CITY OF HASTINGS, NEBRASKA
MINUTES OF CITY COUNCIL REGULAR MEETING
Monday, November 25, 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 25, 2019.

The meeting was called to order at 5:30 p.m. in Regular Session by Mayor Stutte with the following members present: Matt Fong, Paul Hamelink, Chuck Rosenberg, Scott Snell, Ted Schroeder, Butch Eley, Ginny Skutnik, Jeniffer Beahm. 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; 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 25, 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:
None.

CITIZEN COMMUNICATIONS:
Those speaking on the viaduct agenda item: Bill Lorenz, 620 W 2nd; John McBride, 1220 Eastside Blvd; Charles Holmberg, 717 N. Cedar; Chuck Conrad, 1223 East 7th; Dale Gardner, 220 N Lincoln.

MAYOR'S COMMUNICATIONS:
Mayor Stutte stated Small Business Saturday is this coming weekend. He encouraged citizens to support local businesses. A meeting will be held at 8 A.M. tomorrow to discuss a snow emergency declaration.

CONSENT AGENDA:
1. <u>All Consent Items.</u>
Moved by Ginny Skutnik seconded by Scott Snell 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 November 12, 2019
(b) Approval of the minutes of the Council Worksession of November 4, 2019
(c) Approval of claims and payroll
(d) Approve receiving and placing on file department monthly reports
(e) Approval of Work Order EL-106
(f) Approval of Work Order SW-345
(g) Approval of contract amendment request for CDBG Project 07-ED-005
(h) Approval of invoice #995 from SCEDD for $1150 for grant administration services on CDBG Project 18-PP-003
(i) Approval of request for CDBG funds, Drawdown #7, in the amount of $1150 for grant administration, Mobility Study Planning Grant Project 18-PP-003

(j) Approval of invoice #996 from SCEDD for $650 for grant administration services on CDBG Project 18-ED-003
(k) Approval of request for CDBG funds, Drawdown #2, in the amount of $650 for grant administration, SHABRI Economic Development Grant Project 18-ED-003
(l) Approval of invoice #997 from SCEDD for $3600 for grant administration services on CDBG Project 17-DTR-105
(m) Approval of request for CDBG funds, Drawdown #6, in the amount of $3600 for grant administration, Downtown Revitalization Project 17-DTR-105
(n) Approval of the request of Mary Lanning Rehabilitation/Pediatric Rehabilitation to utilize city streets for the Racing for World Down Syndrome Day held on March 21, 2020

REGULAR AGENDA:
2. Unfinished Business of Preceding Meeting.
None.

3. Public Hearings.
(a) Public hearing on the application of Casey's Retail Company dba "Casey's General Store 1780" for a Class "D" Liquor License at 406 S. Elm Avenue. Police Chief Adam Story reported this application has been reviewed and is recommended for approval. No public spoke. No objections received.

Moved by Ginny Skutnik seconded by Matt Fong to approve Resolution No. 2019-54. . .Approving the application of Casey's Retail Company dba "Casey's General Store 1780" for a Class "D" Liquor License at 406 S. Elm 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 Matt Fong seconded by Chuck Rosenberg to approve the manager application of Tina M. Stone in connection with the Class "D" Liquor License of Casey's General Store dba "Casey's General Store 1780" located at 406 S. Elm 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) Public hearing regarding a request of the Development Services Department to amend Hastings City Code Chapter 34 adding Section 34-219, District Assignment - Extraterritorial Jurisdiction Expansion. Clint Schukei, City Attorney, reported this is related to Ordinance 4602, coming up last on tonight's agenda. It addresses what happens when properties that use to be in the county's jurisdiction come into the city's jurisdiction, assigning similar zoning. No public spoke. No objections received.

