

MINUTES OF THE REGULAR CITY COUNCIL MEETING

A regular meeting of the City Council was held on the 6th day of September, 2016 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, Cook, Fairbanks, Kerr, Morgan, Parde

Absent: Clabaugh.

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 special meeting on August 29, 2016, as on file in the City Clerk's Office.
- e. Approval of Treasurer's Report of Claims in the amount of \$560,131.94.
- f. Approval of BASWA Report of Claims in the amount of \$58,955.79.
- g. Approval of write-off of ambulance bad debts.
- h. Approval of special designated license application of Main Street Beatrice for the Magic of Main Street fundraiser on September 30, 2016 from 5:00 p.m. to 12:00 a.m. at 105 North 6th Street, Beatrice, Nebraska.
- i. Approval of special designated license for Main Street Beatrice for the Governor's Pheasant Hunt fundraiser on November 4, 2016 from 4:00 p.m. until 12:00 a.m. and November 5, 2016 from 12:00 p.m. to 12:00 a.m. at 701 Court Street, Beatrice, Nebraska.
- j. Approval of special designated license for Raymond Arter for a fundraiser for the Pregnancy Center on November 14, 2016 from 3:00 p.m. to 12:00 a.m. at 105 North 6th Street, Beatrice, Nebraska.
- k. Resolution Number 5955 entering into an Agreement for Services with Terracon Consultants, Inc. for Brownfields Assessment Reviews and other services related to properties located directly west of 1st Street between Ella Street and West Jefferson Street.

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

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

MOTION CARRIED.

k – Moved by Catlin, seconded by Kerr, that Resolution Number 5955 entering into an Agreement for Services with Terracon Consultants, Inc. for Brownfields Assessment Reviews and other services related to properties located directly west of 1st Street between Ella Street and West Jefferson Street, be approved, accepted, and/or ratified as presented.

Councilman Kerr inquired what this service is for. Tobias Tempelmeyer, City Administrator, noted this agreement would hire Terracon to complete a review and estimate the possible clean up if the City was to acquire the property.

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

MOTION CARRIED.

PUBLIC HEARINGS/BIDS

Public Hearing to amend the Fiscal Year 2016 Budget

Mayor Wirth announced that a public hearing will now be held to amend the Fiscal Year 2016 Budget.

Tobias Tempelmeyer, City Administrator, noted the Fiscal Year 2016 budget needs to be amended in three (3) areas. The first area is an increase to the Keno funds for the Standing Bear Trail project. The second area is an increase to the EBA fund due to excess large claims. The third area is an increase to the MFO fund due to increased payments to all participating entities.

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

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

MOTION CARRIED.

Public Hearing on the 2nd year of the Proposed Fiscal Year 2016 and 2017 Biennial Budget

Mayor Wirth announced that a public hearing will now be held on the 2nd year of the Proposed Fiscal Year 2016 and 2017 Biennial Budget.

Tobias Tempelmeyer, City Administrator, noted there were no major changes other than those discussed at the last meeting during the budget review. Councilman Fairbanks inquired why the health insurance claims needed to be amended and questioned if the City needed to increase what is being budgeted for health costs. Tempelmeyer noted the City is budgeting more next year. Tempelmeyer further noted there were a large number of claims coming in around \$40-50,000.00, which is not high enough for the reinsurance to kick in. Linda Koch, Finance Director, noted she feels comfortable with where the fund is being budgeted and hopes claims come in where anticipated next year.

Moved by Catlin, seconded by Billesbach, that the public hearing be closed at 7:10 p.m.

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

Ordinance to adopt the Biennial Appropriations Bill for Fiscal Years 2016 and 2017

Mayor Wirth introduced an ordinance to adopt the Biennial Appropriations Bill for Fiscal Years 2016 and 2017, in the amount of \$44,591,342 for FY2016 and \$44,085,027 for FY2017.

Moved by Catlin, seconded by Parde, that said ordinance be given number 16-039, 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, Cook, Fairbanks, Kerr, Morgan, Parde
Nay: None MOTION CARRIED.

Mayor Wirth read Ordinance Number 16-039 by number only the first, second, and third time.

