

MINUTES OF THE REGULAR CITY COUNCIL MEETING

A regular meeting of the City Council was held on the 7th day of March, 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 15, 2016, as on file in the City Clerk's Office.
- e. Approval of Treasurer's Report of Claims in the amount of \$358,891.91.
- f. Approval of BASWA Report of Claims in the amount of \$17,403.18.
- g. Approval of Beatrice Plus funding request from Main Street Beatrice in the amount of \$3,000.00 for funding to assist in the cost of upgrading the downtown Christmas lighting to LED, as recommended by the Beatrice Plus Committee.
- h. Approval of Beatrice Plus funding request from Main Street Beatrice in the amount of \$1,750.00 for downtown boulevard banners, as recommended by the Beatrice Plus Committee.
- i. Approval of special designated license for St. Joseph Catholic Church for a special event on April 10, 2016 from 4:00 p.m. until 7:00 p.m. at 612 High Street, Beatrice, Nebraska.
- j. Approval of Pay Application #14 in the amount of \$53,871.22 to Elkhorn West Construction, Inc. for the Beatrice Public Library Renovation.
- k. Approval of Work Change Directive No. 1 increase in the amount of \$2,825.00 for the Beatrice Water Pollution Control Raw Pumps #4 and #5 project, as recommended by the Board of Public Works.
- l. Approval of special designated license for Main Street Beatrice for a fundraiser to be held April 8, 2016 from 5:00 p.m. to 9:00 p.m. at 601 Court Street, Beatrice, Nebraska.
- m. Resolution Number 5877 granting permission to Derek Fralin, dba Fralin Concessions, to sell goods upon City property at Hannibal Park and the Scott Street Ball Fields.
- n. Resolution Number 5878 repealing resolutions 2615 and 3482 which are no longer of use or contrary to current City practices.

Moved by Catlin, seconded by Billesbach, 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 – g, h, and l

MOTION CARRIED.

h – Moved by Catlin, seconded by Cook, the Beatrice Plus funding request from Main Street Beatrice in the amount of \$1,750.00 for downtown boulevard banners, as recommended by the Beatrice Plus Committee., be approved, accepted, and/or ratified.

Councilman Parde inquired if Main Street would be providing a match to the project. Tobias Tempelmeyer, City Administrator, noted that the total cost of the project is estimated to be \$3,000.00 and Main Street would be responsible for the additional \$1,250.00. Councilman Parde also noted he would like to see these banners expanded throughout the City and not just in the downtown district. Tempelmeyer noted there has been discussion on expanding this project.

Councilman Kerr inquired if the banners would be along the highways, noting Nebraska Department of Roads (NDOR) had an issue with the banners in the past. Tempelmeyer noted that the banners will be placed along the highways, however they will not advertise, which was NDOR's concern in the past. Michael Sothan, Main Street Executive Director, noted it is time for a fresh new banner, which will incorporate the new logo. Sothan noted the new banners will be similar to the current banners and will related to the community as a whole and will not only focus on the downtown area. Sothan further noted he has been working with NDOR and everything meets their requirements.

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

Nay: None

Abstain: Clabaugh

MOTION CARRIED.

PUBLIC HEARINGS/BIDS

Public Hearing to consider amending Section 305(G), 305(H), Table 4-2, and Table 9-1 of the Zoning Ordinance of the City of Beatrice, Ordinance Number 94-13, relating to daycare facilities.

Mayor Wirth announced that a public hearing will now be held to consider amending Section 305(G), 305(H), Table 4-2, and Table 9-1 of the Zoning Ordinance of the City of Beatrice, Ordinance Number 94-13, relating to daycare facilities.

Tobias Tempelmeyer, City Administrator, noted that under the current City code regarding day care facilities do not match the requirements of State statute. Tempelmeyer noted that the proposed amendment would remain very similar to what is in place today and would also match the State requirements. A Day Care I facility would have a maximum capacity of eight (8) individuals with one (1) provider; Day Care II facility would have a maximum capacity of twelve (12) individuals, with two (2) providers; and a Day Care Center would be for at least thirteen (13) individuals.