ORDINANCE NO. 4607 ENACTING SECTION 34-219 OF THE CITY CODE TO PROVIDE FOR THE ASSIGNMENT OF A ZONING DISTRICT IN THE AREA WITHIN THE CITY'S EXTRATERRITORIAL ZONING JURISDICTION

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

The Mayor then stated the question “Shall Ordinance No. 4607 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 November 29, 2019. Effective date of the ordinance is 15 days from and after the date this ordinance is passed and approved.

4. General Business.
(a) Moved by Scott Snell seconded by Ted Schroeder to approve bid of $179,744.80 to Outdoor Recreation Products for the purchase and installation of a playground at Brickyard Park. Jeff Hassenstab, Parks and Recreation Director, reported this playground is the second to be replaced using city sales tax. The current playground does not meet today's safety standards. The city received a grant from the Little Blue NRD in the amount of $15,000, to be applied to the playground. Completion date is spring 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.

(b) Moved by Matt Fong seconded by Ted Schroeder to award bid to Southwestern Sales for Alternate Daily Cover Tarp Machine for furnishing of one 2019 Alternate Daily Cover Tarp Machine for the City of Hastings Landfill facility in the amount of $43,244.01. Dave Wacker, City Engineer, reported this will stretch a reusable tarp across daily waste. This method is approved by Nebraska Department of Environmental Quality. Council members discussed receiving one bid for this and other landfill items on the agenda. 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 Jeniffer Beahm to award to: Morbark, LLC, for the furnishing of one 2019, Model 6400XT Heavy Duty Industrial Horizontal Wood Waste Grinder, in the following terms: Base Bid $927,415.00 Less Trade In Allowance 2005 Morbark $115,000. $812,415.00-Net Bid Payment Upon Delivery $150,000.00 Principal To Be Financed $662,415.00. Dave Wacker reported we received one bid. It is a specialized device, similar to rock crushers. Tomorrow the city will open bids for tree trimming across the city. Landfill has been chosen as the place to dispose of the waste. Councilmembers discussed concerns for receiving only one bid. Dave Ptak and Clint Schukei met with Dave Wacker in anticipation of concerns, regarding receipt of the low number of bids on the landfill agenda items. They talked about looking at state bids, general service administration and other available sites. Dave Ptak feels Dave Wacker did due diligence trying to find bidders. This is specialized equipment and has a lag time for manufacturing. The equipment is being paid by the landfill's proprietary fund. Roll Call: Ayes: Matt Fong, Paul Hamelink, Scott Snell, Ted Schroeder, Ginny Skutnik, Jeniffer Beahm. Nays: Chuck Rosenberg, Butch Eley. Absent: None. The motion carried.

(d) Moved by Ginny Skutnik seconded by Jeniffer Beahm to award to: NMC Inc., for the furnishing of One 2020 Model Tracked Waste Handler Dozer, in the following terms: Base Bid 458,800.00, Less Trade In Allowance 2008 Dozer/Ripper, $106,750.00, $352,050.00 - Net Bid, Add Option (A) Add Lubrication & Maintenance Agreement $ 32,917.00, $384,967.00 – Total, Payment Upon Delivery of $100,000. Principal to be financed $285,217. Dave Wacker reported one bid was received. Councilmember Rosenberg stated this is not a specialized piece of equipment and he has concerns with only one bid being received. Roll Call: Ayes: Matt Fong, Paul Hamelink, Ted Schroeder, Ginny Skutnik, Jeniffer Beahm. Nays: Chuck Rosenberg, Scott Snell, Butch Eley. Absent: None. The motion carried.

5. Ordinances and Resolutions.
(a) ORDINANCE NO. 4617 ENACTING A NEW SECTION 3-305.1 TO THE OFFICIAL CITY CODE TO PROVIDE FOR THE REINSTATEMENT OF A PERSON TO A CIVIL SERVICE POSITION UNDER CERTAIN CIRCUMSTANCES

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.

