

## MINUTES OF THE REGULAR CITY COUNCIL MEETING

A regular meeting of the City Council was held on the 4<sup>th</sup> day of January, 2016 at 7:00 P.M. in the BPS Administration Meeting 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, Kerr, Morgan, Parde

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 December 21, 2015, as on file in the City Clerk's Office.
- e. Approval of minutes of work session meeting on December 28, 2015, as on file in the City Clerk's Office.
- f. Approval of Treasurer's Report of Claims in the amount of \$474,427.48.
- g. Approval of BASWA Report of Claims in the amount of \$4,015.79.
- h. Approval of Application for Addition to Liquor License for American Legion Bitting/American Legion 27 for the addition of a beer garden.
- i. Resolution repealing resolutions which are no long of use or contrary to current City practices.
- j. Resolution Number 5852 entering into a 2015 Royalty Fields Grant Agreement with Royals Charites for the purchase and installation of fencing at two (2) new youth ball fields at Hannibal Park.
- k. Resolution Number 5853 entering into an Administrative Service Agreement ("Agreement") with RCI, for the administration of the City's self-funded employee health plan.
- l. Resolution Number 5854 entering into a Business Associate Agreement ("Agreement") with RCI, related to the handling and security of protected health information.
- m. Approval of public funding request from Main Street Beatrice in the amount of \$350.00 for flowers and plants for downtown planters and two (2) bump-out locations.
- n. Approval of public funding request from Main Street Beatrice in the amount of \$750.00 for the Beatrice Farmer's Market event.
- o. Approval of public funding request from Main Street Beatrice in the amount of \$233.91 for the Preservation Month (May) and Mother's Day Tour.
- p. Approval of public funding request from Main Street Beatrice in the amount of \$281.25 for the Downtown Bench Project.
- q. Refer claim of Michael Meints' regarding damages to his personal property to City Attorney and City Insurance carrier for review and disposition.

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, Kerr, Morgan, Parde

Nay: None

Abstain: Clabaugh – m, n, o, and p

MOTION CARRIED.

### **PUBLIC HEARINGS/BIDS**

**Public Hearing on the rezoning of the West 84 feet of Lot 14, except the north 150 feet thereof, I.N. McConnell's Subdivision of the South Half of the Southeast Quarter of Section 32, Township 4 North, Range 6 East of the 6<sup>th</sup> P.M., Beatrice, Gage County, Nebraska to Beatrice, Gage County, Nebraska, zoned GC (General Commercial) to R-4 (Multiple Family Residential).**

Mayor Wirth announced that a public hearing will now be held to on the rezoning of the West 84 feet of Lot 14, except the north 150 feet thereof, I.N. McConnell's Subdivision of the South Half of the Southeast Quarter of Section 32, Township 4 North, Range 6 East of the 6<sup>th</sup> P.M., Beatrice, Gage County, Nebraska to Beatrice, Gage County, Nebraska, zoned GC (General Commercial) to R-4 (Multiple Family Residential).

Greg Butcher, City Attorney, reviewed the application for the rezoning of the property located on West Mary Street, which was applied for by Beach Rentals. The property is landlocked and the two (2) properties are zoned differently. One (1) portion currently occupies a multi-unit dwelling zoned as R-4 and the vacant piece of property is zoned as GC. Beach Rentals plans to add one (1) additional unit to their current apartments and combine the property.

Maria Rodriguez, Vice Chair of Planning and Zoning Commission, reported to the City Council it was the recommendation of the Planning and Zoning Commission to approve the application. Councilman Kerr inquired what the address of the property is. Butcher noted it is in the 800 Block of West Mary Street.

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

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

Nay: None

MOTION CARRIED.

### **RESOLUTIONS**

**Resolution Number 5855 for reconveyance of Deeds of Trust with Sea Breeze Land Development Co., regarding 700 Park Street.**

Mayor Wirth introduced Resolution Number 5855 reconveyance of Deeds of Trust with Sea Breeze Land Development Co., regarding 700 Park Street.

Moved by Catlin, seconded by Cook, that Resolution Number 5855 be passed and adopted.

Tobias Tempelmeyer, City Administrator, noted the easiest way to explain this is awhile back the City loaned money to F.D. Keys, which was later bought out by Husqvarna and then Sea Breeze. Through those loans, the City received Deeds of Trusts. All of the loans have been paid in full and this is simply to clean these up.

Councilman Fairbanks arrived at 7:08 p.m.

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

Resolution Number 5855 has been passed and adopted.

