

CITY OF HASTINGS, NEBRASKA
MINUTES OF CITY COUNCIL WORKSESSION
Monday, February 18, 2019

Pursuant to due call and notice thereof, a Worksession of the City Council of the City of Hastings, Nebraska was conducted at the Hastings Public Library, 314 N. Denver Avenue, on February 18, 2019.

The Worksession was called to order at 5:30 p.m. by Council President Paul Hamelink with the following members present: Matt Fong, Chuck Rosenberg, Scott Snell, Ted Schroeder, Ginny Skutnik, Jeniffer Beahm. Absent: Butch Eley.

City Officials Present: Mayor Corey Stutte, Joe Patterson, Adam Story, David Ptak, David Wacker, Brad Starling, Troy Vorderstrasse, Kevin Johnson, Jeff Hassenstab, Roger Nash, Lori Hartman, Don Threewitt, Mark Evans, Becky Matticks.

Moved by Ginny Skutnik, seconded by Matt Fong to adopt current agenda for February 18, 2019 Worksession.

Official Notice of the Worksession was published in the Hastings Tribune on Friday, February 15, 2019. Pursuant to 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 available. Also, a current copy of the Nebraska Open Meetings Act is posted and accessible to members of the public.

Presentation of HPAC Annual Report.

Lorie Schiefelbein, HPAC Program Director, stated she was there to request that the Hastings City Council continue the 1% cable franchise fee from Charter. She stated that the funds allow for the public education and government programming that HPAC provides. She reviewed with Council the financial statement and stated last year they had \$40,000.00 budgeted for equipment and only used \$32,000.00. She indicated that \$15,000.00 was budgeted this year for audio equipment.

Councilmember Fong questioned the Charter revenue decline. Ms. Schiefelbein indicated that there are a lot of alternatives these days.

Ms. Schiefelbein reviewed with Council the agencies that use the HPAC programming as well as the regularly scheduled programs. She stated 111 organizations use the Community Bulletin Board.

Update on Ordinance No. 4570 regarding weapons in city vehicles and on city property.

Dave Ptak, City Attorney, reviewed with Council §69-2429 that became effective July 19, 2018 regarding the Concealed Handgun Permit Act and how "concealed handgun" and "handgun" were defined. He explained that there is nothing on the books to stop someone from open carrying into any City building. He went on to explain §69-2441 which listed exceptions as to where a concealed handgun can be taken. Mr. Ptak stated concealed carry is currently prohibited by state statutes where the governing body is meeting. He stated what they need to decide is what they want to do with the property under their control and if they chose to prohibit it, they would need to post accordingly. He told Council as far as concealed carry, it is only prohibited where the governing body is meeting, you could conceal carry in the parks, museum and library. Mr. Ptak provided Council with a copy of the current City Code Chapter 21 and a draft revised version. He

indicated that much of the current Chapter 21 was outdated or contrary to current law and that not much had been amended since 1973.

Mayor Stutte stated that he felt the new version is pretty specific now, just buildings and vehicles and not right-of-way. He indicated he felt they should focus on open carry and what they wanted to allow in City buildings. He stated he felt concealed carry permit holders were trained and we should trust that training. He indicated he was looking for the least restrictive path.

Councilmember Schroeder asked about open carry calls the Police Department receives.

Adam Story, Police Chief, stated that most complaints about open carry come from private businesses.

Mr. Ptak stated the Council also needs to decide who should make the decision on weapons in City buildings. He asked if the decision should come from Council, Museum Trustees for museum building, Library Board for library building, Utility Advisory Board for utility building or should we list buildings in an ordinance or resolution. He indicated as stated in §69-2441, it is up to the governing body to determine properties weapons are allowed in and to post a conspicuous notice.

Councilmember Hamelink questioned Council on where they want to limit concealed carry and stated he didn't like limiting a citizen's rights.

Department heads were asked to comment on their feelings regarding weapons being allowed in their buildings. Kevin Johnson, Manager of Utilities, indicated he would prefer no weapons, concealed or open carry, be allowed in the Utility buildings. Jeff Hassenstab, Parks and Recreation Director, stated he just wanted to see it be consistent with all City buildings. Becky Matticks, Museum Director, stated she didn't feel the Museum, with artifacts and families, was a place for weapons.

Jim Price, Concealed Carry Instructor, stated that in many of the buildings they are talking about, there is really no form of security and he would like to see the buildings kept with conceal carry access.

Councilmember Fong asked about peer communities and what they are doing.

Mr. Ptak stated that they could survey them if Council wished to have that information.

Mayor Stutte suggested they take care of open carry in the least restrictive way. He stated he questioned enforceability with respect to prohibiting concealed carry and stated you have to trust they have had the training and know what they are doing. He agreed with looking at what peer communities are doing because we don't want to be the most restrictive. He felt looking at what others are doing might give them some better direction.

Joe Patterson, City Administrator, stated they would poll some other communities and visit with department heads and bring back the information to Council.

