

CITY OF HASTINGS, NEBRASKA
MINUTES OF CITY COUNCIL REGULAR MEETING
Monday, September 23, 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 23, 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, Paul Hamelink, Matt Fong. Absent: Jeniffer Beahm.

The following City Officials were present: City Administrator, David Ptak; City Attorney, Clint Schukei; City Clerk, Kimberly Jacobitz; 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; IT Director, Kevin Schawang; 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 Matt Fong to adopt current agenda for September 23, 2019 Regular Meeting. Roll Call: Ayes: Matt Fong, Paul Hamelink, Chuck Rosenberg, Scott Snell, Butch Eley, Ted Schroeder, Ginny Skutnik. Nays: None. Absent: Jeniffer Beahm. 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 City of Hastings' and Hastings Economic Development Corporation's Business Expo being held at the City Auditorium tomorrow.

Councilmember Hamelink reported on attending the Nebraska League of Municipalities conference last week, with other council members and Dave Ptak.

CITIZEN COMMUNICATIONS:

Robin Vodehnal, 601 E 3rd Street, spoke on importance of the census.

MAYOR'S COMMUNICATIONS:

Mayor Stutte spoke on the Business Expo tomorrow at the City Auditorium.

CONSENT AGENDA:

1. All Consent Items.

Moved by Ginny Skutnik seconded by Ted Schroeder to approve all consent items, as presented.

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

(a) Approval of the minutes of the Council Meeting of September 9, 2019

(b) Approval of the minutes of the Worksession of September 3, 2019

(c) Approval of claims and payroll

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

(e) Approval of Invoice #943 from South Central Economic Development District for \$1,627.50 for the execution of Grant Administration services on Community Development Block Grant Project 17-DTR-105, Hastings Downtown Revitalization Project

- (f) Approval of the request for Community Development Block Grant funds, Drawdown #5 for \$1,617.50 for Grant Administration, Downtown Revitalization Project 17-DTR-105
- (g) Approval of Invoice #945 from South Central Economic Development District for \$525.00 for the execution of Grant Administration services on Community Development Block Grant Project 18-PP-003, Hastings Mobility Study Planning Grant Project
- (h) Approval of the request for Community Development Block Grant, Drawdown #5 for \$525.00 for Grant Administration, Mobility Study Planning Grant Project 18-PP-003
- (i) Approval of Invoice #944 from South Central Economic Development District for \$1,242.50 for the execution of Grant Administration services on Community Development Block Grant Project 18-ED-003, SHABRI Economic Development Grant Project
- (j) Approval of the request for Community Development Block Grant funds, Drawdown #1 for \$1,242.50 for Grant Administration, SHABRI Economic Development Grant Project 18-ED-003
- (k) Approval of Work Order No. EL-96
- (l) Approval of Work Order No. EL-98
- (m) Approval of Right-of-Way License Agreement with THOAR LLC for use of a portion of public sidewalk at 713 W. 1st Street

REGULAR AGENDA:

2. Unfinished Business of Preceding Meeting. None.

3. Public Hearings.

(a) 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.

Moved by Paul Hamelink seconded by Scott Snell to take from the table the request to bring 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. Nays: None. Absent: Jeniffer Beahm. The motion carried.

Don Threewitt, Development Services Director, reported this is a single family portion of the North Park Commons comprising of a planned 41 acres, containing 5.6 acres of new road right-of-way, 74 lots, an outlot for a future park, and pedestrian connections to the trail. No public spoke. City Clerk received no objections.

Moved by Paul Hamelink seconded by Scott Snell to bring Trail Ridge Addition within the corporate limits of the City of Hastings. Roll Call: Ayes: Matt Fong, Paul Hamelink, Chuck Rosenberg, Scott Snell, Butch Eley, Ted Schroeder, Ginny Skutnik. Nays: None. Absent: Jeniffer Beahm. The motion carried.