Moved by Catlin, seconded by Morgan, that Ordinance Number 16-039 be passed and approved.

There was no discussion by the City Council or public.

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

Ordinance Number 16-039 has been passed and approved.

Moved by Catlin, seconded by Parde, to increase the total restricted funds authority for the fiscal year beginning on October 1, 2016 and ending on September 30, 2017, by an additional 1% as authorized in Section 13-519 of the Nebraska Revised Statutes.

There was no discussion by the City Council or public.

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

Public Hearing to set the Fiscal Year 2017 Final Property Tax Request

Mayor Wirth announced that a public hearing will now be held to set the Fiscal Year 2017 Final Property Tax Request.

Tobias Tempelmeyer, City Administrator, noted the proposed property tax request will increase the property tax levy by \$.004.

Moved by Catlin, seconded by Morgan, that the public hearing be closed at 7:14 p.m.

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

MOTION CARRIED.

Public Hearing on the rezoning application of Gary and Karen Higgins for the rezoning of property located in a part of the N ½ of the NE ¼ Section 31 Township , Range 6E, (comprising ~ 5.349 acres), all in Gage County, Nebraska (Gage County Parcel # 004243000), from “AG” (Agriculture) to “RR” (Rural Residential)

Mayor Wirth announced that a public hearing will now be held on the rezoning application of Gary and Karen Higgins for the rezoning of property located in a part of the N ½ of the NE ¼ Section 31 Township, Range 6E, (comprising ~ 5.349 acres), all in Gage County, Nebraska (Gage County Parcel # 004243000), from “AG” (Agriculture) to “RR” (Rural Residential).

Greg Butcher, City Attorney, noted the application of Gary and Karen Higgins to rezone the property from AG to RR, falls within the City’s two (2) mile zoning jurisdiction. Butcher noted this was approved by the Planning and Zoning Commission approximately thirty (30) days prior due to a change in the legislature, which now requires the City to give notice to the County thirty (30) days prior to holding a public hearing, and now pushes approval of such items back approximately forty-five (45) days. Butcher noted the City did not receive any objections from the County and it was recommended by the Planning and Zoning Commission to approve the rezoning.

Moved by Catlin, seconded by Parde, that the public hearing be closed at 7:17 p.m.

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

MOTION CARRIED.

Public Hearing for the rezoning application of Kevin and Annette Kimmerling for the rezoning of property located in a part of the E ½ of the NW ¼ of Section 17, Township 3, Range 6E (comprising 3.5 acres) all in Gage County, Nebraska (Gage County Parcel #005242100), from “AG” Agriculture to “RR” Rural Residential

Mayor Wirth announced that a public hearing will now be held on the rezoning application of Kevin and Annette Kimmerling for the rezoning of property located in a part of the E ½ of the NW ¼ of Section 17, Township 3, Range 6E (comprising 3.5 acres) all in Gage County, Nebraska (Gage County Parcel #005242100), from “AG” Agriculture to “RR” Rural Residential.

Greg Butcher, City Attorney, noted the rezoning application of Kevin and Annette Kimmerling is similar to that of the Higgin’s which was just heard. Kimmerling’s are looking to establish a homestead upon the property. Butcher noted there is a pond located on the property and James Burroughs, City Engineer, requested the elevation be shown on the plat.

Moved by Catlin, seconded by Billesbach, that the public hearing be closed at 7:19 p.m.

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

MOTION CARRIED.

RESOLUTIONS

Resolution Number 5956 setting the property tax request for the City of Beatrice for Fiscal Year 2017

Mayor Wirth introduced Resolution Number 5956 setting the property tax request for the City of Beatrice for Fiscal Year 2017.

Moved by Catlin, seconded by Parde, that Resolution Number 5956 be passed and adopted.

There was no discussion by the City Council or public.

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

Nay: None

MOTION CARRIED.

Resolution Number 5956 has been passed and adopted.

Resolution Number 5957 calculating the amount of unused restricted funds authority

Mayor Wirth introduced Resolution Number 5957 calculating the amount of unused restricted funds authority.

Moved by Catlin, seconded by Morgan, that Resolution Number 5957 be passed and adopted.

