

MINUTES OF THE REGULAR CITY COUNCIL MEETING

A regular meeting of the City Council was held on the 20th day of August, 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

Absent: 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 August 6, 2018, as on file in the City Clerk's Office.
- e. Approval of Treasurer's Report of Claims in the amount of \$300,746.17.
- f. Approval of BASWA Report of Claims in the amount of \$62,713.31.
- g. Approval of special designated license application of Tall Tree Tastings, LLC for the Young Nebraskan's Week to be held on September 29, 2018 from 1:00 p.m. to 11:00 p.m. at 122 North 5th Street, Beatrice, Nebraska.
- h. Resolution Number 6249 to re-open the alley located between Logan Street, Washington Street, North 5th Street, and North 6th Street.
- i. Resolution Number 6250 executing an Agreement with Mark W. Clausen authorizing the City to install a full curb along a portion of the north side of Court Street and adjacent to the south lot line of 101 North 7th Street.
- j. Resolution Number 6251 entering into a Service Agreement to authorize Alternative Claims Management to seek any possible recovery for damages caused to vehicles owned by the City of Beatrice.

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

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

Nay: None

MOTION CARRIED.

j – Moved by Catlin, seconded by Billesbach, that Resolution Number 6251 entering into a Service Agreement to authorize Alternative Claims Management (ACM) to seek any possible recovery for damages caused to vehicles owned by the City of Beatrice, be approved, accepted, and/or ratified as presented.

Tobias J. Tempelmeyer, City Administrator/General Manager, reported to the Council this company contacted us recently regarding offering their services to helping the City recover costs incurred when a City vehicle is involved in an accident in which the other driver is at fault. Tempelmeyer noted within the last year, three (3) police cruisers and most recently an ambulance, were involved in an accident, and ACM will look into the other driver's insurance to try to recover costs, including time the City was without their vehicle. ACM will look back four (4) years to try to recover any costs for when the City had damage to a vehicle. If they are able to recover any cost, the City will receive fifty percent (50%) of the recovered funds. If AMC is unable to recover any costs, there is no charge.

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

PUBLIC HEARINGS/BIDS

Public Hearing on the new application of Rusty Bartlett, dba Beers 'N Bones BBQ Roadhouse, 124 South 23rd Street, Beatrice, Nebraska, for a new Class I liquor license.

Mayor Wirth announced that a public hearing will now be held on the new application of Rusty Bartlett, dba Beers 'N Bones BBQ Roadhouse, 124 South 23rd Street, Beatrice, Nebraska, for a new Class I liquor license.

Bruce Lang, Chief of Police, under oath, noted the Beatrice Police Department conducted their standard licensing investigation and found nothing having any impact on recommending approval of the Class I liquor license. Rob Mierau, Chief Building Inspector, under oath, noted there were no concerns found in the planning report and the location is in compliance with zoning requirements.

Moved by Catlin, seconded by Morgan, that the public hearing be closed at 7:06 p.m.

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

Moved by Catlin, seconded by Kerr, that the new application of Rusty Bartlett, dba Beers 'N Bones BBQ Roadhouse, 124 South 23rd Street, Beatrice, Nebraska, for a new Class I liquor license, be recommended to the Nebraska Liquor Control Commission for approval.

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

Public Hearing regarding the rezoning application of David M. and Michelle M. Gleason for Gage Co. Parcel ID#010930000, commonly known as 512 Lincoln Street, City of Beatrice, Gage County, Nebraska, from Residential-Four/General Commercial "R-4/GC" to General Commercial "GC".

Mayor Wirth announced that a public hearing will now be held regarding the rezoning application of David M. and Michelle M. Gleason for Gage Co. Parcel ID#010930000, commonly known as 512 Lincoln Street, City of Beatrice, Gage County, Nebraska, from Residential-Four/General Commercial "R-4/GC" to General Commercial "GC".

Tobias J. Tempelmeyer, City Administrator/General Manager, reported to the Council this zoning change is for Gleason's old dentist office, located near 6th and Lincoln Street. The property is being sold and upon doing some research, it was found that the current zoning boundary runs through the property, with one (1) side zoned Residential-Four "R-4" and the other side zoned General Commercial "GC". The potential new owner would like the property to be zoned "GC", in order to operate a business.

