

CITY OF HASTINGS, NEBRASKA
MINUTES OF CITY COUNCIL WORKSESSION
Monday, July 20, 2020

Pursuant to due call and notice thereof, a Worksession of the City Council of the City of Hastings, Nebraska was conducted in the Council Chambers of City Hall, 220 N. Hastings Avenue, on July 20, 2020.

The meeting was called to order at 5:30 p.m. in Worksession by Council President, Paul Hamelink, with the following members present: Matt Fong, Chuck Rosenberg, Scott Snell, Ted Schroeder, Ginny Skutnik, Jeniffer Beahm, Corey Stutte. Absent: Butch Eley.

The following City Officials were present: City Administrator, David Ptak; City Attorney, Clint Schukei; City Clerk, Kimberly Jacobitz; Police Chief, Adam Story; Parks & Recreation Director, Jeff Hassenstab; Utility Manager, Kevin Johnson; Interim City Engineer, Lee Vrooman; Street Superintendent, Steve Kostner.

Council President Hamelink led the group in recital of the Pledge of Allegiance to the United States of America.

Moved by Scott Snell seconded by Ginny Skutnik to adopt current agenda for July 20, 2020 Work Session. Roll Call: Ayes: Matt Fong, Paul Hamelink, Chuck Rosenberg, Scott Snell, Ted Schroeder, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: Butch Eley. The motion carried.

PUBLIC NOTICE - Official Notice of the Worksession was published in the Hastings Tribune on Friday, July 17, 2020. Pursuant to 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 available. Also, a current copy of the Nebraska Open Meetings Act is posted and accessible to members of the public.

DISCUSSION ITEMS

1. Discussion on City Communications.

Clint Schukei reported on communication concerns resulting from the use of multiple email accounts for public business. He noted two main areas of concern are (1) the effectiveness of public communications themselves and (2) public record issues that result from using multiple accounts. Record retention on personal devices is a concern. Issues arise when you must reproduce those documents, because of public records requests, subpoenas, or complaints made to the U.S. Department of Justice. If the Department of Justice asks for a record search, all city business conducted on personal devices would also be subject to the search. In today's world we have problems with text messages. City of Omaha had a situation where text messages on a personal phone became public information. We are better off to keep meaty conversations within the city email system.

Dave Ptak stated in this age of technology, once you hit the send button, you lose control of where the information goes and what happens to it after that. We do not want to have personal cell phones become part of a discovery. We archive through the City of Hastings' email system and should work to control how we send out information.

Members of the council held discussions over notifications to personal emails when an email is sent to council through the city email account. Several council members stated they do not check their city email on a frequent basis. Concerns were voiced over chat rooms and casual conversations. The question was asked about the possibility of State of Nebraska or other entities having a protocol document to follow, so that we can glean information from others.

Mayor Stutte stated we learned from the pandemic, that we are technology deficient. Microsoft Office 365 or Google G-Suite is a possible solution. We want to make the solution user friendly. He is unaware of the legalities of forwarding information through these systems, but we can figure out a way.

2. Review of City Code Chapters 23-Parks and Cemeteries, 24-Lake Hastings and 39-Trees and Shrubs.

Dave Ptak stated at the last council meeting we approved city park hours. We have received complaints over the last few years about camping. We currently have a three-day opportunity to camp at Lake Hastings, which has lent itself to issues with litter and illegal activities.

Jeff Hassenstab reported on many housekeeping items within the code chapters being discussed tonight. Some chapters have not been reviewed for many years. We would like to stay with 11:00 P.M. park closing hours and not extend special permission past that time.

Jeff reported City Code Chapter 24 refers to camping, 72-hour stay at Lake Hastings. This is the only city park that we allow camping, which typically happens on the north side of the lake. We are attracting the homeless population. We are seeing litter, debris, alcohol and drug use, and other illegal activities in the area. Recommendation is to eliminate camping at Lake Hastings. He stated there would not be a need for a large amount of additional signage. There are no shower facilities or electrical hook-ups for camping at Lake Hastings, and restrooms automatically lock at 11:00 P.M. The Lake Patrol Officer (24-217) no longer exists. Hastings Lake is now patrolled by local officials with Game and Parks, Hastings Police, and the Parks and Recreation Department.

