

CITY OF HASTINGS, NEBRASKA
MINUTES OF CITY COUNCIL REGULAR MEETING
Monday, June 13, 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 June 13, 2016.

The meeting was called to order at 5:30 p.m. in Regular Session by Mayor Powers with the following members present: Michael Krings, Ginny Skutnik, Chuck Niemeyer, Sarah Hoops, Phil Odom, John Harrington, Kathy Duval, Everett Goebel. 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 amend the June 13, 2016 Regular Meeting agenda to remove Item No. 4(b.) Ordinance No. 4477. 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 Phil Odom to adopt the June 13, 2016 Regular Meeting agenda as amended. 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 - 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 June 1st. Mr. Stange gave an update on the Aquifer Storage and Restoration(ASR) project. The lagoon construction is planned for this summer, and reverse osmosis plant is planned for 2017. The next meeting will be held June 16th, 9:00a.m. in the Hastings Utilities Boardroom.

Councilmember Hoops reported that the Novak Committee met last week and discussed having more talks with staff about going forward with some of the recommendations. This topic will be placed on an upcoming worksession agenda.

Councilmember Duval commended staff from the Parks and Recreation Department for going beyond the call of duty.

MAYOR'S COMMUNICATIONS:

Mayor Powers congratulated those with service anniversaries as follows: Paul Weber, 35 years of service as of June 1st; John Langdon, 25 years of service as of June 3rd; and Kim Woolery, 25 years of service as of June 24th.

Mayor Powers announced a Special Council meeting will be held on June 20th at 5:30p.m. at City Hall for "Adoption of Bond Anticipation Note Ordinance". The Council Worksession will follow immediately.

CONSENT AGENDA:

Moved by Sarah Hoops seconded by Ginny Skutnik to approve all items on the Consent Agenda.

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.

Consent Items:

- (a) Approval of the minutes of the Council Meeting of May 23, 2016.
- (b) Approval of the minutes of the Special Council Meeting of May 16, 2016.
- (c) Approval of the minutes of the Worksession of May 16, 2016.
- (d) Approval of the payroll for the period ending June 18, 2016, paid June 24, 2016.
- (e) Approval of the regular claims and authorizing the City Clerk to issue checks against the various funds for payment.
- (f) Approval of the prepaid claims and authorizing the City Clerk to issues checks against the various funds for payment.
- (g) Approve receiving and placing on file department monthly reports.
- (h) Approval of the request of the Adams County Agricultural Society for parade route and street closure for Fairfest 2016 Parade on July 16, 2016.
- (i) Receive and place on file Adams County Clerk's abstract of votes cast at the election held May 10, 2016.
- (j) Approval of the manager application of Justin D. Hoff in connection with the Class "D" Liquor License of Hoff Brothers, Inc. dba Fill-N-Chill #005 located at 2815 Parklane Drive.
- (k) Approval of the manager application of Justin D. Hoff in connection with the Class "D" Liquor License of Hoff Brothers, Inc. dba Fill-N-Chill #007 located at 228 North Burlington Avenue.
- (l) Approval of the manager application of Jolene Laux in connection with the Class "C" Liquor License of the Adams County Agricultural Society located at 947 S. Baltimore Avenue.
- (m) Approval of the request for CDBG funds, Drawdown #1 (\$79,000.07) for CDBG Comprehensive Revitalization, Streets Project 15-CR-008.
- (n) Approval of the request for CDBG funds, Drawdown #15 (\$42,247.12) for CDBG Downtown Revitalization Project 12-DTR-107. (*Murphy's 1st Street Parking Lot*)
- (o) Approval of the application of the Adams County Agricultural Society for a Special Designated License for July 20-24, 2016 at 947 S. Baltimore Avenue (Grandstand Area).
- (p) Approval of the request of Adams Central Jr./Sr. High School for use of City streets for the Adams Central Student Council 5K run and 3K walk at 9:00 A.M. on July 9, 2016.

REGULAR AGENDA:

Public Hearings.

2.(a)Public Hearing on the request of Tim Quigley of Cohen-Esrey Affordable Partners, Developer, and Paul Simmering and Randal Chick, Director of the Community Redevelopment Authority, property owners, to rezone property from District I-1, Light Industrial to District C-3, Commercial Business District at 219 W. 2nd Street and 227 W. 2nd Street.

Tim Quigley, Cohen-Esrey Affordable Partners, spoke in support. No further public testimony was heard. No objections were received by the City Clerk. The Mayor declared the hearing closed.

Ordinance No. 4479. . . Amending the official Zoning District Map of the City of Hastings to rezone property from I-1, Light Industrial District to C-3, Commercial Business District.

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

The Mayor then stated the question "Shall Ordinance No. 4479 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 Sarah Hoops moved that the statutory rule requiring reading on three different days be suspended; Councilmember Ginny Skutnik 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 June 17, 2016. Effective date of the ordinance is June 29, 2016.

2.(b) Public hearing for review of consistency with the Hastings Comprehensive Plan and regarding approval of proposed Plan Modification #4.19.16 to Redevelopment Plan VII, Eastside Estates Redevelopment Project.

