

CITY OF HASTINGS, NEBRASKA
MINUTES OF CITY COUNCIL REGULAR MEETING
Tuesday, November 12, 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 November 12, 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, Scott Snell, Chuck Rosenberg, Matt Fong, Butch Eley, Ginny Skutnik.
Absent: Paul Hamelink, Ted Schroeder.

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.

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 November 12, 2019 Regular Meeting. Roll Call: Ayes: Matt Fong, Chuck Rosenberg, Scott Snell, Butch Eley, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: Paul Hamelink, Ted Schroeder. 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 Rosenberg reported on the Fire Pension Committee meeting he and Councilmember Eley attended.

CITIZEN COMMUNICATIONS:

None.

MAYOR'S COMMUNICATIONS:

Mayor Stutte, thanked Parks & Recreation Department for getting the State Softball tournament back to Hastings for another five years. He also commented on attending a ceremony for Oaths of Office for Fire Fighters.

Mayor Stutte read a proclamation for Hastings Family Caregiver's Month. Jinx Hackler spoke on behalf of the South Central Town Hall Caregiver Coalition.

Mayor Stutte recognized service anniversaries for James Struss, Utilities, 20 years; Curtis Smith, Fire, 5 years; Tina Whitcomb, Library, 5 years; and Nancy Kauk, Police, 35 years.

CONSENT AGENDA:

1. All Consent Items.

Moved by Ginny Skutnik seconded by Chuck Rosenberg to approve all consent items, as presented.

Roll Call: Ayes: Matt Fong, Chuck Rosenberg, Scott Snell, Butch Eley, Ginny Skutnik, Jeniffer Beahm.

Nays: None. Absent: Paul Hamelink, Ted Schroeder. The motion carried.

(a) Approval of the minutes of the Council Meeting of October 28, 2019

(b) Approval of claims and payroll

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

(d) Approval of Work Order GA-346

(e) Approval of approve invoice (#340484) from Olsson for \$14,634.00

(f) Approval of request for CDBG funds, Drawdown #6 for \$10,843.79 (18-PP-003)

(g) Approval of the request of the Business Improvement District to utilize city streets for the Celebration of Lights on November 21, 2019

REGULAR AGENDA:

2. Unfinished Business of Preceding Meeting.

None.

3. Public Hearings.

(a) Public hearing on the request of the Community Redevelopment Authority regarding Plan Modification No. 2019-3 to Redevelopment Area 14. Don Threewitt, Development Services Director, reported Hastings Economic Development Corporation intends for workforce housing and other improvements to be constructed on this property, utilizing Tax Increment Financing (TIF). No public spoke. No objections were received.

Moved by Matt Fong seconded by Ginny Skutnik to approve Resolution No. 2019-51... approving the Plan Modification No. 2019-3 to Redevelopment Area #14 for Lots One through Sixteen of Pioneer Trail Flats Subdivision of the City of Hastings, Adams County, Nebraska. Dave Ptak, City Administrator, explained TIF. It is under Nebraska Community Development Law. It takes the value of land as it presently is and the political subdivisions receiving tax benefits from that land at that value will continue to receive the same amount of tax benefits for the next 15 years. Any improvement made to the property, after the base year is established, is collected and used to pay for improvements or loans made for qualifying infrastructure and other public improvements to the property. It is good for a period of 15 years, unless paid off sooner, unless there is an application for a second use of those funds for the remaining 15 years. Once TIF is completed, political subdivisions will then receive the full tax value of the finished improvement. It is a tax postponement, not an avoidance. Roll Call: Ayes: Matt Fong, Chuck Rosenberg, Scott Snell, Butch Eley, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: Paul Hamelink, Ted Schroeder. The motion carried.

(b) Public hearing on the request of the Community Redevelopment Authority regarding Plan Modification No. 2019-4 to Redevelopment Area 14. Don Threewitt, Development Services Director, reported this is for infrastructure preparing 41 single family, workforce home sites for construction. Intentions are to use TIF. No public spoke. No objections were received.

