

CITY OF HASTINGS, NEBRASKA
MINUTES OF CITY COUNCIL REGULAR MEETING
Monday, September 10, 2018

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 September 10, 2018.

The meeting was called to order at 5:30 p.m. in Regular Session by Mayor Stutte with the following members present: Jeniffer Beahm, Ginny Skutnik, Sarah Hoops, Butch Eley, Scott Snell, Phil Odom, Paul Hamelink. Absent: John Harrington.

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

Moved by Butch Eley seconded by Ginny Skutnik to adopt current agenda for September 10, 2018 Regular Meeting. Roll Call: Ayes: Paul Hamelink, Phil Odom, Scott Snell, Butch Eley, Sarah Hoops, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: John Harrington. The motion carried.

Mayor Stutte 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 Beahm reported the Mayor's Youth Council held its first meeting last night. The council consists of thirteen students. They are interested in providing community service, so ideas are welcome.

CITIZEN COMMUNICATIONS:

None.

MAYOR'S COMMUNICATIONS:

Mayor Stutte recognized service anniversaries for Deb McCoy, 35 years; Koob Borgeling, 15 years; Darrell Brenfoerder, 40 years; John Brown, 5 years; Richard Koepke, 5 years; Opal Johnson, 40 years; Brett Munter, 15 years; Mark Hinrichs, 30 years; Mark Grupe, 5 years; Raelee Johnson, 10 years; Beverly Walker-Witsel, 30 years.

CONSENT AGENDA:

1. All Consent Items.

Moved by Ginny Skutnik seconded by Jeniffer Beahm to approve all consent items, as presented.

Roll Call: Ayes: Paul Hamelink, Phil Odom, Scott Snell, Butch Eley, Sarah Hoops, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: John Harrington. The motion carried.

(a) Approval of the minutes of the Council Meeting of August 27, 2018

(b) Approval of the minutes of the Worksession of August 20, 2018

(c) Approval of claims and payroll

(d) Approve receiving and placing on file department monthly reports

(e) Approval of the request of Hastings Family YMCA to utilize city streets for the Turkey Trot Run/Walk on November 17, 2018

(f) Approval of the Release of Easement with Lee Ann Maul for part of the easement at 520 W. "F" Street

REGULAR AGENDA:

2. Unfinished Business of Preceding Meeting.

None.

3. Public Hearings.

(a) Public hearing on the City of Hastings' property tax request and tax rate for fiscal year 2018-2019. Joe Patterson, City Administrator, stated the tax levy remained the same as last year. There was an increase in valuation, which increased revenue. No public spoke. City Clerk received no objections.

Moved by Ginny Skutnik seconded by Sarah Hoops to approve Resolution No. 2018-30... Establishing property tax requirement for Fiscal Year 2018-2019. Roll Call: Ayes: Paul Hamelink, Phil Odom, Scott Snell, Butch Eley, Sarah Hoops, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: John Harrington. The motion carried.

(b) Public hearing on proposed 2018-2019 Annual Budget for the City of Hastings. No public spoke. City Clerk received no objections.

ORDINANCE NO. 4554 ADOPTING THE ANNUAL APPROPRIATION BILL FOR THE CITY OF HASTINGS AND ADOPTING APPROPRIATE SUMS FOR THE NECESSARY EXPENSES AND LIABILITY FOR THE FISCAL YEAR 2018-2019

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

The Mayor then stated the question "Shall Ordinance No. 4554 be passed and adopted?" Upon roll call vote the following Councilmembers voted Ayes: Paul Hamelink, Phil Odom, Scott Snell, Butch Eley, Sarah Hoops, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: John Harrington. The motion carried.

Councilmember Sarah Hoops moved that the statutory rule requiring reading on three different days be suspended; Councilmember Butch Eley seconded the motion to suspend the rules and upon roll call vote the following Councilmembers voted Ayes: Paul Hamelink, Phil Odom, Scott Snell, Butch Eley, Sarah Hoops, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: John Harrington. 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 September 14, 2018. Effective date of the ordinance is September 26, 2018.

(c) Moved by Sarah Hoops seconded by Ginny Skutnik to approve Resolution No. 2018-32... Adopting 2018-2019 Annual Fee Resolution. Joe Patterson stated that the council received a red lined fee resolution for their review. Most fee increases are a reflection of additional expenses, such as the increased minimum wage. Roll Call: Ayes: Paul Hamelink, Phil Odom, Scott Snell, Butch Eley, Sarah Hoops, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: John Harrington. The motion carried.

(d) Public hearing on the request of David Ost diek on behalf of Prataria Ventures, LLC to consider approval of Plan Modification #07.24.18 to Redevelopment Area XIV. Don Threewitt, Development Services Director, stated this is for construction of workforce housing in North Park Commons. No public spoke. Clerk received no objections.