No public testimony was heard. No objections were received by the City Clerk. The Mayor declared the hearing closed.

Moved by John Harrington seconded by Kathy Duval to approve Resolution No. 2016-27... Redevelopment Plan Modification #4.19.16 for the Eastside Estates Redevelopment Project in Redevelopment Area VII. 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.

2.(c) Public Hearing on levying assessments in Street Improvement Districts Nos. 2013-1, 2013-2 and 2013-3.

The Mayor declared that in accordance with published notice, it was now time to conduct a hearing relative to the levy of special assessments in Street Improvement District Nos. 2013-1, 2013-2 and 2013-3 and declared the public hearing open. The Mayor then asked if there were any persons present who wished to be heard concerning the proposed assessments in said District Nos. 2013-1, 2013-2 and 2013-3.

No public testimony was heard on the following projects: Street Improvement District No. 2013-1(Merle Avenue from the south right-of-way line of North Shore Drive north to the north right-of-way line of Lakeridge Drive, including the intersections at North Shore Drive and Lakeridge Drive); Street Improvement District No. 2013-2(Nalan Drive from a point 100.00 feet north of West 13th Street north to the north right-of-way line of the intersection with West 14th Street/Meander Circle, then east a distance of 200.00 feet from said intersection and west a distance of 150.00 feet from said intersection, said improvements shall include the intersection of Nalan Drive and West 14th Street/Meander Circle); Street Improvement District No. 2013-3(Wendell Drive from the existing paving North a distance of 150.00 feet to West 33rd Street, and West 33rd Street from the existing paving West a distance of 115.00 feet to Wendell Drive including the intersection of Wendell Drive and West 33rd Street)

The Mayor asked the City Clerk if any written objections had been filed. The City Clerk reported there were no objections for Street Improvement District Nos. 2013-1, 2013-2, or 2013-3.

There being no other persons wishing to be heard concerning the improvements and the proposed levy of special assessments within Street Improvement District Nos. 2013-1, 2013-2 and 2013-3, the Mayor declared the hearing closed.

Moved by Ginny Skutnik seconded by Chuck Niemeyer to approve Mayor and Council sitting as Board

of Equalization. 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.

2.(d) Moved by Everett Goebel seconded by Ginny Skutnik to approve Resolution No. 2016-28 ...Making assessments in Street Improvement District Nos. 2013-1, 2013-2 and 2013-3.

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.

2.(e) Moved by Ginny Skutnik seconded by Sarah Hoops that the Mayor and City Council adjourn as a Board of Equalization. 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.

General Business.

3.(a) Moved by Chuck Niemeyer seconded by Michael Krings to approve the Redevelopment Agreement with City Block Center Hospitality, L.L.C., a Nebraska limited liability company, City Block Center Housing, L.L.C., a Nebraska limited liability company, and City Block Center Mixed-Use, L.L.C., a Nebraska limited liability company, for the City Block Project in downtown Hastings.

Discussion was held regarding estimates of cost and commitment for the City's portion of the project.

Mayor Powers stated that the City subsidizes other amenities. Jeff Hassenstab, Director of Parks & Recreation, stated the City subsidizes the Auditorium by approximately \$80,000 annually at this time.

Mr. Ptak, City Attorney, stated that Section 4 of the Redevelopment Agreement has been put in place for parking issues.

Roger Bullington (Chief Construction) is waiting on a signed Redevelopment Agreement and already has an operation agreement crafted. No issues have been foreseen in coming to an agreement with Hastings College. There is no finalized hotel commitment at this time. The preconstruction team reviewed and is comfortable with project scope & cost discussed.

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.

3.(b) Moved by John Harrington seconded by Ginny Skutnik to approve the payment of \$242,828.74 to James Baldwin for the balance due for his Police defined retirement. 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.

Ordinances and Resolutions.

4.(a) Ordinance No. 4473. . .Amending Section 2-501, repealing Sections 2-520 to 2-526, enacting a new Section 2-529, and amending Section 32-109 of the Hastings City Code dealing with department heads, duties of the Manager of Utilities, and Board of Public Works. (*Second Reading*)

Moved by Ginny Skutnik seconded by Kathy Duval to postpone indefinitely Ordinance No. 4473.

Mayor Powers requested to move this item to the July Council Worksession to discuss in depth.

Discussion was held regarding the function of the Board of Public Works as an operating board. Concern was also raised over exempt employees and merit service.

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.

4.(c) Ordinance No. 4478 repeals Ordinance No. 4406 and provides for the sale of City property to City Block Center Hospitality, L.L.C., a Nebraska limited liability company, City Block Center Housing, L.L.C., a Nebraska limited liability company, and City Block Center Mixed-Use, L.L.C., a Nebraska limited liability company. *(Second Reading)*

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

The Mayor then stated the question “Shall Ordinance No. 4478 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 Ginny Skutnik 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 June 14, 2016. Effective date of the ordinance is June 29, 2016.

Mr. Ptak gave a brief overview on Limited Referendum and Statutory authority.

Moved by Chuck Niemeyer seconded by Ginny Skutnik there being no further business to adjourn at 6:12p.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)