Moved by Butch Eley seconded by Matt Fong to approve Resolution 2019-52... approving Plan Modification No. 2019-4 to Redevelopment Area #14 for Trail Ridge Addition Phase 1 to the City Hastings, Adams County, Nebraska. Roll Call: Ayes: Matt Fong, Chuck Rosenberg, Scott Snell, Butch Eley, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: Paul Hamelink, Ted Schroeder. The motion carried.

(c) Public hearing on the request of Casey's Retail Company to change zoning from I-2 Heavy Industrial to C-3 Commercial Business for property generally located north of 16th Street and east of Osborne Drive. Don Threewitt reported there are two related actions concurrent with this, which include an alley vacation and a final replat. No public spoke. No objections were received.

ORDINANCE NO. 4613 AMENDING THE ZONING DISTRICT MAP TO REZONE A PORTION OF DAWES AND FOSS SECOND ADDITION FROM I-2 HEAVY INDUSTRIAL DISTRICT TO C-3 COMMERCIAL BUSINESS DISTRICT

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

The Mayor then stated the question "Shall Ordinance No. 4613 be passed and adopted?" Upon roll call vote the following Councilmembers voted Ayes: Matt Fong, Chuck Rosenberg, Scott Snell, Butch Eley, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: Paul Hamelink, Ted Schroeder. 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, Chuck Rosenberg, Scott Snell, Butch Eley, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: Paul Hamelink, Ted Schroeder. 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 November 15, 2019. Effective date of the ordinance is November 28, 2019.

(d) ORDINANCE NO. 4614 VACATING THE NORTH-SOUTH ALLEY LYING BETWEEN 16TH STREET AND 17TH STREET, LOCATED IN BLOCK 2, DAWES AND FOSS SECOND ADDITION AND ALL OF HARDEE'S SUBDIVISION

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

The Mayor then stated the question "Shall Ordinance No. 4614 be passed and adopted?" Upon roll call vote the following Councilmembers voted Ayes: Matt Fong, Chuck Rosenberg, Scott Snell, Butch Eley, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: Paul Hamelink, Ted Schroeder. The motion carried.

Councilmember Chuck Rosenberg 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, Chuck Rosenberg, Scott Snell, Butch Eley, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: Paul Hamelink, Ted Schroeder. 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 November 15, 2019. Effective date of the ordinance is November 28, 2019.

(e) Moved by Ginny Skutnik seconded by Butch Eley to approve a Preliminary/Final Plat for Casey's Subdivision of the City of Hastings, Adams County, Nebraska, generally located north of 16th Street and east of Osborne Drive. Roll Call: Ayes: Matt Fong, Chuck Rosenberg, Scott Snell, Butch Eley, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: Paul Hamelink, Ted Schroeder. The motion carried.

(f) Public hearing regarding the status and implementation of the 2018 CDBG Mobility Study Planning Grant. Don Threewitt reported, per CDBG requirements, we are looking at status report for the study. Staff is currently reviewing the draft study and working with the consultant on final recommendations. No action necessary tonight. Citizen comment was reported by Don Threewitt, as given by Andy Lading. Andy requested to add snow removal procedures to the study. No public spoke. No objections were received.

(g) Public hearing to comply with the provisions of N.R.S 18-1755 to acquire property for road construction on 42nd Street starting 1/4 mile west of Highway 281 and continuing west to Baltimore Avenue. Clint Schukei, City Attorney, reported that whenever a city acquires real property by purchase or eminent domain, they shall only do so after the governing body has authorized the acquisition by an action taken after notice and a public hearing. City Engineer has been talking to property owners about acquisition of right-of-way. Authorization for any payments will come back to Council. No public spoke. No objections were received.

Moved by Butch Eley seconded by Ginny Skutnik to approve proceeding with property acquisition needed for construction of 42nd Street from 1/4 mile west of Highway 281 to Baltimore Avenue. Roll Call: Ayes: Matt Fong, Chuck Rosenberg, Scott Snell, Butch Eley, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: Paul Hamelink, Ted Schroeder. The motion carried.

