

CITY OF HASTINGS, NEBRASKA
MINUTES OF CITY COUNCIL REGULAR MEETING
Monday, September 9, 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 September 9, 2019.

The meeting was called to order at 5:30 p.m. in Regular Session by Mayor Stutte with the following members present: Butch Eley, Ginny Skutnik, Jeniffer Beahm, Ted Schroeder, Scott Snell, Chuck Rosenberg, Paul Hamelink, Matt Fong. Absent: None.

The following City Officials were present: City Administrator, David Ptak; City Attorney, Clint Schukei; City Clerk, Kimberly Jacobitz; IT Director, Kevin Schawang, Police Chief, Adam Story; Fire Chief, Brad Starling; Parks & Recreation Director, Jeff Hassenstab; Finance Director, Roger Nash; Development Services Director, Don Threewitt; City Engineer, David Wacker; Utility Manager, Kevin Johnson, Library Director, Amy Hafer; Museum Director, Rebecca Matticks.

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 9, 2019 Regular Meeting. Roll Call: Ayes: Matt Fong, Paul Hamelink, Chuck Rosenberg, Scott Snell, Butch Eley, Ted Schroeder, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: None. 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 Snell thanked staff for the playground at Heartwell Park.

Councilmember Eley reported on the Emergency Services meeting. He congratulated Fire and Police Departments on exceeding expectations on their recent blood drive.

CITIZEN COMMUNICATIONS:

None.

MAYOR'S COMMUNICATIONS:

Mayor Stutte recognized the following Service Anniversaries: Clint Nunnenkamp, Utilities 20 years; Janet Lennemann, Utilities 15 years; Greg Gundersen, Utilities 20 years; James Black, Utilities 20 years; Bradley Cunningham, Police 5 years; Dale Christen, Utilities 35 years; Clifford Hohlfeld, Utilities 10 years; Timothy Williams, Utilities 5 years.

CONSENT AGENDA:

1. All Consent Items.

Moved by Ginny Skutnik seconded by Jeniffer Beahm to approve all consent agenda items, as presented. Roll Call: Ayes: Matt Fong, Paul Hamelink, Chuck Rosenberg, Scott Snell, Butch Eley, Ted Schroeder, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: None. The motion carried.

(a) Approval of the minutes of the Council Meeting of August 26, 2019

(b) Approval of the minutes of the Worksession of August 9, 2019

(c) Approval of claims and payroll

- (d) Approval of the request of THOAR, LLC (with Steeple Brewing Company) to utilize city streets for the Block 27 Lofts 'Block Party' on October 9, 2019
- (e) Approval of the application of Steeple Brewing Company for a Special Designated License on 1st Street from Lincoln Avenue to Hastings Avenue on October 9, 2019
- (f) Approval of Invoice #335458 from Olsson for \$6,955.60 for the execution of services to date on the Hastings Universal Mobility Study Planning Grant Project - Community Development Block Grant Project 18-PP-003
- (g) Approval of the request for CDBG funds, Drawdown #4 for \$5,154.10, for planning services completed to date on the Mobility Study Planning Grant Project 18-PP-003
- (h) Approval of Change Order No. 3 to IES Commercial, Inc. for WEC1 Switchgear Replacement Electrical Equipment Installation
- (i) Approval of Change Order No. 2 to Siemens Industry Inc. for WEC1 Switchgear Replacement

REGULAR AGENDA:

2. Unfinished Business of Preceding Meeting.

None.

3. Public Hearings.

(a) Public hearing to set property tax request for fiscal year 2019-2020 at an amount that exceeds it's property tax request for fiscal year 2018-2019. Dave Ptak, City Administrator, reported this is a new requirement, as a result of the passage of LB103 in the last legislature. The city has not raised its levy, but due to evaluation changes, the city exceeded last year's tax request. This will make the city compliant with requirements of LB103. No public spoke. No objections were received.

Moved by Ginny Skutnik seconded by Ted Schroeder to approve as part of the annual budget process. Roll Call: Ayes: Matt Fong, Paul Hamelink, Chuck Rosenberg, Scott Snell, Butch Eley, Ted Schroeder, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: None. The motion carried.

(b) Public hearing on the City of Hastings' property tax request and tax rate for fiscal year 2019-2020. Dave Ptak reported the city's levy remains the same as it has since 2016, at .4497 per \$100 of assessed valuation. No public spoke. No objections were received.

Moved by Ginny Skutnik seconded by Matt Fong to approve Resolution No. 2019-35...adopting property tax request at higher amount for fiscal year 2019-2020. Roll Call: Ayes: Matt Fong, Paul Hamelink, Chuck Rosenberg, Scott Snell, Butch Eley, Ted Schroeder, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: None. The motion carried.