**Resolution Number 5856 entering into a Subordination Agreement with Chad A. Lottman and Courtney A. Lottman and Great Western Bank to subordinate the security interests of the City to the superior indebtedness of Great Western Bank.**

Mayor Wirth introduced Resolution Number 5856 entering into a Subordination Agreement with Chad A. Lottman and Courtney A. Lottman and Great Western Bank to subordinate the security interests of the City to the superior indebtedness of Great Western Bank.

Moved by Catlin, seconded by Clabaugh, that Resolution Number 5856 be passed and adopted.

Tobias Tempelmeyer, City Administrator, reported to the City Council that the resolutions presented state that for the LB840 loan that was approved for Chad and Courtney Lottman, Great Western Bank has the first (1<sup>st</sup>) lien for the note. The second resolution is for LandMark Snacks, LLC, which is the new LLC for Lottman's Beatrice location.

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

Resolution Number 5856 has been passed and adopted.

**Resolution Number 5857 entering into a Subordination Agreement with LandMark Snacks, LLC, and Great Western Bank to subordinate the security interests of the City to the superior indebtedness of Great Western Bank.**

Mayor Wirth introduced Resolution Number 5857 entering into a Subordination Agreement with LandMark Snacks, LLC, and Great Western Bank to subordinate the security interests of the City to the superior indebtedness of Great Western Bank.

Moved by Catlin, seconded by Cook, that Resolution Number 5857 be passed and adopted.

Tobias Tempelmeyer, City Administrator, noted all information on this is the same as the previous resolution, with the exception of the name change.

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

Resolution Number 5857 has been passed and adopted.

**Resolution Number 5858 approving a Union Contract with International Brotherhood of Electrical Workers (IBEW) Local No. 1536.**

Mayor Wirth introduced Resolution Number 5858 approving a Union Contract with International Brotherhood of Electrical Workers (IBEW) Local No. 1536.

Moved by Catlin, seconded by Billesbach, that Resolution Number 5858 be passed and adopted.

Tobias Tempelmeyer, City Administrator, presented the union contract with the IBEW Union, which covers BPW and City employees, excluding fire or police employees. The contract is a three (3) year contract, with a 2.5% raise each of the three (3) years. The only major change made to the contract is that if the City wishes to open the contract to discuss health insurance, the Union has the right to open the contract for wage discussion.

Councilman Fairbanks noted that as he had previously stated, if the employees were given more than a 2% increase, he would not vote for it, stating he does not like percentage raises as all of the employees work hard and are deserving of the increase. Fairbanks also noted he is concerned that the City has reached a top wage and may not be able to afford to give raises in the future.

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

MOTION CARRIED.

Resolution Number 5858 has been passed and adopted.

**Resolution Number 5859 approving a Union Contract with the Firefighters Union, Local No. 1098.**

Mayor Wirth introduced Resolution Number 5859 approving a Union Contract with the Firefighters Union, Local No. 1098.

Moved by Catlin, seconded by Kerr, that Resolution Number 5859 be passed and adopted.

Tobias Tempelmeyer, City Administrator, noted the Firefighters Union Contract is similar to the IBEW contract, in that it is a three (3) year contract with a 2.5% increase each year. One (1) change is that this year fire employees will get paid out for their excess sick leave bank. The other change is that the Fire Department will also have out of rank pay, similar to what the Police Department has.

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

MOTION CARRIED.

Resolution Number 5859 has been passed and adopted.

**Resolution Number 5860 approving a Union Contract with the Fraternal Order of Police Lodge 84.**

Mayor Wirth introduced Resolution Number 5860 approving a Union Contract with the Fraternal Order of Police Lodge 84.

Moved by Catlin, seconded by Clabaugh, that Resolution Number 5860 be passed and adopted.

Tobias Tempelmeyer, City Administrator, noted the Fraternal Order of Police (FOP) Union Contract is similar to the other two (2) union contracts, as it is a three (3) year contract with a 2.5% increase each year. The only change is that the clause for reopening the contract for health insurance as stated in the other two (2) contracts, is a separate Memorandum of Understanding, as the FOP felt more comfortable handling it this way.

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

MOTION CARRIED.

Resolution Number 5860 has been passed and adopted.

**Resolution Number 5861 entering into a Memorandum of Understanding with the Fraternal Order of Police Lodge 84 for the purpose of potentially reopening sections related to Group Health Insurance Coverage and Wages.**

Mayor Wirth introduces Resolution Number 5861 entering into a Memorandum of Understanding with the Fraternal Order of Police Lodge 84 for the purpose of potentially reopening sections related to Group Health Insurance Coverage and Wages.

