

MINUTES OF THE REGULAR CITY COUNCIL MEETING

A regular meeting of the City Council was held on the 5th day of March, 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.

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 February 19, 2018, as on file in the City Clerk's Office.
- e. Approval of minutes of work session meeting on February 26, 2018, as on file in the City Clerk's Office.
- f. Approval of Treasurer's Report of Claims in the amount of \$182,837.85.
- g. Approval of BASWA Report of Claims in the amount of \$5,137.57.
- h. Approval of special designated license application of St. Joseph Catholic Church for a special event to be held on April 15, 2018 from 4:00 p.m. to 7:00 p.m. at 612 High Street, Beatrice, Nebraska.
- i. Resolution Number 6186 approving a request from the Beatrice Area Chamber of Commerce to close Highway 136, which is also known as Court Street, from 3rd Street to 19th Street, on Saturday, June 23, 2018, between 8:00 a.m. until 12:00 p.m. for the Homestead Days Parade.
- j. Resolution Number 6187 granting the Beatrice Area Chamber of Commerce and their designees, permission to sell or offer for sale or peddle goods, wares, or merchandise upon the City Property located in Charles Park, 5th Street between High Street and Ella Street, and 5th Street between Ella Street and Court Street, as part of the annual Homestead Days event on the dates of June 20, 2018 through June 24, 2018.

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

Abstain: Cook – item h; Kerr – item e

MOTION CARRIED.

PUBLIC HEARINGS/BIDS

Public Hearing on the new application of Colleen Schoneweis & John Schoneweis, dba Vintage Venue, 620 Court Street, Beatrice, Nebraska, for a Class I liquor license.

Mayor Wirth announced that a public hearing will now be held on the new application of Colleen Schoneweis & John Schoneweis, dba Vintage Venue, 620 Court Street, Beatrice, Nebraska, for a Class I liquor license.

Bruce Lang, Chief of Police, under oath, reported to the City Council there was nothing out of the ordinary found to deny the request of the Colleen and John Schoneweis for their Class I liquor license for Vintage Venue. Rob Mierau, Chief Building Inspector, under oath, noted there were no issues found in the planning report. Mierau did make a notation that there are no parking requirements in a Central Business District (CBD); however, this business will have a capacity of around 300 people. Mierau noted it is his understanding the owners plan to work with other CBD businesses in the area to utilize their parking facilities.

Councilman Fairbanks inquired what the difference in classes of liquor licenses is. Tobias Tempelmeyer, City Administrator/General Manager, presented the differences in classes to the City Council. A Class I license is for beer, wine, distilled spirits, for consumption on the premises. A Class C, which will be considered for another business next is for beer, wine, distilled spirits, for consumption on and off the premises (sales in the original packages only), and a Class D, which will also be considered tonight, is for beer, wine, and distilled spirits, for consumption off the premises (sales in the original packages only).

Moved by Catlin, seconded by Billesbach, that the public hearing be closed at 7:05 p.m.

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

Moved by Catlin, seconded by Morgan, that the new application of Colleen Schoneweis & John Schoneweis, dba Vintage Venue, 620 Court Street, Beatrice, Nebraska, for a Class I liquor license, be recommended to the Nebraska Liquor Control Commission for approval.

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

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

Public Hearing on the new application of Staab PH Units, LLC, dba Pizza Hut of Beatrice, 2400 North 6th Street, Beatrice, Nebraska, for a Class C liquor license.

Mayor Wirth announced that a public hearing will now be held on the new application of Staab PH Units, LLC, dba Pizza Hut of Beatrice, 2400 North 6th Street, Beatrice, Nebraska, for a Class C liquor license.

Bruce Lang, Chief of Police, under oath, reported to the City Council there was nothing out of the ordinary found regarding the request from Staab PH Units, dba Pizza Hut of Beatrice, for a Class I liquor license. Rob Mierau, Chief Building Inspector, under oath, reported he did not foresee any negative effects, noting this business has maintained a liquor license for a number of years and this is simply an upgrade in classes.

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

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

Moved by Catlin, seconded by Cook, that the new application of Staab PH Units, LLC, dba Pizza Hut of Beatrice, 2400 North 6th Street, Beatrice, Nebraska, for a Class C liquor license, be recommended to the Nebraska Liquor Control Commission for approval.

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

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

Public Hearing on the new application of Casey's Retail Company, dba Casey's General Store 65, 1522 South 6th Street, Beatrice, Nebraska, for a Class D liquor license.

Mayor Wirth announced that a public hearing will now be held on the new application of Casey's Retail Company, dba Casey's General Store 65, 1522 South 6th Street, Beatrice, Nebraska, for a Class D liquor license.