Discussion on adoption of the 2018 International Building Code, Residential Code, Mechanical Code, Plumbing Code, Existing Building Code, Property Maintenance Code, 2018 NFPA 54 Fuel Gas Code, and 2018 NFPA 58 LP Gas Code.

Mark Evans, Building Inspector, stated they are looking to update the family of construction safety codes with several hundred changes. He indicated the main change is the requiring of residential

fire sprinklers. He told Council that the State had amended out the fire sprinkler code leaving it to the local jurisdiction. He stated what they were proposing was a two year period for contractors to adjust and get up to speed and see how it can work.

Councilmember Skutnik stated she felt it was not developer friendly and questioned why they would want to change it.

Mr. Evans stated there is added cost to installing fire sprinklers but you also have a safer home.

There was discussion on types of fire sprinklers, types of house fires in the last six months and that there would be some trade-offs throughout the code to somewhat offset the cost of having to sprinkler a house.

Troy Vorderstrasse, Fire Prevention Officer, stated there is cost associated with the placement of fire sprinklers but already run lines can be used, sprinkler heads can be recessed and the two year wait to begin the requirement would allow plumbers to become certified. He indicated that the national average for cost of putting sprinklers in is \$1.35 per square foot. He explained that only certain rooms were required to be sprinklered and it had more to do with life safety and allowing people enough time to get out of a burning house. He also stated that some insurance companies will allow a discount for fire sprinklers and that can help to offset the initial cost.

Mayor Stutte stated he felt it was a bad policy to adopt now and that it could make it more difficult for the workforce housing. He felt they should amend it out for now.

Councilmember Schroeder questioned the insurance saving. Mr. Vorderstrasse indicated with insurance companies he talked to it was 5 to 7%. Mr. Schroeder suggested they talk to contractors and maybe delay for more information.

Councilmember Fong questioned if homeowners were asking for sprinklers.

Mr. Evans stated homeowners don't know about it. He indicated it is an educational issue.

Councilmember Hamelink stated it would be nice to have a meeting with construction companies.

Councilmember Skutnik stated that she got the life safety issue but felt it was not the right time.

Discussion on adoption of the 2018 International Fire Code.

Mr. Vorderstrasse went on to mention a few other changes to fire code: solar power regulations, lock down plans for schools, first responder safety and hyperbaric chamber regulations.

Discussion on adoption of Hastings City Code Section 34-309 "Signs".

Don Threewitt, Director of Development Services, indicated he felt the new sign code was clear, streamlined and friendly to the community. He stated that sign companies have reviewed the new code and are in support of it. He stated they have clarified definitions and moved them to the front of the code with pictures. He reviewed with Council illuminated signs, electronic signs, measurement of signs, permit process, where specific signs can be placed, total number of signs, monument signs and design standards. He also explained to Council the creative sign program used for signs that don't quite fit into a category and iconic and historic signs that can be allowed subject to Council approval.

Discussion on the hiring/firing authority of the City Administrator.

Councilmember Hamelink explained there had been an employee situation that the city administrator was not able to handle due to there being nothing in code allowing him to do so.

Mr. Patterson indicated department heads were not in favor of this and he didn't blame them. He indicated there are some changes coming through human resources that should take care of this type of situation.

Mr. Ptak indicated there is no need to place the burden on the city administrator if we use the human resources department like it is meant to be used.

Councilmember Hamelink suggested that if changes are coming, they sit on this for now. The Council concurred.

Discussion of solar project proposal.

Derek Zeisler, Director of Marketing and Energy Supply and Kevin Johnson, Manager of Utilities, began by reviewing with Council the Hastings Community Solar Farm – Phase 1 (Attached and made part of original minutes.)

Mr. Zeisler indicated that capacity is not the issue and that it is really about the generation. He stated that everything they generate goes out to market and then comes back.

Mr. Johnson indicated they are responding to customers that have a desire for renewables.

Councilmember Hamelink asked about the level of participation in other communities.

Mr. Zeisler indicated that Fremont is working on their third phase.

Mr. Johnson stated that some people would say they are behind on getting started on this but he felt they are getting in at the right time for the right reason.

Councilmember Hamelink stated he felt they had an obligation to offer renewables to customers.

Councilmember Schroeder asked how much space was needed for each phase.

Mr. Zeisler indicated approximately ten acres per phase.

Mr. Johnson stated if Council wanted a review of the bid evaluation they would need to go into closed session.

Moved by Scott Snell, seconded by Jeniffer Beahm to go into closed session at 7:46 P.M. for the discussion of contract negotiations. Roll Call: Ayes: Matt Fong, Paul Hamelink, Chuck Rosenberg, Scott Snell, Ted Schroeder, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: Butch Eley. The motion carried.

Moved by Ginny Skutnik, seconded by Jeniffer Beahm that open session be resumed at 7:58 P.M. Roll Call: Ayes: Matt Fong, Paul Hamelink, Chuck Rosenberg, Scott Snell, Ted Schroeder, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: Butch Eley. The motion carried.

There being no further business to come before the Council, Council President Hamelink declared the meeting adjourned at 7:58 P.M.