

## MINUTES OF THE REGULAR CITY COUNCIL MEETING

A regular meeting of the City Council was held on the 3<sup>rd</sup> day of December, 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, 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.

### COUNCIL REORGANIZATION

#### Approve Councilmember Public Officials Bonds

Moved by Catlin, seconded by Kerr, that the following public officials bonds be received and placed on file: Mayor: Stanley J. Wirth – Western Surety Company; Councilmembers: Joseph Billesbach – Western Surety Company; Richard Clabaugh – RLI Insurance Company, Michael McLain – Western Surety Company; and Robert D. Morgan – RLI Insurance Company.

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

MOTION CARRIED.

#### Administer Oath of Office

Erin Saathoff, City Clerk, administered the Oath of Office to Mayor Wirth, Councilmembers Billesbach, Clabaugh, McLain, and Morgan and Airport Authority Boardmembers Eugene K. Searcey and Stan Meyer.

Councilman McLain took his seat with the Council.

#### Election of Council President

Mayor Wirth asked for nominations for Council President.

Moved by Catlin, seconded by Kerr that the nominations for Council President cease and that the name of Rick Clabaugh be voted on.

Roll Call: Yea: Billesbach, Catlin, Cook, Kerr, McLain, Morgan  
Nay: None  
Abstain: Clabaugh

MOTION CARRIED.

Mayor Wirth announced that Rick Clabaugh has been elected to serve as Council President.

## 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 special meeting on November 26, 2018, as on file in the City Clerk's Office.
- e. Approval of minutes of special meeting on November 30, 2018, as on file in the City Clerk's Office.
- f. Approval of Treasurer's Report of Claims in the amount of \$208,620.27.
- g. Approval of BASWA Report of Claims in the amount of \$3,617.30.
- h. Award of bid for the Armor Coating Various Locations – 2019 to Topkote, Inc., in the amount of \$37,175.29, as recommended by the Board of Public Works.
- i. Resolution Number 6311 appointing Jason Moore as the City's Certified City Street Superintendent.

Moved by Clabaugh, 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, Kerr, McLain, Morgan  
Nay: None  
Abstain: Catlin – item d; Morgan – item d

MOTION CARRIED.

## PUBLIC HEARINGS/BIDS

### **Public Hearing to consider amendment to Section 706(c) of the Zoning Ordinance of the City of Beatrice, Ordinance 94-13 regarding residential fences.**

Mayor Wirth announced that a public hearing will now be held to consider amendment to Section 706(c) of the Zoning Ordinance of the City of Beatrice, Ordinance 94-13 regarding residential fences.

Tobias J. Tempelmeyer, City Administrator/General Manager, noted the proposed changes were discussed previously and this clarifies the good side of the fence is to be outward facing. Tempelmeyer noted this will also eliminate the use of unsuitable materials, such as scrap lumber and pallet lumber.

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

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

MOTION CARRIED.

### **Public Hearing to amend the zoning map pertaining to a portion of properties from "CBD" Central Business District to "GC" General Commercial or "R-4" Residential-Four.**

Mayor Wirth announced that a public hearing will now be held to amend the zoning map pertaining to a portion of properties from "CBD" Central Business District to "GC" General Commercial or "R-4" Residential-Four.

Tobias J. Tempelmeyer, City Administrator/General Manager, reported to the Council during the discussion regarding storage containers, as they would not be allowed in Central Business Districts (CBD), in the southern downtown area. Tempelmeyer explained most of the highway corridor is zoned General Commercial (GC). Tempelmeyer noted the area with residential homes would be zoned R-4 and the commercial area would be zoned GC. Tempelmeyer explained the biggest difference between CBD and CG has to do with how much of the lot can be covered with concrete. Tempelmeyer further explained GC also has setbacks which do not allow to make the entire lot impervious.

Moved by Clabaugh, seconded by Billesbach, that the public hearing be closed at 7:13 p.m.

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

### **ORDINANCES**

#### **Ordinance amending Section 706(c) of the Zoning Ordinance of the City of Beatrice, Ordinance 94-13 regarding residential fences.**

Mayor Wirth introduced an ordinance amending Section 706(c) of the Zoning Ordinance of the City of Beatrice, Ordinance 94-13 regarding residential fences.