Bruce Lang, Chief of Police, under oath, reported to the City Council there was nothing out of the ordinary found regarding the request from Casey's General Store 65, commonly referred to as South Casey's, for a Class D liquor license. Rob Mierau, Chief Building Inspector, under oath, reported he did not foresee any negative effects, noting this business has maintained a liquor license for a number of years and this is simply an upgrade in classes.

Moved by Catlin, seconded by Cook, that the public hearing be closed at 7:08 p.m.

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

Moved by Catlin, seconded by Cook, that the new application of Casey's Retail Company, dba Casey's General Store 65, 1522 South 6th Street, Beatrice, Nebraska, for a Class D liquor license, be recommended to the Nebraska Liquor Control Commission for approval.

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

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

Public Hearing on the new application of Casey's Retail Company, dba Casey's General Store 1744, 1500 East Court Street, Beatrice, Nebraska, for a Class D liquor license.

Mayor Wirth announced that a public hearing will now be held on the new application of Casey's Retail Company, dba Casey's General Store 1744, 1500 East Court Street, Beatrice, Nebraska, for a Class D liquor license

Bruce Lang, Chief of Police, under oath, reported to the City Council there was nothing out of the ordinary found regarding the request from Casey's General Store 1744, commonly referred to as East Court Casey's, for a Class D liquor license. Rob Mierau, Chief Building Inspector, under oath, reported he did not foresee any negative effects, noting this business has maintained a liquor license for a number of years and this is simply an upgrade in classes.

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, Parde
Nay: None MOTION CARRIED.

Moved by Catlin, seconded by Billesbach, that the new application of Casey's Retail Company, dba Casey's General Store 1744, 1500 East Court Street, Beatrice, Nebraska, for a Class D liquor license, be recommended to the Nebraska Liquor Control Commission for approval.

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

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

Public Hearing on the new application of Casey's Retail Company, dba Casey's General Store 1784, 806 West Court Street, Beatrice, Nebraska, for a Class D liquor license.

Mayor Wirth announced that a public hearing will now be held on the new application of Casey's Retail Company, dba Casey's General Store 1784, 806 West Court Street, Beatrice, Nebraska, for a Class D liquor license

Bruce Lang, Chief of Police, under oath, reported to the City Council there was nothing out of the ordinary found regarding the request from Casey's General Store 1784, commonly referred to as West Court Casey's, for a Class D liquor license. Rob Mierau, Chief Building Inspector, under oath, reported he did not foresee any negative effects, noting this business has maintained a liquor license for a number of years and this is simply an upgrade in classes.

Moved by Catlin, seconded by Kerr, that the public hearing be closed at 7:12 p.m.

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

Moved by Catlin, seconded by Kerr, that the new application of Casey's Retail Company, dba Casey's General Store 1784, 806 West Court Street, Beatrice, Nebraska, for a Class D liquor license, be recommended to the Nebraska Liquor Control Commission for approval.

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

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

Public Hearing on the new application of Casey's Retail Company, dba Casey's General Store 2702, 1116 North 6th Street, Beatrice, Nebraska, for a Class D liquor license

Mayor Wirth announced that a public hearing will now be held on the new application of Casey's Retail Company, dba Casey's General Store 2702, 1116 North 6th Street, Beatrice, Nebraska, for a Class D liquor license.

Bruce Lang, Chief of Police, under oath, reported to the City Council there was nothing out of the ordinary found regarding the request from Casey's General Store 2702, commonly referred to as North Casey's, for a Class D liquor license. Rob Mierau, Chief Building Inspector, under oath, reported he did not foresee any negative effects, noting this business has maintained a liquor license for a number of years and this is simply an upgrade in classes.

Moved by Catlin, seconded by Billesbach, that the public hearing be closed at 7:14 p.m.

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

Moved by Catlin, seconded by Cook, that the new application of Casey's Retail Company, dba Casey's General Store 2702, 1116 North 6th Street, Beatrice, Nebraska, for a Class D liquor license, be recommended to the Nebraska Liquor Control Commission for approval.