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

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

Nay: None

MOTION CARRIED.

Public Hearing regarding the rezoning application of Blake Meints Custom Homes for Gage Co. Parcel ID#004064000, the proposed North Shores Estates Subdivision, City of Beatrice, Gage County, Nebraska, from Agricultural "AG" to Rural Residential "RR".

Mayor Wirth announces that a public hearing will now be held regarding the rezoning application of Blake Meints Custom Homes for Gage Co. Parcel ID#004064000, the proposed North Shores Estates Subdivision, City of Beatrice, Gage County, Nebraska, from Agricultural "AG" to Rural Residential "RR".

Tobias J. Tempelmeyer, City Administrator/General Manager, noted the proposed subdivision is located near the Diamond T Truck Stop, just within the City's two (2) mile zoning jurisdiction. The recommendation is to rezone from Agricultural "AG" to Rural Residential "RR", which is what the City has done in the past with developments such as this.

Moved by Catlin, seconded by Morgan, that the public hearing be closed at 7:10 p.m.

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

Nay: None

MOTION CARRIED.

Public Hearing regarding the rezoning application of Wesley J. and Sandra S. Meints for Gage Co. Parcel ID #004095500, the proposed Saddle Ridge Subdivision, City of Beatrice, Gage County, Nebraska, from Agricultural "AG" to Rural Residential "RR".

Mayor Wirth announces that a public hearing will now be held regarding the rezoning application of Wesley J. and Sandra S. Meints for Gage Co. Parcel ID #004095500, the proposed Saddle Ridge Subdivision, City of Beatrice, Gage County, Nebraska, from Agricultural "AG" to Rural Residential "RR".

Tobias J. Tempelmeyer, City Administrator/General Manager, reported to the Council this subdivision is located within the City's two (2) mile zoning jurisdiction, as you are heading north out of town 19th Street, near Hickory Road and South 5th Drive. Tempelmeyer noted there are four (4) lots within the subdivision and it is the recommendation to rezone from Agriculture "AG" to Rural Residential "RR", as has been the practice for these developments.

Moved by Catlin, seconded by Billesbach, that the public hearing be closed at 7:11 p.m.

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

RESOLUTIONS/ORDINANCES

Ordinance amending the Zoning Map for the City of Beatrice, Nebraska by changing the zoning of Gage Co. Parcel ID#010930000, commonly known as 512 Lincoln Street, City of Beatrice, Gage County, Nebraska, from Residential- Four/General Commercial "R-4/GC" to General Commercial "GC". (Gleason)

Mayor Wirth introduced an ordinance amending the Zoning Map for the City of Beatrice, Nebraska by changing the zoning of Gage Co. Parcel ID#010930000, commonly known as 512 Lincoln Street, City of Beatrice, Gage County, Nebraska, from Residential- Four/General Commercial "R-4/GC" to General Commercial "GC". (Gleason)

Moved by Catlin, seconded by Cook, that said ordinance be given number 18-023 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
Nay: None MOTION CARRIED.

Mayor Wirth read Ordinance Number 18-023 by number only the first, second, and third time.

Moved by Catlin, seconded by Kerr, that Ordinance Number 18-023 be passed and approved.

Tobias J. Tempelmeyer, City Administrator/General Manager, noted the Planning and Zoning Commission did review and recommend approval of this zoning change at their meeting earlier this evening.

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

Ordinance Number 18-023 has been passed and approved.

Ordinance approving the plat of the North Shores Estates Subdivision, City of Beatrice, Gage County, Nebraska. (Parcel ID #004064000 - Blake Meints Custom Homes)

Mayor Wirth introduced an ordinance approving the plat of the North Shores Estates Subdivision, City of Beatrice, Gage County, Nebraska. (Parcel ID #004064000 - Blake Meints Custom Homes)

Moved by Catlin, seconded by Clabaugh, that said ordinance be given number 18-024 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
Nay: None MOTION CARRIED.