4. General Business.

(a) Moved by Matt Fong seconded by Chuck Rosenberg to approve a Preliminary/Final Plat for Lakeview 9th Subdivision of the City of Hastings, Adams County, Nebraska. Don Threewitt reported the owners wish to acquire the unplatted lot abutting the northern boundary of their existing property. This is the first subdivision agreement

for responsibilities of deferred improvements as we move forward, defining who is responsible for what items.
Roll Call: Ayes: Matt Fong, Chuck Rosenberg, Scott Snell, Butch Eley, Ginny Skutnik, Jeniffer Beahm.
Nays: None. Absent: Paul Hamelink, Ted Schroeder. The motion carried.

(b) Moved by Chuck Rosenberg seconded by Ginny Skutnik to award Contract for Project No 1st Street and Colorado Avenue - Street Repair/Coal Bin Filling to Ben Engel Construction, L.L.C. Dave Wacker, City Engineer, reported this project involves a lot platted at the northwest corner of 1st & Colorado. A truck working on the Brewery Loft project sunk into the street. We have been working with the city's insurance company to add retaining walls and fill the void under the street. Engel Construction plans to start work immediately and complete the project by the end of December. Dave Ptak reported the storm water inlet in the area will need to be replaced. This is a priority repair. Roll Call: Ayes: Matt Fong, Chuck Rosenberg, Scott Snell, Butch Eley, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: Paul Hamelink, Ted Schroeder. 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 Matt Fong seconded by Ginny Skutnik to approve extending the 2-mile Extraterritorial Jurisdiction Boundary of the City of Hastings, Nebraska as described on second reading. Don Threewitt visited with the County Planning Commission and County Board of Supervisors on related zoning ordinance. He received one call on clarification for one property, since the last council meeting. Inspectors have been invited to properties and are helping work through projects where citizens may have concerns. Roll Call: Ayes: Matt Fong, Chuck Rosenberg, Scott Snell, Butch Eley, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: Paul Hamelink, Ted Schroeder. The motion carried.

(b) ORDINANCE NO. 4608 TO AMEND SECTION 32-304 OF THE CITY CODE REGARDING ELECTRICAL BILLINGS OF THE CITY OF HASTINGS FACILITIES

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

The Mayor then stated the question "Shall Ordinance No. 4608 be passed and adopted?" Upon roll call vote the following Councilmembers voted Ayes: Matt Fong, Chuck Rosenberg, Scott Snell, Butch Eley, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: Paul Hamelink, Ted Schroeder. The motion carried.

Roger Nash, Finance Director, reported the ordinance in current form allows for utilities to bill all city departments for their electric usage in budget billing. January is when the annual adjustments are done for the prior year, so it makes it difficult to budget. We want to have regular monthly electric bills combined with other utilities, instead of budget billing.

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, Chuck Rosenberg, Scott Snell, Butch Eley, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: Paul Hamelink, Ted Schroeder. 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 November 15, 2019. Effective date of the ordinance is November 28, 2019.

(c) ORDINANCE NO. 4611 CREATING SEWER EXTENSION DISTRICT NO. 2019-1 - WEST LAUX DRIVE, EAST LAUX DRIVE, RITTENHOUSE STREET, FRAHM LANE, BROOKING CIRCLE, AND 33RD STREET

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

Dave Wacker reported this ordinance will provide for creation of a sewer extension district to provide services for these streets. The district is being created under State Statute Chapter 19, which does not allow for any right of remonstrance.

The Mayor then stated the question “Shall Ordinance No. 4611 be passed and adopted?” Upon roll call vote the following Councilmembers voted Ayes: Matt Fong, Chuck Rosenberg, Scott Snell, Butch Eley, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: Paul Hamelink, Ted Schroeder. The motion carried.

Councilmember Matt Fong 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: Matt Fong, Chuck Rosenberg, Scott Snell, Butch Eley, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: Paul Hamelink, Ted Schroeder. 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 November 15, 2019. Effective date of the ordinance is November 28, 2019.

(d) ORDINANCE NO. 4612 CREATING WATER EXTENSION DISTRICT NO. 2019-1 - WEST LAUX DRIVE, EAST LAUX DRIVE, RITTENHOUSE STREET, FRAHM LANE, BROOKING CIRCLE, AND 33RD STREET

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

Dave Wacker reported the water extension district creation is the same legal description. It is also created under chapter 19 of the State Statute, with no right of remonstrance.

