MINUTES OF THE REGULAR CITY COUNCIL MEETING

A regular meeting of the City Council was held on the 19th day of October, 2020 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, Kerr, McLain, Morgan
Absent: Fairbanks

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 October 5, 2020, as on file in the City Clerk’s Office.
e. Approval of Treasurer’s Report of Claims in the amount of $1,793,798.25.
f. Approval of BASWA Report of Claims in the amount of $57,537.16.
g. Approval of Pay Request #1 in the amount of $317,594.79 to Pavers, Inc., for the Mill & Overlay Paving Projects – 2020, as recommended by the Board of Public Works.
h. Resolution Number 6626 regulating parking and signage along 3rd Street, 4th Street, 5th Street, and 7th Street, from the intersections of Ella Street to Market Street, and along Market Street, from the intersections of 2nd Street to 6th Street.

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

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

MOTION CARRIED.

h – Moved by Clabaugh, seconded by Cook, that Resolution Number 6626 regulating parking and signage along 3rd Street, 4th Street, 5th Street, and 7th Street, from the intersections of Ella Street to Market Street, and along Market Street, from the intersections of 2nd Street to 6th Street, be approved, accepted, and/or ratified as presented.

Councilman Kerr inquired what the City was doing under this item. Tobias J. Tempelmeyer, City Administrator/General Manager, explained that this is part of the 2019 Mill and Overlay project. After a mill and overlay project, the City must repaint and designate parking areas and crosswalks. Because of new standards, the parking spaces went from eighteen feet (18') to twenty feet (20'), requiring the City to designate the new parking spaces and crosswalks.

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

MOTION CARRIED.
PUBLIC HEARINGS/BIDS

Public Hearing to consider the rezoning application of Allen Pfingsten, Personal Representative of the Berniece E. Pfingsten Estate for parcel numbers 004402000 and 004410000, Gage County, Nebraska to be rezoned from Agricultural District (AG) to Rural Residential (RR)

Tobias J. Tempelmeyer, City Administrator/General Manager, reported to the Council that this was related to the plat that was approved at the previous meeting by both the City Council and Planning and Zoning Commission. Tempelmeyer explained that the publishing deadline was missed for the previous meeting, therefore, it is being brought forward at this meeting. Tempelmeyer noted that this rezoning was approved and recommended by the Planning and Zoning Commission.

Moved by Clabaugh, seconded by Billesbach, that the public hearing be closed at 7:04 p.m.

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

Public Hearing on the acquisition of real property from Zephyr Towers, LLC, legally described as follows: North 155.58 feet of Lot Seven (7), and all of Lots Eight (8), Nine (9), Ten (10) and Eleven (11), Gage County Industrial Park First Subdivision, a subdivision of the West Half of the West Half of Section 28, Township 4 North, Range 6 East of the 6th P.M., City of Beatrice, Gage County, Nebraska, Parcel No. 011643203

Tobias J. Tempelmeyer, City Administrator/General Manager, reported to the Council that this acquisition of property is part of a land swap with Zephyr Towers, LLC, in which the City will be selling approximately ten (10) acres of property to Zephyr in exchange for an eight (8) acre parcel and $20,000.00. Tempelmeyer explained that this was part of an effort by Zephyr to expand their business and construct a training facility. Councilman Kerr inquired if anyone has determined whether Zephyr’s plans would interfere with the operations at the Beatrice Municipal Airport, as the land to be sold to Zephyr is located near the Airport. Tempelmeyer explained that Zephyr is in the process of getting proper clearances and permission from the Airport, which is based on such inquiry.

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

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

Public Hearing on the acquisition of real property from Casilda Land Holdings, LLC described as follows: Lot Five (5) of the 3rd Addition to South Beatrice, Gage County, NE, according to the recorded plat thereof, except that part deeded to Dempster Industries, Inc., a Nebraska Corporation in Quit Claim Deed filed May 12, 1993 in Book 239, Page 726, commonly known as: Vacant Land, Parcel No. 014666000.

Tobias J. Tempelmeyer, City Administrator/General Manager, reported to the Council that this parcel is part of the old Dempster’s property on 6th Street. Tempelmeyer explained that this particular parcel is comprised mostly of forested area. Tempelmeyer stated that the City is acquiring the property through unpaid taxes. Councilman Kerr inquired if this was where the old slag pit was located and Tempelmeyer stated this parcel is in fact where slag used to be dumped. Councilman Kerr then inquired whether any environmental studies had been done on the parcel. Tempelmeyer stated there had been studies performed and that such studies determined that the level of contamination was equal to or less than the surrounding Dempster parcels.
Moved by Clabaugh, seconded by Cook, that the public hearing be closed at 7:09 p.m.

