

CITY OF HASTINGS, NEBRASKA
MINUTES OF CITY COUNCIL REGULAR MEETING
Tuesday, May 28, 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 May 28, 2019.

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, Ted Schroeder, Scott Snell, Chuck Rosenberg, Paul Hamelink, Matt Fong. Absent: Butch Eley.

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

Moved by Ginny Skutnik seconded by Ted Schroeder to adopt current agenda for May 28, 2019 Regular Meeting. 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.

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 Hamelink commented on Duncan Field and thanked the Parks and Recreation Department for their work on the beautiful field.

CITIZEN COMMUNICATIONS:

None.

MAYOR'S COMMUNICATIONS:

Mayor Stutte thanked the Street Department for their prompt response to an incident by Heartwell Park.

CONSENT AGENDA:

1. All Consent Items.

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

(a) Approval of the minutes of the Council Meeting of May 13, 2019

(b) Approval of claims and payroll

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

(d) Approval of the request of Hastings College to utilize city streets for the Hastings College Destination Downtown on August 29, 2019

(e) Approval of the request of Hastings Public School to utilize city streets for the HPS Fun Run/Walk event on August 8, 2019

(f) Approval of the request of Hastings Unique Bicyclists to utilize city streets for the Kool-Aid Classic Bicycle Tour on August 10, 2019

(g) Approval of the request of Midwest Pyrotechnics LLC/Hastings Sodbusters Baseball to utilize city property for the fireworks show in conjunction with Sodbusters home baseball game on June 22, 2019 (rain date June 23, 2019)

- (h) Approval of Work Order EL-84
- (i) Approval of Work Order EL-91
- (j) Approval of Work Order EL-93
- (k) Approval of Work Order EL-94
- (l) Approval of Work Order SL-121
- (m) Approval of Work Order SL-122
- (n) Approval of Work Order SL-123
- (o) Approval of Work Order SL-124
- (p) Approval of Work Order WA-363
- (q) Approval of Work Order WA-373

REGULAR AGENDA:

2. Unfinished Business of Preceding Meeting.
None.

3. Public Hearings.

(a) Public hearing on the request of the City of Hastings Utility Department for a Conditional Use Permit for a commercial solar conversion system use for property generally located north of West 12th Street and east of Highland Road. Don Threewitt, Development Services Director, stated this is the first approval of a solar facility under the new section of city code. City of Hastings Utility Department has proposed and progressed with a plan for development of a customer and utility owned solar project situated on Lot 1 of Well Field Addition to the City of Hastings. All requirements for floodplain construction shall be met. Authorization has been secured from the Federal Aviation Administration (FAA).

Moved by Scott Snell seconded by Ginny Skutnik to approve Resolution No. 2019-19 approving request of the City of Hastings Utility Department for a Conditional Use Permit for a commercial solar conversion system use for property generally located north of West 12th Street and east of Highland Road. 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.

4. General Business.

(a) Moved by Ginny Skutnik seconded by Matt Fong to approve a contract for WEC1 and NDS Installation of Miscellaneous Platforms (Contract HU 2019-04 FC-13) with Kiner, Inc., Aurora, Nebraska, in the amount of \$151,122.43. Kevin Johnson, Utility Manager, reported on the budgeted amount for the contract. Determination was made to remove one of the platforms from the bid, but the project remained over the budgeted amount. The excess amount will be covered by amounts not expended on other budgeted projects. 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.

(b) Moved by Ginny Skutnik seconded by Jeniffer Beahm to approve the fence height increase from 6 feet to 8 feet for the side and rear yard at 841 North Minnesota Avenue. Don Threewitt stated this property is currently used for apartments. Current city code would require a 15 feet buffer between the buildings, where currently there is 12 feet. 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.

(c) Moved by Ted Schroeder seconded by Chuck Rosenberg to approve the Telecommunications Line Right-of-Way License Agreement with Zayo Group, a Colorado corporation. Dave Ptak, City Administrator, stated Zayo has done previous work with underground fiber and is familiar with requirements. They were hired by a client to connect their cell tower location by fiber to the existing

fiber. They will submit plans to the City Engineer, and begin as soon as those are approved.
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.

5. Ordinances and Resolutions.

(a) ORDINANCE NO. 4593 CREATING STREET IMPROVEMENT DISTRICT 2019-3, LAUX DRIVE - 31ST STREET SOUTH 748.69 FEET

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

Dave Wacker, City Engineer, reported on the request from Hastings Economic Development Corporation (HEDC) for the extension of Laux Avenue. Construction on this project will most likely occur late fall 2019, at the earliest.

The Mayor then stated the question "Shall Ordinance No. 4593 be passed and adopted?" Upon roll call vote the following Councilmembers voted Ayes: Matt Fong, Paul Hamelink, Chuck Rosenberg, Scott Snell, Ted Schroeder, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: Butch Eley. The motion carried.