Moved by Catlin, seconded by Clabaugh, that the public hearing be closed at 7:09 p.m.

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

Public Hearing to consider adding Section 309 (K) and amending Table 4-2 and Table 9-1 of the Zoning Ordinance of the City of Beatrice, Ordinance Number 94-13, relating to hatcheries.

Mayor Wirth announced that a public hearing will now be held to consider adding Section 309 (K) and amending Table 4-2 and Table 9-1 of the Zoning Ordinance of the City of Beatrice, Ordinance Number 94-13, relating to hatcheries.

Tobias Tempelmeyer, City Administrator, noted that upon discussions with Nebraska Department of Economic Development (NDED) concerning hatcheries, this addition to the Zoning Ordinance would be a way to be proactive, as there is currently nothing in the City's Zoning Ordinances today. Tempelmeyer noted that hatcheries would not produce additional noise or pollution. Tempelmeyer noted that Table 4-2 and Table 9-1 would be amended to show where hatcheries would be allowed.

Moved by Catlin, seconded by Parde, that the public hearing be closed at 7:11 p.m.

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

RESOLUTIONS

Resolution Number 5879 executing the Contractor Agreement with Prairie Gold Homes, Inc.

Mayor Wirth introduced Resolution Number 5879 executing the Contractor Agreement with Prairie Gold Homes, Inc.

Moved by Catlin, seconded by Cook, that Resolution Number 5879 be passed and adopted.

Tobias Tempelmeyer, City Administrator, reviewed the Contract Agreement with Prairie Gold Homes, Inc., in which a single family residential home will be built at 1923 Ella Street. Tempelmeyer noted a building permit must be acquired by March 15, 2016 and all work shall be substantially complete within two hundred seventy (270) calendar days, which will be December 2016. Tempelmeyer estimated the City will have approximately \$147,400.00 invested in the home upon completion. Councilman Fairbanks noted that while he feels this is a good program, he is torn with the process, further noting that he is concerned that somewhere along the line someone will be upset with the process.

Councilman Kerr inquired if there is a need for this size of home in the City. Connie Hartig, 700 West Court, and Krista Wiedel, 1123 North 9th Street, noted that there is a demand for this size

of home and that the average sale price is between \$90,000.00 and \$150,000.00 currently. Hartig noted there is a demand for new construction and believes this is good program, as long as area builders will be able to jump in and build with them as well. Hartig further noted she feels there is a positive feel in the community with all of the things Main Street and the Chamber are doing and believes this will have a positive result. Wiedel further noted regular contractors are unable to build a home for this amount and also feels this will be well accepted.

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

Resolution Number 5879 has been passed and adopted.

ORDINANCES

Ordinance amending Section 305(G), 305(H), Table 4-2, and Table 9-1 of the Zoning Ordinance of the City of Beatrice, Ordinance Number 94-13, relating to daycare facilities.

Mayor Wirth introduced an amending Section 305(G), 305(H), Table 4-2, and Table 9-1 of the Zoning Ordinance of the City of Beatrice, Ordinance Number 94-13, relating to daycare facilities.

Moved by Catlin, seconded by Kerr, that said ordinance be given number 16-010 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 16-010 by number only the first, second, and third time.

Moved by Catlin, seconded by Billebach, that Ordinance Number 16-010 be passed and approved.

Tobias Tempelmeyer, City Administrator, noted this ordinance is to enact the proposed changes that were discussed during the Public Hearing regarding daycares.

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

Ordinance Number 16-010 has been passed and approved.

Ordinance adding Section 309 (K) and amending Table 4-2 and Table 9-1 of the Zoning Ordinance of the City of Beatrice, Ordinance Number 94-13, relating to hatcheries.

Mayor Wirth introduced an ordinance adding Section 309 (K) and amending Table 4-2 and Table 9-1 of the Zoning Ordinance of the City of Beatrice, Ordinance Number 94-13, relating to hatcheries.