Mayor Wirth read Ordinance Number 18-024 by number only the first, second, and third time.

Moved by Catlin, seconded by Billesbach, that Ordinance Number 18-024 be passed and approved.

Tobias J. Tempelmeyer, City Administrator/General Manager, noted the Planning and Zoning Commission did review and recommend approval of the plat at their meeting earlier this evening.

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

Ordinance Number 18-024 has been passed and approved.

Ordinance amending the Zoning Map for the City of Beatrice, Nebraska by changing the zoning of North Shores Estates Subdivision, City of Beatrice, Gage County, Nebraska, from Agricultural "AG" to Rural Residential "RR". (Parcel ID #004064000 - Blake Meints Custom Homes)

Mayor Wirth introduced an ordinance amending the Zoning Map for the City of Beatrice, Nebraska by changing the zoning of North Shores Estates Subdivision, City of Beatrice, Gage County, Nebraska, from Agricultural "AG" to Rural Residential "RR". (Parcel ID #004064000 - Blake Meints Custom Homes)

Moved by Catlin, seconded by Cook, that said ordinance be given number 18-025 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
Nay: None MOTION CARRIED.

Mayor Wirth read Ordinance Number 18-025 by number only the first, second, and third time.

Moved by Catlin, seconded by Cook, that Ordinance Number 18-025 be passed and approved.

Tobias J. Tempelmeyer, City Administrator/General Manager, noted the Planning and Zoning Commission did review and recommend approval of this zoning change at their meeting earlier this evening.

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

Ordinance Number 18-025 has been passed and approved.

Ordinance approving the plat of the Saddle Ridge Subdivision, City of Beatrice, Gage County, Nebraska. (Parcel ID #004095500 - Wesley & Sandra Meints)

Mayor Wirth introduced an ordinance approving the plat of the Saddle Ridge Subdivision, City of Beatrice, Gage County, Nebraska. (Parcel ID #004095500 - Wesley & Sandra Meints)

Moved by Catlin, seconded by Clabaugh, that said ordinance be given number 18-026 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
Nay: None MOTION CARRIED.

Mayor Wirth read Ordinance Number 18-026 by number only the first, second, and third time.

Moved by Catlin, seconded by Morgan, that Ordinance Number 18-026 be passed and approved.

Tobias J. Tempelmeyer, City Administrator/General Manager, noted the Planning and Zoning Commission did review and recommend approval of the plat at their meeting earlier this evening.

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

Ordinance Number 18-026 has been passed and approved.

Ordinance amending the Zoning Map for the City of Beatrice, Nebraska by changing the zoning of Saddle Ridge Subdivision, City of Beatrice, Gage County, Nebraska, from Agricultural "AG" to Rural Residential "RR". (Parcel ID #004095500 - Wesley & Sandra Meints)

Mayor Wirth introduced an ordinance amending the Zoning Map for the City of Beatrice, Nebraska by changing the zoning of Saddle Ridge Subdivision, City of Beatrice, Gage County, Nebraska, from Agricultural "AG" to Rural Residential "RR". (Parcel ID #004095500 - Wesley & Sandra Meints)

Moved by Catlin, seconded by Billesbach, that said ordinance be given number 18-027 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
Nay: None MOTION CARRIED.

Mayor Wirth read Ordinance Number 18-027 by number only the first, second, and third time.

Moved by Catlin, seconded by Morgan, that Ordinance Number 18-027 be passed and approved.

Tobias J. Tempelmeyer, City Administrator/General Manager, noted the Planning and Zoning Commission did review and recommend approval of this zoning change at their meeting earlier this evening.

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

Ordinance Number 18-027 has been passed and approved.

Ordinance to close and vacate a portion of Arbor Avenue, located in the Bybee Addition to the City of Beatrice, Gage County, Nebraska.

Mayor Wirth introduced an ordinance to close and vacate a portion of Arbor Avenue, located in the Bybee Addition to the City of Beatrice, Gage County, Nebraska.

