

MINUTES OF THE REGULAR CITY COUNCIL MEETING

A regular meeting of the City Council was held on the 15th day of February, 2016 at 7:00 P.M. in the BPS Administration Meeting 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 1, 2016, as on file in the City Clerk's Office.
- e. Approval of Treasurer's Report of Claims.
 - e(1) Approval of Main Street Beatrice claims in the amount of \$1,172.50.
 - e(2) Approval of the balance of Treasurer's Report of Claims in the amount of \$283,947.20.
- f. Approval of BASWA Report of Claims in the amount of \$46,192.75.
- g. Approval of Manager Application for Paula C. Delaine, License #C-32873, in connection with American Legion Bitting Norman 27 dba American Legion 27, 701 Dorsey Street, Beatrice, Nebraska.
- h. Approval to sell property valued in excess of \$10,000.00 for a used compost screener with an estimated value of \$20,000.00, as recommended by the Board of Public Works.
- i. Resolution Number 5872 repealing resolutions which are no long of use or contrary to current City practices.
- j. Resolution Number 5873 appointing Robert Mierau as Chief Building Inspector for the City of Beatrice, Nebraska.
- k. Resolution Number 5874 entering into a farm lease with Larry Delabar for pasture to the southwest of current Landfill.
- l. Resolution Number 5875 entering into a farm lease with Justin M. Wiegand for property adjacent to the Landfill.

Moved by Catlin, seconded by Cook, that the items listed 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, Fairbanks, Kerr, Morgan, Parde

Nay: None

Abstain: Clabaugh – e(1)

MOTION CARRIED.

h – Moved by Catlin, seconded by Morgan, the approval to sell property valued in excess of \$10,000.00 for a used compost screener with an estimated value of \$20,000.00, as recommended by the Board of Public Works, be approved, accepted, and/or ratified.

Councilman Fairbanks asked for clarification that the compost screen was not being traded in, it would in fact be sold outright. Tobias Tempelmeyer, City Administrator, noted that the WPC Department purchased the compost screen in question around 1990 for \$19,000.00 and purchased a new screen this year. Tempelmeyer further noted that the vendor indicated the old screen could be worth \$20,000.00 and the vendor has a website that the City will use in order to sell its used screen.

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

PUBLIC HEARINGS/BIDS

There were no public hearings/bids.

RESOLUTIONS

Resolution Number 5876 amending the previously adopted formal policy concerning the expenditures authorized by the Local Government Miscellaneous Expenditure Act.

Mayor Wirth introduces Resolution Number 5876 amending the previously adopted formal policy concerning the expenditures authorized by the Local Government Miscellaneous Expenditure Act.

Moved by Catlin, seconded by Clabaugh, that Resolution Number 5876 be passed and adopted.

Tobias Tempelmeyer, City Administrator, noted that as part of the ongoing review of resolutions and policies, City Administration came across a policy that was adopted in 1995 regarding expenditures of public funds. The policy had a provision in regards to councilmembers attending the National League of Cities national conference, which the City has not been a member of for at least ten (10) years. Tempelmeyer further noted that the proposed resolution would also update the set dollar amounts for an employee recognition dinner and awards to elected officials and employees based upon inflation.

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

Resolution Number 5876 has been passed and adopted.

ORDINANCES

Ordinance adding Article XII and Sections 7-370, 7-371, 7-372, 7-373, 7-374, 7-375, 7-376, 7-377, 7-378, 7-379, 7-380, and 7-381 to the Beatrice City Code regarding adjoining buildings.

Mayor Wirth introduced an ordinance adding Article XII and Sections 7-370, 7-371, 7-372, 7-373, 7-374, 7-375, 7-376, 7-377, 7-378, 7-379, 7-380, and 7-381 to the Beatrice City Code regarding adjoining buildings.

Moved by Catlin, seconded by Billesbach, that said ordinance be given number 16-005, the title thereof be approved and said ordinance be read by title only the first time tonight.

