

CITY OF HASTINGS, NEBRASKA
MINUTES OF CITY COUNCIL REGULAR MEETING
Monday, April 11, 2016

Pursuant to due call and notice thereof, a Regular Meeting of the City Council of the City of Hastings, Nebraska was conducted in the Council Chambers of City Hall, 220 N. Hastings Avenue, on April 11, 2016.

The meeting was called to order at 5:30 p.m. in Regular Session by Mayor Powers with the following members present: John Harrington, Chuck Niemeyer, Ginny Skutnik, Michael Krings, Everett Goebel, Kathy Duval, Phil Odom, Sarah Hoops. Absent: None.

The Mayor led the group in recital of the Pledge of Allegiance to the United States of America.

Moved by Chuck Niemeyer seconded by Ginny Skutnik to adopt current agenda for April 11, 2016 Regular Meeting. Roll Call: Ayes: John Harrington, Kathy Duval, Phil Odom, Chuck Niemeyer, Michael Krings, Sarah Hoops, Ginny Skutnik, Everett Goebel. Nays: None. Absent: None. The motion carried.

Mayor Powers read the Public Notice - Official Notice of the Regular Meeting was published in the Hastings Tribune on Friday, April 8, 2016. Pursuant to the Nebraska Revised Statute Section 84-1412, the public is advised that a copy of today's agenda and all reproducible written material which will be discussed at today's meeting is located at the back of the Council Chambers. Also, a current copy of the Nebraska Open Meetings Act is posted on the south wall of the Council Chambers which is accessible to members of the public.

COUNCIL COMMUNICATION:

Councilmember Goebel reported on the Board of Public Works meeting held March 29th. April 1st through April 15th is a planned outage for routine maintenance on WEC1 (Whelan Energy Center). The WEC2 (Whelan Energy Center) planned outage for routine maintenance is scheduled to start April 22nd. A report was given by Mark Barfknecht and Deb McCoy looking at their health insurance claims balance in that fund and the special insurance and deductibles (casualty and liability).

Councilmember Duval reported on the Mayor's Youth Council meeting held last night. They will be nominating next year's officers. She encouraged youth to apply for the Mayor's Youth Council.

MAYOR'S COMMUNICATIONS:

Mayor Powers announced service anniversaries for Richard Wilton, 25 years, April 1st; Gary Hromadka, 25 years, April 8th; and Michael Johnson, 35 years, April 23rd. He thanked them for their service.

CONSENT AGENDA:

Moved by Ginny Skutnik seconded by John Harrington that the following items on the Consent Agenda be approved:

- (a) Approval of the minutes of the Council Meeting of March 28, 2016.
- (b) Approval of the minutes of the Worksession of March 21, 2016.
- (c) Approval of the payroll for the period ending April 9, 2016, paid April 15, 2016.
- (d) Approval of the regular claims and authorizing the City Clerk to issue checks against the various funds for payment.
- (e) Approval of the prepaid claims and authorizing the City Clerk to issues checks against the various funds for payment.

(f) Approve receiving and placing on file department monthly reports.

(g) Approval of the application of Murphy's Wagon Wheel, Inc. for a Special Designated License at the Hastings Museum on May 5, 2016.

(h) Approval of the application of Midtowne Mart, LLC for a Special Designated License at the City Auditorium on August 20, 2016.

Roll Call: Ayes: John Harrington, Kathy Duval, Phil Odom, Chuck Niemeyer, Michael Krings, Sarah Hoops, Ginny Skutnik, Everett Goebel. Nays: None. Absent: None. The motion carried.

REGULAR AGENDA:

Public hearing on the request of Timothy R. Grothen for a Conditional Use Permit to allow a self-contained chicken breeding building.

Tim Grothen, 925 E. Lochland Road, spoke in favor.

No one spoke against.

City Clerk received no objections.

There being no other persons wishing to speak, Mayor Powers declared the hearing closed.

Moved by John Harrington seconded by Michael Krings to approve Resolution No. 2016-10. .
.Approval of the Conditional Use Permit request of Timothy R. Grothen to allow a self-contained chicken breeding building.

Councilmember Hoops stated she read minutes from the Planning and Zoning Commission meeting. This issue has two main perspectives. One is the proposed facility would be directly across the street from a major housing development currently there to the south. The other issue is potential opportunity costs of further development in the area. It is difficult to say no to a project that is on the table. There was discussion about moving potential site from the south end of his property closer to agricultural land on the north and northeast side. She is looking to what Planning and Zoning Commission decided, until she is able to hear further information that would change that.