Moved by Clabaugh, seconded by Morgan, that said ordinance be given number 18-040 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, Kerr, McLain, Morgan  
Nay: None MOTION CARRIED.

Mayor Wirth read Ordinance Number 18-040 by number only the first, second, and third time.

Moved by Clabaugh, seconded by Billesbach, that Ordinance Number 18-040 be passed and approved.

Tobias J. Tempelmeyer, City Administrator/General Manager, reported to the Council the Planning and Zoning Commission met earlier this evening and it was their recommendation to approve this amendment.

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

Ordinance Number 18-040 has been passed and approved.

#### **Ordinance amending the Zoning Map for the City of Beatrice, Nebraska by changing the zoning of a portion of properties from “CBD” Central Business District to “GC” General Commercial.**

Mayor Wirth introduced an ordinance amending the Zoning Map for the City of Beatrice, Nebraska by changing the zoning of a portion of properties from “CBD” Central Business District to “GC” General Commercial.

Moved by Clabaugh, seconded by Morgan, that said ordinance be given number 18-041 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, Kerr, McLain, Morgan  
Nay: None MOTION CARRIED.

Mayor Wirth read Ordinance Number 18-041 by number only the first, second, and third time.

Moved by Clabaugh, seconded by Kerr, that Ordinance Number 18-041 be passed and approved.

Tobias J. Tempelmeyer, City Administrator/General Manager, reported to the Council the Planning and Zoning Commission met earlier this evening and it was their recommendation to approve the rezoning. Councilman Cook inquired what the west side of Highway 77 to the south is zoned. Tempelmeyer noted that section was rezoned to General Commercial several months ago.

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

Ordinance Number 18-041 has been passed and approved.

**Ordinance amending the Zoning Map for the City of Beatrice, Nebraska by changing the zoning of a portion of properties from “CBD” Central Business District to “R-4” Residential-Four.**

Mayor Wirth introduced an ordinance amending the Zoning Map for the City of Beatrice, Nebraska by changing the zoning of a portion of properties from “CBD” Central Business District to “R-4” Residential-Four.

Moved by Clabaugh, seconded by Morgan, that said ordinance be given number 18-042 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, Kerr, McLain, Morgan  
Nay: None MOTION CARRIED.

Mayor Wirth read Ordinance Number 18-042 by number only the first, second, and third time.

Moved by Clabaugh, seconded by Billesbach, that Ordinance Number 18-042 be passed and approved.

Tobias J. Tempelmeyer, City Administrator/General Manager, reported to the Council the Planning and Zoning Commission met earlier this evening and it was their recommendation to approve the rezoning.

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

Ordinance Number 18-042 has been passed and approved.

**Ordinance to close and vacate a portion of the alley located between Washington Street and Lincoln Street, between 6<sup>th</sup> Street and 7<sup>th</sup> Street, in Beatrice, Gage County, Nebraska.**

Mayor Wirth introduced an ordinance to close and vacate a portion of the alley located between Washington Street and Lincoln Street, between 6th Street and 7th Street, in Beatrice, Gage County, Nebraska.

Moved by Clabaugh, seconded by Morgan, that said ordinance be given number 18-043 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, Kerr, McLain, Morgan  
Nay: None MOTION CARRIED.

Mayor Wirth read Ordinance Number 18-043 by number only the first, second, and third time.

Moved by Clabaugh, seconded by Billesbach, that Ordinance Number 18-043 be passed and approved.

Tobias J. Tempelmeyer, City Administrator/General Manager, reported to the Council the County approached the City about purchasing the alley behind the Gage County Jail. Tempelmeyer explained the price was set at \$1,000, which is the amount the City sold the alley to the Methodist Church, and it is the same amount that was asked from the Catholic Church when they inquired about purchasing the alley. Tempelmeyer noted the County has been in contact with Jason Moore, Street Superintendent, regarding closing off the access point from Highway 77/6<sup>th</sup> Street.

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

Ordinance Number 18-043 has been passed and approved.