(c) Public hearing on proposed 2019-2020 Annual Budget for the City of Hastings.

Dave Ptak reported this year we are filing a combined budget for both utilities and city. We are anticipating a combined cash reserve total at the end of the fiscal year of \$84,900,519. Total combined revenues are expected to be \$234,302,969. We are budgeting to expend \$149,402,450. Mayor Stutte thanked staff for their work on the budget. No public spoke. No objections were received.

ORDINANCE NO. 4599 ADOPTING THE ANNUAL APPROPRIATION BILL FOR THE CITY OF HASTINGS AND ADOPTING APPROPRIATE SUMS FOR THE NECESSARY EXPENSES AND LIABILITY FOR THE FISCAL YEAR 2019-2020

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

The Mayor then stated the question "Shall Ordinance No. 4599 be passed and adopted?" Upon roll call vote the following Councilmembers voted Ayes: Matt Fong, Paul Hamelink, Chuck Rosenberg, Scott Snell, Butch Eley, Ted Schroeder, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: None. 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, Paul Hamelink, Chuck Rosenberg, Scott Snell, Butch Eley, Ted Schroeder, Ginny Skutnik, Jeniffer Beahm. 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 September 13, 2019. Effective date of the ordinance is September 25, 2019.

(d) Moved by Matt Fong seconded by Paul Hamelink to approve Resolution No. 2019-37... adopting 2019-2020 Annual Fee Resolution. Dave Ptak reported this Fee Schedule includes revisions handed out to council during the August budget worksession. The biggest change in the handout is the airport hangar rent. Roll Call: Ayes: Matt Fong, Paul Hamelink, Chuck Rosenberg, Scott Snell, Butch Eley, Ted Schroeder, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: None. The motion carried.

(e) Moved by Butch Eley seconded by Chuck Rosenberg to approve City of Hastings, Nebraska 2019-20 Fiscal Year Salary Schedule. Dave Ptak reported this item sets the salary schedule for both city and utilities. This is an eight-step schedule, adjusted for comparable study. Roll Call: Ayes: Matt Fong, Paul Hamelink, Chuck Rosenberg, Scott Snell, Butch Eley, Ted Schroeder, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: None. The motion carried.

(f) Public hearing regarding Plan Modification No. 2019-2 to Redevelopment Area #1 commonly addressed as 731 West 2nd Street. Don Threewitt, Development Service Director, reported developer intends to purchase and rehabilitate into commercial and residential condominium uses. They intend to utilize Tax Increment Financing. No public spoke. No objections were made.

Moved by Scott Snell seconded by Paul Hamelink to approve Resolution No. 2019-42...approving Plan Modification No. 2019-2 to Redevelopment Area #1 commonly addressed as 731 West 2nd Street Roll Call: Ayes: Matt Fong, Paul Hamelink, Chuck Rosenberg, Scott Snell, Butch Eley, Ted Schroeder, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: None. The motion carried.

(g) Public hearing on the request of Hastings Economic Development Corporation to change zoning from A Agricultural to R-3 Mixed-density Residential for Outlot A, Pioneer Trail Flats Subdivision. Don Threewitt reported this is a housekeeping measure, to provide uniform zoning within North Park Commons. No public spoke. No objections were received.

ORDINANCE NO. 4604 AMENDING THE ZONING DISTRICT MAP TO REZONE PROPERTY FROM A AGRICULTURAL TO R-3 MIXED-DENSITY RESIDENTIAL FOR OUTLOT A, PIONEER TRAIL FLATS SUBDIVISION

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

The Mayor then stated the question "Shall Ordinance No. 4604 be passed and adopted?" Upon roll call vote the following Councilmembers voted Ayes: Matt Fong, Paul Hamelink, Chuck Rosenberg, Scott Snell, Butch Eley, Ted Schroeder, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: None. 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,

Butch Eley, Ted Schroeder, Ginny Skutnik, Jeniffer Beahm. 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 September 13, 2019. Effective date of the ordinance is September 25, 2019.

(h) Public hearing on the request of Hastings Economic Development Corporation to bring Trail Ridge Addition within the corporate limits of the City of Hastings and for approval of the final plat for Trail Ridge Addition. Don Threewitt reported staff requests this item to be tabled. Applicant has not completed required corrections.

Moved by Paul Hamelink seconded by Scott Snell to table bringing Trail Ridge Addition into the City of Hastings, Adams County, Nebraska. Roll Call: Ayes: Matt Fong, Paul Hamelink, Chuck Rosenberg, Scott Snell, Butch Eley, Ted Schroeder, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: None. The motion carried.

