

CITY OF HASTINGS, NEBRASKA
MINUTES OF CITY COUNCIL REGULAR MEETING
Monday, April 22, 2019

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 22, 2019.

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

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 April 22, 2019 Regular Meeting. Roll Call: Ayes: Matt Fong, Chuck Rosenberg, Scott Snell, Butch Eley, Ted Schroeder, Ginny Skutnik. Nays: None. Absent: Jeniffer Beahm, Paul Hamelink. 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 Fong reported on the most recent Hastings Economic Development Corporation meeting. There is progress in the North Park Commons development. A resolution was passed in support of the Hastings Public School's levy over-ride project.

Chuck Rosenberg thanked John Brown (Cemetery Superintendent) for Parkview Cemetery street repairs.

Councilmember Snell thanked Joe Patterson and Dave Ptak for their attendance at a recent Hastings Public Access Channel meeting.

Councilmember Skutnik reported on the Tree Board meeting held March 26th. The Arbor Day celebration is this Saturday at Highland Park.

CITIZEN COMMUNICATIONS:

None.

MAYOR'S COMMUNICATIONS:

Mayor's Youth Council is hosting a 5k this Saturday at Lake Hastings. Mayor Stutte encouraged citizens to turn out to support this event.

Katie Karr (Museum) recognized Museum volunteers.

Al Vacanti (City Administrator, Wisner) and Jeff Hofaker (City Administrator, Sutton) presented Joe Patterson with the ICMA (City Manager Association) lifetime membership award and a plaque from the Nebraska League of Municipalities.

CONSENT AGENDA:

1. All Consent Items.

Moved by Ginny Skutnik seconded by Matt Fong to approve all consent items, as presented.

Roll Call: Ayes: Matt Fong, Chuck Rosenberg, Scott Snell, Butch Eley, Ted Schroeder, Ginny Skutnik.

Nays: None. Absent: Jeniffer Beahm, Paul Hamelink. The motion carried.

(a) Approval of the minutes of the Council Meeting of April 8, 2019

- (b) Approval of claims and payroll
- (c) Approve receiving and placing on file department monthly reports
- (d) Approval of the Release of Easement on Svoboda Acres 3rd Subdivision on North Highway 281, North of 70th Street
- (e) Approval of Work Order WA-358
- (f) Approval of Work Order EL-83
- (g) Approval of Work Order SL-120

REGULAR AGENDA:

2. Unfinished Business of Preceding Meeting.
None.

3. Public Hearings.

(a) Public hearing for a change in zoning from "R-1, Single Family Residential District and R-3, Multiple Family Residential District" to "CP-3, Commercial Business Planned District" for Cimarron Meadows 11th Addition and the Northeast Quarter of Section 36, Township 8 North, Range 10 West of the 6th P.M., Adams County, Nebraska, excepting all dedicated rights-of-way and excepting the following platted subdivisions, to wit: Cimarron Meadows Addition, Cimarron Meadows First Addition, Cimarron Meadows Second Addition, Cimarron Meadows 3rd Addition, Cimarron Meadows 4th Addition, Cimarron Meadows 5th Addition, Cimarron Meadows 6th Addition, Cimarron Meadows 7th Addition, Cimarron Meadows 8th Addition, Cimarron Meadows 9th Addition, Cimarron Meadows 10th Addition, Cimarron Meadows Subdivision No. 1, Cimarron Meadows Subdivision No. 2, Cimarron Meadows Subdivision No. 3, Cimarron Meadows Subdivision No. 4, North Shore West Subdivision, Assembly of God Second Subdivision, First Assembly of God Third Subdivision, Cimarron Plaza Addition, and Heartland Vet Subdivision. Don Threewitt, Development Services Director, reported this zoning change is due to the need for more flexible development standards for the immediate residential product in order to address variable side-yard setbacks and smaller lot sizes and the need to maintain flexibility in the northern blocks adjacent to 42nd Street for potential development. No public spoke. City Clerk received no objections.

ORDINANCE NO. 4587 AMENDING THE OFFICIAL CITY ZONING MAP TO REZONE CERTAIN PROPERTY FROM "R-1, SINGLE FAMILY RESIDENTIAL DISTRICT AND R-3, MULTIPLE FAMILY RESIDENTIAL DISTRICT" TO "CP-3, COMMERCIAL BUSINESS PLANNED DISTRICT"

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

The Mayor then stated the question "Shall Ordinance No. 4587 be passed and adopted?" Upon roll call vote the following Councilmembers voted Ayes: Matt Fong, Chuck Rosenberg, Scott Snell, Butch Eley, Ted Schroeder, Ginny Skutnik. Nays: None. Absent: Jeniffer Beahm, Paul Hamelink. The motion carried.

Councilmember Ginny Skutnik moved that the statutory rule requiring reading on three different days be suspended; Councilmember Ted Schroeder seconded the motion to suspend the rules and upon roll call vote the following Councilmembers voted Ayes: Matt Fong, Chuck Rosenberg, Scott Snell, Butch Eley, Ted Schroeder, Ginny Skutnik. Nays: None. Absent: Jeniffer Beahm, Paul Hamelink. 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 26, 2019. Effective date of the ordinance is May 8, 2019.

4. General Business.

(a) Moved by Ginny Skutnik seconded by Chuck Rosenberg to award a contract for Water Main Improvements, 5th Street - St. Joseph Avenue to Minnesota Avenue (Contract HU 2019-03 IC-08).

