

## **MINUTES OF THE REGULAR CITY COUNCIL MEETING**

A regular meeting of the City Council was held on the 7<sup>th</sup> day of May, 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, Parde

Absent: Cook.

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.

Mayor Wirth presented the following elementary students with a “Mayor for a Day” honorary certificate for participating in the Great American Cleanup Elementary “Clean Your Block Party” program sponsored by Keep Beatrice Beautiful: Vincent Viveros from Lincoln Elementary; Claire McGrury from Paddock Lane Elementary; Tony Wang from Stoddard Elementary; Megan Powers from St. Joseph Catholic School; and Sloan Penner from St. Paul Lutheran School.

Mayor Wirth presented Steve Kelley, Water Superintendent, with a proclamation proclaiming May 6-12, 2018 as "Drinking Water Week". Kelley noted Beatrice has an adequate water supply and thanked the employees for their hard work.

Mayor Wirth presented Erin Saathoff, City Clerk, a proclamation proclaiming May 6-12, 2018 as "Municipal Clerks Week".

Mayor Wirth presented Rob Mierau, Chief Building Inspector a proclamation proclaiming May 2018 as "Building Safety Month". Mierau noted the Building Inspections Department works hard to ensure there are safe buildings in the community and work to educate the public on the importance of building safety.

Mayor Wirth presented Diana Smith, Airport Director, with a proclamation proclaiming May 2018 as "General Aviation Appreciation Month". Smith thanked the Mayor and Council for their support and recognition of the importance of the Beatrice Municipal Airport.

Mayor Wirth presented Michael Sothan, Main Street Executive Director, a proclamation proclaiming May 2018 as "Preservation Month". Sothan spoke about the upcoming Mother’s Day landmark tour, as well as the historic preservation that is occurring due to the façade program at seventeen (17) properties in the downtown area.

### **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 April 16, 2018, as on file in the City Clerk's Office.
- e. Approval of minutes of work session meeting on April 23, 2018, as on file in the City Clerk's Office.
- f. Approval of Treasurer's Report of Claims in the amount of \$323,460.76.
- g. Approval of BASWA Report of Claims in the amount of \$6,604.65.
- h. Approval of Manager Application for Nathan M. Malcom, License #D-099222, in connection with Shopko Stores Operating Co., LLC, dba Shopko Hometown #658, 123 North 24th Street, Beatrice, Nebraska.
- i. Resolution Number 6209 entering into an Agreement with Exmark to set terms of the grant distribution and other related matters for the grant received from Nebraska Department of Economic Development's Site and Building Development Fund to purchase and rehabilitate an 84,000 sq. ft. building located at 415 Industrial Row, Beatrice Nebraska.
- j. Resolution Number 6210 executing the Member Intergovernmental Cooperative Purchasing Agreement with National Purchasing Partners (NPP) to contract with Vendors under the terms of the Master Price Agreements to purchase goods and services on the same terms, conditions, and pricing as Lead Contracting Agencies.
- k. Resolution Number 6211 entering into a lease with Larry Delabar for pasture purposes on property located adjacent to the C&D Landfill.
- l. Resolution Number 6212 entering into a lease with Todd Hydo to expand the building at 301 Court Street, Beatrice, Nebraska for commercial business purposes.
- m. Resolution Number 6213 re-appointing Craig Zarybnicky to the Community Redevelopment Authority.
- n. Resolution Number 6214 entering into the Grant Agreement for Grant Number DR-4325-NE-0002 from Nebraska Emergency Management Agency (NEMA), to update the Hazard Mitigation Plan for Beatrice.
- o. Resolution Number 6215 executing the National Purchasing Cooperative Interlocal Participation Agreement to become a member of the National Purchasing Cooperative and gain access to the BuyBoard electronic purchasing application to purchase goods and services through its membership in the Cooperative.
- p. Resolution Number 6216 entering into a 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 second floor of the Beatrice Police Station.

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

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

Nay: None

MOTION CARRIED.

I – Moved by Catlin, seconded by Cook, that Resolution Number 6212 entering into a lease with Todd Hydo to expand the building at 301 Court Street, Beatrice, Nebraska for commercial business purposes, be passed and adopted, be approved, accepted, and/or ratified as presented.

Councilman Parde inquired what property this is for. Tobias J. Tempelmeyer, City Administrator/General Manager, noted it is for 301 Court Street, on the west side of the building where a small structure used to be. Councilman Parde inquired if they have a permit for this work. Rob Mierau, Chief Building Inspector, noted they do have an encroachment permit for the concrete work and ADA ramp installation. Councilman Fairbanks inquired what it will be used

for. Mierau stated he believes it will be some sort of patio. Councilman Parde inquired if there is an out clause on the agreement. Tempelmeyer noted the agreement can be terminated if needed.

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

## **PUBLIC HEARINGS/BIDS**

### **Public Hearing on the new application of J&M Ventures, LLC, dba Risky's, 2317 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 J&M Ventures, LLC, dba Risky's, 2317 North 6th Street, Beatrice, Nebraska, for a Class C liquor license.

