

CITY OF HASTINGS, NEBRASKA
MINUTES OF CITY COUNCIL REGULAR MEETING
Monday, October 14, 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 October 14, 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, Butch Eley, 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; 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; IT Director, Kevin Schawang; HR Director, Lori Hartman.

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

Moved by Butch Eley seconded by Paul Hamelink to adopt current agenda for October 14, 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 Skutnik reported on last week's Tree Board meeting. The city drafted a Request for Proposals for trimming terrace trees. The Museum Board met on Friday. There is new signage on the theater.

CITIZEN COMMUNICATIONS:

None.

MAYOR'S COMMUNICATIONS:

Mayor Stutte recognized service anniversaries for the following employees: Jason Haase, Police, 10 years; Todd Jones, Auditorium, 5 years; Curtis Gosser, Museum, 5 years; Caleb Maschmann, Utilities 5 years; William (Keith) Bryan, Utilities, 25 years.

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, 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 September 23, 2019
- (b) Approval of claims and payroll
- (c) Approve receiving and placing on file department monthly reports
- (d) Approval of Release of Easement in Shady Acres Subdivision
- (e) Approval of Work Order SW-344
- (f) Approval of Work Order EL-89
- (g) Approval of Work Order PL-605

- (h) Approval of Work Order EL-99
- (i) Approval of Work Order PL-603
- (j) Approval of Work Order PL-602

REGULAR AGENDA:

2. Unfinished Business of Preceding Meeting.
None.

3. Public Hearings.

(a) Public hearing on the application of Ninja House, Inc. dba "Ninja Steak Sushi House" for a Class "I" Liquor License at 235 S. Burlington Avenue. Adam Story, Police Chief, reported on processing the Ninja Steakhouse application. No public spoke. City Clerk received no objections.

Moved by Ginny Skutnik seconded by Jeniffer Beahm to approve Resolution No. 2019-39. . . Approving the application of Ninja House, Inc. dba "Ninja Steak Sushi House" for a Class "I" Liquor License at 235 S. Burlington Avenue. 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 Butch Eley seconded by Ted Schroeder to approve the manager application of Zhou Zheng in connection with the Class "I" Liquor License of Ninja House, Inc. dba "Ninja Steak Sushi House" located at 235 S. Burlington Avenue. 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 Ginny Skutnik seconded by Scott Snell to adjourn as Mayor and City Council and reconvene as Board of Equalization. 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.

Public hearing on the levying of assessments in the Business Improvement District.
Dave Ptak reported on the annual levying of assessments by the Business Improvement District.
No public spoke. City Clerk received no objections.

(d) Moved by Ginny Skutnik seconded by Matt Fong to adjourn as Board of Equalization and reconvene as Mayor and City Council. 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 Scott Snell to approve Resolution No. 2019-47... making assessments in the Business Improvement District of the City of Hastings. 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 on the request of Scott Hollister to change zoning from "A Agricultural" to "R-1A Single-family large-lot Residential" for Hollister 3rd Subdivision. Don Threewitt reported this is a low population density area. The applicant intends to plat the existing farmstead into a single lot subdivision. No public spoke. City Clerk received no objections.

ORDINANCE NO. 4606 AMENDING THE ZONING DISTRICT MAP TO REZONE PROPERTY FROM "A AGRICULTURAL" TO "R-1A SINGLE-FAMILY LARGE-LOT RESIDENTIAL" FOR HOLLISTER 3RD SUBDIVISION

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

The Mayor then stated the question "Shall Ordinance No. 4606 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 October 18, 2019. Effective date of the ordinance is October 30, 2019.

(g) Moved by Ginny Skutnik seconded by Paul Hamelink to approve a final plat for Hollister 3rd Subdivision, within the two-mile boundary of 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.

(h) Public hearing on the request of Menard Inc. and Boyd Realty LLC to bring Menard-Boyd Addition within the corporate limits of the City of Hastings and for approval of the final plat for Menard-Boyd Addition. Don Threewitt reported the northern property owner wants to sell a parcel to the southern property owner, combining the three existing properties into one, and bringing the remainder of the lot into the city. No public spoke. City Clerk received no objections.

Moved by Butch Eley seconded by Paul Hamelink to approve bringing Menard-Boyd 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 Chuck Rosenberg to approve the final plat for Menard-Boyd Addition to 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.