There was no discussion by the City Council or public.

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

Nay: None

MOTION CARRIED.

Resolution Number 5957 has been passed and adopted.

Resolution Number 5958 regulating all traffic traveling east and west on Park Street to stop before entering the intersection of 9th Street and Park Street

Mayor Wirth introduced Resolution Number 5958 regulating all traffic traveling east and west on Park Street to stop before entering the intersection of 9th Street and Park Street.

Moved by Catlin, seconded by Billesbach, that Resolution Number 5958 be passed and adopted.

Councilman Parde inquired why this item was brought to the City Council. Greg Butcher, City Attorney, noted there was a request by a number of constituents in area.

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

Nay: None

MOTION CARRIED.

Resolution Number 5958 has been passed and adopted.

ORDINANCES

Ordinance approving the plat of Brewer’s Creek Second Subdivision for Gary and Karen Higgins.

Mayor Wirth introduced an ordinance approving the plat of Brewer’s Creek Second Subdivision for Gary and Karen Higgins.

Moved by Catlin, seconded by Billesbach, that said ordinance be given number 16-040 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, Cook, Fairbanks, Kerr, Morgan, Parde

Nay: None

MOTION CARRIED.

Mayor Wirth read Ordinance Number 16-040 by number only the first, second, and third time.

Moved by Catlin, seconded by Morgan, that Ordinance Number 16-040 be passed and approved.

Greg Butcher, City Attorney, noted there was an issue with plat and requested this item be held for two (2) weeks. Butcher noted upon a visual inspection of the property, it was determined there appears to be a substantial pipeline running through this property. Upon further review, they have been unable to find any easement filed with the Register of Deeds. James Burroughs, City Engineer, has requested further review to ensure if there is a pipeline running through the property, it be noted on the plat to avoid the potential of building a house on top of a pipeline.

Moved by Kerr, seconded by Catlin, to table discussion on Ordinance Number 16-040 for two (2) weeks.

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

Nay: None

MOTION CARRIED.

Ordinance Number 16-040 has been postponed for two (2) weeks.

Ordinance amending the Zoning Map for the City of Beatrice, Nebraska by changing the zoning of Lot One (1), Brewer’s Creek Second Subdivision, Gage County, Nebraska, from “AG” Agriculture to “RR” Rural Residential.

There was no discussion on the proposed ordinance amending the Zoning Map for the City of Beatrice, Nebraska by changing the zoning of Lot One (1), Brewer’s Creek Second Subdivision, Gage County, Nebraska, from “AG” Agriculture to “RR” Rural Residential, due to there being an issue with the plat. This item has been postponed for two (2) weeks.

Ordinance approving the plat of The Ponds Subdivision for Kevin and Annette Kimmerling

Mayor Wirth introduced an ordinance approving the plat of The Ponds Subdivision for Kevin and Annette Kimmerling.

Moved by Catlin, seconded by Parde, that said ordinance be given number 16-042 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, Cook, Fairbanks, Kerr, Morgan, Parde
Nay: None MOTION CARRIED.

Mayor Wirth read Ordinance Number 16-042 by number only the first, second, and third time.

Moved by Catlin, seconded by Cook, that Ordinance Number 16-042 be passed and approved.

Greg Butcher, City Attorney, noted the only request by James Burroughs, City Engineer, was to have the elevations marked on the final plat. Butcher noted there were no other concerns or requests.

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

Ordinance Number 16-042 has been passed and approved.

Ordinance amending the Zoning Map for the City of Beatrice, Nebraska by changing the zoning of Lot One (1), The Ponds Subdivision, Gage County, Nebraska, from “AG” Agriculture to “RR” Rural Residential

Mayor Wirth introduced an ordinance amending the Zoning Map for the City of Beatrice, Nebraska by changing the zoning of Lot One (1), The Ponds Subdivision, Gage County, Nebraska, from “AG” Agriculture to “RR” Rural Residential.

Moved by Catlin, seconded by Billesbach, that said ordinance be given number 16-043 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, Cook, Fairbanks, Kerr, Morgan, Parde
Nay: None MOTION CARRIED.

Mayor Wirth read Ordinance Number 16-043 by number only the first, second, and third time.