Moved by Catlin, seconded by Parde, that Resolution Number 5861 be passed and adopted.

Tobias Tempelmeyer, City Administrator, noted this Memorandum of Understanding is the same language as the other union contracts regarding health insurance and wages.

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

MOTION CARRIED.

Resolution Number 5861 has been passed and adopted.

**Resolution Number 5862 entering into a three (3) year lease between the City of Beatrice, Nebraska and the Fraternal Order of Police Lodge 84, Beatrice, Nebraska, for the purpose of a health and fitness training center in a portion of the second floor of the Beatrice Police Station.**

Mayor Wirth introduced Resolution Number 5862 entering into a three (3) year lease between the City of Beatrice, Nebraska and the Fraternal Order of Police Lodge 84, Beatrice, Nebraska, for the purpose of a health and fitness training center in a portion of the second floor of the Beatrice Police Station.

Moved by Catlin, seconded by Billesbach, that Resolution Number 5862 be passed and adopted.

Tobias Tempelmeyer, City Administrator, reviewed the lease in which the FOP Union leases a room on 2<sup>nd</sup> floor used as a health and fitness training center, where they own and maintain the equipment. The City leases the space and the lease matches with terms of contract.

Councilman Kerr inquired if someone was to get hurt, who would be responsible since the FOP owns the equipment and would it fall under workers comp or the City's insurance. Tempelmeyer noted it would probably depend upon when they get hurt. Councilman Cook inquired if the FOP carried any insurance and Tempelmeyer noted he was not sure but could look into this.

Councilman Parde inquired if the facility was just for those employees covered under the FOP union and Tempelmeyer noted it was just for the FOP union employees and Bruce Lang, Chief of Police verified that the facility is just for the FOP union employees and is not open to other City employees.

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

Resolution Number 5862 has been passed and adopted.

### ORDINANCES

**Ordinance amend the Zoning Map for the City of Beatrice, Nebraska by changing the zoning of the property legally described as the West 84 feet of Lot 14, except the north 150 feet thereof, I.N. McConnell's Subdivision of the South Half of the Southeast Quarter of Section 32, Township 4 North, Range 6 East of the 6th P.M., Beatrice, Gage County, Nebraska, zoned GC "General Commercial" to R-4 "Multiple Family Residential".**

Mayor Wirth introduced an ordinance amending the Zoning Map for the City of Beatrice, Nebraska by changing the zoning of the property legally described as the West 84 feet of Lot 14, except the north 150 feet thereof, I.N. McConnell's Subdivision of the South Half of the Southeast Quarter of Section 32, Township 4 North, Range 6 East of the 6th P.M., Beatrice, Gage County, Nebraska, zoned GC "General Commercial" to R-4 "Multiple Family Residential".

Moved by Catlin, seconded by Kerr, that said ordinance be given number 16-001 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 16-001 by number only the first, second, and third time.

Moved by Catlin, seconded by Kerr, that Ordinance Number 16-001 be passed and approved.

Tobias Tempelmeyer, City Administrator, noted this ordinance is for the public hearing that was held earlier on the rezoning of the property. Councilman Kerr inquired if the physical address could be listed so that the Council knew where the property is located. Tempelmeyer noted that would be listed in the future.

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

Ordinance Number 16-001 has been passed and approved.

**Ordinance establishing various salaries of City Employees.**

Mayor Wirth introduced an ordinance establishing various salaries of City Employees.

Moved by Catlin, seconded by Parde, that said ordinance be given number 16-002, 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 16-002 by number only the first, second, and third time.

Moved by Catlin, seconded by Kerr, that Ordinance Number 16-002 be passed and approved.

Tobias Tempelmeyer, City Administrator, noted that state statute requires the city to publish salaries once a year. Most of them were laid out in the union contracts. A revised ordinance was distributed, revising the fire captain’s salary based on working 2920 hours, not 2080 hours like they were on the ordinance that was distributed prior to the meeting.

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

Ordinance Number 16-002 has been passed and approved.

**PUBLIC FORUM**

No one appeared at public forum.

**DISCUSSIONS/REPORTS**

There were no discussions/reports.

**ADJOURNMENT**

The next regular Council meeting is January 18, 2016 at 7:00 p.m. in the BPS Admin Bldg Meeting Room. There will be a Work Session on January 25, 2016 at 7:00 p.m. in the BPS Admin Bldg Meeting Room.

Moved by Catlin, seconded by Billesbach, that the meeting be adjourned at 7:29 p.m.

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

**Erin Saathoff, City Clerk**

**Stan Wirth, Mayor**