

**MINUTES OF THE REGULAR CITY COUNCIL MEETING**

A regular meeting of the City Council was held on Monday, July 7, 2025 at 6:00 PM in the BPS Administration Building Board Room, 320 North 5th Street, Beatrice, Nebraska 68310. Mayor Wirth led those in attendance in Pledge of Allegiance.

Barnard: Present, Doyle: Present, Eckhoff: Present, Eskra: Present, Fairbanks: Present, Hydo: Present, McLain: Present, Ruh: Present.

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.

**1. PLEDGE OF ALLEGIANCE**

**2. ROLL CALL**

**3. CONSENT AGENDA**

3.a. Approve agenda as submitted.

3.b. Receive and place on file all notices pertaining to this meeting.

3.c. Receive and place on file all materials having any bearing on this meeting.

3.d. Approval of minutes of regular meeting on June 16, 2025, as on file in the City Clerk's Office.

3.e. Approval of Treasurer's Report of Claims in the amount of \$554,024.06.

3.f. Approval of BASWA Report of Claims in the amount of \$82,128.50.

3.g. Approval of BPW Report of Claims in the amount of \$1,510,993.21.

3.h. Refer claim of Timothy Fugett regarding damages to his personal property to City Attorney and City Insurance carrier for review and disposition.

3.i. Approval of Change Order #1 increase in the amount of \$100,000.00 to Fossler Excavating for the Lincoln and Paddock Elementary School demolitions.

3.j. Award of bid for the 4th and 5th Street Downtown Improvement Project - 2025 to R.L. Tiemann Construction in the amount of \$98,921.68.

3.k. Resolution Number 7575 executing Amendment #1 to Master Agreement Work Order No. 2 between the City and Olsson, Inc., to retain Olsson, Inc., to add construction administrative services for the construction phase of the City's Water Main Crossing Replacement Project for the West Court Street Bridge, as recommended by the Board of Public Works.

3.l. Resolution Number 7576 executing the Master Services Agreement between the City and Caselle for accounting services and the addition of Check on Demand software, Maintenance Orders software, and cloud services for all current Caselle applications used by the City, as recommended by the Board of Public Works.

3.m. Resolution Number 7577 executing the Cost of Service and Rate Design Study Proposal, and any and all documents necessary to retain JK Energy Consulting, LLC, for professional services to conduct a cost of service and rate design study of the City's electric rate structure, as recommended by the Board of Public Works.

3.n. Resolution Number 7578 executing a Hangar Lease with Lloyd Wright for the purpose of leasing Hangar C-8 located at the Beatrice Municipal Airport.

3.o. Resolution Number 7579 executing Hangar Lease with Allen Minick for the purpose of leasing Hangar E-4 located at the Beatrice Municipal Airport.

3.p. Resolution Number 7580 executing the OAP Amendment Number 4 and HDHP Amendment Number 4 to the City of Beatrice/Board of Public Works Employee Health Plan.

3.q. Resolution Number 7581 executing any and all documents accepting the Nebraska Commission on Law Enforcement and Criminal Justice's Justice Assistance Grant (JAG) Program for the purpose of purchasing license plate readers for Beatrice Police vehicles, Grant #109-2026-DA3000.

3.r. Resolution Number 7582 executing a General Release and any and all other documents necessary to release and discharge Northgate Investment Co., LLC, from any and all actions, claims and demands whatsoever the City ever had or may have regarding the Subdivision Improvement Agreement, as amended, and to terminate said Agreement between the City and Northgate Investment Co., LLC, as amended.

3.s. Resolution Number 7583 executing the General Release, Request for Reconveyance, and the Deed of Reconveyance, along with all other necessary documents to release and discharge Landmark Snacks, LLC, and Chad A. Lottman and Courtney A. Lottman, regarding their LB840 Loan Agreement.

3.t. Resolution Number 7584 forgiving \$10,000.00 of the original principal amount of the LB840 Economic Development Loan to Nixon Restaurant and Property, Inc., and Sam Nixon.

