

## MINUTES OF THE REGULAR CITY COUNCIL MEETING

A regular meeting of the City Council was held on the 21<sup>st</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, 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 May 7, 2018, as on file in the City Clerk's Office.
- e. Approval of Treasurer's Report of Claims in the amount of \$431,203.14.
- f. Approval of BASWA Report of Claims in the amount of \$109,091.86.
- g. Approval for keno satellite ownership change for Risky's 11 Inc., dba Risky's 11 Sports Bar & Grill at 2317 North 6th Street to J & M Ventures, LLC, dba Risky's.
- h. Approval of Application for Addition to Liquor License of Raymond A. Arter, dba The Black Crow, 405 Court Street, for an additional outdoor dining area.
- i. Approval of special designated license application of ASA Holdings, LLC, dba Godfather's Pizza, for a fundraiser event to be held on June 23, 2018 from 6:00 p.m. to 12:00 a.m., at 556 Sargent Street, Beatrice, Nebraska.
- j. Resolution Number 6218 executing the Application for Program Certification Approval to renew Traffic Safety Plus's certification to administer STOP classes for the City of Beatrice.
- k. Resolution Number 6219 executing the Preliminary Engineering Services Supplemental Agreement No. 4 between the City of Beatrice, Schemmer Associates, Inc., and the Nebraska Department of Transportation for Beatrice Hannibal Park Trail, Project Number ENH-34(42), Control Number 13212, setting out the modifications and/or additional duties and/or funding responsibilities for the Federal-aid project.
- l. Resolution Number 6220 regulating parking along 19th Street, between Carlyle Street and Dorsey Street.
- m. Resolution Number 6221 executing the Construction Engineering Services Supplemental Agreement No. 2 between the City of Beatrice and Speece Lewis Engineers, Inc, for the 2nd Street, Court – Ella Street, NDOR Project Number: ENH-6105(6), Control Number 13127, setting out the additional inspection and testing necessary and increasing Speece Lewis' compensation for additional work.
- n. Resolution Number 6222 entering into an Interlocal Cooperation Act Agreement between the City of Beatrice, and the City of Wymore, Nebraska for the purpose of providing ambulance

service to certain areas of Gage County located outside of the city limits of Beatrice on behalf of Wymore.

- o. Resolution Number 6223 appointing Jackie Bornemeier to the Community Redevelopment Authority.

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  
Nay: None MOTION CARRIED.

### **PUBLIC HEARINGS/BIDS**

#### **Public Hearing on the new application of J&M Ventures, LLC, dba Risky's, 2317 North 6<sup>th</sup> 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.

Tobias J. Tempelmeyer, City Administrator/General Manager, explained the approval motion was not made at the last meeting, so a hearing is being held at this meeting to recommend approval to the Nebraska Liquor Control Commission and nothing regarding the application has changed.

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  
Nay: None  
Abstain: None MOTION CARRIED.

Moved by Catlin, seconded by Morgan, that the new application of J&M Ventures, LLC, dba Risky's, 2317 North 6<sup>th</sup> Street, Beatrice, Nebraska, for a Class C liquor license, be recommended to the Nebraska Liquor Control Commission for approval.

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

#### **Public Hearing for the purpose of considering adoption of Plan Modification "CC" to the Redevelopment Plan for Redevelopment Area #4. (Homestead Junction Redevelopment Project)**

Mayor Wirth announced that a public hearing will now be held for the purpose of considering adoption of Plan Modification "CC" to the Redevelopment Plan for Redevelopment Area #4. (Homestead Junction Redevelopment Project)

Tobias J. Tempelmeyer, City Administrator/General Manager, explained this is the former Store Kraft area and the developer is looking to use Tax Increment Financing (TIF) to redevelop the area. TIF will be used for site acquisition and development, grading, and utilities. The exact planned uses of the project are still in the development stages, however, the proposal includes possible hotel, retail/office spaces, restaurants, and apartment buildings to be done in phases. The Plan has been reviewed and approved by the Community Redevelopment Authority and the Planning and Zoning Commission has determined that it meets the City's Comprehensive Plan. Discussion ensued regarding if since the Plan is to be done in phases, if the Plan is changed would the developer have to come back for approval, however, as long as the project is done within the redevelopment plan they would not, only if there is a significant change.

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

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

Nay: None

Abstain: None

MOTION CARRIED.

## RESOLUTIONS

### **Resolution Number 6224 adopting Plan Modification "CC" to the Redevelopment Plan for Redevelopment Area #4. (Homestead Junction Redevelopment Project)**

Mayor Wirth introduced Resolution Number 6224 adopting Plan Modification "CC" to the Redevelopment Plan for Redevelopment Area #4. (Homestead Junction Redevelopment Project)

Moved by Catlin, seconded by Clabaugh, that Resolution Number 6224 be passed and adopted.

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

Nay: None

Abstain: None

MOTION CARRIED.

Resolution Number 6224 has been passed and adopted.