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

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

(c) Public hearing regarding modification of the Two-Mile Extra-Territorial Jurisdiction Boundary of the City of Hastings. Don Threewitt reported this item is being heard by City Council tonight and may be approved following a 30-day public comment period, per State Statute, and a required 30-day notice to the Adams County Board of Supervisors. The Planning Commission held a hearing on August 19th, and recommended to proceed. At that point, the 30-day public comment period began. The Board of Supervisors held a public hearing on September 17th. There will be three readings of the ordinance for City Council. The Two-Mile Extra-Territorial Jurisdiction (ETJ) Boundary has not been amended since 2009. The outer boundary of the ETJ does not need to be equal distance from all points along the

municipality boundary. The maximum prescribed distance must be within two miles all the way around. ETJ boundary extension is not an annexation and does not bring properties into city limits. The city building and zoning codes will apply to ETJ area. What will not change, because of the modification, is the elected representatives or taxes. What will change, with the modification, is properties are within the city's planned growth area. We are starting to apply rules as properties develop. There shall be no such ordinance to be extended or applied to the ETJ area, so as to prohibit or prevent or interfere with the conduct of existing farming, livestock operations, business, or industry. As we apply our new building or zoning regulations, we cannot apply those that would interfere with the conduct of these existing businesses.

Adams County and the City of Hastings currently operate under the 2018 International Building Code and Residential Code. The only change will be the International Property Maintenance Code, which is complaint driven and resource limited. The city's Development Services office will forward all building applications, within the 2-mile boundary, for review and comment to rural fire districts. Don Threewitt will present to the County Planning Commission for further discussion on October 7th. Staff is working on a conversion chart for the zoning. Once we bring properties under city's jurisdiction, we want to get the least restrictive use for those properties, so we do not take away usage rights. The ETJ has not been updated since 2009. The State Statute states the ETJ shall consist of the unincorporated area two miles beyond and adjacent to its corporate boundaries. Mayor Stutte invited anyone with questions to talk to Development Services. This item will not be decided for at least two more meetings. The outer boundary of the ETJ need not be equal distance from all points along the municipality corporate boundary, but the maximum distance prescribed in statutes must not be exceeded.

Those speaking against: Kendra Hoagland, 4135 East Hadco; Brett Adler, 4295 East Hadco; Maria Einsel, 5065 East Hadco; Brett Littrel, 4265 East Hadco; Terry Fitz, 2720 South Cornhusker; Jayme Glee, 506 East Hadco.

No further objections were received by the City Clerk.

ORDINANCE NO. 4602 MODIFYING THE CITY'S EXTRA-TERRITORIAL ZONING JURISDICTION AND MODIFYING THE BOUNDARY OF THE COMPREHENSIVE LAND USE PLAN

Moved by Ginny Skutnik seconded by Chuck Rosenberg to approve Ordinance 4602...modifying the City's Extra Territorial Zoning Jurisdiction Boundary of the City of Hastings, Nebraska on first reading only. Roll Call: Ayes: Matt Fong, Paul Hamelink, Chuck Rosenberg, Scott Snell, Butch Eley, Ted Schroeder, Ginny Skutnik. Nays: None. Absent: Jeniffer Beahm. The motion carried.

(d) Public hearing on the request of Forge Christian Church for a Conditional Use Permit for a Church use for property commonly addressed as 922 East South Street. Don Threewitt reported this Conditional Use Permit is for church neighborhood assembly use. Use permissions are limited specifically to criteria on this permit. All four criteria have been met. Speaking for: William Chine, 522 East 6th Street. City Clerk received no objections.

Moved by Scott Snell seconded by Butch Eley to approve Resolution No. 2019-36...approving the request of Forge Christian Church for a Conditional Use Permit for a Church use for property commonly addressed as 922 East South Street. Roll Call: Ayes: Matt Fong, Paul Hamelink, Chuck Rosenberg, Scott Snell, Butch Eley, Ted Schroeder, Ginny Skutnik. Nays: None. Absent: Jeniffer Beahm. The motion carried.