(i) Moved by Ginny Skutnik seconded by Ted Schroeder to table the final plat for Trail Ridge Addition. Roll Call: Ayes: Matt Fong, Paul Hamelink, Chuck Rosenberg, Scott Snell, Butch Eley, Ted Schroeder, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: None. The motion carried.

(j) Public hearing on the request of ESI Storage for a Conditional Use Permit for outdoor vehicle storage for property commonly addressed as 1351 West South Street. Don Threewitt stated this use does not have a permanent negative impact on the area. The project meets all four conditions outlined in city code for outside storage of vehicles.

Moved by Chuck Rosenberg seconded by Paul Hamelink to approve Resolution No. 2019-41 approving the request of ESI Storage for a Conditional Use Permit for outdoor vehicle storage for property commonly addressed as 1351 West South Street. Discussion was held on drainage issues in the area. Don Threewitt stated the site plan was reviewed by staff and grading seemed appropriate for the site. Condition of the asphalt road has deteriorated because of the water running through and pooling. The vehicles in storage are operational. Roll Call: Ayes: Matt Fong, Paul Hamelink, Chuck Rosenberg, Scott Snell, Butch Eley, Ted Schroeder, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: None. The motion carried.

(k) Public Hearing regarding application to Nebraska Department of Economic Development (NDED) for a Community Development Block Grant (CDBG) in the amount of \$435,000 for a continuation of the Downtown Revitalization programs for Commercial Rehabilitation. Don Threewitt reported the grant application is for the downtown revitalization project. The City, CRA, and BID have identified three to five additional businesses for potential investment from private parties for future development. No public spoke. No objections were received.

Moved by Ginny Skutnik seconded by Matt Fong to approve Resolution 2019-44...authorizing the Mayor to execute all contracts and documents or other memoranda between the City of Hastings and the Nebraska Department of Economic Development. Roll Call: Ayes: Matt Fong, Paul Hamelink, Chuck Rosenberg, Scott Snell, Butch Eley, Ted Schroeder, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: None. The motion carried.

4. General Business.

(a) Moved by Butch Eley seconded by Ginny Skutnik to approve Wage Addendum to Hastings Firefighters Association Local Union 675, IAFF, AFL-CIO Collective Bargaining Agreement for Fiscal Year October 1, 2019 through September 30, 2020. Dave Ptak reported this is the annual part of our elective

bargaining agreement between the city and IAFF. This is based with comparability of other fire departments within the array. Roll Call: Ayes: Matt Fong, Paul Hamelink, Chuck Rosenberg, Scott Snell, Butch Eley, Ted Schroeder, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: None. The motion carried.

(b) Moved by Ginny Skutnik seconded by Scott Snell to approve Addendum Agreement dated July 24, 2019 to Hastings Firefighters Association Local Union 675, IAFF, AFL-CIO Collective Bargaining Agreement, regarding long-term disability insurance. Dave Ptak stated this is the result of a change in benefits with long-term disability insurance. Our elimination period was 180 days, and is now 90 days. That applied to all city non-union employees. In order to be fair to police and fire, it applies to them as well. Roll Call: Ayes: Matt Fong, Paul Hamelink, Chuck Rosenberg, Scott Snell, Butch Eley, Ted Schroeder, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: None. The motion carried.

(c) Moved by Butch Eley seconded by Scott Snell to approve Wage Addendum to Fraternal Order of Police Lodge 9 Collective Bargaining Unit for fiscal year October 1, 2019 through September 30, 2020. Roll Call: Ayes: Matt Fong, Paul Hamelink, Chuck Rosenberg, Scott Snell, Butch Eley, Ted Schroeder, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: None. The motion carried.

(d) Moved by Butch Eley seconded by Ginny Skutnik to approve Addendum Agreement dated July 24, 2019 to the Hastings Fraternal Order of Police Lodge 9 Collective Bargaining Agreement regarding long-term disability insurance. Roll Call: Ayes: Matt Fong, Paul Hamelink, Chuck Rosenberg, Scott Snell, Butch Eley, Ted Schroeder, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: None. The motion carried.

(e) Moved by Ginny Skutnik seconded by Matt Fong to approve the final plat for Shady Acres Subdivision to the City of Hastings, Adams County, Nebraska. Don Threewitt reported this is a lot split on a rural residential property to provide for a second residential unit. Roll Call: Ayes: Matt Fong, Paul Hamelink, Chuck Rosenberg, Scott Snell, Butch Eley, Ted Schroeder, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: None. The motion carried.