3.u. Resolution Number 7585 executing any and all documents necessary to terminate Contract No. 23-11-354 for the EDA Tourism Grant Program, including but not limited to, the Acknowledgement of Receipt and Mutual Agreement to Termination of Contract.

item i - Barnard? how did they change order compared to next. TT- hard to say, bids were individually. wouldn't have made high bidder on either site, would have had other bids lower, however, more than likely most contractors were not aware of the additional sand. Hyod - what for? TT - several feet of sand under school sites. city did not know. not sure if other contractors knew. worked with JEO to determine how much needed to come out. cant build on sand.

item J - Doyle - 4th & 5th, Market to Ella - not start of RAISE grant. no contract with federal government, engineering firm, etc. completely separate grant. asked Amanda Kuhlman on making sure notified, she provided a handout. digital, print, partner outreach, social media, several ways to keep up to date on this project. letter will be sent out. main street will assist these businesses personally regarding the project. important to downtown committee & administration, being transparent, change on those 4 blocks, city engineer, widening 5th street, that many will appreciate.

item m - Hydo - why doing this now? TT - looking forward into the future, energy capacity locked in through 2030, looking to plan ahead at any future rate increases that may be necessary instead of waiting to implement a large rate increase later. wrapped up in this budget. TF - how far into future? TT - usually 4-5 years. Mayor - will be change in 2031 or 2032. Federal government will require more capacity, or insurance, totally agree with rate study at this time, as we know increase will come, that way not a big shock.

item N & O - Ted - administrating airport costs as well, question is all hangers, can we adjust them so due at same time. TT - could, however, if tenant leaves & is filled, new lease.

item s - Ted - give chad & Courtney pat on back not first loan & other was also paid off early. this is how this is supposed to work. not first lender, great partners & employers, so we can give public pat on the back.

Moved by McLain, seconded by Fairbanks, that the items listed under the consent agenda, with the exception of item i, j, m, n, o, and s, be approved, accepted, and/or ratified as presented. **MOTION: Carried.**

Barnard: Yea, Doyle: Yea, Eckhoff: Yea, Eskra: Yea, Fairbanks: Yea, Hydo: Yea, McLain: Yea, Ruh: Yea  
Yea: 8, Nay: 0 Moved by McLain, seconded by Fairbanks, that approve i, j, m, n, o, and s. **MOTION: Carried.**

Barnard: Yea, Doyle: Yea, Eckhoff: Yea, Eskra: Yea, Fairbanks: Yea, Hydo: Yea, McLain: Yea, Ruh: Yea  
Yea: 8, Nay: 0

Moved by McLain, seconded by Ruh, that item j. **MOTION: Carried.**

Barnard: Yea, Doyle: Yea, Eckhoff: Yea, Eskra: Yea, Fairbanks: Yea, Hydo: Yea, McLain: Yea, Ruh: Yea  
Yea: 8, Nay: 0

Moved by McLain, seconded by Ruh, that item m. **MOTION: Carried.**

Barnard: Yea, Doyle: Yea, Eckhoff: Yea, Eskra: Yea, Fairbanks: Yea, Hydo: Yea, McLain: Yea, Ruh: Yea  
Yea: 8, Nay: 0

Moved by McLain, seconded by Fairbanks, that item n & o. **MOTION: Carried.**

Barnard: Yea, Doyle: Yea, Eckhoff: Yea, Eskra: Yea, Fairbanks: Yea, Hydo: Yea, McLain: Yea, Ruh: Yea  
Yea: 8, Nay: 0

Moved by McLain, seconded by Fairbanks, that item s. **MOTION: Carried.**

Barnard: Yea, Doyle: Yea, Eckhoff: Yea, Eskra: Yea, Fairbanks: Yea, Hydo: Yea, McLain: Yea, Ruh: Yea  
Yea: 8, Nay: 0

#### 4. DISCUSSIONS/REPORTS

##### 4.a. Presentation regarding the City serving as the conduit for issuance of tax-free bonds for a 501(c)(3) – *Steve Likes*

TT - issued a number of bonds this year, steve likes served as bond counsel. proposing partnering for a project.

steve likes - attorney with kutak, bond counsel for several years. usually issuing bond by city, for city. also represents 501c3 - \_\_\_\_\_ owner & sponsor of on campus 50/50 bulidng. Star Shelcke?? project originally financed through normal \_\_\_\_; asked on refunding as tax exempt basis. borrowing costs lower, said they could, but you have to have a tax exempt entity issue the bond. initially approached Lancaster & LIncoln. County willing to do so, catch - thinks they may be issuing their bonds, therefore \_\_\_\_\_, more attractive to bank investors. Lancaster not willing at this time, LIncoln doesn't typically do these as they defer to County. city of Beatrice could issue if within, without, or somehow partially within or without. some reasonable connection - our opinion, reasonable connection exists between this project due to many students needs. some may have lived

here, etc., over life of bond, either Beatrice residents will reside, or possibly frees up more housing. Lancaster may pass. Beatrice has already exceeded the \$10 million - if city were to issue bonds, city cannot be liable on this type of debt, if a default, specifically states city prohibited from using their. TT - 501c3 - Steve - explained tax code if organization charitable purposes, educational, religious, civic, will receive certain tax breaks, deductions,

Star - UNL campus, parking garage 11 years ago. ground lease with UNL to provide housing for students. didn't fit in portfolio, providing affordable housing through bond. sold to 23P? off tax rolls to generate taxes. up to \$50,000 in grants for those living within the facility. other charitable items. cap rents not to exceed more than 3% per year. 475 beds, 125 beds 100% leased this year & pre-leased 100% next year as well.