**Ordinance to convey the vacated portion of the alley located between Washington Street and Lincoln Street, between 6<sup>th</sup> Street and 7<sup>th</sup> Street, in Beatrice, Gage County, Nebraska.**

Mayor Wirth introduced an ordinance to convey the vacated portion of the alley located between Washington Street and Lincoln Street, between 6th Street and 7th Street, in Beatrice, Gage County, Nebraska.

Moved by Clabaugh, seconded by Morgan, that said ordinance be given number 18-044 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, Kerr, McLain, Morgan  
Nay: None MOTION CARRIED.

Mayor Wirth read Ordinance Number 18-044 by number only the first, second, and third time.

Moved by Clabaugh, seconded by Cook, that Ordinance Number 18-044 be passed and approved.

There was no further discussion from the Council or public.

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

Ordinance Number 18-044 has been passed and approved.

## **RESOLUTIONS**

### **Resolution Number 6312 executing a Contract for Sale of Real Estate to Gage County, Nebraska.**

Mayor Wirth introduced Resolution Number 6312 executing a Contract for Sale of Real Estate to Gage County, Nebraska.

Moved by Clabaugh, seconded by Morgan, that Resolution Number 6312 be passed and adopted.

There was no further discussion from the Council or public.

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

Resolution Number 6312 has been passed and adopted.

### **Resolution Number 6313 reappointing various City Officials.**

Mayor Wirth introduced Resolution Number 6313 reappointing various City Officials.

Moved by Clabaugh, seconded by Billesbach, that Resolution Number 6313 be passed and adopted.

There was no discussion from the Council or public.

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

Resolution Number 6313 has been passed and adopted.

### **Resolution Number 6314 entering into a three (3) year lease between the City of Beatrice, Nebraska and the Fraternal Order of Police Lodge 84, Beatrice, Nebraska, for the purpose**

**of a health and fitness training center in a portion of the first and second floor of the Beatrice Police Station.**

Mayor Wirth introduced Resolution Number 6314 entering into a three (3) year lease between the City of Beatrice, Nebraska and the Fraternal Order of Police Lodge 84, Beatrice, Nebraska, for the purpose of a health and fitness training center in a portion of the first and second floor of the Beatrice Police Station.

Moved by Clabaugh, seconded by Cook, that Resolution Number 6314 be passed and adopted.

Tobias J. Tempelmeyer, City Administrator/General Manager, reported the City leases a portion of the first and second floor of the Beatrice Police Station, which is used as a health and fitness training center for the FOP. Tempelmeyer noted this lease runs co-current with the FOP union contract and there were no changes from the previous contract. Councilman Cook inquired who owns the equipment. Tempelmeyer stated the equipment is owned by the FOP. Councilman Cook also inquired what happens if there is an injury or damage to the building. Tempelmeyer explained if there was an injury it would depend on when the accident occurred and it could possibly fall under workers comp. Tempelmeyer noted there have been no issues with damage to the building previously.

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

Nay: None

MOTION CARRIED.

Resolution Number 6314 has been passed and adopted.

**PUBLIC FORUM**

No one appeared at public forum.

**DISCUSSIONS/REPORTS**

There were no discussions/reports.

**EXECUTIVE SESSION**

Moved by Clabaugh, seconded by Billesbach, that the Beatrice City Council go into closed session at 7:25 p.m., for the protection of public interest to discuss contract negotiations.

Mayor Wirth announced that it has been Moved by Clabaugh, seconded by Billesbach, that the Beatrice City Council go into closed session at 7:25 p.m., for the protection of public interest to discuss contract negotiations.

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

Nay: None

MOTION CARRIED.

Reconvened at 7:48 p.m.

## **ADJOURNMENT**

The next regular Council meeting is December 17, 2018 at 7:00 p.m. in the BPS Administration Building Board Room. There will NOT be a work session in December.

Moved by Clabaugh, seconded by Billesbach, that the meeting be adjourned at 7:49 p.m.

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

Nay: None

MOTION CARRIED.

**Erin Saathoff, CMC, City Clerk**

**Stan Wirth, Mayor**