Moved by Phil Odom seconded by Paul Hamelink to approve Resolution 2018-46, approving Redevelopment Plan Modification #07.24.18 for the Prataria Ventures, LLC, f/k/a NPC Phase 1, LLC, Redevelopment Project in Redevelopment Area XIV. Roll Call: Ayes: Paul Hamelink, Phil Odom, Scott Snell, Butch Eley, Sarah Hoops, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: John Harrington. The motion carried.

(e) Public hearing on the request of Jeff Halloran on behalf of JTH Enterprises, LLC for a Conditional Use Permit to allow off-street parking and vehicle storage. Don Threewitt stated this item requests adding outdoor vehicle storage to an existing storage unit facility. No public spoke. Clerk received no objections.

Moved by Scott Snell seconded by Butch Eley to approve Resolution No. 2018-47 approving the request of Jeff Halloran on behalf of JTH Enterprises, LLC for a Conditional Use Permit to allow off-street parking and vehicle storage. Roll Call: Ayes: Paul Hamelink, Phil Odom, Scott Snell, Butch Eley, Sarah Hoops, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: John Harrington. The motion carried.

(f) Public hearing on the request of the Development Services Department to amend Section 34-211 of Hastings City Code to provide for a change in height restrictions for certain buildings. Don Threewitt stated Development Services initiated this change for height restrictions. Airport restrictions must be followed. No public spoke. Clerk received no objections.

ORDINANCE NO. 4563 AMENDING SECTION 34-211 OF HASTINGS CITY CODE TO PROVIDE FOR A CHANGE IN HEIGHT RESTRICTIONS FOR CERTAIN BUILDINGS

Said Ordinance was read by title and thereafter Councilmember Sarah Hoops moved for passage of the ordinance, which motion was seconded by Councilmember Ginny Skutnik.

The Mayor then stated the question "Shall Ordinance No. 4563 be passed and adopted?" Upon roll call vote the following Councilmembers voted Ayes: Paul Hamelink, Phil Odom, Scott Snell, Butch Eley, Sarah Hoops, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: John Harrington. 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: Paul Hamelink, Phil Odom, Scott Snell, Butch Eley, Sarah Hoops, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: John Harrington. 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 September 14, 2018. Effective date of the ordinance is September 26, 2018.

(g) Public hearing on the request of THOAR, LLC for an amendment to the CP-2 Commercial Business Planned District. Don Threewitt stated this would allow building penetrations, mainly for shared access to a rooftop deck. No public spoke. Clerk received no objections.

ORDINANCE NO. 4564 AMENDING THE REQUIREMENTS RELATED TO THE CP-2 COMMERCIAL BUSINESS PLANNED DISTRICT FOR PROPERTY OWNED BY THOAR, LLC

Said Ordinance was read by title and thereafter Councilmember Ginny Skutnik moved for passage of the ordinance, which motion was seconded by Councilmember Sarah Hoops.

The Mayor then stated the question "Shall Ordinance No. 4564 be passed and adopted?" Upon roll call vote the following Councilmembers voted Ayes: Paul Hamelink, Phil Odom, Scott Snell, Butch Eley, Sarah Hoops, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: John Harrington. The motion carried.

Councilmember Ginny Skutnik moved that the statutory rule requiring reading on three different days be suspended; Councilmember Sarah Hoops seconded the motion to suspend the rules and upon roll call vote the following Councilmembers voted Ayes: Paul Hamelink, Phil Odom, Scott Snell, Butch Eley,

Sarah Hoops, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: John Harrington. 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 September 14, 2018. Effective date of the ordinance is September 26, 2018

(h) Public hearing on the request of Jerry Bumgardner on behalf of Crossroads Center, a Nebraska Non-profit Corporation, for a Conditional Use Permit amendment to update permit conditions and to allow subletting of a portion of the property.

Don Threewitt reported four findings were adequately addressed in the Planning Commission meeting. Three issues remained outstanding after the meeting: off-street parking being undersized for the property, a buffer on the northern property boundary, and overnight staffing/supervision. Affected neighbors and Crossroads met after the Planning Commission meeting. Crossroads provided increased parking through an offsite agreement and redesigned how the outdoor yard space was going to be used. Overnight supervision has not been finalized. We support Crossroads and the conditional use permit as written with annual automatic renewal. Speaking For: Daniel Buler (Crossroads), Jerry Bumgardner (Crossroads), Russ Dudrey (Church of Christ Minister). Speaking Against: Pam Dunn, Joni Parris, Josh Randel, Mark Montague, Rachelle Lipker, Chuck Holmberg. City Clerk received four letters with comments.

Moved by Phil Odom seconded by Sarah Hoops to approve Resolution 2018-48, a Conditional Use Permit amendment for Crossroads Center, subject to the conditions outlined.