Councilmember Ginny Skutnik moved that the statutory rule requiring reading on three different days be suspended; Councilmember Matt Fong seconded the motion to suspend the rules and upon roll call vote the following Councilmembers voted Ayes: Matt Fong, Paul Hamelink, Chuck Rosenberg, Scott Snell, Ted Schroeder, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: Butch Eley. 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 May 31, 2019. Effective date of the ordinance is June 13, 2019.

(b) Moved by Matt Fong seconded by Jeniffer Beahm to approve Resolution No. 2019-22... accepting the work and the certificate of the City Engineer for Sanitary Sewer Extension District No. 2018-1. Dave Wacker reported on the assessment and general obligation amounts. 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.

(c) Moved by Jeniffer Beahm seconded by Paul Hamelink to approve Resolution No. 2019-15... accepting plat and schedule of assessments as prepared by the City Engineer for special assessments proposed to be levied in Sanitary Sewer Improvement District No. 2018-1. Dave Wacker reported assessments will be made and general obligation will be paid by the city. This action sets the assessment hearing date for June 24th. 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.

(d) Moved by Ginny Skutnik seconded by Ted Schroeder to approve Resolution No. 2019-23... accepting the work and the certificate of the City Engineer for Water Extension District No. 2018-1. Dave Wacker reported on assessment and general obligation amounts. 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.

(e) Moved by Ginny Skutnik seconded by Paul Hamelink to approve Resolution No. 2019-16... accepting plat and schedule of assessments as prepared by the City Engineer for special assessments proposed to be levied in Water Extension District No. 2018-1. Dave Wacker reported assessments will be made and general obligation will be paid by the city. This action will set the assessment hearing date for June 24th. 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.

(f) Moved by Matt Fong seconded by Paul Hamelink to approve Resolution No. 2019-24... accepting the work and the certificate of the City Engineer for Street Improvement District No. 2017-3. Dave Wacker reported on assessment and general obligation amounts. 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.

(g) Moved by Chuck Rosenberg seconded by Paul Hamelink to approve Resolution No. 2019-17... accepting plat and schedule of assessments as prepared by the City Engineer for special assessments proposed to be levied in Street Improvement District No. 2017-3. Dave Wacker reported assessments will be made and general obligation will be paid by the city. This action will set the assessment hearing date for June 24th. 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.

(h) Moved by Ginny Skutnik seconded by Jeniffer Beahm to approve Resolution No. 2019-25... accepting the work and the certificate of the City Engineer for Street Improvement District No. 2017-4. Dave Wacker reported assessment and general obligation amounts. 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.

(i) Moved by Jeniffer Beahm seconded by Paul Hamelink to approve Resolution No. 2019-18... accepting plat and schedule of assessments as prepared by the City Engineer for special assessments proposed to be levied in Street Improvement District No. 2017-4. Dave Wacker reported assessments will be made and general obligation will be paid by the city. This action will set the assessment hearing date for June 24th. 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.

(j) Moved by Matt Fong seconded by Paul Hamelink to approve Resolution No. 2019-26... accepting the work and the certificate of the City Engineer for Alley Improvement District No. 2017-1. Dave Wacker reported the assessment is associated with the Brewery Lofts project. He stated assessment and general obligation amounts. 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.

(k) Moved by Jeniffer Beahm seconded by Ginny Skutnik to approve Resolution No. 2019-21... accepting plat and schedule of assessments as prepared by the City Engineer for special assessments proposed to be levied in Alley Improvement District No. 2017-1. Dave Wacker reported assessments will be made and general obligation will be paid by the city. This action will set the assessment hearing date for June 24th. 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.

(I) Moved by Ginny Skutnik seconded by Scott Snell to approve Resolution No. 2019-20...approving reimbursement resolution to enable recovery through proceeds of issuance of bonds or notes or City funds temporarily advanced for initial street and related capital project expenditures. Phil Lorenzen, D.A. Davidson, serves as the City of Hastings' financial underwriter. He introduced Andrew Forney, as his D.A. Davidson Associate. Phil reported that the city is in great shape financially, with a very minimal amount of outstanding debt. With the hearings on June 24th, there will be a 50 day period where property owners can pay any or all special assessments. The bottom line to the reimbursement resolution is the Internal Revenue Code will allow you to advance funds internally for project cost, but will not allow you to issue tax exempt bonds to fund those on a longer term basis, unless you have a reimbursement resolution in place. 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.

6. Final Passage of Ordinances.

None.

7. Appointments.

(a) Mayor Stutte presented Clint Schukei as his appointment to City Attorney. He will begin employment on June 17th. Dave Ptak, City Administrator, stated his confidence in the mayor's appointment.

Moved by Ginny Skutnik seconded by Scott Snell to approve Mayor Stutte's appointment of Clint Schukei as City Attorney. 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.

8. Miscellaneous and Other Business.

None.

9. Possible Closed Session.

None.

Moved by Matt Fong seconded by Scott Snell there being no further business to adjourn at 6:04p.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.

APPROVED:

Corey Stutte, Mayor

ATTEST:

Kimberly S. Jacobitz, City Clerk

(S E A L)