Moved by Catlin, seconded by Cook, that said ordinance be given number 18-028 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
Nay: None MOTION CARRIED.

Mayor Wirth read Ordinance Number 18-028 by number only the first, second, and third time.

Moved by Catlin, seconded by Cook, that Ordinance Number 18-028 be passed and approved.

Tobias J. Tempelmeyer, City Administrator/General Manager, reported Arbor Avenue, between 21st and 22nd Street, was originally platted to give street access to the lots in the area. The lots along the north side this area have been purchased, and the one (1) that was remaining was recently purchased by East Arbor Meadows, which eliminates the need to have Arbor Avenue continue to the east. Tempelmeyer noted it is the recommendation to vacate Arbor Avenue and then sell the property to East Arbor Meadows. Councilman Fairbanks inquired if the City will maintain an easement. Tempelmeyer stated there are no utilities in the area.

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

Ordinance Number 18-028 has been passed and approved.

Ordinance to convey the vacated portion of Arbor Avenue, located in the Bybee Addition to the City of Beatrice, Gage County, Nebraska, owned by the City of Beatrice, Nebraska to East Arbor Meadows, LLC.

Mayor Wirth introduced an ordinance to convey the vacated portion of Arbor Avenue, located in the Bybee Addition to the City of Beatrice, Gage County, Nebraska, owned by the City of Beatrice, Nebraska to East Arbor Meadows, LLC.

Moved by Catlin, seconded by Cook, that said ordinance be given number 18-029 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
Nay: None MOTION CARRIED.

Mayor Wirth read Ordinance Number 18-029 by number only the first, second, and third time.

Moved by Catlin, seconded by Billesbach, that Ordinance Number 18-029 be passed and approved.

Tobias J. Tempelmeyer, City Administrator/General Manager, reported the sale price for this property is \$500.00 and the only thing that will delay the sale is the remonstrance period of twenty-one (21) days before we can transfer ownership.

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

Ordinance Number 18-029 has been passed and approved.

Resolution Number 6252 entering into a Contract for Sale of Real Estate to East Arbor Meadows, LLC.

Mayor Wirth introduced Resolution Number 6252 entering into a Contract for Sale of Real Estate to East Arbor Meadows, LLC.

Moved by Catlin, seconded by Cook, that Resolution Number 6252 be passed and adopted.

Tobias J. Tempelmeyer, City Administrator/General Manager, noted the sale price for the property is \$500.00.

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

Resolution Number 6252 has been passed and adopted.

Ordinance to close and vacate a portion of the alley located between Helen Street and Millikin Street and between Sumner Street and Laramore Street in Beatrice, Gage County, Nebraska.

Mayor Wirth introduced an ordinance to close and vacate a portion of the alley located between Helen Street and Millikin Street and between Sumner Street and Laramore Street in Beatrice, Gage County, Nebraska.

Moved by Catlin, seconded by Morgan, that said ordinance be given number 18-030 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
Nay: None MOTION CARRIED.

Mayor Wirth read Ordinance Number 18-030 by number only the first, second, and third time.

Moved by Catlin, seconded by Cook, that Ordinance Number 18-030 be passed and approved.

Tobias J. Tempelmeyer, City Administrator/General Manager, reported to the Council the City was approached by the property owners to vacate alley to the west side of their property, parallel to Sumner Street, between Helen Street and Millikin Avenue. The property owners spoke with their neighbors who were also willing to have this done and purchase the portion behind their property. Councilman Fairbanks inquired if this property is within the flood fringe and if the owners knew if they would be able to build in the future. Tempelmeyer noted he was unsure, however that is something that could be looked into.

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

Ordinance Number 18-030 has been passed and approved.

Ordinance to convey a portion of the vacated portion of the alley located between Helen Street and Millikin Street and between Sumner Street and Laramore Street in Beatrice, Gage County, Nebraska, owned by the City of Beatrice, Nebraska to Douglas H. Bornemeier and Jacqueline L. Bornemeier.