(f) Moved by Ginny Skutnik seconded by Chuck Rosenberg to approve the agreement with the State of Nebraska for utility casing installation, entitled State of Nebraska, Department of Transportation, City of Hastings - Project No 6-4 (1022) CN 41086. Location: Hastings Southeast - Showboat South and authorize the Mayor and City Clerk to execute said contract documents. Dave Wacker, City Engineer, reported the city is involved currently with county and state on the Showboat Road project. The municipal utility is eligible for eighty percent reimbursement. Roll Call: Ayes: Matt Fong, Paul Hamelink, Chuck Rosenberg, Scott Snell, Butch Eley, Ted Schroeder, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: None. The motion carried.

(g) Moved by Chuck Rosenberg seconded by Butch Eley to approve directing the City Engineer to cause designation of placement of a Handicap Van Accessible Parking Stall at the Municipal Parking Lot Located at 1st Street and Hastings Avenue Parking Lot as depicted on "Exhibit A". Dave Wacker stated the issue was brought to his attention by a citizen. The city was not meeting the requirement for handicap van accessible stalls in the 1st street and Hastings Avenue parking lot. This item would bring the parking lot into compliance. This will take two stalls out of service for one van stall. He stated review of additional parking lots should be done for compliance. Roll Call: Ayes: Matt Fong, Paul Hamelink, Chuck Rosenberg, Scott Snell, Butch Eley, Ted Schroeder, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: None. The motion carried.

(h) Moved by Ginny Skutnik seconded by Matt Fong to authorize the Mayor to execute those documents necessary to obtain and maintain a letter of credit from Great Western Bank in the amount of \$2,784,460 to satisfy the Performance Guarantee obligations related to the Hastings Groundwater Contamination Site. Dave Ptak reported this item is from the EPA superfund sites. This is an annual event required to keep the performance guarantee with the EPA. Mike Sullivan, city's environmental attorney, handles this on behalf of the city. This is simply a renewal of that activity. Roll Call: Ayes: Matt Fong, Paul Hamelink,

Chuck Rosenberg, Scott Snell, Butch Eley, Ted Schroeder, Ginny Skutnik, Jeniffer Beahm.
Nays: None. Absent: None. The motion carried.

5. Ordinances and Resolutions.

(a) ORDINANCE NO. 4601 TO ESTABLISH FAIR AND EQUITABLE RATES FOR THE CONSUMPTION OF NATURAL GAS FROM THE CITY OF HASTINGS, NEBRASKA

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

Kevin Johnson, Utility Manager, reported this ordinance is a result of the 5% rate increase requested, proposed, and approved in the budget.

The Mayor then stated the question "Shall Ordinance No. 4601 be passed and adopted?" Upon roll call vote the following Councilmembers voted Ayes: Matt Fong, Paul Hamelink, Chuck Rosenberg, Scott Snell, Butch Eley, Ted Schroeder, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: None. 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, Paul Hamelink, Chuck Rosenberg, Scott Snell, Butch Eley, Ted Schroeder, Ginny Skutnik, Jeniffer Beahm. 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 September 13, 2019. Effective date of the ordinance is September 25, 2019.

(b) Moved by Ginny Skutnik seconded by Ted Schroeder to approve Resolution No. 2019-43... authorizing the Mayor to proceed with the formulation of any and all contracts, documents, or other memoranda between the City of Hastings and the Nebraska Department of Economic Development so as to effect the acceptance of the grant application for the removal of architectural barriers through ADA-compliant alterations to the referenced portions of the city. Don Threewitt reported this item stems from the council meeting on August 26th. This will make us fully compliant with application requirements. Roll Call: Ayes: Matt Fong, Paul Hamelink, Chuck Rosenberg, Scott Snell, Butch Eley, Ted Schroeder, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: None. The motion carried.

(c) Moved by Matt Fong seconded by Chuck Rosenberg to approve Resolution 2019-45... authorizing Mayor to sign Municipal Annual Certification of Program Compliance form for the filing of the One and Six Year Street Plan and the Standardized System of Annual Reporting (SSAR). Dave Ptak reported this is another law that took effect this year, LB82. We are no longer required to turn in our One & Six Year Plan by March. We must continue to hold a public hearing on the plan and must adopt a resolution annually. Roll Call: Ayes: Matt Fong, Paul Hamelink, Chuck Rosenberg, Scott Snell, Butch Eley, Ted Schroeder, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: None. The motion carried.

6. Final Passage of Ordinances.

None.

7. Appointments.

None.

8. Miscellaneous and Other Business.

None.

Moved by Ginny Skutnik seconded by Matt Fong there being no further business to adjourn at 6:19p.m. Roll Call: Ayes: Matt Fong, Paul Hamelink, Chuck Rosenberg, Scott Snell, Butch Eley, Ted Schroeder, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: None. The motion carried.

APPROVED:

Corey Stutte, Mayor

ATTEST:

Kimberly S. Jacobitz, City Clerk

(S E A L)