Discussion took place on how to hold Crossroads accountable to the restrictions listed in the conditional use permit. Don Threewitt stated it would be complaint driven, with Development Services receiving those complaints. Crossroads will be on a rotation for inspection, not merely with the annual review. If issues remain, next year's permit could be denied. There are fair housing laws we have to abide by, but we want to be consistent with other homeless shelters across the country.

Mayor Stutte made the point that a general problem exists with mental health. Since the Regional Center went away, we were given an unfunded mandate: people with mental health issues were put into the community without support. We are trying to find out the best way ahead on this.

Concerns discussed:

- Goal of ending homelessness and the best resources to do so. Crossroads was encouraged to use resources available to them across the state and participate in discussions with other agencies.
- Increase in assistance calls made to Police and Fire over this past year.
- Lengthy stays of residents, not using as transitional housing.
- Crossroads staff not watching residents, leaving it up to the neighbors to watch residents and say something.
- Curfew is not being adhered to by residents. Crossroads responded that some residents work late and cannot adhere to the curfew, but all others must obey the 9p.m. curfew.
- The smoking area is being moved to an area between buildings.
- Safety and security. Crossroads stated they recently hired onsite overnight staff, with additional staff being on call with immediate availability.
- Privacy fence, parking issues, littering, loitering, and security cameras not working.

Councilmember Hamelink stated that we heard clearly that peers are frustrated, neighbors, and state establishments. That can change if Crossroads becomes responsive to them. Mayor Stutte ended the discussion hoping this brings accountability and structure to the process and fills a need in the community.

Roll Call: Ayes: Paul Hamelink, Phil Odom, Scott Snell, Butch Eley, Sarah Hoops, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: John Harrington. The motion carried.

(i) Public hearing on the request of Russ Dudrey on behalf of the Church of Christ for a Conditional Use Permit amendment to encroach into building setbacks to add a canopy and ADA ramp at 1131 North Laird Avenue. Don Threewitt stated an existing church is looking to add a canopy and ADA ramp, subject to conditions. Russ Dudrey spoke in support. Clerk received no objections.

Moved by Ginny Skutnik seconded by Sarah Hoops to approve Resolution No. 2018-49...Approving request of Russ Dudrey on behalf of the Church of Christ for a Conditional Use Permit amendment to encroach into building setbacks to add a canopy and ADA ramp at 1131 North Laird Avenue.

Roll Call: Ayes: Paul Hamelink, Phil Odom, Scott Snell, Butch Eley, Sarah Hoops, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: John Harrington. The motion carried.

4. General Business.

(a) Moved by Ginny Skutnik seconded by Butch Eley to approve Preliminary/Final plat for J & P Subdivision. Don Threewitt stated this will facilitate a land exchange. Roll Call: Ayes: Paul Hamelink, Phil Odom, Scott Snell, Butch Eley, Sarah Hoops, Ginny Skutnik, Jeniffer Beahm.

Nays: None. Absent: John Harrington. The motion carried.

(b) Moved by Butch Eley seconded by Ginny Skutnik to approve the Preliminary plat for Wildcat Acres Subdivision. Roll Call: Ayes: Paul Hamelink, Phil Odom, Scott Snell, Butch Eley, Sarah Hoops, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: John Harrington. The motion carried.

(c) Moved by Ginny Skutnik seconded by Butch Eley to approve the Preliminary/Final Plat for Duca Subdivision, a replat of Lots 5 through 8 and a portion of the vacated alley of Block 11, Cole's First Addition to the City of Hastings, Adams County, Nebraska, subject to the following condition: that the dedicated 12-foot wide public utility easement be depicted on the plat. Don Threewitt stated this will combine several lots for owner to build a detached garage. Roll Call: Ayes: Paul Hamelink, Phil Odom, Scott Snell, Butch Eley, Sarah Hoops, Ginny Skutnik, Jeniffer Beahm. Nays: None.

Absent: John Harrington. The motion carried.

(d) Moved by Phil Odom seconded by Scott Snell to approve authorizing the Mayor to execute documents necessary to obtain and maintain a letter of credit from Great Western Bank in the amount of \$2,784,460.00 to satisfy the Performance Guarantee obligations related to Hastings Groundwater Contamination Site. Dave Ptak, City Attorney, stated this is an annual renewal required by the EPA mandate, handled by Michael Sullivan. This is simply to approve the annual requirement to the EPA. Roll Call: Ayes: Paul Hamelink, Phil Odom, Scott Snell, Butch Eley, Sarah Hoops, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: John Harrington. The motion carried.