Mayor Wirth introduced an ordinance to convey a portion of the vacated portion of the alley located between Helen Street and Millikin Street and between Sumner Street and Laramore Street in Beatrice, Gage County, Nebraska, owned by the City of Beatrice, Nebraska to Douglas H. Bornemeier and Jacqueline L. Bornemeier.

Moved by Catlin, seconded by Morgan, that said ordinance be given number 18-031 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
Nay: None MOTION CARRIED.

Mayor Wirth read Ordinance Number 18-031 by number only the first, second, and third time.

Moved by Catlin, seconded by Cook, that Ordinance Number 18-031 be passed and approved.

Tobias J. Tempelmeyer, City Administrator/General Manager, noted the Bornemeier's agreed to pay \$250.00 for their portion of the vacated alley and the other buyer's agreed to that amount as well.

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

Ordinance Number 18-031 has been passed and approved.

Resolution Number 6253 entering into a Contract for Sale of Real Estate to Douglas H. Bornemeier and Jacqueline L. Bornemeier.

Mayor Wirth introduced Resolution Number 6253 entering into a Contract for Sale of Real Estate to Douglas H. Bornemeier and Jacqueline L. Bornemeier.

Moved by Catlin, seconded by Morgan, that Resolution Number 6253 be passed and adopted.

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

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

Resolution Number 6253 has been passed and adopted.

Ordinance to convey a portion of the vacated portion of the alley located between Helen Street and Millikin Street and between Sumner Street and Laramore Street in Beatrice, Gage County, Nebraska, owned by the City of Beatrice, Nebraska to Bryan D. Soderstrom and Alisa K. Soderstrom.

Mayor Wirth introduced an ordinance to convey a portion of the vacated portion of the alley located between Helen Street and Millikin Street and between Sumner Street and Laramore Street in Beatrice, Gage County, Nebraska, owned by the City of Beatrice, Nebraska to Bryan D. Soderstrom and Alisa K. Soderstrom.

Moved by Catlin, seconded by Clabaugh, that said ordinance be given number 18-032 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
Nay: None MOTION CARRIED.

Mayor Wirth read Ordinance Number 18-032 by number only the first, second, and third time.

Moved by Catlin, seconded by Billesbach, that Ordinance Number 18-032 be passed and approved.

Tobias J. Tempelmeyer, City Administrator/General Manager, noted the Soderstrom's will pay \$250.00 for the north portion of the vacated alley.

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

Ordinance Number 18-032 has been passed and approved.

Resolution Number 6254 entering into a Contract for Sale of Real Estate to Bryan D. Soderstrom and Alisa K. Soderstrom.

Mayor Wirth introduced Resolution Number 6254 entering into a Contract for Sale of Real Estate to Bryan D. Soderstrom and Alisa K. Soderstrom.

Moved by Catlin, seconded by Kerr, that Resolution Number 6254 be passed and adopted.

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

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

Resolution Number 6254 has been passed and adopted.

Resolution Number 6255 executing the Aquila Settlement Agreement, Mutual Release, and Covenant Not to Sue, between the City of Beatrice, KCP&L GMOC, and Black Hills.

Mayor Wirth introduced Resolution Number 6255 executing the Aquila Settlement Agreement, Mutual Release, and Covenant Not to Sue, between the City of Beatrice, KCP&L GMOC, and Black Hills.

Moved by Catlin, seconded by Morgan, that Resolution Number 6255 be passed and adopted.

Tobias J. Tempelmeyer, City Administrator/General Manager, reviewed the Settlement Agreement regarding the Former Manufactured Gas Plant site, located at 1st and Market Street, in which the City spent quite a bit of time researching and cleaning up the area with the help of Environmental Protection Agency (EPA) and the Nebraska Department of Environmental Quality. In 2005, the City filed a lawsuit against Aquila, which throughout time, has included KCP&L and Black Hills Energy. Tempelmeyer reported the Agreement releases all parties from any claims and liabilities and there is also a Covenant Not to Sue. Black Hills will pay the City \$600,000.00 to resolve any outstanding issues. The City has spent approximately \$2.4 million dollars, to date on this project, decreasing the City's cash reserves by \$900,000.00 due to this

project. Tempelmeyer noted the monies received will be placed back into the City's cash reserves to build it back up to a level Administration feels comfortable with.

