelmeyer noted the final cost will be for a fully furnished facility. Councilman Fairbanks inquired if it will include the cost for the property. Tempelmeyer stated the price will not include land acquisition. Councilman Fairbanks inquired if the facility will include sprinklers, as the current facility does not. Daake noted the new facility will have sprinklers, as well as a security system.

Councilman Clabaugh inquired what kind of input has been received from the public. Daake noted he has not received any negative feedback and the public seems to like the idea of sales tax, as opposed to property tax.

### **EXECUTIVE SESSION**

Moved by Catlin, that the Beatrice City Council go into closed session at 7:35 p.m., for the protection of public interest to discuss contract negotiations, real estate, and strategy with respect to litigation which is imminent as evidenced by communication of a claim or threat of litigation to or by the public body. Seconded by Billesbach, that the Beatrice City Council go into closed session at 7:35 p.m., for the protection of public interest to discuss contract negotiations, real estate, and strategy with respect to litigation which is imminent as evidenced by communication of a claim or threat of litigation to or by the public body.

Mayor Wirth announces that it has been Moved by Catlin, seconded by Billesbach, that the Beatrice City Council go into closed session at 7:35 p.m., for the protection of public interest to discuss contract negotiations, real estate, and strategy with respect to litigation which is imminent as evidenced by communication of a claim or threat of litigation to or by the public body.

Reconvened at 7:56 p.m.

### **ADJOURNMENT**

The next regular Council meeting is August 20, 2018 at 7:00 p.m. in the BPS Administration Building Board Room. There will be a work session on August 27, 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 7:56 p.m.

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

MOTION CARRIED.

**Erin Saathoff, CMC, City Clerk**

**Stan Wirth, Mayor**