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

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

Public Hearing for the purpose of considering adoption of Plan Modification "Z" to the Redevelopment Plan for Redevelopment Area No. 2. (Hydo 301 Court Redevelopment Project)

Mayor Wirth announced that a public hearing will now be held for the purpose of considering adoption of Plan Modification "Z" to the Redevelopment Plan for Redevelopment Area No. 2. (Hydo 301 Court Redevelopment Project)

Tobias J. Tempelmeyer, City Administrator/General Manager, noted this Plan Modification is for the Hydo property located at 301 Court Street. The only item the TIF funding will be used for is

for the installation of an elevator inside the building. The Community Redevelopment Authority (CRA) has reviewed the plan two (2) times and conducted the cost benefit analysis. The Planning and Zoning Commission has approved the plan as well. Tempelmeyer noted if approved tonight, a Redevelopment Agreement will be drafted and taken back to the CRA for final approval. Councilman Fairbanks inquired how the length of time TIF is calculated. Tempelmeyer noted he sits down with the developer and negotiates the terms for each project. Tempelmeyer noted the maximum time is fifteen (15) years.

Moved by Catlin, seconded by Billesbach, that the public hearing be closed at 7:19 p.m.

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

Public Hearing for the purpose of considering adoption of Plan Modification "AA" to the Redevelopment Plan for Redevelopment Area No. 4. (Exmark Redevelopment Project)

Mayor Wirth announced that a public hearing will now be held for the purpose of considering adoption of Plan Modification "AA" to the Redevelopment Plan for Redevelopment Area No. 4. (Exmark Redevelopment Project)

Tobias J. Tempelmeyer, City Administrator/General Manager, reported this Redevelopment Plan is for Exmark to purchase the building at 415 Industrial Row and make necessary renovations. TIF financing will be used primarily for site acquisition, as well as possibly paving the parking lot. The Community Redevelopment Authority (CRA) has reviewed the plan two (2) times and conducted the cost benefit analysis. The Planning and Zoning Commission has approved the plan as well. Notices have been sent to all public bodies as required.

Moved by Catlin, seconded by Clabaugh, that the public hearing be closed at 7:21 p.m.

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

Public Hearing for the purpose of considering adoption of Plan Modification "BB" to the Redevelopment Plan for Redevelopment Area No. 1. (Tiemann Redevelopment Project)

Mayor Wirth announced that a public hearing will now be held for the purpose of considering adoption of Plan Modification "BB" to the Redevelopment Plan for Redevelopment Area No. 1. (Tiemann Redevelopment Project)

Tobias J. Tempelmeyer, City Administrator/General Manager, reviewed the Plan Modification "BB" noting R.L. Tiemann Construction is looking to build a spec building north of the Precise Fabrication building. The Community Redevelopment Authority (CRA) has reviewed the plan two (2) times and conducted the cost benefit analysis. The Planning and Zoning Commission has approved the plan as well. Notices have been sent to all public bodies as required. TIF funding will be used for site acquisition and site prep.

Moved by Catlin, seconded by Morgan, that the public hearing be closed at 7:23 p.m.

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

RESOLUTIONS

Resolution Number 6188 adopting Plan Modification “Z” to the Redevelopment Plan for Redevelopment Area #2. (Hydo 301 Court Street Redevelopment Project)

Mayor Wirth introduced Resolution Number 6188 adopting Plan Modification “Z” to the Redevelopment Plan for Redevelopment Area #2. (Hydo 301 Court Street Redevelopment Project)

Moved by Catlin, seconded by Cook, that Resolution Number 6188 be passed and adopted.

Tobias J. Tempelmeyer, City Administrator/General Manager, noted the resolutions to adopt plan modifications notate what redevelopment area the plan is located in and when the various meetings of the Community Redevelopment Authority (CRA) and Planning and Zoning Commission were held. Tempelmeyer further noted once a Redevelopment Agreement has been made, it will be taken to the CRA for final approval of the project.

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

Resolution Number 6188 has been passed and adopted.

Resolution Number 6189 adopting Plan Modification “AA” to the Redevelopment Plan for Redevelopment Area #4. (Exmark Redevelopment Project)

Mayor Wirth introduced Resolution Number 6189 adopting Plan Modification “AA” to the Redevelopment Plan for Redevelopment Area #4. (Exmark Redevelopment Project)

Moved by Catlin, seconded by Billesbach, that Resolution Number 6189 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, Parde
Nay: None MOTION CARRIED.

Resolution Number 6189 has been passed and adopted.

Resolution Number 6190 adopting Plan Modification “BB” to the Redevelopment Plan for Redevelopment Area #1. (Tiemann Redevelopment Project)

Mayor Wirth introduced Resolution Number 6190 adopting Plan Modification “BB” to the Redevelopment Plan for Redevelopment Area #1. (Tiemann Redevelopment Project)

Moved by Catlin, seconded by Cook, that Resolution Number 6190 be passed and adopted.

Tobias J. Tempelmeyer, City Administrator/General Manager, noted on all of these TIF projects, if the Developer and City are unable to reach an agreement on the terms, the project will not be taken back to the Community Redevelopment Authority (CRA) for final approval and the project simply dies.

