

MINUTES OF THE REGULAR CITY COUNCIL MEETING

A regular meeting of the City Council was held on Monday, September 17, 2018 at 7:00 p.m. in the BPS Administration Building Board Room, 320 North 5th Street, Beatrice, Nebraska 68310.

Mayor Wirth led those in attendance in Pledge of Allegiance.

Attending: Mayor Wirth, Councilmembers: Billesbach, Catlin, Clabaugh, Cook, Fairbanks, Morgan, Parde
Absent: Kerr

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 September 4, 2018, as on file in the City Clerk's Office.
- e. Approval of minutes of work session meeting on August 27, 2018, as on file in the City Clerk's Office.
- f. Approval of Treasurer's Report of Claims in the amount of \$906,346.26.
- g. Approval of BASWA Report of Claims in the amount of \$430,125.95.
- h. Approval of write-off of ambulance bad debts.
- i. Approval of Pay Request #1 in the amount of \$4,307.30 to Lottman Carpenter Construction for the Standing Bear Trail Phase II – 2018 project.
- j. Approval of Change Order #1 increase in the amount of \$4,324.06 and Final Pay Request in the amount of \$41,356.42 to Lottman Carpenter Construction for the Hannibal Park Ballfield Trail NG & PC Project #NPS 31-01039.
- k. Approval of Change Order #1 increase in the amount of \$13,298.00 and Final Pay Request in the amount of \$19,865.25 to Philip Carkoski for the WPC Bar Screen Replacement, as recommended by the Board of Public Works.
- l. Approval of special designated license for Main Street Beatrice for the Nebraska Governor's Pheasant Hunt fundraiser on November 2, 2018 from 4:30 p.m. until 12:00 a.m. at 620 Court Street, Beatrice, Nebraska.
- m. Approval of special designated license application of Main Street Beatrice for a Meet and Mingle Networking Event on November 20, 2018 from 4:30 p.m. to 9:00 p.m. at 412 Ella Street, Beatrice, Nebraska.
- n. Approval of special designated license for Main Street Beatrice for the Magic of Main Street fundraiser on November 9, 2018 from 5:00 p.m. to 12:00 a.m. at the Beatrice City Auditorium, 205 North 4th Street, Beatrice, Nebraska.
- o. Resolution granting permission to Main Street Beatrice to serve alcoholic beverages and hold a silent auction in the City Auditorium on Friday, November 9, 2018 from 5:00 p.m. to 12:00 a.m.
- p. Resolution executing the Final Acceptance of Project Construction for 2nd Street, Court – Ella Street, NDOR Project Number: ENH-6105(6), Control Number 13127 signifying the City's final acceptance of the project construction.
- q. Resolution executing the letter agreeing to terms of engagement for continuing the attorney-client

relationship with Victor E. Covalt III.

- r. Resolution appointing Kimba Stierwalt to the Community Redevelopment Authority.
- s. Resolution granting permission to Julie Fisher, d/b/a Julie's Hotdogs, to sell goods upon City property.
- t. Resolution approving the request from Beatrice Area Chamber of Commerce and Gage County Tourism to close Highway 136, which is also known as Court Street, from 4th Street to 6th Street, and 5th Street, from Perkins Street to High Street, on December 1, 2018, between 6:00 p.m. and 7:00 p.m., for the Holiday Lighted Parade, and granting permission to use Charles Park for staging a pictures with Santa tent for patrons to purchase pictures with Santa.
- u. Resolution granting permission to the Beatrice Area Chamber of Commerce and Gage County Tourism and their designees, to sell or offer for sale or peddle goods, wares, or merchandise in Charles Park, as part of their Holiday Lighted Parade event.

Moved by Catlin, seconded by Morgan, that the items listed under the consent agenda, (with the exception of items j, n, o, and q, be approved, accepted, and/or ratified as presented.

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

Nay: None

Abstain: Clabaugh – item l

MOTION CARRIED.

j - Moved by Catlin, seconded by Cook, that Change Order #1 increase in the amount of \$4,324.06 and Final Pay Request in the amount of \$41,356.42 to Lottman Carpenter Construction for the Hannibal Park Ballfield Trail NG & PC Project #NPS 31-01039, be approved, accepted, and/or ratified as presented.

Councilman Fairbanks reported he was asked by a citizen why the trail ends where it does and asked for clarification. Tobias J. Tempelmeyer, City Administrator/General Manager, noted the trail to be created from the Water Park to Hannibal Park will connect where the recently built trail ends. Tempelmeyer noted since it is unknown when that trail will be constructed, the Public Properties Department may look to lay down chat rock from where the trail ends currently and connect to Fields 1, 2 and 3 before the spring season starts.