Councilmember Niemeyer stated that Tim Grothen is one of his neighbors. There are some concerns about noise and odor from the proposed facility, but having a large commercial operation is a bigger concern. There is a concern of what will happen to property values with a chicken operation across the street. This is not typical farming, but is a commercial operation.

Councilmember Goebel stated he has a hard time voting against the item, but because of the location he has to vote against it. He encouraged Tim Grothen to find another spot that is a more suitable location.

Roll Call: Ayes: Kathy Duval. Nays: John Harrington, Phil Odom, Chuck Niemeyer, Michael Krings, Sarah Hoops, Ginny Skutnik, Everett Goebel. Absent: None. The motion failed.

Public hearing on the application of Hilburn Enterprises, Inc. dba "Bourbon Jack's Honkytonk Bar" for a Class "C" Liquor License to be located at 212 W. 2nd Street.

Jack Hilburn, 731 North Webster, appeared to speak in favor.

No one appeared to speak against.

The City Clerk did not receive any objections.

There being no other persons wishing to speak, Mayor Powers declared the hearing closed.

Moved by Michael Krings seconded by Everett Goebel to approve Resolution No. 2016-11. .
.Approving the application of Hilburn Enterprises, Inc. dba "Bourbon Jack's Honkytonk Bar" for a Class "C" Liquor License to be located at 212 W. 2nd Street. Roll Call: Ayes: John Harrington, Kathy Duval, Phil Odom, Chuck Niemeyer, Michael Krings, Sarah Hoops, Ginny Skutnik, Everett Goebel. Nays: None. Absent: None. The motion carried.

Moved by John Harrington seconded by Ginny Skutnik to approve manager application of Jackie H. Hilburn in connection with the Class "C" Liquor License of Hilburn Enterprises, Inc. dba Bourbon Jack's Honkytonk Bar" for a Class "C" Liquor License to be located at 212 W. 2nd Street. Roll Call: Ayes: John Harrington, Kathy Duval, Phil Odom, Chuck Niemeyer, Michael Krings, Sarah Hoops, Ginny Skutnik, Everett Goebel. Nays: None. Absent: None. The motion carried.

Public Hearing pursuant to Neb. Rev. Stat. 18-2528 (4) on the Redevelopment Agreement regarding the City Block Project for downtown Hastings.

Dave Rippe (HEDC-Hastings Economic Development Corporation), Andrew Janzen (Hastings Area Chamber of Commerce), Megan Arrington-Williams (DTCA- Downtown Center Association President), Rick Clam (1418 South Pine Ridge Court), and Randy Chick (Business Improvement District) appeared to speak in favor.

Juanita Eckhardt (3223 Wendell Drive), Brandi Lenz (1015 West 12th Street), and Ted Hermann (Good Samaritan) appeared to speak against.

City Clerk did not receive any objections.

There being no other persons wishing to speak, Mayor Powers declared the hearing closed.

Moved by Everett Goebel seconded by Ginny Skutnik to approve Final Plat for Cimarron Meadows 9th Addition as presented. Roll Call: Ayes: John Harrington, Kathy Duval, Phil Odom, Chuck Niemeyer, Michael Krings, Sarah Hoops, Ginny Skutnik, Everett Goebel. Nays: None. Absent: None. The motion carried.

Moved by John Harrington seconded by Chuck Niemeyer to approve City Council approve application for Federal Assistance SF-424, Hastings Municipal Airport, Project No. 3-31-0040-014-2016 (G04) - PAPI, Beacon, Terminal Lights Joint Seal/Marking Runway 4/22 in the total project amount of \$644,445.00; execute amendment #1 to agency agreement project 3-31-0040-014-2016 (G04) and authorize Mayor to execute both documents.

Roll Call: Ayes: John Harrington, Kathy Duval, Phil Odom, Chuck Niemeyer, Michael Krings, Sarah Hoops, Ginny Skutnik, Everett Goebel. Nays: None. Absent: None. The motion carried.

Moved by Ginny Skutnik seconded by Kathy Duval to approve Telecommunications Line Right-of-Way License Agreement with Glenwood Telephone, Inc. (GW 2016-7), and authorize Mayor and the City Clerk to execute said agreement. Roll Call: Ayes: John Harrington, Kathy Duval, Phil Odom, Chuck Niemeyer, Michael Krings, Sarah Hoops, Ginny Skutnik, Everett Goebel. Nays: None. Absent: None. The motion carried.