Councilman Kerr inquired if the EPA will continue to monitor the area. Tempelmeyer stated NDEQ will continue to monitor the area, however, the EPA will not be involved. Councilman Fairbanks asked Tempelmeyer to elaborate on how the project started off small and then expanded. Tempelmeyer noted during the cleanup stages, it was discovered there may be contaminated soil under the railroad and to the east of the gas plant. Instead of stopping at the railroad tracks, it was easier to work with the Co-op and Railroad to remove the railroad tracks, clean the entire area, and place the railroad tracks back down. Councilman Fairbanks inquired if the City is required to maintain a certain amount of vegetation in the area. Tempelmeyer stated there were no guidelines on that and what their main concerns is that no one lives there, drills in the area, etc. Councilman Billesbach inquired if the damn that that was lost while cleanup was occurring. Tempelmeyer stated the damn has been located and the company that was doing the cleanup will be responsible to remove the damn from the river.

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

Resolution Number 6255 has been passed and adopted.

Resolution Number 6256 executing the Kirkham Michael Settlement Agreement, Mutual Release, and Covenant Not to Sue, between the City of Beatrice, Kirkham Michael, KCP&L GMOC, and Black Hills.

Mayor Wirth introduced Resolution Number 6256 executing the Kirkham Michael Settlement Agreement, Mutual Release, and Covenant Not to Sue, between the City of Beatrice, Kirkham Michael, KCP&L GMOC, and Black Hills.

Moved by Catlin, seconded by Billesbach, that Resolution Number 6256 be passed and adopted.

Tobias J. Tempelmeyer, City Administrator/General Manager, reported to the Council this Settlement Agreement is similar to the one (1) previously discussed regarding the lawsuit filed in 2005 against Kirkham Michael who was hired as a consultant that helped the City with the FEMA buyout. Kirkham Michael will pay the City \$50,000.00 as part of the Agreement. Councilman Kerr inquired if the money will be put back in the General Fund and Tempelmeyer stated that is correct.

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

Resolution Number 6256 has been passed and adopted.

Resolution Number 6257 placing on the ballot of the primary election the question of whether to increase the existing City sales and use tax by an additional one-half of one percent (1/2%) to issue General Obligation Bonds for the construction of a new fire station.

Mayor Wirth introduced Resolution Number 6257 placing on the ballot of the primary election the question of whether to increase the existing City sales and use tax by an additional one-half of one percent (1/2%) to issue General Obligation Bonds for the construction of a new fire station.

Moved by Catlin, seconded by Kerr, that Resolution Number 6257 be passed and adopted.

Tobias J. Tempelmeyer, City Administrator/General Manager, reported to the Council this resolution is to approve placing on the ballot this November the question of whether to increase the sales tax by an additional one-half of one percent (1/2%) for the reconstruction of a new fire station. Tempelmeyer explained in order for this to pass, six (6) votes are required. Tempelmeyer further explained this item must be submitted to the County Clerk by the end of business day on September 4, 2018, which is why it is on tonight's agenda.

Councilman Fairbanks stated he does not feel he can fully stand behind this not knowing the site and cost of the project. Councilman Fairbanks also inquired how the City will pay for the bonds if the sales tax does not cover or it falls short. Tempelmeyer explained the sales tax will stay in place the entire duration of the bonds. Tempelmeyer noted the City could look at using General Fund or Public Safety Debt as well. Councilman Fairbanks noted he would lean more toward the issuance of public safety debt or property tax.

Councilman Kerr spoke in favor of increasing sales tax in order to pay for a new fire station, as everyone will contribute, not just property owners. Councilman Kerr inquired if the constituents vote to proceed, will they have a say in where the fire station is located and the final design. Mayor Wirth noted the City has hired a consultant firm, who has identified eight (8) possible sites and the City will rely on their expertise for the final design, as well as input from City Administration, Fire Department employees, and Beatrice Rural Fire Department, to develop a station that will be a good fit for the Department for many years. Tempelmeyer noted this body will have the final say on the design, which is how the public will be able to provide their input. Brian Daake, Fire Chief, noted the Department will continue to educate the citizens and take their input into consideration, further noting there has been discussion about creating a citizens committee to provide input as well.