4. General Business.

(a) Moved by Matt Fong seconded by Paul Hamelink to approve Pioneer Trail Flats Second Subdivision, a replat of Lot 3, Pioneer Trial Flats Subdivision. Don Threewitt reported due to concerns raised at the Planning Commission meeting, applicant made changes to accommodate a drainage easement and additional right-of-way. All requirements of City Code have been met. 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 Matt Fong to approve moving the City Council Meeting from Monday, November 11, 2019 to Tuesday, November 12, 2019 at 5:30 P.M. in the City Council Chambers. 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 Jeniffer Beahm seconded by Scott Snell to approve the application from the Community Redevelopment Authority for CDBG Downtown Revitalization funding (CDBG Contract #17-DTR-105) in the amount of \$75,000. Randy Chick, CRA, reported this funding comes from the Department of

Economic Development, for commercial property rehabilitation and public facilities in the parking lot. There will be several projects using these funds. 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. 4602 MODIFYING THE CITY'S EXTRA-TERRITORIAL ZONING JURISDICTION AND MODIFYING THE BOUNDARY OF THE COMPREHENSIVE LAND USE PLAN (**Second Reading**)

Moved by Paul Hamelink seconded by Chuck Rosenberg to approve Ordinance No. 4602...extending the 2-mile Extraterritorial Jurisdiction Boundary of the City of Hastings, Nebraska on second reading only. Don Threewitt stated he received two calls inquiring about this item since the last council meeting and addressed their concerns. He attended the County Planning Commission meeting on October 7th addressing outstanding concerns. 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) ORDINANCE NO. 4610 AMENDING SECTION 15-310 OF THE OFFICIAL CITY CODE TO PROVIDE FOR SPEED LIMITS ON U.S. HIGHWAYS NO. 34 AND 281

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.

Dave Wacker, City Engineer, received several citizen concerns this past year about safety in the vicinity of the Lochland Road and Highway 281 intersection. This area is inside the city limits, but falls under the regulation of the Federal Highway Administration and State of Nebraska. We cannot make decisions on traffic control devices on their system. A traffic study was requested by the city to make a determination for a traffic signal at the intersection. The traffic study concluded at the end of August and results determined a traffic signal is not warranted at this time. Discussion was held on increased enforcement and traffic control options in the area. An electronic sign showing vehicle speed was suggested.

The Mayor then stated the question "Shall Ordinance No. 4610 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 Paul Hamelink 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 October 18, 2019. Effective date of the ordinance is October 30, 2019.

(c) ORDINANCE NO. 4609 TO REPEAL THE CURRENT CHAPTER 3 OF THE OFFICIAL HASTINGS CITY CODE AND TO ENACT A NEW CHAPTER 3 IN ITS PLACE

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.

Dave Ptak, City Administrator, reported this is the first step in reconfiguration of the personnel situation for the City of Hastings. This ordinance enables the Employee Handbook to take effect. This will relieve inconsistencies of how things have been handled in the past. Utility Department had work rules and the city had Chapter 3. Chapter 3 in the City Code will now apply to Civil Service, which only applies to Police and Fire. Mayor Stutte and Councilmember Skutnik thanked staff who served on the Employee Handbook Committee.

The Mayor then stated the question "Shall Ordinance No. 4609 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 October 18, 2019. Effective date of the ordinance is October 30, 2019.

(d) Moved by Matt Fong seconded by Scott Snell to approve Resolution No. 2019-48... approving the Hastings Employee Handbook. Dave Ptak stated the real credit lies with all the employees who worked on this to help make the handbook possible. 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 Resolution 2019-49... approving City of Hastings Fleet Management Policy. Dave Ptak stated this policy affects all employees who drive on city business. This sets up a policy where your driving record is subject to review and compliance with the Nebraska Point System. 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.

9. Closed Session
Moved by Ginny Skutnik seconded by Matt Fong to go into closed session at 6:07 P.M. for reasons of negotiations and real estate. Roll Call: Ayes: Matt Fong, Paul Hamelink, Chuck Rosenberg, Scott Snell, Butch Eley, Ted Schroeder, Ginny Skutnik, Jennifer Beahm. Nays: None. Absent: None. The motion carried.

Moved by Ginny Skutnik seconded by Jeniffer Beahm to come out of closed session at 6:57 P.M.
Roll Call: Ayes: Matt Fong, Paul Hamelink, Chuck Rosenberg, Scott Snell, Butch Eley, Ted Schroeder, Ginny Skutnik, Jennifer Beahm. Nays: None. Absent: None. The motion carried.

Moved by Ginny Skutnik seconded by Jeniffer Beahm there being no further business to adjourn at 6:57 P.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)