Tobias Tempelmeyer, City Administrator, gave a brief overview regarding the proposed adjoining buildings ordinance dealing with commercial properties. The proposed ordinance would require property owners to obtain insurance, have an annual inspection, and if there were no issues found, the inspection would be required every three (3) years. Tempelmeyer noted the proposed ordinance will be read at three (3) separate meetings and if passed and approved will go into effect on July 5, 2016. Tempelmeyer also noted that the proposed ordinance has to pass all three (3) times in order to be approved.

Nick Jurgens, 400 Court Street, appeared and expressed his concerns with the proposed ordinance noting many of the downtown business owners he has talked to feel this may be too excessive. Mayor Wirth inquired if Jurgens had any suggestions. Jurgens noted one (1) concern he has is with the annual structural inspection of these older buildings and if the Inspector would see other violations that would then need to be corrected. Jurgens further noted he is ok with the City requiring building owners to carry insurance and confirming annually that the insurance policy is still in place. Councilman Kerr noted that the proposed ordinance has been on the backburner for ten (10) to fifteen (15) years with the context of protecting the tax payers as well as property owners. Councilman Fairbanks clarified that this proposed ordinance would pertain to the whole City, and not just downtown businesses.

Lyle Jurgens, 1618 North 13th Street, appeared to express his concerns with the proposed ordinance and inquired what the City would do if property owners sticks together and not allow the Inspector into their businesses. Mayor Wirth noted that the ordinance has not yet passed and the City is looking for constructive ideas on how the proposed ordinance may be improved. Mayor Wirth also noted that the City looked at other communities instead of starting from scratch when developing the proposed ordinance, as well as talking with property owners. Councilman Clabaugh noted that those who own buildings in the downtown area have seen their building values go down due to the condition of other buildings that are not being taken care of. Lyle Jurgens inquired how it would be handled if the property owner lived out of state. Butcher noted that in that situation, the owner will be required to have a local contact. Councilman Kerr noted that while the proposed ordinance may not be perfect, the City had to start somewhere, further noting should the ordinance be approved and a problem should arise, a citizen could bring the problem up to the City Council for further review.

Councilman Fairbanks noted that a lot of the other communities that have these types of ordinances already in place, have been in place for twenty plus (20+) years and further noted that the proposed ordinance is not as strict as some of the other ordinances that were looked at.

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

Mayor Wirth read Ordinance Number 16-005 by title only the first time.

Councilman Kerr inquired when the proposed ordinance would be brought back to City Council. Tempelmeyer noted it will be brought back to the next regular meeting on March 7, 2016.

Ordinance adding Article XI and Sections 7-350, 7-351, 7-352, 7-353, 7-354, 7-355, 7-356, 7-357, 7-358, 7-359, 7-360, 7-361 and 7-362 to the Beatrice City Code regarding vacant buildings.

Mayor Wirth introduced an ordinance adding Article XI and Sections 7-350, 7-351, 7-352, 7-353, 7-354, 7-355, 7-356, 7-357, 7-358, 7-359, 7-360, 7-361 and 7-362 to the Beatrice City Code regarding vacant buildings.

Moved by Catlin, seconded by Clabaugh, that said ordinance be given number 16-006, the title thereof be approved and said ordinance be read by title only the first time tonight.

Tobias Tempelmeyer gave a brief overview of the proposed vacant building ordinance. The proposed ordinance would require an annual inspection, and if there were no issues found, the inspection would be required every three (3) years, the building must still be registered and the owner would not have to pay a fee. Tempelmeyer noted the proposed ordinance will be read at three (3) separate meetings and if passed and approved will go into effect on July 5, 2016. Tempelmeyer also noted that the proposed ordinance has to pass all three (3) times in order to be approved. Councilman Parde noted he feels this is a bad idea further noting he feels people should be able to do what they want with their property.