Brad Starling, Fire Chief, reported our current civil service rules do not offer an opportunity for employees who have left employment to be on a reinstatement list, with the exception of a reduction in work force policy. In civil service positions, the hiring and training processes can be costly. If we are able to do this, there could be a substantial savings to the city. This ordinance was approved by Civil Service. Dave Ptak stated this is a unique scenario, especially as it affects firefighters. If they are injured, after twelve months they lose their protection, by statute, as far as their position. If we had someone in the fire department injured, but they are not ready to come back at 12 months, this would allow us to bring them back at a later date. Criteria would be strict and they must be recommended by the Fire Chief.

The Mayor then stated the question “Shall Ordinance No. 4617 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 Paul Hamelink 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, Ted Schroeder, Ginny Skutnik, Jeniffer Beahm. Nays: Butch Eley. 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 November 29, 2019. Effective date of the ordinance is 15 days from and after the date this ordinance is passed and approved.

(b) Moved by Jeniffer Beahm seconded by Butch Eley to approve Resolution 2019-55... providing for the Finance Director/City Treasurer and Accounting Manager as signatories on all City of Hastings' bank and financial accounts. Dave Ptak reported the decision was made that it is best to use titles of employees responsible for city accounts. 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 Jeniffer Beahm to approve Resolution 2019-56... providing for the Manager of Utilities, Finance Director/City Treasurer, Director of Operations and Accounting Manager as signatories on all Hastings Utilities' bank and financial accounts. Dave Ptak reported this is a result of changes in personnel that have affected how utilities is organized, as far as in the Finance Department. 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 Ginny Skutnik seconded by Jeniffer Beahm to approve Resolution 2019-57... to determine the old U.S. Highway 281 Viaduct, a/k/a the 16th Street Viaduct has become a public safety matter due to its deterioration over time and the immediate preservation of public safety is an urgent measure for which a decision needs to be made on whether to demolish said Viaduct or institute extensive repairs. Dave Ptak reported there is no clear way forward and there are a limited number of alternatives. This resolution attempts to narrow it down to those alternatives that have the least effect on taxpayers. Mayor Stutte stated this narrows it down to two options. The final decision would be made at the December 9th council meeting, if this resolution is approved. Members of the council discussed concerns on resolution language not including a complete rebuild option. Clint Schukei, City Attorney, stated this is a methodology by which to talk about deterioration on the viaduct. Either the extensive repairs or demolition are the options available to council without public votes to finance. Dave Ptak stated the matter will be on next Monday's council worksession, with Olsson engineering firm in attendance. Citizens expect something to be done and a course of action to do it. The resolution is a statement of intent. It is not law, so it can be changed. We looked at what we thought were the best alternatives. There is no guarantee the railroad will participate. The longer it takes to make a decision, the cost will most likely go up to remedy the situation. Whatever you decide after the worksession, will go on the December council meeting. Mayor Stutte stated there are differing opinions on how this should be done, whether it should be repaired or rebuilt. We can't speak to taking it to a vote of the people at this time. That would be a huge tax impact. We have multiple projects, which are collectively a large amount of money.

Moved by Butch Eley seconded by Paul Hamelink to amend Resolution 2019-57 sections as follows:
BE IT RESOLVED by the Mayor and City Council of the City of Hastings, Nebraska that the old U.S. Highway 281 Viaduct, also known as the 16th Street Viaduct has become a public safety matter due to its deterioration over time and the immediate preservation of public safety is an urgent measure for which a decision needs to be made.

BE IT FURTHER RESOLVED by the Mayor and City Council of the City of Hastings, Nebraska, that the Mayor and City Council will place an item on their December 9, 2019 City Council agenda to vote on the issue of what to do to the Viaduct.

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.

Vote to approve amended Resolution 2019-57...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.
(a) 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 Matt Fong to approve extending the 2-mile Extraterritorial Jurisdiction Boundary of the City of Hastings, Nebraska as described, on final reading.
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.

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 6:39 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)