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

Nay: None

MOTION CARRIED.

n - Moved by Catlin, seconded by Billesbach, that the special designated license of Main Street Beatrice for the Magic of Main Street fundraiser on November 9, 2018 from 5:00 p.m. to 12:00 a.m. at the Beatrice City Auditorium, 205 North 4th Street, Beatrice, Nebraska, be approved, accepted, and/or ratified as presented.

Councilman Parde inquired if there is any additional liability insurance required and noted he pulled this item off to vote against allowing alcohol to be served on City property. Tobias J. Tempelmeyer, City Administrator/General Manager, indicated there is no requirement for the group to provide additional insurance at this time.

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

Nay: Parde

MOTION CARRIED.

o - Moved by Catlin, seconded by Parde, that Resolution Number 6268 granting permission to Main Street Beatrice to serve alcoholic beverages and hold a silent auction in the City Auditorium on Friday, November 9, 2018 from 5:00 p.m. to 12:00 a.m., be approved, accepted, and/or ratified as presented.

Councilman Parde noted he pulled this item off to vote against allowing alcohol to be served on City property.

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

q - Moved by Catlin, seconded by Fairbanks, that Resolution Number 6270 executing the letter agreeing to terms of engagement for continuing the attorney-client relationship with Victor E. Covalt III, be approved, accepted, and/or ratified as presented.

Councilman Fairbanks asked for clarification on this. Tobias J. Tempelmeyer, City Administrator/General Manager, noted this resolution allows Vic Covalt to continue to serve as the City's counsel on the gas plant site, as he recently left the group he was with to practice law privately. Councilman Fairbanks indicated he thought the gas plant issue was resolved, as a settlement had been reached. Tempelmeyer noted although a settlement was reached, there is ongoing review required of the site by Nebraska Department of Environmental Quality (NDEQ), in which Mr. Covalt will continue to monitor and serve as our counsel.

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

DISCUSSIONS/REPORTS

JEO - Fire Station Presentation

Corey Brodersen and Marvin Larson, JEO representatives, presented the preliminary fire station design. An overview of the layout of the building was presented. The proposed design would sit on a city block, however, to date a specific site has not been identified. JEO's recommendation is to have a central location to provide quicker response time to citizens in need. Larson noted the preliminary budget for the building and site development is \$7.5 to \$8 million.

Councilman Parde expressed his concern with a flat roof in Nebraska. Larson noted the size of the building plays a part in this issue. Larson did report the roof does have a pitch, however there are some other materials that could be used and could be looked into if the City would like.

Councilman Cook noted the Beatrice Public Library was the last building the City built and that was thirty-two (32) years ago. Councilman Cook stated he feels the proposed building is very impressive and one that citizens would be proud of.

Councilman Fairbanks stated he feels the City needs to be more specific on the ballot question, as well as provide more information to the voters, such as the sales tax history and how much the total cost of the fire station will be. Mayor Wirth noted there are many unknowns at this point to have an exact cost of the proposed fire station. Tobias J. Tempelmeyer, City Administrator/General Manager, noted the ballot question has already been approved.

Tempelmeyer explained if the citizens approve the sales tax increase, when the City issues bonds, it will be determined at that time how long the sales tax will remain in order to pay for the fire station.

PUBLIC HEARINGS/BIDS

Public Hearing on the new application of Stone Hollow Brewing Company, LLC, dba Stone Hollow Brewing Company, 301 Court Street, Beatrice, Nebraska, for a new Class L liquor license.

Mayor Wirth announced that a public hearing will now be held on the new application of Stone Hollow Brewing Company, LLC, dba Stone Hollow Brewing Company, 301 Court Street, Beatrice, Nebraska, for a new Class L liquor license.

Bruce Lang, Chief of Police, under oath, noted standard background checks were performed and there was nothing uncovered that would result in denying the request. Rob Mierau, Chief Building Inspector, under oath, noted there were no issues found in the planning report and there are no foreseeable issues with this license.

Todd Hydo, 200 North 7th Street, Beatrice, Nebraska, one of the owners of Stone Hollow Brewing Company, appeared before the Council to answer questions. Mayor Wirth inquired when they plan to open. Hydo stated the original plan was to be open by Thanksgiving, however, it may be December by the time they are able to open. Councilman Fairbanks inquired the steps it takes to brew the beer. Hydo explained the process of brewing, noting some beers can be ready in as little as ten (10) days, while others may take up to a year. Hydo noted they plan to have eight (8) to twelve (12) varieties. Hydo also noted they will also have a cider license as well and will be only the second in the state to do so.