Councilman Morgan stated he is in favor of asking the constituents whether or not they support building a new fire station or not. Councilman Morgan further noted the current building is inadequate for the needs of the Department.

Councilman Fairbanks stated while he does not disagree with the need of a new fire station being built, he struggles with tying up sales tax for the next ten (10) to twelve (12) years and the possibility of sales tax leveling off in the future.

Councilman Clabaugh noted he is in favor of using sales tax rather than property tax to pay for a new fire station and inquired with the City may announce the site location. Tempelmeyer noted he is unsure when a location will be announced. Tempelmeyer further noted if this is not presented on this ballot, the City will have to wait two (2) more years, as sales tax increases must be done during a general or primary election.

Councilman Cook spoke in favor of proceeding with placing the question on the ballot before spending more money on consultants and land purchases in order to hear from the citizens whether they would like to move forward with the project or not.

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

Resolution Number 6257 has been passed and adopted.

Resolution Number 6258 executing the Loan Extension Agreement and Promissory Note between the City of Beatrice and Canned Hams, Inc., Michael S. Schaefer, and Shelley R. Schaefer for an extension of a direct loan in the amount of \$299,000.00 under the City of Beatrice Community Development Block Grant Reuse Fund.

Mayor Wirth introduced Resolution Number 6258 executing the Loan Extension Agreement and Promissory Note between the City of Beatrice and Canned Hams, Inc., Michael S. Schaefer, and Shelley R. Schaefer for an extension of a direct loan in the amount of \$299,000.00 under the City of Beatrice Community Development Block Grant Reuse Fund.

Moved by Catlin, seconded by Clabaugh, that Resolution Number 6258 be passed and adopted.

Tobias J. Tempelmeyer, City Administrator/General Manager, reported to the Council this Loan Extension would extend the loan entered into in 2012 between the City and Canned Hams, Inc., and the Schaefer's. So far a total of \$273,000.00 has been borrowed and payments have been made. A total of \$98,814.65, plus interest is still outstanding. Tempelmeyer explained the payback schedule will require a lump sum of \$20,000 by October 1, 2018, a lump sum of \$20,000 by October 1, 2019, with additional payments of \$500.00 every two (2) weeks, and the remaining payment, including interest will be due no later than October 1, 2020. Councilman Clabaugh inquired what happened with the money that was supposed to be coming from the film institute. Mayor Wirth stated Schaefer's did receive those funds for a period of time, however, there was a clause within contract that was overlooked and those funds have decreased. Tempelmeyer added those funds have not been received over the last couple years.

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

Resolution Number 6258 has been passed and adopted.

PUBLIC FORUM

No one appeared at public forum.

DISCUSSIONS/REPORTS

City Administrator's Monthly Report

Tobias J. Tempelmeyer, City Administrator/General Manager, presented the City Administrator's Monthly Report. Tempelmeyer reported the Hannibal Park Trail located within the facility is complete, the shelter has been constructed, and rubber matting around the new playground equipment will be installed soon. Tempelmeyer also noted the steel for the indoor batting facility to be built at Hannibal Park is scheduled to be delivered September 6th. Tempelmeyer reported Lottman Carpenter Construction has submitted shop drawings for Standing Bear Trail – Phase II and hopes to begin work yet in August. Tempelmeyer stated if weather allows, they are hopeful to have the trail complete by mid-November. Councilman Kerr inquired if there has ever been any discussion to connect the Hannibal Park trail to the trail located at BSDC. Tempelmeyer noted there have not been discussions regarding that, but it is something the City could look in to.

ADJOURNMENT

The next regular Council meeting is Tuesday, September 4, 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 Billesbach, that the meeting be adjourned at 8:05 p.m.

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

Nay: None

MOTION CARRIED.

Erin Saathoff, CMC, City Clerk

Stan Wirth, Mayor