Steve - Lancaster aware they are here, county in any other time they would gladly participate & have been involved in paSt years, just timing with their own personal bond issuance at this time

Mayor - occupied now, next year, is this a refinance? Qualify? Star - No; 125 units, 475 beds, most 4 per unit, a few singles

Star - managed by Jerry - on LIncln, knows the residents, families, etc. helps keep them in school as well. keep engaged, studying, etc. good academic study. Location on campus 18th & R

Ted - length of bond? Star - 26 years; Ted - how does this affect us? TT - not a limit & would not impact current or any future bond issuance, we are just a pass through, and not responsible does not have any impact on the City

Steve - bank qualification loans - its on an annual basis, because we already have no liability, no change in rating as well

Tobias - cost? Steve - any cost born by the City, the foundation would be responsible for, additional fees, etc, intended in no way to cost the city

Terry - any negative affect if default? Steve - possible, however, under state law city would be dismissed pretty quickly as can't be held liable.

Terry what do we get out of this? Steve - being a good partner

McLain - steps moving forward? Steve - work with City Attorney, before city council, often times 2 appearances, 1st explain, 2nd - public hearing & ordinance - at that time, review them & Terry - \$? Star - \$30 million - will pay off \_\_\_\_\_ to get to cash flow of \$50,000 year for scholarships.

Eskra - why us? Seward, York, Nebraska City? Steve - relationship with City & knowing we have issued more than \$10 million with no impact.

Mayor - always been good neighbors & this is what it is. success rates do go up with having resident hall. steve - appreciate time

## 5. PUBLIC HEARINGS/BIDS

5.a. Public Hearing for the purpose of considering declaring an area to be substandard and blighted and to consider adopting a redevelopment plan for Redevelopment Area #13.

declare blight & substandard prior to adopting plan & tlf hired hanna keelan to do blight & substandard study. area #13. 19th & Scott, good Samaritan center, north houses & open ground to south. part of study 12 standards set out. determined eligible to be blight & substandard - 2 factors had strong & 2 had reasonable, open spaces, public welfare: 4 strong, 4 reasonable, 4 - ownership of property, size of water/sewer mains, sidewalks, streets, any structure over 40 years of age - hanna recommend to blight - plan basic recommendations - standard from other plans, public & private partnerships, use TIF, grants, private investments to help expand, water/sewer/stormsewer, install new sidewalks, etc.

Moved by McLain, seconded by Ruh, that the public hearing be closed at 6:44 p.m. **MOTION: Carried.**

Barnard: Yea, Doyle: Yea, Eckhoff: Yea, Eskra: Yea, Fairbanks: Yea, Hydo: Yea, McLain: Yea, Ruh: Yea  
Yea: 8, Nay: 0

## 6. RESOLUTIONS

6.a. Resolution Number 7586 declaring Redevelopment Area #13 to be a substandard and blighted area in need of redevelopment as defined in Neb. Rev. Stat. §18-2103.

no further discussion

Moved by McLain, seconded by Barnard, that Resolution Number 7586 be passed and adopted. **MOTION: Carried.**

Barnard: Yea, Doyle: Yea, Eckhoff: Yea, Eskra: Yea, Fairbanks: Yea, Hydo: Yea, McLain: Yea, Ruh: Yea  
Yea: 8, Nay: 0

6.b. Resolution Number 7587 adopting the Redevelopment Plan for Redevelopment Area #13.

TT \_ note % - limited to 35% with this at 34.52% 30 acres remaining or we can remove some areas. still under state statute.

