

MINUTES OF THE REGULAR CITY COUNCIL MEETING

A regular meeting of the City Council was held on the 18th day of January, 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: Catlin, Clabaugh, Cook, Fairbanks, Kerr, Morgan, Parde

Absent: Billesbach

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 January 4, 2016, as on file in the City Clerk's Office.
- e. Approval of Treasurer's Report of Claims.
 - e(1) Approval of Beatrice Humane Society claim in the amount of \$5,000.00.
 - e(2) Approval of Gage Area Growth-NGage claim in the amount of \$20,722.14.
 - e(3) Approval of Main Street Beatrice claim in the amount of \$2,835.88.
 - e(4) Approval of the balance of Treasurer's Report of Claims in the amount of \$648,974.01.
- f. Approval of BASWA Report of Claims in the amount of \$68,067.10.
- g. Setting the public hearing for the One & Six Year Street Plan to be held February 1, 2016 at 7:00 p.m.
- h. Resolution Number 5863 executing the Certificate of Compliance to the Nebraska Department of Roads regarding roadway maintenance, as recommended by the Board of Public Works.
- i. Approval of Pay Request #3 to Building Crafts, Inc. for the Beatrice Water Pollution Control Raw Pumps #4 and #5 project in the amount of \$82,612.80, as recommended by the Board of Public Works.
- j. Approval of Application for Reconstruction to Liquor License for Casey's Retail Company/Casey's General Store #1744, License #B-029127.
- k. Resolution Number 5864 entering into Contract with NDED for the Downtown Revitalization Grant awarded to the City of Beatrice referred to as Community Development Block Grant (CDBG) Contract No. 15-DTR-009.
- l. Approval of write-off of ambulance bad debts.
- m. Approval of Beatrice Plus funding request from Main Street Beatrice in the amount of \$1,125.00 for the Downtown Bench Project, as recommended by the Beatrice Plus Committee.

Moved by Catlin, seconded by Morgan, that the items listed under the consent agenda, with the exception of items k and m, be approved, accepted and/or ratified as presented.

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

Nay: None

Abstain: Cook – e(1); Morgan – e(2); Clabaugh – e(3) and m MOTION CARRIED.

k – Moved by Catlin, seconded by Morgan, that Resolution Number 5864 entering into Contract with NDED for the Downtown Revitalization Grant awarded to the City of Beatrice referred to as Community Development Block Grant (CDBG) Contract No. 15-DTR-009, be approved, accepted and/or ratified as presented.

Councilman Kerr inquired what the monetary amount for the project is. Tobias Tempelmeyer, City Administrator, noted this grant was applied for last summer and Tempelmeyer believed the amount was between \$30,000.00 to \$35,000.00.

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

Nay: None

MOTION CARRIED.

m – Moved by Catlin, seconded by Kerr, that the Beatrice Plus funding request from Main Street Beatrice in the amount of \$1,125.00 for the Downtown Bench Project, as recommended by the Beatrice Plus Committee, be approved.

Councilman Kerr inquired if the City was reimbursing Main Street Beatrice for \$523.00 or \$1,125.00. Tobias Tempelmeyer, City Administrator, noted the Beatrice Plus Advisory Board informed Main Street Beatrice they did not wish to pay for annual items such as flowers that they had submitted a separate request for, and would pay the full amount of bench project, which is \$1,125.00. Michael Sothan, Executive Director of Main Street Beatrice, explained that they applied for both public funding, as well as Beatrice Plus funds, in order to ensure the projects are able to be completed. Sothan noted that Main Street will withdraw their request for their previous public funding request. Councilman Kerr inquired if all the benches in the downtown area would be refinished and Sothan noted the cost covered all of the benches and the work has actually been completed.

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

Nay: None

Abstain: Clabaugh

MOTION CARRIED.

PUBLIC HEARINGS/BIDS

Public Hearing on the new application of PLISI LLC dba Florio's Italian Grill, for a Class I liquor license

Mayor Wirth announced that a public hearing will now be held on the new application of PLISI LLC dba Florio's Italian Grill, for a Class I liquor license.