The Mayor then stated the question “Shall Ordinance No. 4612 be passed and adopted?” Upon roll call vote the following Councilmembers voted Ayes: Matt Fong, Chuck Rosenberg, Scott Snell, Butch Eley, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: Paul Hamelink, Ted Schroeder. The motion carried.

Councilmember Butch Eley 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, Chuck Rosenberg, Scott Snell, Butch Eley, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: Paul Hamelink, Ted Schroeder. 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 November 15, 2019. Effective date of the ordinance is November 28, 2019.

(e) ORDINANCE NO. 4615 CREATING STREET IMPROVEMENT DISTRICT NO. 2019-4 - WEST LAUX DRIVE AND EAST LAUX DRIVE, PIONEER SPIRIT TRAIL (WEST LINE OF TRAIL RIDGE ADDITION) TO 33RD STREET

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

Dave Wacker reported this ordinance is creating a Street Improvement District. This is created under chapter 16 of State Statute, which will require a 20-day right of remonstrance period. Property owners will be notified. Objections, if any, will be given to council when right of remonstrance is satisfied.

The Mayor then stated the question “Shall Ordinance No. 4615 be passed and adopted?” Upon roll call vote the following Councilmembers voted Ayes: Matt Fong, Chuck Rosenberg, Scott Snell, Butch Eley, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: Paul Hamelink, Ted Schroeder. The motion carried.

Councilmember Ginny Skutnik moved that the statutory rule requiring reading on three different days be suspended; Councilmember Jeniffer Beahm seconded the motion to suspend the rules and upon roll call vote the following Councilmembers voted Ayes: Matt Fong, Chuck Rosenberg, Scott Snell, Butch Eley, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: Paul Hamelink, Ted Schroeder. 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 November 15, 2019. Effective date of the ordinance is November 28, 2019.

(f) Moved by Jeniffer Beahm seconded by Chuck Rosenberg to approve Resolution No. 2019-53... stating official intent of reimbursement from bond anticipation notes or bond proceeds for construction of improvements within Street Improvement District No. 2019-4, sewer system improvements in Sanitary Sewer Extension District No. 2019-1 and water system improvements in Water Extension District No. 2019-1. Dave Wacker reported this is customary on street, sewer, and water projects we wish to bond. It allows the reimbursement of cost for future consideration in floating of BANS and permanent financing. Roll Call: Ayes: Matt Fong, Chuck Rosenberg, Scott Snell, Butch Eley, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: Paul Hamelink, Ted Schroeder. The motion carried.

(g) ORDINANCE NO 4618 TO ENACT A NEW CHAPTER 6 OF THE OFFICIAL HASTINGS CITY CODE TO PROVIDE FOR CREATION OF A CLEAN ENERGY PROGRAM (PACE)

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

Dave Ptak reported this was presented at the November worksession. This is an additional means of financing for development. It allows energy saving measures that are a part of the construction process to be financed separately through a PACE lender. It requires the consent of the main lender. PACE loans are usually slightly higher than the regular commercial loan rate. There is an early pay-off penalty. It is a non-recourse loan, so city has no investment in it or liability on assuming risk of default. We would need to put together a fee schedule and other documents that would come before council approval at a later date. This ordinance will allow the City Attorney to start on other documents. This is the first step of the implementation of a PACE program.

The Mayor then stated the question “Shall Ordinance No. 4618 be passed and adopted?” Upon roll call vote the following Councilmembers voted Ayes: Matt Fong, Chuck Rosenberg, Scott Snell, Butch Eley, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: Paul Hamelink, Ted Schroeder. The motion carried.

Councilmember Scott Snell 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, Chuck Rosenberg, Scott Snell, Butch Eley, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: Paul Hamelink, Ted Schroeder. 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 November 15, 2019. Effective date of the ordinance is November 28, 2019.

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 6:20 P.M.

Roll Call: Ayes: Matt Fong, Chuck Rosenberg, Scott Snell, Butch Eley, Ginny Skutnik, Jeniffer Beahm.

Nays: None. Absent: Paul Hamelink, Ted Schroeder. The motion carried.

APPROVED:

Corey Stutte, Mayor

ATTEST:

Kimberly S. Jacobitz, City Clerk

(S E A L)