4. General Business.

(a) Moved by Ginny Skutnik seconded by Matt Fong to approve the Hastings Museum's Strategic Plan, October 2019 to September 2021. Rebecca Matticks, Museum Director, reported on the strategic plan, working on the NAD exhibit and collection storage. Roll Call: Ayes: Matt Fong, Paul Hamelink, Chuck Rosenberg, Scott Snell, Butch Eley, Ted Schroeder, Ginny Skutnik. Nays: None. Absent: Jeniffer Beahm. The motion carried.

(b) Moved by Scott Snell seconded by Matt Fong to approve the Addendum Agreement with Hastings Keno, Inc. to add an additional location for its keno-type lottery within the City of Hastings. Dave Ptak, City Administrator, stated this involves an additional location at Misques Bar & Grill on Elm Avenue. Mike Nevery, Keno operator, spoke regarding new equipment and trying to grow the game. Roll Call: Ayes: Matt Fong, Paul Hamelink, Chuck Rosenberg, Scott Snell, Butch Eley, Ted Schroeder, Ginny Skutnik. Nays: None. Absent: Jeniffer Beahm. The motion carried.

(c) Moved by Chuck Rosenberg seconded by Paul Hamelink to award the bid for insurance coverages for FY2019-20 to Travelers' Insurance Company for Property, Casualty, and Workers' Compensation; to Hanover Insurance Group for Crime coverage; and to Beazley Insurance Group for Cyber coverage. Dave Ptak reported the city went out with a Request for Proposals (RFP), after being with Arthur J. Gallagher for five years. We received six proposals and interviewed three companies. James Charlesworth, Charlesworth Consulting, was the project manager and put together the RFP. Insurance has been a challenge, but the pricing we received was good. Mark Frantz, Harry A. Koch Company, spoke on being chosen as the insurance broker and thanked the city for the opportunity. Roll Call: Ayes: Matt Fong, Paul Hamelink, Chuck Rosenberg, Scott Snell, Butch Eley, Ted Schroeder, Ginny Skutnik. Nays: None. Absent: Jeniffer Beahm. The motion carried.

5. Ordinances and Resolutions.

(a) Moved by Ginny Skutnik seconded by Butch Eley to approve Resolution No 2019-46... Reimbursing costs of 42nd Street, Baltimore Avenue to US Highway 281. Dave Ptak, stated this is a non-binding resolution. If we decide to bond 42nd street extension, we could be reimbursed. We have 90 days to be able to go back and do that. We are in process of discussing right-of-way for the extension of 42nd Street. We intend to do this project with funds already in the Street fund, but want to keep the option open. Roll Call: Ayes: Matt Fong, Paul Hamelink, Chuck Rosenberg, Scott Snell, Butch Eley, Ted Schroeder, Ginny Skutnik. Nays: None. Absent: Jeniffer Beahm. The motion carried.

(b) ORDINANCE NO. 4605 CHANGING THE PENALTY FOR VIOLATING A PROVISION OF THE CITY CODE FROM \$100 TO \$500

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

Clint Schukei, City Attorney, stated the penalty has not been increased since 1973, or longer. These penalties are primarily on property maintenance.

The Mayor then stated the question "Shall Ordinance No. 4605 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. Nays: None. Absent: Jeniffer Beahm. 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: Matt Fong, Paul Hamelink, Chuck Rosenberg, Scott Snell, Butch Eley, Ted Schroeder, Ginny Skutnik. Nays: None. Absent: Jeniffer Beahm. 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 27, 2019. Effective date of the ordinance is October 9, 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 6:35p.m. Roll Call: Ayes: Matt Fong, Paul Hamelink, Chuck Rosenberg, Scott Snell, Butch Eley, Ted Schroeder, Ginny Skutnik. Nays: None. Absent: Jeniffer Beahm. The motion carried.

APPROVED:

Corey Stutte, Mayor

ATTEST:

Kimberly S. Jacobitz, City Clerk

(S E A L)