

CITY OF HASTINGS, NEBRASKA
MINUTES OF CITY COUNCIL REGULAR MEETING
Monday, August 8, 2016

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 August 8, 2016.

The meeting was called to order at 5:30 p.m. in Regular Session by Mayor Powers with the following members present: Phil Odom, John Harrington, Kathy Duval, Chuck Niemeyer, Ginny Skutnik, Everett Goebel, Michael Krings. Absent: Sarah Hoops.

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

Moved by Chuck Niemeyer seconded by Ginny Skutnik to adopt current agenda for August 8, 2016 Regular Meeting. Roll Call: Ayes: John Harrington, Kathy Duval, Phil Odom, Chuck Niemeyer, Michael Krings, Ginny Skutnik, Everett Goebel. Nays: None. Absent: Sarah Hoops. The motion carried.

Mayor Powers 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 Goebel reported on the Board of Public Works meeting held August 4th. There was a News Release August 4th reporting one of the city wells tested over the EPA limit on nitrate levels. The well will be retested and not used until under EPA levels. Annual budget meetings were held. Council will meet with the Board of Public Works next Tuesday to review the annual budget at 5:30p.m. in the Hastings Utilities' Boardroom. Hastings Utilities is in the process of restructuring the Business Department and changing job titles to reflect duties employees actually perform. A new organizational chart will be created. There is no change in pay scale or number of employees.

Councilmember Duval met with Councilmember Goebel and Hunter Biede (President of Mayor's Youth Council 2016-17). They reviewed applications for the Mayor's Youth Council. Mayor's Youth Council will meet on August 21st.

MAYOR'S COMMUNICATIONS:

Mayor Powers recognized Service Anniversaries for Patricia Dierfeldt, 35 years as of August 3rd and Michael Peters, 20 years as of August 19th.

CONSENT AGENDA:

Moved by Chuck Niemeyer seconded by Kathy Duval to approve Consent Agenda items as presented. Roll Call: Ayes: John Harrington, Kathy Duval, Phil Odom, Chuck Niemeyer, Michael Krings, Ginny Skutnik, Everett Goebel. Nays: None. Absent: Sarah Hoops. The motion carried.

(a) Approval of the minutes of the Council Meeting of July 25, 2016.

(b) Approval of the minutes of the Worksession of July 18, 2016.

(c) Approval of the payroll for the period ending August 13, 2016, paid August 19, 2016.

(d) Approval of the regular claims and authorizing the City Clerk to issue checks against the various funds for payment.

(e) Approval of the prepaid claims and authorizing the City Clerk to issues checks against the various funds for payment.

(f) Approve receiving and placing on file department monthly reports.

(g) Approval of the renewal of Liquor License Applications for the following Class "C" Liquor Licenses for the period of November 1, 2016 through October 31, 2017: 201 N. Lincoln Enterprises, LLC, 2nd Street Slammer, Inc., Adams County Ag. Society, Art Bar, LLC, B & R Stores, Inc., Barrel Bar, Inc., Bernardo, Inc., Budson, Inc., Bullseye's, Inc., Caribbean Bar & Grill, LLC, Disabled American Veterans, Eagles FO Hastings Aerie 592, Fucor, Inc., Gabriel Sanchez (2), George J. Beckby, Halftime Lounge, LLC, Hallett,

Inc., Hamur, LLC, Highland Operating Company, Hilburn Enterprises, Inc., Kitty's Roadhouse, LLC, Midtowne Mart, LLC, Miscues, LLC, Murphy's Wagon Wheel, Inc., Odyssey Downtown, LLC, Restaurant Management Service, LLC, Rivals Bar & Grill, LLC, Virginia Wolz, Wanda's, LLC. Catering Licenses for the period of November 1, 2016 through October 31, 2017: 2nd Street Slammer Inc., Adams County Ag. Society, Bullseye's Inc., Eagles FO Hastings Aerie 592, Kitty's Roadhouse, LLC, Midtowne Mart, LLC, Miscues, LLC, Murphy's Wagon Wheel, Inc.

(h) Approval of the request of Kool-Aid Days for use and closure of City streets for Kool-Aid Days Fun Run on August 14, 2016.

(i) Approval of the request of the Oregon Trail Rodeo Committee to utilize City streets for a 5K/10K walk/run on August 27, 2016.

REGULAR AGENDA:

Public Hearings.

2.(a) Public hearing on the request of Ministerio Internacional Dios Es Amor for a Conditional Use Permit to locate and operate a church at 1609 North Kansas Avenue.

No public testimony was heard. No objections were received by the City Clerk. The Mayor declared the hearing closed.

Moved by Ginny Skutnik seconded by Kathy Duval to approve Resolution No. 2016-39. . .Conditional Use Permit for Ministerio Internacional Dios Es Amor to locate and operate a church at 1609 North Kansas Avenue. Roll Call: Ayes: John Harrington, Kathy Duval, Phil Odom, Chuck Niemeyer, Michael Krings, Ginny Skutnik, Everett Goebel. Nays: None. Absent: Sarah Hoops. The motion carried.

General Business.

3.(a) Presentation of 2016-2017 Annual City Budget.

At this time Joe Patterson, City Administrator, presented the 2016-2017 Annual City Budget. (Presentation attached to and made a part of these minutes.)