Kevin Johnson, Utility Manager, stated this project will replace and upgrade an eight inch water main on 5th Street and will tie into the main completed on 4th Street last fall. This budget item is a replacement of what was originally projected. This location coordinates better with the street construction plan to repave this street in 2020. The main is approximately 100 years old and has experienced several breaks. Roll Call: Ayes: Matt Fong, Chuck Rosenberg, Scott Snell, Butch Eley, Ted Schroeder, Ginny Skutnik. Nays: None. Absent: Jeniffer Beahm, Paul Hamelink. The motion carried.

(b) Moved by Scott Snell seconded by Butch Eley to approve the Pledge Agreement with the USDA for SID#1's loan to construct a new water distribution system. Dave Ptak, City Attorney, reported this is the final step in Clay County's SID #1. They have a 40-year loan with the USDA and this will pledge any revenues to go against the loan, in the event that the SID has any financial issues during those 40 years. Roll Call: Ayes: Matt Fong, Chuck Rosenberg, Scott Snell, Butch Eley, Ted Schroeder, Ginny Skutnik. Nays: None. Absent: Jeniffer Beahm, Paul Hamelink. The motion carried.

5. Ordinances and Resolutions.

(a) Moved by Ginny Skutnik seconded by Scott Snell to approve Resolution No. 2019-9 for Release for Early Termination of National Public Gas Agency (NPGA) Membership. Kevin Johnson stated this particular resolution is to transition Hastings from full membership to an associate membership. Roll Call: Ayes: Matt Fong, Chuck Rosenberg, Scott Snell, Butch Eley, Ted Schroeder, Ginny Skutnik. Nays: None. Absent: Jeniffer Beahm, Paul Hamelink. The motion carried.

(b) ORDINANCE NO. 4591 TO AMEND SECTIONS 2-201 AND 2-205 OF THE OFFICIAL CITY CODE DEALING WITH CITY COUNCIL MEETINGS AND CITY COUNCIL WORKSESSIONS

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

Dave Ptak stated this is a result of the council's April worksession. It cleans up city code to allow the council to set its meeting dates, times, and places by resolution.

The Mayor then stated the question "Shall Ordinance No. 4591 be passed and adopted?" Upon roll call vote the following Councilmembers voted Ayes: Matt Fong, Chuck Rosenberg, Scott Snell, Butch Eley, Ted Schroeder, Ginny Skutnik. Nays: None. Absent: Jeniffer Beahm, Paul Hamelink. The motion carried.

Councilmember Ginny Skutnik moved that the statutory rule requiring reading on three different days be suspended; Councilmember Ted Schroeder seconded the motion to suspend the rules and upon roll call vote the following Councilmembers voted Ayes: Matt Fong, Chuck Rosenberg, Scott Snell, Butch Eley, Ted Schroeder, Ginny Skutnik. Nays: None. Absent: Jeniffer Beahm, Paul Hamelink. 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 26, 2019. Effective date of the ordinance is May 8, 2019.

(c) Moved by Butch Eley seconded by Matt Fong to approve Resolution No. 2019-10 setting City Council meetings and City Council worksession dates, times, and places. Dave Ptak stated this is the companion to Ordinance 4591, setting meeting dates, times and places. The next council worksession will be the first Monday in June. Roll Call: Ayes: Matt Fong, Chuck Rosenberg, Scott Snell, Butch Eley, Ted Schroeder, Ginny Skutnik. Nays: None. Absent: Jeniffer Beahm, Paul Hamelink. The motion carried.

(d) Moved by Ginny Skutnik seconded by Scott Snell to approve Resolution No. 2019-11 authorizing the Mayor to execute documents pertaining to the acceptance of Contract No. 19-03-138 from the State of Nebraska Civic and Community Center Financing Fund. Don Threewitt reported this is in partnership with Adams County and other community partners. The City of Hastings intended to explore the feasibility

need, location, and estimated community impact of a proposed Cultural Arts-Civic Center. The City of Hastings will administer the project. Roll Call: Ayes: Matt Fong, Chuck Rosenberg, Scott Snell, Butch Eley, Ted Schroeder, Ginny Skutnik. Nays: None. Absent: Jeniffer Beahm, Paul Hamelink. The motion carried.

(e) ORDINANCE NO. 4590 AUTHORIZING THE SALE OF CITY PROPERTY IMMEDIATELY WEST OF THE WHELAN ENERGY CENTER TO BREECHBLOCK RENEWABLES, L.L.C.

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

Dave Ptak reported that it is a requirement of state law that we sell city property through an ordinance. There is a 30-day remonstrance period. We are under a non-disclosure agreement with Breechblock Renewables LLC on this project. It will be a sizable investment within our community.

The Mayor then stated the question "Shall Ordinance No. 4590 be passed and adopted?" Upon roll call vote the following Councilmembers voted Ayes: Matt Fong, Chuck Rosenberg, Scott Snell, Butch Eley, Ted Schroeder, Ginny Skutnik. Nays: None. Absent: Jeniffer Beahm, Paul Hamelink. The motion carried.

Councilmember Ginny Skutnik moved that the statutory rule requiring reading on three different days be suspended; Councilmember Scott Snell seconded the motion to suspend the rules and upon roll call vote the following Councilmembers voted Ayes: Matt Fong, Chuck Rosenberg, Scott Snell, Butch Eley, Ted Schroeder, Ginny Skutnik. Nays: None. Absent: Jeniffer Beahm, Paul Hamelink. 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 26, 2019. Effective date of the ordinance is May 8, 2019.

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 6:03p.m. Roll Call: Ayes: Matt Fong, Chuck Rosenberg, Scott Snell, Butch Eley, Ted Schroeder, Ginny Skutnik. Nays: None. Absent: Jeniffer Beahm, Paul Hamelink. The motion carried.

APPROVED:

Corey Stutte, Mayor

ATTEST:

Kimberly S. Jacobitz, City Clerk

(S E A L)