Moved by Ginny Skutnik seconded by Kathy Duval to approve a request for contract extension with a termination date of August 31, 2016, for CDBG #12-DTR-107 Phase II Downtown Revitalization Grant. Roll Call: Ayes: John Harrington, Kathy Duval, Phil Odom, Chuck Niemeyer, Michael Krings, Sarah Hoops, Ginny Skutnik, Everett Goebel. Nays: None. Absent: None. The motion carried.

Moved by Sarah Hoops seconded by Ginny Skutnik to approve awarding bid to NMC, 1050 South US 281, Doniphan, NE 68832, for 2015 430 FIT Caterpillar in the amount of \$120,245.00. Terms as follows: Payment upon delivery \$35,000, Principle to be financed \$85,245, Interest rate 2.49%, Period 4 years, Annual installment in Arrears \$22,698.49. Roll Call: Ayes: John Harrington, Kathy Duval, Phil Odom, Chuck Niemeyer, Michael Krings, Sarah Hoops, Ginny Skutnik, Everett Goebel. Nays: None. Absent: None. The motion carried.

ORDINANCE NO. 4472. . .REPEALING SECTIONS 4-102, 4-103, 4-104, 4-105, 4-106, 4-107 AND 4-108 OF HASTINGS CITY CODE DEALING WITH THE CITY'S RETIREMENT BOARD.

Said Ordinance was read by title and thereafter Councilmember Phil Odom moved for passage of the ordinance, which motion was seconded by Councilmember Everett Goebel.

Dave Ptak, City Attorney, stated this came on as a result of some members of the Retirement Board wanting to be relieved of their duties, simply because the Retirement Board had not met in quite some time. Based upon the change in the City's retirement program, except for Police and Fire, it was determined that it really wasn't necessary as it was set up initially, back when it was originally adopted.

Joe Patterson, City Administrator, stated the Retirement Committee existed at a time when City employees' pensions were not self-directed, but were directed by a committee. For several years now the employees self-direct their investments, so having this committee serves no purpose. You are just rescinding it.

The Mayor then stated the question "Shall Ordinance No. 4472 be passed and adopted?" Upon roll call vote the following Councilmembers voted Ayes: John Harrington, Kathy Duval, Phil Odom, Chuck Niemeyer, Michael Krings, Sarah Hoops, Ginny Skutnik, Everett Goebel. Nays: None. Absent: None. The motion carried.

Councilmember Michael Krings moved that the statutory rule requiring reading on three different days be suspended; Councilmember Chuck Niemeyer seconded the motion to suspend the rules and upon roll call vote the following Councilmembers voted Ayes: John Harrington, Kathy Duval, Phil Odom, Chuck Niemeyer, Michael Krings, Sarah Hoops, Ginny Skutnik, Everett Goebel. Nays: None. Absent: None. The motion to suspend the rules was adopted by three fourths vote of the Council and the statutory rule was declared suspended for consideration of said ordinance.

The passage and adoption of said ordinance having been concurred in by a majority of all members of the Council, the Mayor declared the ordinance adopted upon second and final reading and the Mayor signed and approved the ordinance. City Clerk attested the passage approval of the same and affixed her signature thereto. Published in the Hastings Tribune on April 15, 2016. Effective date of the ordinance is April 27, 2016.

Moved by Chuck Niemeyer seconded by Ginny Skutnik to approve to go into closed session at 6:12 p.m. for reason of negotiations. Roll Call: Ayes: John Harrington, Kathy Duval, Phil Odom, Chuck Niemeyer, Michael Krings, Sarah Hoops, Ginny Skutnik, Everett Goebel. Nays: None. Absent: None. The motion carried.

Moved by Chuck Niemeyer seconded by Ginny Skutnik to come out of closed session at 7:20 P.M. Roll Call: Ayes: John Harrington, Kathy Duval, Phil Odom, Chuck Niemeyer, Michael Krings, Sarah Hoops, Ginny Skutnik, Everett Goebel. Nays: None. Absent: None. The motion carried.

Moved by Chuck Niemeyer seconded by John Harrington there being no further business to adjourn at 7:20 P.M. Roll Call: Ayes: John Harrington, Kathy Duval, Phil Odom, Chuck Niemeyer, Michael Krings, Sarah Hoops, Ginny Skutnik, Everett Goebel. Nays: None. Absent: None. The motion carried.

APPROVED:

Vern P. Powers, Mayor

ATTEST:

Kimberly S. Jacobitz, City Clerk

(S E A L)