Bruce Lang, Chief of Police, under oath, reported to the City Council that there was nothing out of the ordinary found regarding the request from Florio's Italian Grill, for a Class I liquor license. Rob Mierau, Building Inspector, under oath, reported to the Council that he did not

foresee any negative effects, noting this request was a formality with the change of ownership of the restaurant.

Moved by Catlin, seconded by Cook, that the public hearing be closed at 7:12 p.m.

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

Nay: None

MOTION CARRIED.

Moved by Catlin, seconded by Clabaugh, that the application of PLISI, LLC dba Florio's Italian Grill, 2205 North 6th Street, Suite 18, Beatrice, Nebraska, for a Class I liquor license, be recommended to the Nebraska Liquor Control Commission for approval.

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

Nay: None

MOTION CARRIED.

RESOLUTIONS

Resolution Number 5865 entering into an agreement for professional services with Hanna:Keelan Associates, P.C. to conduct a blight/substandard determination study and conduct a general redevelopment plan.

Mayor Wirth introduced Resolution Number 5865 entering into an agreement for professional services with Hanna:Keelan Associates, P.C. to conduct a blight/substandard determination study and conduct a general redevelopment plan.

Moved by Catlin, seconded by Morgan, that Resolution Number 5865 be passed and adopted.

Tobias Tempelmeyer, City Administrator, noted the City has been looking at areas for a redevelopment area. In order to be eligible to receive Tax Increment Financing (TIF) is to conduct a blight and substandard determination study. Tempelmeyer noted the area the study will include is in the Northgate development by the Beatrice Community Hospital and the area near 13th and Dorsey Street. Tempelmeyer also noted that much of area may be outside city limits. Tempelmeyer noted Hanna:Keelan is the company the City has worked with in the past for the blight/substandard study and will take approximately sixty (60) days. Councilman Kerr inquired if there was still a certain percentage the City had to stay under in order to qualify and Tempelmeyer noted that there is a percentage, however with the recent annexation, the City's percentage changed again.

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

Nay: None

MOTION CARRIED.

Resolution Number 5865 has been passed and adopted.

Resolution Number 5866 executing a Loan Sale Agreement for the sale and purchase of all the City's remaining secured interests of Store Kraft loans to Alexander Plastics, Inc., a Texas corporation, (dba Creations Global Retail).

Mayor Wirth introduced Resolution Number 5866 executing a Loan Sale Agreement for the sale and purchase of all the City's remaining secured interests of Store Kraft loans to Alexander Plastics, Inc., a Texas corporation, (dba Creations Global Retail).

Moved by Catlin, seconded by Parde, that Resolution Number 5866 be passed and adopted.

Tobias Tempelmeyer, City Administrator, noted over the years, the City has made a number of loans to Store Kraft., and they have been filed against their items and assets. Tempelmeyer noted the City had the first security for interest in what could possibly be patents on some of their products. Alexander Plastics, Inc., has agreed to purchase these loans for \$7,500.00. Councilman Kerr inquired if anyone else had contacted the City regarding the possible patents. Tempelmeyer noted no one has contacted looking to have this item signed over.

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

MOTION CARRIED.

Resolution Number 5866 has been passed and adopted.

Resolution Number 5867 declaring the official intent of the City of Beatrice, Nebraska to reimburse itself for expenditures made in connection with the acquisition of certain public safety equipment for the City.

Mayor Wirth introduced Resolution Number 5867 declaring the official intent of the City of Beatrice, Nebraska to reimburse itself for expenditures made in connection with the acquisition of certain public safety equipment for the City.

Moved by Catlin, seconded by Morgan, that Resolution Number 5867 be passed and adopted.

Tobias Tempelmeyer, City Administrator, noted a couple of months ago, the City passed and adopted a reimbursement resolution for the issuance of public safety debt. Tempelmeyer noted that at this time part of the funds are not ready to be expended at this time and rather than waiting, this resolution will allow the City to spend the money to purchase three (3) police vehicles. Tempelmeyer further noted the City may look at reimbursing the bonds this spring.

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

MOTION CARRIED.

Resolution Number 5867 has been passed and adopted.

Resolution Number 5868 approving payout to non-union employees for their unused sick bank hours as of October 1, 2015.

Mayor Wirth introduced Resolution Number 5868 approving payout to non-union employees for their unused sick bank hours as of October 1, 2015.