Moved by Catlin, seconded by Morgan, that said ordinance be given number 16-011 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 16-011 by number only the first, second, and third time.

Moved by Catlin, seconded by Parde, that Ordinance Number 16-011 be passed and approved.

Tobias Tempelmeyer, City Administrator, noted this ordinance is to enact the proposed additions to the Zoning Ordinance as discussed during the Public Hearing regarding hatcheries. Councilman Cook inquired the difference between a hatchery and a chicken coop. Mayor Wirth noted that a hatchery would have no live animals on site until the eggs are hatched and all of the animals will be gone within twenty-four (24) hours after hatching.

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

Ordinance Number 16-011 has been passed and approved.

Ordinance Number 16-005, second reading, 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 Clabaugh, that said ordinance be given number 16-005, the title thereof be approved and said ordinance be read by title only the second time tonight.

Councilman Kerr noted that since the last meeting he has spoken with some of the property owners and they all agreed that something needs to be done. Councilman Kerr inquired what the property owners would like to see the City require in the adjoining buildings ordinance and the only thing that was asked was to amend the proposed ordinance to say if the property owner can provide a Certificate of Insurance, the property would be exempt from inspection requirements. Councilman Kerr noted he feels the City Council needs to get the business owners behind the Council, further noting they have been actively participating in order to express what they would like to see in the ordinance.

Moved by Kerr, seconded by Parde, to amend Ordinance 16-005 by adding a “Section H” to the proposed City Code Section 7-373, stating “All adjoining buildings property registered annually with the City of Beatrice, including the provision of the Certificate of Insurance set out in subsection (f) of this section, shall be exempt from the specific inspection requirements of Beatrice City Code Sections 7-374 and 7-376.”

Councilman Clabaugh noted Grant Jones was in attendance and asked him to speak regarding insurance coverage. Grant Jones, 601 27th Circle, noted that while it is always good to have insurance, however although there is insurance coverage, it is not a guarantee that all buildings are being inspected. Jones noted that there could also be exclusions to the policy and coverage would be case or claim specific. Jones also noted that out clauses also exist.

Councilman Fairbanks noted he believes the City needs to inspect the property and not just exclude a property if they can show proof of insurance due to the fact that multiple properties coverage may not be inspected and would simply be covered by umbrella coverage.

Councilman Kerr inquired if Jones goes out and looks at a building prior to providing coverage. Jones noted they do go out and look at the property further noting taking a walk through is one thing as opposed to a Building Inspector who would have a better idea. Councilman Kerr noted the amendment is a minor change and would like to go forward with it and further noted that if it does not work, the City Council could look at it again. Councilman Fairbanks inquired if the amendment would mean that if a property owner shows a \$1 million dollar liability insurance policy, the City would waive the inspection. Councilman Kerr noted that was correct.

Kate Ratigan, 405 Court Street, asked for clarification regarding insurance coverage and if liability insurance would protect a third party should they become injured from a collapse of a building. Jones noted there are fewer exclusions with liability insurance and it would be based on a case by case situation.

Roll Call: Yea: Kerr, Parde

Nay: Billesbach, Catlin, Clabaugh, Cook, Fairbanks, Morgan MOTION FAILED.

Jeff Hubka, 508 Court Street, noted while he is in favor of what City Council is trying to do, but feels the ordinance falls short. Hubka noted that there are already ordinances on the books for public nuisance and dilapidated buildings and the Building Inspector can gain access of any property and this system has worked in the past. Hubka noted that he feels if these two (2) ordinances pass, if a property owner either cannot or will not fix the problem, the City will be back to square one with today’s current ordinances and adding these requirements so that the Building Inspector can get into building sooner, will not fix issue. Hubka noted that requiring all adjoining building owners to register their buildings will be putting a burdon on every land owner in Beatrice. Hubka noted that something needs to be done and would like to see the downtown buildings preserved. Hubka further noted that in regards to the insurance issue, he does not feel the City has the right to tell a property owner that they have to have insurance.