Moved by Catlin, seconded by Parde, that Ordinance Number 16-043 be passed and approved.

No discussion was held.

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

Nay: None

MOTION CARRIED.

Ordinance Number 16-043 has been passed and approved.

Ordinance repealing Section 2-67 of the Beatrice City Code regarding placing matters on the agenda.

Mayor Wirth introduced an ordinance repealing Section 2-67 of the Beatrice City Code regarding placing matters on the agenda.

Moved by Catlin, seconded by Parde, that said ordinance be given number 16-044 the title thereof be approved, the rules be suspended and said ordinance be read by number only three (3) times tonight.

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

Nay: Billesbach, Catlin

MOTION FAILED.

Moved by Cook, seconded by Fairbanks, that Ordinance Number 16-044 be read only by title the first time tonight.

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

Nay: Billesbach, Catlin, Morgan

MOTION FAILED.

Ordinance Number 16-044 failed.

PUBLIC FORUM

No one appeared at public forum.

DISCUSSIONS/REPORTS

Repairs to Alley - 5th Street to 6th Street, Logan to Washington

Tobias Tempelmeyer, City Administrator, presented to the City Council the alley between 5th and 6th Street, from Logan to Washington, which has been closed by the City. Tempelmeyer noted this has been an ongoing issue and the City has tried to repair the alley using rock and millings in the past, however, the water runoff causes debris to be washed into the street. The property owner on the east side of the alley wants the City to pave the alley.

Rich Daubendiek, RNG Rentals, 6484 East Linden Road, Holmesville, NE 68310, property owner to the west side of the alley, noted he does not wish to have this alley paved because his tenants do not benefit from this alley.

Tempelmeyer noted the City does not have a need to pave the alley and presented options to repair the alley. Tempelmeyer noted a paving assessment would require fifty-one percent (51%) of the owner's approval, which would fail, as Daubendiek and the other owner each own fifty percent (50%) of the alley. Tempelmeyer noted another option would be gap and extend, in which the property owners would each pay a portion. Mayor Wirth inquired what the cost of paving the alley would be. Tempelmeyer noted it is estimated to be \$22,000.00.

Councilman Fairbanks noted there is a problem which needs to be addressed. Councilman Fairbanks inquired if the City could pave one-half (1/2) of the alley and rock the other one-half (1/2). Tempelmeyer noted he would have to look into that solution. Greg Butcher, City Attorney, inquired if the property owner on the east side would be willing to take the full assessment, should the adjacent owner grant permission. Tempelmeyer noted there would need to be a contract stating who is responsible for the cost of paving and the City would need to speak to the owner to find out if that was an option.

Councilman Kerr noted he would not be in favor of the gap and extend option. Councilman Morgan noted if City Administration is going to investigate the option of one (1) property owner paying the full assessment, he would also like Administration to investigate the option of paving one-half (1/2) of the alley and rock the other one-half (1/2).

Councilman Fairbanks inquired if the City would reduce the assessment to 15-20 years, if that would change Daubendiek's mind. Daubendiek noted he would probably not change his mind as stated before this alley is not used by him or his tenants.

EXECUTIVE SESSION

Moved by Catlin, that the Beatrice City Council go into closed session at 7:46 p.m., for the protection of public interest to discuss real estate. Seconded by Parde, that the Beatrice City Council go into closed session at 7:46 p.m., for the protection of public interest to discuss real estate.

Mayor Wirth announced that it has been Moved by Catlin, seconded by Parde, that the Beatrice City Council go into closed session at 7:46 p.m., for the protection of public interest to discuss real estate.

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

MOTION CARRIED.

Reconvened at: 8:02 p.m.

ADJOURNMENT

The next regular Council meeting is September 19, 2016 at 7:00 p.m. in the BPS Administration Building Board Room. There will be a Work Session on September 26, 2016 at 7:00 p.m. in the BPS Administration Building Board Room.

Moved by Catlin, seconded by Fairbanks, that the meeting be adjourned at 8:02 p.m.

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

Nay: None

MOTION CARRIED.

Erin Saathoff, City Clerk

Stan Wirth, Mayor