Ron Hasley, 701 North 7th Street, appeared expressing his concerns and noting while he understands it, he agrees with Councilman Parde that the owner should be able to do what they wish with their property. Hasley noted he has some properties in town that are used for storage or inventory. Hasley also expressed concerns with the City setting a price on how much a building can be sold for, noting this seems like a lawsuit waiting to happen. Mayor Wirth inquired if Hasley had any suggestions. Hasley indicated he would like to see Section 7-356 taken out of the ordinance. Hasley noted another thing he is worried about is there are some historic buildings in town that this may effect and further noted he feels the City is using bully tactics with this ordinance. Mayor Wirth noted the City is not using bully tactics and is looking for input from the citizens on how to better improve the City. Greg Butcher, City Attorney, inquired if Hasley would be less opposed if there was no dollar value listed. Hasley again noted he feels the owner has right to do what they want with their property. Councilman Cook noted he is ok with the proposed ordinance and suggested posting the ordinance online for citizens to review it prior to the next two (2) meetings.

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

MOTION CARRIED.

Mayor Wirth read Ordinance Number 16-006 by title only the first time.

Mayor Wirth noted this ordinance will be discussed at the next regular City Council meeting on March 7, 2016.

Ordinance amending Section 4-3 of the Beatrice City Code regarding consumption in public.

Mayor Wirth introduced an ordinance amending Section 4-3 of the Beatrice City Code regarding consumption in public.

Moved by Catlin, seconded by Billesbach, that said ordinance be given number 16-007, 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

Nay: Cook, Parde

MOTION CARRIED.

Mayor Wirth read Ordinance Number 16-007 by number only the first, second, and third time.

Moved by Catlin, seconded by Billesbach, that Ordinance Number 16-007 be passed and approved.

Tobias Tempelmeyer, City Administrator, noted that upon the request from the Chamber hosting an Oktoberfest at the Tabernacle, there was some confusion on what was allowed or not allowed in regards to consumption in public. Tempelmeyer noted that the proposed ordinance would not expand where alcohol can be consumed, it simply clarifies where it can be used. The proposed ordinance would require City Council approval of a special designated liquor (SDL) license if someone wished to have alcohol within the Carnegie Building, City Auditorium, etc. Councilman Parde inquired if the Carnegie Building property would include outside the building. Tempelmeyer noted it would be included. Bruce Lang, Chief of Police, noted his only input on this issue is that this ordinance would put the process into place and each event would be reviewed separately by the City Council.

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

Nay: Parde

MOTION CARRIED.

Ordinance Number 16-007 has been passed and approved.

Ordinance amending Sections 16-539, 16-540, 16-556, 16-557, 16-558, 16-559, 16-560, 16-561, and 16-562 of the Beatrice City Code regarding bicycle registration.

Mayor Wirth introduced an ordinance amending Sections 16-539, 16-540, 16-556, 16-557, 16-558, 16-559, 16-560, 16-561, and 16-562 of the Beatrice City Code regarding bicycle registration.

Moved by Catlin, seconded by Billesbach, that said ordinance be given number 16-008, 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, Cook, Fairbanks, Kerr, Morgan, Parde

Nay: None

MOTION CARRIED.

Mayor Wirth read Ordinance Number 16-008 by number only the first, second, and third time.

Moved by Catlin, seconded by Cook, that Ordinance Number 16-008 be passed and approved.

Tobias Tempelmeyer, City Administrator, noted that according to the current city code, it is illegal to ride an unlicensed bike inside the city limits. The proposed ordinance would remove that section. Tempelmeyer noted if a citizen so wishes to register a bike, so that should the bike be found, it can be returned to the rightful owner, the fee will remain five dollars (\$5.00) and would be good for the lifetime of the bike.

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

Ordinance Number 16-008 has been passed and approved.

Ordinance amending Section 16-495 of the Beatrice City Code regarding prohibited pedestrian crossing.