Rita Hydo, 208 Sherman Street, inquired what is City’s liability would be if an inspection was done and issues were found and before repairs were done the building were to fall down and injure someone. Hydo noted building repairs can be expensive.

Mike McLain, 113 North 5th Street, noted he supports the proposed ordinances and believes they will be good for the City in general.

Larry Kassebaum, 920 North 11th Street, noted he feels the proposed ordinances are biased against anyone who owns an adjoining building. Kassebaum noted a free standing building could fall just as easily and the proposed ordinance would not affect owners of a free standing building.

Anna Cunningham, 1613 North 16th Street, noted her and her husband would not have started their small business if this ordinance was in place. Cunningham noted it is harder for small businesses and further noted that Beatrice needs to back small businesses. Cunningham noted the small businesses believe in the community and asked the City Council to support the small businesses as well.

Ron Miller, 701 High Street, inquired how many commercial buildings the City has had to pay for in the last ten (10) years. Tempelmeyer noted he could think of one (1) other building. Miller noted he believes these ordinances would require hiring additional employees in order to perform the inspections, which would in turn cost the City \$100,000.00 per year for something that may happen once every ten (10) to twenty (20) years.

Beth Engels, 620 North 7th Street, owner of 309 Court Street, noted she is ready to move in a different direction, and if these ordinances are put in place, would not be able to afford to repair the building in order for it to meet the requirements. Engels noted she has done the best she can to keep her property in the best shape she can. Engels also noted there are many buildings in the downtown with problems, but questioned why every small business owner should be punished.

George Blythe, 715 Court Street, noted that he had been in 407 Court Street many times with water in basement and feels the City needs to do something in order to hopefully prevent something like this happening again.

Judi Knowles, 1309 Sandpiper Drive, noted her and her husband are downtown property owners and she has served as Treasurer of Main Street for numerous years, and the proposed ordinance will address concerns that Main Street has had in regards to the adjoining buildings downtown. Knowles noted these ordinances will assure that the matters will be addressed, which is what Main Street has been working for.

Lyle Jurgens, 1618 North 13th Street, noted he feels the City Council is not listening to what the business owners are saying. Mayor Wirth inquired how Jurgens would propose to change the ordinance. Jurgens noted that as long as business owners provide proof of insurance, they should be able to avoid the annual inspections.

Kate Ratigan, 405 Court Street, noted her business has been as impacted as anyone's and thanked the City Council for working to resolve this issue. Ratigan noted that despite the City Council's best intentions, code violations could be found by walking into any building. Ratigan further noted that under the current City code, the City has the right to go into buildings to perform an inspection without passing the proposed ordinance.

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

MOTION CARRIED.

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

Tobias Tempelmeyer, City Administrator, noted the proposed ordinance will return at the next regular City Council meeting on March 21, 2016 for the third (3) and final reading.

Ordinance Number 16-006, second reading, 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 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 Cook, that said ordinance be given number 16-006, the title thereof be approved and said ordinance be read by title only the second time tonight.

Councilman Kerr noted that it appears the vacant buildings are the buildings in which will cause more of the issues and inquired if there was any way to combine the two (2) proposed ordinances and then concentrate on the vacant buildings first. Councilman Cook noted he feels the City Council should focus on getting these ordinances passed and then focus on the vacant buildings. Councilman Kerr noted he feels the City Council needs to listen to what the public wants.

Councilman Morgan noted he does not feel the City should control the price a person can sell or rent their property and noted he wished to make an amendment to the proposed ordinance.

Moved by Morgan, seconded by Kerr, to amend Ordinance Number 16-006 by striking the following language from the proposed City Code Section 7-356. In Section 7-356(a)(2) strike the phrase "*The vacant building shall be offered at a price not to exceed 25% above the assessed value as documented by the Gage County Assessor*"; and In Section 7-356(a)(3) within the first sentence strike "*at a fair market value rental rate based upon market rental rates for comparable properties within the City*", and in the second sentence strike "*and fair market value rates*".