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

MOTION CARRIED.

RESOLUTIONS

Resolution Number 6627 executing the Contract for Sale of Real Estate and all necessary documents to acquire real estate from Zephyr Towers, LLC

Mayor Wirth introduced Resolution Number 6627 executing the Contract for Sale of Real Estate and all necessary documents to acquire real estate from Zephyr Towers, LLC.

Moved by Clabaugh, seconded by Cook, that Resolution Number 6627 be passed and adopted.

Tobias J. Tempelmeyer, City Administrator/General Manager, reported to the Council that this resolution allows the City to execute all documents necessary to acquire property from Zephyr as part of the aforementioned land swap.

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

MOTION CARRIED.

Resolution Number 6627 has been passed and adopted.

Resolution Number 6628 executing the Purchase Agreement and all necessary documents to acquire real estate from Casilda Land Holdings, LLC

Mayor Wirth introduced Resolution Number 6628 executing the Purchase Agreement and all necessary documents to acquire real estate from Casilda Land Holdings, LLC.

Moved by Clabaugh, seconded by McClain that Resolution Number 6628 be passed and adopted.

Tobias J. Tempelmeyer, City Administrator/General Manager, reported to the Council that this resolution allows the City to execute all documents necessary to acquire the aforementioned slag pit that was part of the Dempster property.

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

MOTION CARRIED.

Resolution Number 6628 has been passed and adopted.

Resolution Number 6629 establishing criteria for approving or denying the issuance of special designated licenses (SDLs), and to designate the City Clerk to be the designated agent to make such determinations

Mayor Wirth introduced Resolution Number 6629 establishing criteria for approving or denying the issuance of special designated licenses (SDLs), and to designate the City Clerk to be the designated agent to make such determinations.

Moved by Clabaugh, seconded by Kerr that Resolution Number 6629 be passed and adopted.
Tobias J. Tempelmeyer, City Administrator/General Manager, reported to the Council that this resolution is intended to streamline the SDL application process for repeat applicants. Tempelmeyer explained that the City’s application process as-is tends to be somewhat prohibitive, because applicants have a hard time keeping up with Council meetings and other state-mandated deadlines. Tempelmeyer further explained that the City Council will still have to approve certain applications, specifically, when applicants are applying for the first time or if the event is to take place on City property. Those applications will require the City Council and not the City Clerk to approve such applications.

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

Resolution Number 6629 has been passed and adopted.

ORDINANCES

Ordinance Number 20-033, second reading, on the proposed annexation of property owned by Mosaic, which is a portion of the Hannibal Park to Water Park Trail

Mayor Wirth introduced consideration for the second reading of Ordinance Number 20-033, on the proposed annexation of property owned by Mosaic, which is a portion of the Hannibal Park to Water Park Trail.

Moved by Clabaugh, seconded by Kerr, that said Ordinance Number 20-033 be read by title only the second time tonight.

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

MOTION CARRIED.

Mayor Wirth read Ordinance Number 20-033 by title only the second time.

Ordinance to amend the Zoning Map for the City of Beatrice, Nebraska by changing the zoning of the property legally described as: Lot One (1) Blue Ridge Northeast Subdivision, Gage County, Nebraska, (Gage County Parcel ID 004402000), from Agricultural District (AG) to Rural Residential (RR)

Mayor Wirth introduced an ordinance to amend the Zoning Map for the City of Beatrice, Nebraska by changing the zoning of the property legally described as: Lot One (1) Blue Ridge Northeast Subdivision, Gage County, Nebraska, (Gage County Parcel ID 004402000), from Agricultural District (AG) to Rural Residential (RR).

Moved by Clabaugh, seconded by Cook, that said ordinance be given number 20-037, 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, Kerr, McLain, Morgan
Nay: None

MOTION CARRIED.

Mayor Wirth read Ordinance Number 20-037 by number only the first, second, and third time.

Moved by Clabaugh, seconded by McClain, that Ordinance Number 20-037 be passed and approved.

Tobias J. Tempelmeyer, City Administrator/General Manager, reported to the Council that this ordinance
affects the rezoning of the previously platted Blue Ridge Northeast Subdivision.

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

Ordinance Number 20-037 has been passed and approved.

Ordinance to amend the Zoning Map for the City of Beatrice, Nebraska by changing the zoning of the property legally described as: Lot One (1) Westgate Five Subdivision, Gage County, Nebraska, (Gage County Parcel ID 004410000), from Agricultural District (AG) to Rural Residential (RR)

Mayor Wirth introduced an ordinance to amend the Zoning Map for the City of Beatrice, Nebraska by changing the zoning of the property legally described as: Lot One (1) Westgate Five Subdivision, Gage County, Nebraska, (Gage County Parcel ID 004410000), from Agricultural District (AG) to Rural Residential (RR).

