

## MINUTES OF THE REGULAR CITY COUNCIL MEETING

A regular meeting of the City Council was held on the 4<sup>th</sup> day of June, 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, 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.

### 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 May 21, 2018, as on file in the City Clerk's Office.
- e. Approval of Treasurer's Report of Claims in the amount of \$156,844.93.
- f. Approval of BASWA Report of Claims in the amount of \$3,689.96.
- g. Approval of special designated license for Main Street Beatrice for a beer garden in the parking lot at 120 N 6th Street, on June 23, 2018 from 3:00 p.m. until 12:00 a.m. for the annual Ribfest fundraiser and permission to use a portion of City right-of-way along the sidewalk of said parking lot.
- h. Resolution Number 6227 granting permission to the Beatrice High School Class of 1958 to serve alcoholic beverages in the Carnegie Building on Saturday, June 9, 2018 from 11:00 a.m. to 4:00 p.m.

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

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

g - Moved by Catlin, seconded by Billesbach, to approve the special designated license for Main Street Beatrice for a beer garden in the parking lot at 120 N 6th Street, on June 23, 2018 from 3:00 p.m. until 12:00 a.m. for the annual Ribfest fundraiser and permission to use a portion of City right-of-way along the sidewalk of said parking lot.

Councilman Parde indicated he pulled this item off the consent agenda to vote against it.

Roll Call: Yea: Billesbach, Catlin, Clabaugh, Cook, Fairbanks, Kerr, Morgan  
Nay: Parde MOTION CARRIED.

**h** – Moved by Catlin, seconded by Morgan, that Resolution Number 6227 granting permission to the Beatrice High School Class of 1958 to serve alcoholic beverages in the Carnegie Building on Saturday, June 9, 2018 from 11:00 a.m. to 4:00 p.m., be passed and adopted.

Councilman Parde indicated he pulled this item off the consent agenda to vote against it.

Roll Call: Yea: Billesbach, Catlin, Clabaugh, Cook, Fairbanks, Morgan  
Nay: Kerr, Parde MOTION CARRIED.

Resolution Number 6227 has been passed and adopted.

### **PUBLIC HEARINGS/BIDS**

There were no public hearings/bids.

### **RESOLUTIONS**

**Resolution Number 6228 declaring the official intent of the City of Beatrice, Nebraska to reimburse itself for expenditures made in connection with the acquisition of architectural services for a proposed new fire station and related matters.**

Mayor Wirth introduced Resolution Number 6228 declaring the official intent of the City of Beatrice, Nebraska to reimburse itself for expenditures made in connection with the acquisition of architectural services for a proposed new fire station and related matters.

Moved by Catlin, seconded by Billesbach, that Resolution Number 6228 be passed and adopted.

Tobias J. Tempelmeyer, City Administrator/General Manager, reported to the Council this reimbursement resolution will allow the City to incur costs today for the schematic design for a new fire station and then reimburse ourselves with bond issuance or public safety debt, which is issued every few years.

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

Resolution Number 6226 has been passed and adopted.

**Resolution Number 6229 entering into an Agreement for Professional Services with JEO Consulting Group, Inc., to provide programming and schematic design services for a possible fire station.**

Mayor Wirth introduced Resolution Number 6229 entering into an Agreement for Professional Services with JEO Consulting Group, Inc., to provide programming and schematic design services for a possible fire station.

Moved by Catlin, seconded by Morgan, that Resolution Number 6229 be passed and adopted.

Tobias J. Tempelmeyer, City Administrator/General Manager, reported to the Council after discussion regarding the proposed new fire station, the City issued an RFP and received eight (8) responses. Two (2) companies were interviewed and it is the Committee's recommendation to enter into an agreement with JEO Consulting Group. JEO will review the programming information, including what rooms and how big items such as the apparatus bay and dorms need to be. A site evaluation will also be done to determine which sites would provide the best service. JEO will also review potential funding, such as grants and low interest loans, and will also provide an opinion of costs, which will be helpful when deciding on moving forward with a bond issue. The final item JEO will provide will be a schematic design representing what the building may look like to present to voters. JEO's fee is \$29,500 and the study will be completed by September 1, 2018. This study will be brought back to the Council before a final decision is made as to whether or not to place a bond issue on the ballot this November.