Rob Mierau, Chief Building Inspector, under oath, noted there were no issues found in the planning report, noting this business has had a liquor license for a number of years and this is simply for a change of ownership. Bruce Lang, Chief of Police, under oath, noted there was nothing out of the ordinary found regarding the request for a Class C liquor license.

Moved by Catlin, seconded by Billesbach, that the public hearing be closed at 7:30 p.m.

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

## **ORDINANCES**

### **Ordinance amending Beatrice City Code regarding junked motor vehicles.**

Mayor Wirth introduces an ordinance amending Beatrice City Code regarding junked motor vehicles.

Moved by Catlin, seconded by Billesbach, that said ordinance be given number 18-008, 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, Fairbanks, Kerr, Morgan, Parde  
Nay: None MOTION CARRIED.

Mayor Wirth reads Ordinance Number 18-008 by number only the first, second, and third time.

Moved by Catlin, seconded by Parde, that Ordinance Number 18-008, be passed and approved.

Tobias J. Tempelmeyer, City Administrator/General Manager, reviewed the proposed changes to the junked motor vehicle ordinance. Tempelmeyer noted one (1) change is removing the word "motor" from the definition, in order to be able to include boats, trailers, golf carts, etc. Tempelmeyer also noted the owner will now have thirty (30) days to come into compliance with the notice, which matches the time allowed to license a vehicle, instead of the twenty-one (21) days that was the prior requirement. The steps for how the owner can appeal is also outlined in the ordinance.

Tempelmeyer noted the revised ordinance will now allow for owners to obtain a hobbyist permit, which will allow two (2) junk vehicles at a residence which is good for six (6) months and can be renewed one (1) time. A business owning a junk vehicle which has a valid business purpose may obtain a non-renewable permit for one (1) year. Another permit will allow two (2) vehicles being used as racecars for one (1) year. All of these permits will have a fee of fifty-dollars (\$50.00).

Councilman Fairbanks noted he supports these changes, further noting some of the places that have had issues in the past have already removed vehicles from their property. Councilman Kerr also supports the changes and inquired where vehicles will be taken if the City has to have them removed and how the City proceeds with selling said vehicles the City has had to remove. Tempelmeyer noted the ordinance lays out the process on declaring the vehicle abandoned. Councilman Clabaugh inquired if there has been any feedback on the proposed changes and Tempelmeyer noted he has not heard any feedback.

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

MOTION CARRIED.

## **RESOLUTIONS**

### **Resolution Number 6217 establishing various fees.**

Mayor Wirth introduced Resolution Number 6217 establishing various fees.

Moved by Catlin, seconded by Morgan, that Resolution Number 6217 be passed and adopted.

Tobias J. Tempelmeyer, City Administrator/General Manager, reported to the City Council it has been the City's practice to put all fees in one (1) resolution in order to better review and monitor them. Tempelmeyer noted the only change to this resolution is to add the temporary permit fees for junk vehicles, which have been set at \$50.00 each. Councilman Parde noted he feels \$50.00 is too high and he would like to see the fines increased. Tempelmeyer noted the minimum fine is \$100.00 and those fines go to the school district, not the City.

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

MOTION CARRIED.

Resolution Number 6217 has been passed and adopted.

## **PUBLIC FORUM**

Myron Dorn, 15717 East Aspen, Adams, NE, Chair of Gage County Board of Supervisors and Nebraska Legislature candidate, spoke in regards to the negative campaign ads that have been running.

## **DISCUSSIONS/REPORTS**

### **City-Wide Cleanup 2018**

Jason Moore, Street Superintendent, reported the Department picked up from 961 locations, which was ten (10) more than 2017. Moore reported there were seven (7) roll-offs filled with mattresses and noted the new mattress drop-off location at 1<sup>st</sup> and Ella worked well. Moore noted there were no accidents or injuries reported this year, and he was very pleased with how the week went.

Councilman Parde thanked the Department and inquired what was being done with any leftover items. Chet McGrury, Code Enforcement Officer, noted there are a couple properties he is working with to remove the leftover items.

Councilman Morgan noted he would still like to look into the possibility of having the Landfill open one (1) Saturday in the fall for residents to be able to take items out for free instead of holding them until clean city week. Moore noted it would be possible, however, there would need to be some stipulations, such as tracking where the item came from by scanning a driver's license or having them provide documentation that they live in Beatrice.

Tobias J. Tempelmeyer, City Administrator/General Manager, noted the communication between the City and Sanitary Garbage was very helpful in making the program a success, noting the two (2) worked together to ensure the items were picked up.

Councilman Fairbanks noted he is glad the program seems to be working, but noted if there are increased illegal dumping sites, the City will need to look at revising the program and provide the service to the citizens to haul away these large items.

## **ADJOURNMENT**

The next regular Council meeting is May 21, 2018 at 7:00 p.m. in the BPS Administration Building Board Room. There will not be a work session in May.

Moved by Catlin, seconded by Billesbach, that the meeting be adjourned at 7:58 p.m.

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

Nay: None

MOTION CARRIED.

**Erin Saathoff, City Clerk**

**Stan Wirth, Mayor**