(b) Moved by Ginny Skutnik seconded by Kathy Duval to approve the Interlocal Agreement between the City of Hastings and Adams County for the financing of the operations of the Hastings Public Library. Roll Call: Ayes: John Harrington, Kathy Duval, Phil Odom, Chuck Niemeyer, Michael Krings, Ginny Skutnik, Everett Goebel. Nays: None. Absent: Sarah Hoops. The motion carried.

(c) Moved by John Harrington seconded by Everett Goebel to award contract for fuel oil tank at WEC to HMT LLC, Blackwell, OK, in the amount of \$333,150.00.

The fuel tank is a shared facility used by WEC1 and WEC2. Hastings Utilities will share the cost with Public Power Generation Agency (PPGA).

Roll Call: Ayes: John Harrington, Kathy Duval, Phil Odom, Chuck Niemeyer, Michael Krings, Ginny Skutnik, Everett Goebel. Nays: None. Absent: Sarah Hoops. The motion carried.

(d) Moved by Phil Odom seconded by Ginny Skutnik to approve execution of documents necessary to obtain and maintain a letter of credit from Great Western Bank in the amount of \$2,933,794.00 to satisfy the Performance Guarantee obligations related to Hastings Groundwater Contamination Site.

Dave Ptak, City Attorney, explained the letter of credit is part of the continuing requirement of the City's EPA settlement with regard to the groundwater contamination issues. This is bid annually and awarded to the lowest bidder.

Councilmember Odom wants the community to understand the City will be dealing with the EPA for many years to come.

Roll Call: Ayes: John Harrington, Kathy Duval, Phil Odom, Chuck Niemeyer, Michael Krings, Ginny Skutnik, Everett Goebel. Nays: None. Absent: Sarah Hoops. The motion carried.

(e) Moved by Ginny Skutnik seconded by Everett Goebel to approve Telecommunications Line Right-of-Way License Agreement with Glenwood Telecommunications, Inc. for Elm Street (GW 2016-8).
Roll Call: Ayes: John Harrington, Kathy Duval, Phil Odom, Chuck Niemeyer, Michael Krings, Ginny Skutnik, Everett Goebel. Nays: None. Absent: Sarah Hoops. The motion carried.

(f) Moved by Michael Krings seconded by John Harrington to approve Non-Federal Reimbursable Agreement, AJW-ON-AAC-16-A894, between the Department of Transportation Federal Aviation Administration and the City of Hastings and authorize Mayor to execute said document.

Dave Wacker, City Engineer, stated a contract was approved earlier this year for Precision Approach Path Indicator (PAPI) lighting at the Hastings Municipal Airport. The Federal Aviation Administration checks the work completed by the contractor hired by the City, and this is the fee charged for that service.

Roll Call: Ayes: John Harrington, Kathy Duval, Phil Odom, Chuck Niemeyer, Michael Krings, Ginny Skutnik, Everett Goebel. Nays: None. Absent: Sarah Hoops. The motion carried.

(g) Moved by Phil Odom seconded by Ginny Skutnik to approve agreement with No Coast Brewing, L.L.C. d/b/a "First Street Brewing Company", 109 N. St. Joseph Avenue, to occupy City property with sidewalk patio (St. Joseph Avenue ROW).

Sidewalk and landscape improvements planned for the area were discussed.

Roll Call: Ayes: John Harrington, Kathy Duval, Phil Odom, Chuck Niemeyer, Michael Krings, Ginny Skutnik, Everett Goebel. Nays: None. Absent: Sarah Hoops. The motion carried.

Ordinances and Resolutions.

4.(a) ORDINANCE NO. 4484. . .VACATING A PORTION OF EAST "C" STREET, SEVENTY FEET (70') IN WIDTH, BETWEEN SOUTH PINE AVENUE AND EAST OF THE OLD UNION PACIFIC RIGHT-OF-WAY LINE AND BETWEEN BLOCK 6 AND BLOCK 9, ALL IN M. J. SMITH'S ADDITION.

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

The Mayor then stated the question "Shall Ordinance No. 4484 be passed and adopted?" Upon roll call vote the following Councilmembers voted Ayes: John Harrington, Kathy Duval, Phil Odom, Chuck Niemeyer, Michael Krings, Ginny Skutnik, Everett Goebel. Nays: None. Absent: Sarah Hoops. The motion carried.

Councilmember Michael Krings moved that the statutory rule requiring reading on three different days be suspended; Councilmember Ginny Skutnik seconded the motion to suspend the rules and upon roll call vote the following Councilmembers voted Ayes: John Harrington, Kathy Duval, Phil Odom, Chuck Niemeyer, Michael Krings, Ginny Skutnik, Everett Goebel. Nays: None. Absent: Sarah Hoops. 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 August 12, 2016. Effective date of the ordinance is August 24, 2016.

Miscellaneous and Other Business.

Mayor Powers is researching names for the appointment to the Board of Public Works.

Moved by Ginny Skutnik seconded by Michael Krings there being no further business to adjourn at 6:06p.m. Roll Call: Ayes: John Harrington, Kathy Duval, Phil Odom, Chuck Niemeyer, Michael Krings, Ginny Skutnik, Everett Goebel. Nays: None. Absent: Sarah Hoops. The motion carried.

APPROVED:

Vern P. Powers, Mayor

ATTEST:

Kimberly S. Jacobitz, City Clerk

(S E A L)