Councilman Kerr asked that JEO also review updates and additions to the current site as a more palatable option to tax payers.

Tempelmeyer noted this cost will not include site acquisition or site prep, it will simply be for the cost of construction of the building.

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

Resolution Number 6229 has been passed and adopted.

## **ORDINANCES**

### **Ordinance adding Section 23-4 to the Beatrice City Code regarding right-of-way landscaping.**

Mayor Wirth introduced an ordinance adding Section 23-4 to the Beatrice City Code regarding right-of-way landscaping.

Moved by Catlin, seconded by Parde, that said ordinance be given number 18-010 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 18-010 by number only the first, second, and third time.

Moved by Catlin, seconded by Billesbach, that Ordinance Number 18-010 be passed and approved.

Abby Stark, City Attorney, reviewed the proposed landscaping ordinance which lays out the requirements of placing grass, plants, or other living vegetation in the right-of-way. The ordinance also requires residents discuss with the City Engineer if they wish to replace the grass with mulch, rock, or any other non-living material, and a barrier must be installed in order to keep the substance off the street. Tobias J. Tempelmeyer, City Administrator/General Manager, noted a good example of the landscaping requirements is the new Taco John's building, which has greenery throughout the area. Tempelmeyer also noted the Dairy Queen landscaping is an example of why a barrier is needed, in order to keep the items off the street.

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

Ordinance Number 18-010 has been passed and approved.

**Ordinance amending Section 5-60 through 5-75 to the Beatrice City Code regarding dangerous and potentially dangerous animals.**

Mayor Wirth introduced an ordinance amending Section 5-60 through 5-75 to the Beatrice City Code regarding dangerous and potentially dangerous animals.

Moved by Catlin, seconded by Cook, that said ordinance be given number 18-011 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 18-011 by number only the first, second, and third time.

Moved by Catlin, seconded by Morgan, that Ordinance Number 18-011 be passed and approved.

Abby Stark, City Attorney, noted the revision of the current ordinance which has been in place for a number of years now clarifies the confinement and leashing requirements and also makes the process for registering an animal the same for both dangerous and potentially dangerous animals. Councilman Billesbach inquired what the difference is between a dangerous or potentially dangerous animal. Tobias J. Tempelmeyer, City Administrator/General Manager, noted the difference is the severity of injury and most cases fall under potentially dangerous.

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

Ordinance Number 18-011 has been passed and approved.

**PUBLIC FORUM**

No one appeared at public forum.

## DISCUSSIONS/REPORTS

### Award of bid for the Hannibal Park Ballfield Trail

Moved by Catlin, seconded by Clabaugh, that the bid for the Hannibal Park Ballfield Trail be awarded to Lottman Carpenter Construction in the amount of \$82,058.74.

Tobias J. Tempelmeyer, City Administrator/General Manager, reported to the Council that part of the Land and Water Conservation grant, in which a new playground and picnic shelter will be installed, a trail system running through Hannibal Park will also be installed. Four (4) bids were received by contractors who are all capable of completing the work. Tempelmeyer noted it is Administration's recommendation to award the bid to Lottman Carpenter Construction, which was not the low bid received. Tempelmeyer explained the low bidder and City are still working out liquidated damages with a project that was awarded last year, which has not been finalized to date. Tempelmeyer noted due to those ongoing issues, Administration recommends not awarding this project to the low bidder.

Tempelmeyer went on to explain the same low bidder was awarded the contract for the Bell and Summit concrete reconstruction project was awarded in April, two (2) weeks into negotiations of last year's project and they were lower by \$100,000, which is a significant amount of money. Tempelmeyer stated two (2) months have passed and the issue is still not resolved, and will have additional fees from Olsson Associates, due to the project not being completed in a timely manner. Tempelmeyer noted he has talked to Nebraska Game and Parks to ensure they do not have an issue not awarding the project to the low bidder and it was confirmed they do not. It was also confirmed the change of completion date is not an issue with them either.

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

## ADJOURNMENT

The next regular Council meeting is June 18, 2018 at 7:00 p.m. in the BPS Administration Building Board Room. There will be a work session on June 25, 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 7:23 p.m.

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

**Erin Saathoff, CMC, City Clerk**

**Stan Wirth, Mayor**