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

Resolution Number 6190 has been passed and adopted.

Resolution Number 6191 granting permission to the Beatrice Area Arts Council permission to serve alcoholic beverages in the Carnegie Building on Saturday, April 14, 2018 from 2:00 p.m. to 5:00 p.m.

Mayor Wirth introduced Resolution Number 6191 granting permission to the Beatrice Area Arts Council permission to serve alcoholic beverages in the Carnegie Building on Saturday, April 14, 2018 from 2:00 p.m. to 5:00 p.m.

Moved by Catlin, seconded by Clabaugh, that Resolution Number 6191 be passed and adopted.

Tobias J. Tempelmeyer, City Administrator/General Manager, reported to the City Council the Beatrice Area Arts Council will be hosting an invitation only art work display at the Carnegie Building. Tempelmeyer stated city code allows alcoholic beverages to be served in City owned buildings, as long as permission is given prior to the event. Tempelmeyer further noted since this is a private, invitation only event, they are not required to obtain a special designated license from the Liquor Control Commission.

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

Resolution Number 6191 has been passed and adopted.

ORDINANCES

Ordinance authorizing the issuance, sale, and delivery by the City of its Limited Tax Obligation Public Safety Bonds, Series 2018, in the aggregate principal amount of \$170,000 for the purpose of financing the costs of acquiring certain public safety equipment and apparatus.

Mayor Wirth introduced an ordinance authorizing the issuance, sale, and delivery by the City of its Limited Tax Obligation Public Safety Bonds, Series 2018, in the aggregate principal amount

of \$170,000 for the purpose of financing the costs of acquiring certain public safety equipment and apparatus.

Moved by Catlin, seconded by Morgan, that said ordinance be given number 18-003 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 18-003 by number only the first, second, and third time.

Moved by Catlin, seconded by Billesbach, that Ordinance Number 18-003 be passed and approved.

Tobias J. Tempelmeyer, City Administrator/General Manager, reported this ordinance is for the issuing of Public Safety Debt bonds to assist with the purchase of a replacement police cruiser, 911 software upgrade, and two (2) servers that need to be upgraded for the 911 software.

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

Ordinance Number 18-003 has been passed and approved.

PUBLIC FORUM

Mayor Wirth announced the Omaha Symphony and Beatrice Regional Orchestra are collaborating in a performance March 13, 2018 at 7:30 p.m. in the Hevelone Center at the Beatrice High School.

DISCUSSIONS/REPORTS

Discussion Regarding LB518 – Workforce Housing

Tobias J. Tempelmeyer, City Administrator/General Manager, reported to the City Council regarding the opportunity for the City to apply for a workforce housing grant thru Southeast Nebraska Development District (SEND). LB518 passed last year in the Legislature, which set aside funds for individuals to apply for a grant through the Nebraska Department of Economic Development (DED) up to \$1 million dollars. Nebraska Investment Finance Authority (NIFA) has agreed to match up to \$250,000, meaning if the City would put in \$250,000, NIFA's match would bring that to \$500,000 to be applied to DED and would potentially walk away with a \$1.0 million dollar project for a \$250,000 investment to be used for workforce housing.

Tempelmeyer indicated answers that were brought up at the work session were provided to the City Council for review. Mayor Wirth noted the application must be submitted by March 30, 2018. Tempelmeyer noted the application must be run through a Non-profit Development Organization (NDO), which the City and NGage are not, so the application would be run through

SEND. Councilman Clabaugh indicated he is in favor of applying for this grant. Walker Zulkoski, Executive Director of NGage, noted he believes this is a good opportunity for the City. Councilman Fairbanks inquired why the City would choose to apply with other communities and not apply on its own instead of competing with the others for the pool of money. Councilman Kerr inquired how the funds would be distributed to the communities who apply. Tempelmeyer noted he believes a committee would be put together and they would develop the rules moving forward. Councilman Morgan indicated while this is a great opportunity, we will need to make sure the City's representative is clear on what the Council's feelings are as the guidelines are being set. Tempelmeyer noted the City's portion would come from LB840 funds. Zulkoski indicated \$250,000 is the amount he is hearing the other communities will be putting in. Tempelmeyer noted Administration will notify SEND the Council is in the \$250,000 range and will come forward for a formal vote in two (2) weeks to proceed with the application.

ADJOURNMENT

The next regular Council meeting is March 19, 2018 at 7:00 p.m. in the BPS Administration Building Board Room. There will be a work session on March 26, 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 7:54 p.m.

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

Erin Saathoff, City Clerk

Stan Wirth, Mayor