Moved by Catlin, seconded by Morgan, that the public hearing be closed at 7:51 p.m.

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

Moved by Catlin, seconded by Billesbach, that the new application of Stone Hollow Brewing Company, LLC, dba Stone Hollow Brewing Company, 301 Court Street, Beatrice, Nebraska, for a new Class L liquor license, be recommended to the Nebraska Liquor Control Commission for approval.

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

Public Hearing on the new application of Stone Hollow Brewing Company, LLC, dba Stone Hollow Brewing Company, 301 Court Street, Beatrice, Nebraska, for a new Class CK liquor license.

Mayor Wirth announced that a public hearing will now be held on the new application of Stone Hollow Brewing Company, LLC, dba Stone Hollow Brewing Company, 301 Court Street, Beatrice, Nebraska, for a new Class CK liquor license.

Bruce Lang, Chief of Police, under oath, noted there was nothing out of the ordinary found regarding the request. Rob Mierau, Chief Building Inspector, under oath, noted there were no issues found in the planning report and there are no foreseeable issues.

Moved by Catlin, seconded by Morgan, that the public hearing be closed at 7:53 p.m.

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

MOTION CARRIED.

Moved by Catlin, seconded by Cook, that the new application of Stone Hollow Brewing Company, LLC, dba Stone Hollow Brewing Company, 301 Court Street, Beatrice, Nebraska, for a new Class CK liquor license, be recommended to the Nebraska Liquor Control Commission for approval.

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

MOTION CARRIED.

Public Hearing to consider amending Section 1304(E) of the Zoning Ordinance of the City of Beatrice, Ordinance Number 94-13, relating to notice requirements when amending zoning code or districts.

Tobias J. Tempelmeyer, City Administrator/General Manager, reported to the City Council city code has requirements to give notice via certified mail to anyone owning property within three hundred feet (300') of an area being rezoned, which differs from state law, which only requires giving notice to owners within one hundred feet (100') of the property. With the proposed changes, the City will still give notice, via regular mail, to owners within one hundred feet (100') of the area to be rezoned and the yellow signs will still be posted on the property being rezoned.

Moved by Catlin, seconded by Billesbach, that the public hearing be closed at 7:56 p.m.

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

MOTION CARRIED.

RESOLUTIONS

There were no resolutions.

ORDINANCES

Ordinance to amend Section 1304(E) of the Zoning Ordinance of the City of Beatrice, Ordinance Number 94-13 relating to Notice for Public Hearings.

Moved by Catlin, seconded by Cook, that said ordinance be given number 18-034 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, Morgan, Parde
Nay: None

MOTION CARRIED.

Moved by Catlin, seconded by Billesbach, that Ordinance Number 18-034 be passed and approved.

Tobias J. Tempelmeyer, City Administrator/General Manger, noted the Planning and Zoning Commission reviewed the proposed changes and it is their recommendation to approve as submitted.

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

Ordinance Number 18-034 has been passed and approved.

PUBLIC FORUM

No one appeared at public forum.

DISCUSSIONS/REPORTS

City Administrator's Monthly Report

Tobias J. Tempelmeyer, City Administrator/General Manager, presented the City Administrator's Monthly Report to the City Council. Tempelmeyer reported the steel for the batting facility at Hannibal Park has arrived and the contractor will begin erecting the building tomorrow. Tempelmeyer stated the parts for the splash pad are scheduled to be delivered September 21st. The first of two (2) sections of Chief Standing Bear Trail – Phase II have been poured and the contractor is moving right along on the project. Councilman Fairbanks inquired about the jog in the section near 3rd and Market Street. Tempelmeyer explained the reason for the jog is due to the fact that it is preferred to cross at an intersection, rather than mid-block. Tempelmeyer noted the City received word that the trail from the Water Park to Hannibal Park is anticipated to begin construction in 2020. The Street Department has been hauling dirt in to 1st and Grant Street, preparing it for the Public Properties Department to come in and plant native grasses. Tempelmeyer also reported the dewatering pilot study at the Wastewater Treatment Facility will begin this week and they hope to have a good idea on what it will take to run a system like this or if a different route would be a better option.

ADJOURNMENT

The next regular City Council meeting is October 1, 2018 at 7:00 p.m. in the BPS Administration Building Board Room. There will be a Work Session on September 24, 2018 at 7:00 p.m. in the BPS Administration Building Board Room. There will be a special City Council meeting on Friday, September 28, 2018 at 12:15 p.m. in the City Hall Conference Room.

Moved by Clabaugh, seconded by Billesbach, that the meeting be adjourned at 8:04 p.m.

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

Erin Saathoff, CMC, City Clerk

Stan Wirth, Mayor