Most of the revisions in Chapter 39 are language cleanup. Currently, property owners have twenty-one days after notice to remove infected, dead or dying trees. Recommendation is to increase this up to thirty days.

We are adding language in 39-308, because of the terrace tree program with the utility department. Concern was raised over how the city polices homeowners if they do not follow the code on distances and clearances for planting trees and shrubs. Jeff stated it is complaint driven or if staff reports the issue.

3. Discussion of Block Party Policy.

Dave Ptak reported block parties usually occur around July 4th. One of the issues is the liability to the community. Our current Block Party Policy was revised in 2013. Chief Starling was concerned about emergency calls, as far as when the street is barricaded. Picnic tables and other items have been located in the street. No alcohol is allowed in accordance with the policy, but it occurs quite often in those outdoor gatherings. Nebraska law changed several years ago and had a result of taking the Recreational Liability Act away. Supreme Court cases have made judgment that a street is a street, and not a playground. Access for emergency vehicles is absolutely imperative.

Steve Kostner explained that the process for block parties is that the people come to the Street Department to complete a request form. The citizen has no cost associated with the request. The citizen picks up barricades from the Street Department and sets them up, prior to the event. If people setup barricades incorrectly or move the barricade to get around it, the liability comes back to the city. Usually there are seven to ten block parties during the year, most being held around the July 4th holiday. Steve notifies fire and police via email, with block party information, prior to the parties. Chief Story stated July 4th celebrations cause a high volume of calls for the Police Department. Then after the block party, they must deal with the mess in the street. It is a gray area whether something is an event or a block party.

Councilmember Beahm stated there was a block party in her neighborhood around July 4th that nobody seemed to have any idea it was going on. It appeared to be on a main street. She received calls from multiple concerned neighbors that the street was going to be blocked. Steve Kostner stated in Lincoln, all neighbors must sign paperwork prior to the event. In addition to liability, she requested a better notification for neighbors. A motorcycle drove through the area, going around the barricades, which is a safety concern.

Councilmember Skutnik asked if we could change the process to treat those parties as an event and require insurance coverage? Dave Ptak stated the current policy makes the person signing to hold the city harmless on the block party. Other communities mandate insurance when utilizing city streets.

Clint stated a car show was held in West Point, Nebraska. The road was closed and someone went through the barricades and ran over a person in the street. Supreme Court stated, it is a street. One of the main questions is are you going to require insurance? If you require insurance, it might take care of most of those requests for utilizing the street. We have beautiful parks in Hastings, and that is one of the reasons we invest in parks. Another option is to delegate the closing of a street where it was not an event, if the street, fire, and police say it will not hurt emergency responses. You could still make it possible for them to do a block party, but the deep pockets are those of the city. Councilmember Skutnik reminded all of the road race in downtown Hastings, where the city was held liable for personal injuries and made payments on claims for years after the event.

The group encouraged use of parks and staying in yards for gatherings. If the city mandates liability insurance, it might encourage block parties to stay in yards.

Lee Vrooman gave an update on Green Tree, working on tree trimming for the city this summer. There was concern voiced over the necessity for better communication to neighborhoods prior to working in their area. Dave Ptak stated the Public Information Officer would put together news releases informing neighborhoods to help with notification prior to tree trimming.

Moved by Scott Snell seconded by Ginny Skutnik to go into closed session for the reason of real estate negotiations at 6:39P.M. Roll Call: Ayes: Matt Fong, Paul Hamelink, Chuck Rosenberg, Scott Snell, Ted Schroeder, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: Butch Eley. The motion carried.

Moved by Matt Fong seconded by Ted Schroeder to come out of closed session and adjourn at 7:37 P.M. Roll Call: Ayes: Matt Fong, Paul Hamelink, Chuck Rosenberg, Scott Snell, Ted Schroeder, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: Butch Eley. The motion carried.