Tobias Tempelmeyer, City Administrator, clarified the amendment made by Councilman Morgan would mean that if the property is listed for sale or rent, the City would not set a price that the property would be listed for and the owner would not be required to pay a registration fee. Councilman Morgan confirmed that was his wish and noted he feels that the sale price should be whatever price the seller and buyer agree upon.

Councilman Fairbanks noted he feels property owners will be able to hide behind this loophole, further noting an owner would be able to put the property up for sale, however asking a large sale price and urged the other Councilmembers to vote against the amendment.

Councilman Catlin noted he does not support the ordinance further noting the City should not be able to force a property owner to rent or sell vacant property in order to avoid an inspection.

Greg Butcher, City Attorney, noted that property owners would still be allowed to leave their property vacant, they would just have to pay a fee to have it registered.

Councilman Parde noted he would support this amendment. Councilman Clabaugh noted that while he could see the point made by Councilman Fairbanks, he hopes that the property owners will not look for a loophole in order to avoid the fee.

Kate Ratigan, 405 Court Street, inquired who would determine the value of the building if the amendment does not pass. Tempelmeyer noted for the sale of property, the sale price could not exceed twenty-five percent (25%) of the assessed value as reported by the Gage County Assessor and for renting property it would be based upon the current market rental rates.

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

MOTION CARRIED.

Gary Barnard, 1400 Garfield Street, noted that the empty dilapidated business have a negative cost benefit for the City. Barnard also poised the question that at what point is someone going to step up and keep our community looking good, start saying yes we can.

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

MOTION CARRIED.

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

Ordinance vacating Lots 6, 7, 8 and 9, Block 3, J. B. Weston's Second Addition, to the City of Beatrice, and Lots 5, 6, 7 and 8, Block 2, Penner's Addition, to the City of Beatrice, located on a part of the Northeast Quarter of Section 33, T4N, R6E, of the 6th P.M., Gage County, Nebraska.

Mayor Wirth introduced an ordinance vacating Lots 6, 7, 8 and 9, Block 3, J. B. Weston's Second Addition, to the City of Beatrice, and Lots 5, 6, 7 and 8, Block 2, Penner's Addition, to the City of Beatrice, located on a part of the Northeast Quarter of Section 33, T4N, R6E, of the 6th P.M., Gage County, Nebraska.

Moved by Catlin, seconded by Kerr, that said ordinance be given number 16-012 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 16-012 by number only the first, second, and third time.

Moved by Catlin, seconded by Billebach, that Ordinance Number 16-012 be passed and approved.

Tobias Tempelmeyer, City Administrator, reported to the City Council that the owner of 400 Logan Street recently purchased the lots to the back of his property and would like to have all of the lots on one (1) tax statement. Tempelmeyer noted that the only way to do so is to replat the property.

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

Ordinance Number 16-012 has been passed and approved.

Ordinance approving the plat of Perry’s First Addition, City of Beatrice, Gage County, Nebraska.

Mayor Wirth introduced an ordinance approving the plat of Perry’s First Addition, City of Beatrice, Gage County, Nebraska.

Moved by Catlin, seconded by Parde, that said ordinance be given number 16-013 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 16-013 by number only the first, second, and third time. Moved by Catlin, seconded by Billebach, that Ordinance Number 16-013 be passed and approved.

Tobias Tempelmeyer, City Administrator, noted that the Planning and Zoning Commission did review the vacation and re-platting of this property and it is their recommendation to approve the plat.

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

Ordinance Number 16-013 has been passed and approved.

Ordinance vacating Lot 3, Block 1, North Noddle Addition to the City of Beatrice, Gage County, Nebraska.

Mayor Wirth introduced an ordinance vacating Lot 3, Block 1, North Noddle Addition to the City of Beatrice, Gage County, Nebraska.

Moved by Catlin, seconded by Kerr, that said ordinance be given number 16-014 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 16-014 by number only the first, second, and third time.