Moved by Clabaugh, seconded by Morgan, that said ordinance be given number 20-038, 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, Kerr, McLain, Morgan
Nay: None

MOTION CARRIED.

Mayor Wirth read Ordinance Number 20-038 by number only the first, second, and third time.

Moved by Clabaugh, seconded by Cook, that Ordinance Number 20-038 be passed and approved.

Tobias J. Tempelmeyer, City Administrator/General Manager, reported to the Council that this ordinance affects the rezoning of the previously platted Westgate Five Subdivision.

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

MOTION CARRIED.

Ordinance Number 20-038 has been passed and approved.

Ordinance to convey real estate owned by the City to Zephyr Towers, LLC

Mayor Wirth introduced an ordinance to convey real estate owned by the City to Zephyr Towers, LLC.

Moved by Clabaugh, seconded by McClain, that said ordinance be given number 20-039, 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, Kerr, McLain, Morgan
Nay: None

MOTION CARRIED.

Mayor Wirth read Ordinance Number 20-039 by number only the first, second, and third time.

Moved by Clabaugh, seconded by Billesbach that Ordinance Number 20-039 be passed and approved.

Tobias J. Tempelmeyer, City Administrator/General Manager, reported to the Council that this ordinance
allows the City to convey property to Zephyr in the aforementioned land swap.

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

Ordinance Number 20-039 has been passed and approved.

RESOLUTIONS

Resolution Number 6630 executing the Contract for Sale of Real Estate and all necessary documents to Zephyr Towers, LLC

Mayor Wirth introduced Resolution Number 6630 executing the Contract for Sale of Real Estate and all necessary documents to Zephyr Towers, LLC.

Moved by Clabaugh, seconded by Cook, that Resolution Number 6630 be passed and adopted.

Tobias J. Tempelmeyer, City Administrator/General Manager, reported to the Council that this ordinance allows the City to execute all documents necessary to acquire property from Zephyr in the aforementioned land swap.

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

Resolution Number 6630 has been passed and adopted.

PUBLIC FORUM

No one appeared at public forum.

DISCUSSIONS/REPORTS

NGage Quarterly Report

Trevor Lee, NGage Executive Director, presented the NGage Quarterly Report to the Mayor and City Council. Lee opened by speaking about NGage’s Business Retention & Expansion (BRE). Lee stated that only a couple were held this quarter due to COVID-19. Lee further stated that new BRE’s in the near future may have to wait due to the Governor’s new Directed Health Measure (DHM) that was recently passed. Lee also explained that NGage continues to received calls and inquiries from small businesses or individuals desiring to start small businesses.

Lee spoke about the upcoming “Manufacturing Month”. Lee stated that with the up-tick in COVID-19 cases, it is likely that the program will have to substitute zoom or other video meetings rather than the in-person program it has been in the past. Lee stated that they still expect to have a decent turnout and that they may be able to get videos out on cable TV.

Councilman Cook inquired how the new DHM and up-tick in COVID-19 cases has affected NGage’s relationship with Lincoln. Lee noted that thus far, the relationship remains pretty positive.
Tobias J. Tempelmeyer, City Administrator/General Manager, presented the City Administrator’s Monthly Report. Tempelmeyer reported the City’s Downtown Sidewalk Loan Program has had seventeen (17) applicants and there is approximately $50,000.00 left in loan funds. A few of the property owners have turned in their SAM registrations and at least one (1) contractor has turned their SAM registration in. Tempelmeyer further explained some of the projects will be starting soon. Tempelmeyer explained that the City has received comments from a study/consultation regarding the Blue River Access project. Tempelmeyer stated that the City Engineer is in the process of reviewing those comments and the project is expected to be commencing in the near future. Tempelmeyer reported the City currently has $30,000 budgeted for the Energy Efficiency Loan Program. Tempelmeyer reported that walls for the interior of the new Fire Station building will begin being erected the week of October 26th. Tempelmeyer stated approximately four (4) walls would be erected per day, depending on the weather as it gets colder.

ADJOURNMENT

The next regular Council meeting is November 2, 2020 at 7:00 p.m. in the BPS Administration Building Board Room. There will be a Work Session on October 26, 2020 at 7:00 p.m. in the BPS Administration Building Board Room.

Moved by Clabaugh, seconded by Billesbach, that the meeting be adjourned at 7:31 p.m.

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

MOTION CARRIED.

Erin Saathoff, CMC, City Clerk

Stan Wirth, Mayor