Mayor Wirth introduced an ordinance amending Section 16-495 of the Beatrice City Code regarding prohibited pedestrian crossing.

Moved by Catlin, seconded by Parde, that said ordinance be given number 16-009, 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, Morgan, Parde
Nay: None MOTION CARRIED.

Mayor Wirth read Ordinance Number 16-009 by number only the first, second, and third time.

Moved by Catlin, seconded by Parde, that Ordinance Number 16-009 be passed and approved.

Tobias Tempelmeyer, City Administrator, noted there was a provision in the city code regarding jaywalking in which certain streets were laid out that was illegal to jaywalk. Tempelmeyer noted this code was set when the High School was located downtown. The proposed ordinance would remove the section of streets that were laid out.

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

Ordinance Number 16-009 has been passed and approved.

PUBLIC FORUM

No one appeared at public forum.

DISCUSSIONS/REPORTS

Beatrice Police Department 2015 Annual Report

Bruce Lang, Chief of Police, noted this may have been one of the most trying years for the Department with the lightning strike that occurred in May, followed by the flooding in June. On top of dealing with the natural disasters and increased call load, the Communications Center also expanded their services by taking on the City of Crete's dispatch calls. Lang noted the 911 Director, Carla Jones, continues to work on getting the Communications Center ready to take on additional communities in the future.

Lang also noted the Department restarted the K9 program. Lang noted Officer Chisano and Toro, a six (6) month old British lab, are attending training and will be fully certified by Spring 2016. Instead of an aggressive K9 program, Toro will be used primarily to detect narcotics, locating suspects who are hiding, as well as a search and rescue task.

Lang further noted that while there has been some turnover, five (5) of the last several officers that have been hired have come from is the Department of Corrections, and all of these officers have proven to be a great addition to the Department.

Legislative Update

Tobias Tempelmeyer, City Administrator, reported to the City Council that a letter was sent and Linda Koch attended the hearing in regards to LB958, dealing with the levy, and since then no action has been taken. Tempelmeyer also noted there has been no action taken on LB1042 which would require County Board approval for TIF projects. Tempelmeyer further noted that the City will be watching LB295, which would require the City to receive approval from County Board before being able to enforce nuisance codes within the City's jurisdiction.

City Administrator's Monthly Report

Tobias Tempelmeyer, City Administrator, noted that a basketball tournament was held in the City Auditorium for approximately 80 teams of home schooled kids. One (1) of the teams has contacted Mark Pethoud inquiring about using the Auditorium as their home venue. The Skateboard Park is set to arrive February 22, 2016 and will be installed and ready for use by March 1, 2016. Comments were received back from NDOR regarding the 6th and Industrial Row project. The City is hoping for mid-summer construction on this project. The City also received approval from BNSF for the 2nd Street Museum project. The Electric Department installed seventy-two (72) street lights and trimmed branches away at the same time to improve visibility.

EXECUTIVE SESSION

Moved by Catlin, that the Beatrice City Council go into closed session at 8:22 p.m., for the protection of public interest to discuss contract negotiations. Seconded by Billesbach, that the Beatrice City Council go into closed session at 8:22 p.m., for the protection of public interest to discuss contract negotiations.

Mayor Wirth announced that it has been Moved by Catlin, seconded by Billesbach, that the Beatrice City Council go into closed session at 8:22 p.m., for the protection of public interest to discuss contract negotiations.

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

Reconvened at: 8:57 p.m.

ADJOURNMENT

The next regular Council meeting is March 7, 2016 at 7:00 p.m. in the BPS Admin Bldg Meeting Room. There will be a Work Session on February 22, 2016 at 7:00 p.m. in the BPS Admin Bldg Meeting Room.

Moved by Catlin, seconded by Morgan, that the meeting be adjourned at 8:57 p.m.

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

Erin Saathoff, City Clerk

Stan Wirth, Mayor