5. Ordinances and Resolutions.

(a) ORDINANCE NO. 4561 ESTABLISHING FAIR AND EQUITABLE RATES FOR THE CONSUMPTION OF WATER FROM THE WATER DISTRIBUTION SYSTEM OF THE CITY OF HASTINGS

Said Ordinance was read by title and thereafter Councilmember Ginny Skutnik moved for passage of the ordinance, which motion was seconded by Councilmember Sarah Hoops.

Kevin Johnson, Utility Manager, stated the rate increase was previously discussed and approved at the advisory board level. Councilmember Odom requested that the planned rate study include the water rates also.

The Mayor then stated the question "Shall Ordinance No. 4561 be passed and adopted?" Upon roll call vote the following Councilmembers voted Ayes: Paul Hamelink, Phil Odom, Scott Snell, Butch Eley, Sarah Hoops, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: John Harrington. The motion carried.

Councilmember Ginny Skutnik moved that the statutory rule requiring reading on three different days be suspended; Councilmember Butch Eley seconded the motion to suspend the rules and upon roll call vote the following Councilmembers voted Ayes: Paul Hamelink, Phil Odom, Scott Snell, Butch Eley, Sarah Hoops, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: John Harrington. 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 September 14, 2018. Effective date of the ordinance is September 26, 2018.

(b) ORDINANCE NO. 4562 ESTABLISHING FAIR AND EQUITABLE RATES FOR SANITARY SEWER USE AND FOR THE DISPOSAL OF SPECIAL WASTEWATER AND GRIT INTO THE SEWER COLLECTION AND TREATMENT SYSTEM OF THE CITY OF HASTINGS

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

Kevin Johnson, Utility Manager, stated this is a slight increase from what was predicted last year. Additional increase is because of expected regulatory compliance requirements.

The Mayor then stated the question "Shall Ordinance No. 4562 be passed and adopted?" Upon roll call vote the following Councilmembers voted Ayes: Paul Hamelink, Phil Odom, Scott Snell, Butch Eley, Sarah Hoops, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: John Harrington. The motion carried.

Councilmember Ginny Skutnik moved that the statutory rule requiring reading on three different days be suspended; Councilmember Butch Eley seconded the motion to suspend the rules and upon roll call vote the following Councilmembers voted Ayes: Paul Hamelink, Phil Odom, Scott Snell, Butch Eley, Sarah Hoops, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: John Harrington. 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 September 14, 2018. Effective date of the ordinance is September 26, 2018.

(c) ORDINANCE NO. 4565 CREATING STREET IMPROVEMENT DISTRICT 2018-1 (LAKEVIEW DR. - NORTH SHORE DR. TO 118.47' NORTH OF MARTIN DR.)

Said Ordinance was read by title and thereafter Councilmember Ginny Skutnik moved for passage of the ordinance, which motion was seconded by Councilmember Sarah Hoops.

Dave Wacker, City Engineer, stated this is a request submitted by Alan Anderson. He has requested to use the Development Incentive Program.

The Mayor then stated the question "Shall Ordinance No. 4565 be passed and adopted?" Upon roll call vote the following Councilmembers voted Ayes: Paul Hamelink, Phil Odom, Scott Snell, Butch Eley, Sarah Hoops, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: John Harrington. The motion carried.

Councilmember Ginny Skutnik moved that the statutory rule requiring reading on three different days be suspended; Councilmember Sarah Hoops seconded the motion to suspend the rules and upon roll call vote the following Councilmembers voted Ayes: Paul Hamelink, Phil Odom, Scott Snell, Butch Eley, Sarah Hoops, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: John Harrington. 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 September 14, 2018. Effective date of the ordinance is September 26, 2018.

(d) Moved by Butch Eley seconded by Sarah Hoops to approve Resolution No 2018-51...Accepting Work and Certificate of Engineering for project Street Improvement District 2017-2 and set the hearing date of October 8, 2018. Dave Wacker stated the project has been completed. Roll Call: Ayes: Paul Hamelink, Phil Odom, Scott Snell, Butch Eley, Sarah Hoops, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: John Harrington. The motion carried.

(e) Moved by Butch Eley seconded by Ginny Skutnik to approve Resolution No 2018-52...Accepting plat and schedule of assessments for SID 2017-2 and set hearing date of October 8, 2018. Roll Call: Ayes: Paul Hamelink, Phil Odom, Scott Snell, Butch Eley, Sarah Hoops, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: John Harrington. The motion carried.

6. Final Passage of Ordinances.
None.

7. Appointments.
None.

8. Miscellaneous and Other Business.
None.

Moved by Ginny Skutnik seconded by Butch Eley there being no further business to adjourn at 6:59p.m. Roll Call: Ayes: Paul Hamelink, Phil Odom, Scott Snell, Butch Eley, Sarah Hoops, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: John Harrington. The motion carried.

APPROVED:

Corey Stutte, Mayor

ATTEST:

Kimberly S. Jacobitz, City Clerk

(S E A L)