Moved by McLain, seconded by Ruh, that Resolution Number 7587 be passed and adopted. **MOTION: Carried.**

Barnard: Yea, Doyle: Yea, Eckhoff: Yea, Eskra: Yea, Fairbanks: Yea, Hydo: Yea, McLain: Yea, Ruh: Yea  
Yea: 8, Nay: 0

6.c. Resolution Number 7588 executing any and all documents necessary between the City and Lottman Excavating to accept the bid for the Chautauqua Park Pickleball Terrace Seating Project – 2025 and Change Order #1 extending the completion time frame from thirty (30) days to forty-five (45) days.

working on - 1 bid, over anticipated. negotiated with local. \$82,162 - pickleball \$80,000 Beatrice plus \$10,000 RCRP grant to cover \$64 \_\_\_\_\_; to west of courts, hill, terrace seating will be built few other improvements with fencing as well. start to be determined, next reach out to contractor to determine start date. looking for fall project & wrap up this fiscal year

Moved by McLain, seconded by Barnard, that Resolution Number 7588 be passed and adopted. **MOTION: Carried.**

Barnard: Yea, Doyle: Yea, Eckhoff: Yea, Eskra: Yea, Fairbanks: Yea, Hydo: Yea, McLain: Yea, Ruh: Yea  
Yea: 8, Nay: 0

## 7. ORDINANCES

7.a. Ordinance adding Section 7-9, regarding applicability of codes based on commencement date; adding Section 7-14 regarding access boxes; and amending Sections 7-7, 7-10, 7-11, 7-20, 7-21, 7-30, 7-31, 7-60, 7-61, 7-70, 7-71, 7-90, 7-91, 7-201, 7-202; and amending 7-316 and 7-317 to adopt the International Building Code, the International Mechanical Code, the International Plumbing Code, the International Residential Code, the International Energy Conservation Code, the International Property Maintenance Code, the International Fuel Gas Code, and the International Existing Building Code, 2021 Edition, published by the International Code Council with amendments.

already have these codes 2015. state law says have to update every so often, otherwise not longer applicable. jumped from 2015 to 2021 - why we are doing. overtime we have amended various codes most genraly the appeal process. to more closely match what we do for our other appeal processes. we know process & courts have blessed - these have been provided to local contractors, no comments back. Eskra - would rather have what we adopted because we don't

Mayor - august last time doing 2018, and will move to 2021, will also

Ted - better off if we wait. Hydo - didn't see any changes, seemed to stay the same except dates & code sections.

Moved by McLain, seconded by Barnard, that said ordinance be given number 25-17 the title thereof be approved, the rules be suspended and said ordinance be read by number only three (3) times tonight. **MOTION: Carried.**

Hydo: Nay, Barnard: Yea, Doyle: Yea, Eckhoff: Yea, Eskra: Yea, Fairbanks: Yea, McLain: Yea, Ruh: Yea  
Yea: 7, Nay: 1 Moved by McLain, seconded by Ruh, that Ordinance Number 25-17 be passed and approved. **MOTION: Carried.**

Barnard: Yea, Doyle: Yea, Eckhoff: Yea, Eskra: Yea, Fairbanks: Yea, Hydo: Yea, McLain: Yea, Ruh: Yea  
Yea: 8, Nay: 0

7.b. Ordinance amending Section 9-86 of the Beatrice City Code regarding the location and capacity of aboveground storage tanks and to repeal Sections 9-87 through 9-105, inclusive, of the Beatrice City Code.

fire inspection codes. 2003 addition from when City conducted fire inspections, have not done in 10-15 years. state does then & state has adopted new codes. we have nothing to do with. Fire Dept wanted to keep access boxes - that was moved to building inspector & other is biodiesel plant rule - kept in order to have

Moved by McLain, seconded by Barnard, that said ordinance be given number 25-18 the title thereof be approved, the rules be suspended and said ordinance be read by number only three (3) times tonight. **MOTION: Carried.**

Hydo: Nay, Barnard: Yea, Doyle: Yea, Eckhoff: Yea, Eskra: Yea, Fairbanks: Yea, McLain: Yea, Ruh: Yea  
Yea: 7, Nay: 1 Moved by McLain, seconded by Ruh, that Ordinance Number 25-18 be passed and approved. **MOTION: Carried.**

Barnard: Yea, Doyle: Yea, Eckhoff: Yea, Eskra: Yea, Fairbanks: Yea, Hydo: Yea, McLain: Yea, Ruh: Yea  
Yea: 8, Nay: 0

## 8. PUBLIC FORUM

no one

## 9. MISCELLANEOUS

9.a. The next regular City Council meeting is July 21, 2025, at 6:00 p.m. in the BPS Administration Building Board Room.

Moved by McLain, seconded by Doyle, that the meeting be adjourned at 6:57 p.m. **MOTION: Carried.**

Barnard: Yea, Doyle: Yea, Eckhoff: Yea, Eskra: Yea, Fairbanks: Yea, Hydo: Yea, McLain: Yea, Ruh: Yea  
Yea: 8, Nay: 0

**Erin Saathoff, City Clerk**

**Stan Wirth, Mayor**