Moved by Catlin, seconded by Kerr, that Resolution Number 5868 be passed and adopted.

Tobias Tempelmeyer, City Administrator, noted that over the years through the signing of various union contracts, all union employees have been paid out for their unused sick bank hours. Tempelmeyer noted that this resolution would approve paying out non-union employees for their unused sick bank hours, as of October 1, 2015 and clear up this line item. Employees who would be similar to those covered under the IBEW contract will be paid out at fifty cents

(\$0.50) on the dollar and the non-union Fire Department employees would be paid out at twenty-five (\$0.25) cents on the dollar.

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

MOTION CARRIED.

Resolution Number 5868 has been passed and adopted.

ORDINANCES

There were no ordinances.

PUBLIC FORUM

No one appeared at public forum.

DISCUSSIONS/REPORTS

NGage Quarterly Report

Glennis McClure, Executive Director of NGage, was present to discuss the objectives for 2015 and the metric year end summary. McClure noted NGage conducted thirty-four (34) business retention/expansion visits. This visits focus on how many people the business employs, if the business experiences any difficulty in finding workers, and in general to simply keep in touch with the businesses to make sure things are going well for them. McClure noted that over five hundred (500) housing study surveys were returned and Hanna:Keelan is currently processing those results. McClure also noted that NGage has increased their member/investor funding campaign to twenty-six (26) investors with a total of \$16,000.00 gathered to date. McClure also invited the Mayor and City Council to the NGage annual meeting to be held February 11, 2016.

Legislative Update

Tobias Tempelmeyer, City Administrator, presented the legislative bills that the City will be following this session. LB703 would change the requirements for nuisance properties. Tempelmeyer noted Greg Butcher, City Attorney, will be testifying on this bill on Tuesday; LB808 would alter the ways to amend current LB840 plans; and LB693 would lengthen the Statute of Limitations under the Political Subdivisions Tort Claim Act.

City Administrator's Monthly Report

Tobias Tempelmeyer, City Administrator, noted the replacement parts for the skateboard park have been ordered and may take six (6) to eight (8) weeks for delivery. The parts should be installed and operational this spring. Tempelmeyer noted that James Burroughs, City Engineer, has been working on the bid documents for Standing Bear Trail that will run past Dempsters and continue out of town southeast to the Kansas border. These bids will be going out this month. The new pumps have been installed at the WPC Treatment Plant, which should help the Plant to run more efficiently. The Street Department spent some time filling up potholes, using 4,300 pounds of material. Tempelmeyer also noted that the City is becoming more diligent on social media, such as Facebook and Twitter in hopes to be able to get more information out to the

public and as a tool to receive feedback as well. Councilman Fairbanks inquired if the two (2) sections of trails would be completed in 2016. Tempelmeyer noted that is the hope at this time. Councilman Kerr inquired when the 2nd Street project would begin. Tempelmeyer noted NDOR is planning on having the bid letting this summer for fall construction. Councilman Clabaugh inquired how the Kansas portion of the trail system is coming along. Tempelmeyer noted he was not sure and further noted the Trail Foundation's part is primarily done.

Socrata Presentation

Tobias Tempelmeyer, City Administrator, gave an overview and presentation of the Socrata software that will be available on the City's website in an effort to be more transparent with its budget. This software should also make the budget easier to understand to those who do not look at the information on a daily basis. Tempelmeyer urged the citizens and City Council to explore the program.

EXECUTIVE SESSION

Moved by Catlin, that the Beatrice City Council go into closed session at 7:48 p.m., for the protection of public interest to discuss contract negotiations. Seconded by Cook, that the Beatrice City Council go into closed session at 7:48 p.m., for the protection of public interest to discuss contract negotiations.

Mayor Wirth announced that it has been Moved by Catlin, seconded by Cook, that the Beatrice City Council go into closed session at 7:48 p.m., for the protection of public interest to discuss contract negotiations.

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

MOTION CARRIED.

Reconvened at: 8:26 p.m.

ADJOURNMENT

The next regular Council meeting is February 1, 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 Cook, that the meeting be adjourned at 8:26 p.m.

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

MOTION CARRIED.

Erin Saathoff, City Clerk

Stan Wirth, Mayor