### **Resolution Number 6225 terminating the Development Agreement entered into on February 22, 2002 between the City, BBC Building I, LLC, and the SCC Educational Foundation, relating to the development and improvement of the Beatrice Business Campus.**

Mayor Wirth introduced Resolution Number 6225 terminating the Development Agreement entered into on February 22, 2002 between the City, BBC Building I, LLC, and the SCC Educational Foundation, relating to the development and improvement of the Beatrice Business Campus.

Moved by Catlin, seconded by Billesbach, that Resolution Number 6225 be passed and adopted.

Tobias J. Tempelmeyer, City Administrator/General Manager, explained in 2002 the City entered into an agreement with BBC Building, the Southeast Community College Educational Foundation, and Gage County Economic Development (GCED), to build a business campus by the college. The building was to be done over several phases, however, only one (1) phase was built. The Southeast Community College recently purchased this building and in order to obtain clean title to the property, this agreement needs to be terminated. The only party not signing the termination agreement is GCED because the corporation has been dissolved.

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

MOTION CARRIED.

Resolution Number 6225 has been passed and adopted.

**Resolution Number 6226 entering into an agreement to loan Thirteen Thousand Dollars (\$13,000.00) to Jeffrey B. Hubka and Shelli K. Hubka, for their building located at 508 Court Street, as part of the Downtown Façade Improvement Program and CDBG Grant 15-DTR-109.**

Mayor Wirth introduced Resolution Number 6226 entering into an agreement to loan Thirteen Thousand Dollars (\$13,000.00) to Jeffrey B. Hubka and Shelli K. Hubka, for their building located at 508 Court Street, as part of the Downtown Façade Improvement Program and CDBG Grant 15-DTR-109.

Moved by Catlin, seconded by Kerr, that Resolution Number 6226 be passed and adopted.

Tobias J. Tempelmeyer, City Administrator/General Manager, explained this is the same as other agreements approved for the Downtown Façade Improvement Program. The improvements to this building include window replacements and should be completed by the deadline this fall.

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

MOTION CARRIED.

Resolution Number 6226 has been passed and adopted.

## **ORDINANCES**

**Ordinance adding Sections 17-35, 17-36, 17-37, and 17-38 to the Beatrice City Code regarding disorderly houses.**

Mayor Wirth introduced an ordinance adding Sections 17-35, 17-36, 17-37, and 17-38 to the Beatrice City Code regarding disorderly houses.

Moved by Catlin, seconded by Billesbach, that said ordinance be given number 18-009 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  
Nay: Morgan  
Abstain: None

MOTION CARRIED.

Mayor Wirth read Ordinance Number 18-009 by number only the first, second, and third time.

Moved by Catlin, seconded by Billesbach, that Ordinance Number 18-009 be passed and approved.

Bruce Lang, Chief of Police, explained the proposed ordinance would give his department the tools to deal with residences they receive continuous complaints about and help keep neighborhoods calm, safe, and prevent recurring problems. It does not make the landlord responsible for the crimes, but does set forth a process to notify the landlord of the offenses and if action is not taken the landlord could also be fined. Discussion followed regarding the process set forth for notification and Chief Lang explained this is designed for chronic violators of nuisance type complaints. Chief Lang also discussed that eviction can take 60-90 days or longer, however, as long as the landlord is in the process, nothing would happen. Lavern Engelman, member of the Board of Directors for the Gage County Rental Property Owners Association, appeared on behalf of its' landlords to address some of the concerns they had regarding the notification process. They preferred to be notified on the first offense so they can address it with the tenant before it becomes a major problem. Jeremy Engelman, President of the Association, appeared and expressed his concern that the ordinance as written was too broad and he was opposed to it as presented. Jeremy Engelman did not disagree with what the City was trying to accomplish, however, requested the Council put off taking action tonight and put together a committee to meet with them to discuss their concerns and consider some suggestions they had for the ordinance. A lengthy discussion followed.

Moved by Morgan, seconded by Kerr, to postpone action on Ordinance Number 18-009 to a future Council meeting.

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

MOTION CARRIED.

Mayor Wirth directed the City Administrator, City Attorney, and Chief Lang to meet with Lavern Engelman and Jeremy Engelman.

### **PUBLIC FORUM**

No one appeared at public forum.

## **DISCUSSIONS/REPORTS**

### **City Administrator's Monthly Report**

Tobias J. Tempelmeyer, City Administrator/General Manager, reviewed highlights from the monthly report, noting Hannibal Park has been busy with tournaments, which have brought in many people from out of town; the soccer fields at Riverside Park that installed should be seeded this week and playable by fall; the Hannibal Park Trail, which is part of the grant improvements, is out for bid; and Dorsey Street, from 9<sup>th</sup> to 11<sup>th</sup> Street, will be closed so street crews can do some patching in the area.

### **ADJOURNMENT**

The next regular Council meeting is June 4, 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 7:56 p.m.

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

Nay: None

MOTION CARRIED.

**Erin Saathoff, CMC, City Clerk**

**Stan Wirth, Mayor**