Moved by Catlin, seconded by Kerr, that Ordinance Number 16-014 be passed and approved.

Tobias Tempelmeyer, City Administrator, noted the next two (2) ordinances are to vacate and replat the strip mall property where Risky's Sports Bar is located, to divide into two (2) parcels to include one (1) 5,000 square foot parcel. Tempelmeyer noted that Planning and Zoning Commission did hear the matter and it is their recommendation to approve the vacation and replating of the property.

Stan Meyer, 1319 Lake Shore Drive, noted that the area is where Scooter's Coffee Shop will likely build. Meyer noted he fears that Scooter's may back out due to the length of time this has taken and he believes the City may want to expedite the process so that new businesses do not get discouraged.

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

Ordinance Number 16-014 has been passed and approved.

Ordinance approving the plat of North Noddle Second Addition, City of Beatrice, Gage County, Nebraska.

Mayor Wirth introduced an ordinance approving the plat of North Noddle Second Addition, City of Beatrice, Gage County, Nebraska.

Moved by Catlin, seconded by Parde, that said ordinance be given number 16-015 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 16-015 by number only the first, second, and third time.

Moved by Catlin, seconded by Cook, that Ordinance Number 16-015 be passed and approved.

Tobias Tempelmeyer, City Administrator, noted the re-platting would divide the parcel into two (2) lots, one (1) large lot and one (1) smaller 5,000 square foot lot.
Councilman Kerr left at 8:47 p.m.

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

Ordinance Number 16-015 has been passed and approved.

Ordinance vacating Lot 1, Haner Subdivision, being a part of the East Half of the Southwest Quarter of the Southwest Quarter of Section 36, T4N, R6E of the 6th P.M., Gage County, Nebraska.

Mayor Wirth introduced an ordinance vacating Lot 1, Haner Subdivision, being a part of the East Half of the Southwest Quarter of the Southwest Quarter of Section 36, T4N, R6E of the 6th P.M., Gage County, Nebraska.

Moved by Catlin, seconded by Clabaugh, that said ordinance be given number 16-016 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.

Mayor Wirth read Ordinance Number 16-016 by number only the first, second, and third time.

Moved by Catlin, seconded by Morgan, that Ordinance Number 16-016 be passed and approved.

Tobias Tempelmeyer, City Administrator, noted this is for property located east of town on Highway 136. There are currently two (2) residences on the property and this would divide the residences into two (2) separate lots. Tempelmeyer noted that Planning and Zoning Commission did hear the matter and it is their recommendation to approve the vacation and replating of the property.

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

Ordinance Number 16-016 has been passed and approved.

Ordinance approving the plat of Haner Second Subdivision, Gage County, Nebraska.

Mayor Wirth introduced an ordinance approving the plat of Haner Second Subdivision, Gage County, Nebraska.

Moved by Catlin, seconded by Billesbach, that said ordinance be given number 16-017 the title thereof be approved, the rules be suspended and said ordinance be read by number only three (3) times tonight.

Councilman Kerr arrived at 8:49 p.m.

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

Mayor Wirth read Ordinance Number 16-017 by number only the first, second, and third time.

Moved by Catlin, seconded by Kerr, that Ordinance Number 16-017 be passed and approved.

Tobias Tempelmeyer, City Administrator, noted this ordinance would approve the plat to separate the two (2) residences located on the property into two (2) separate lots.

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

Ordinance Number 16-017 has been passed and approved.

PUBLIC FORUM

No one appeared at public forum.

DISCUSSIONS/REPORTS

Legislative Update

Tobias Tempelmeyer, City Administrator, reported to the City Council that LB958 is still in committee. Tempelmeyer also noted that LB1042 which would require County Board approval for TIF projects, has been postponed indefinitely.

ADJOURNMENT

The next regular Council meeting is March 21, 2016 at 7:00 p.m. in the BPS Admin Bldg Meeting Room. There will be a Work Session on March 28, 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 8:51 p.m.

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

Erin Saathoff, City Clerk

Stan Wirth, Mayor