

CITY OF HASTINGS, NEBRASKA
MINUTES OF CITY COUNCIL REGULAR MEETING
Monday, August 24, 2020

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 24, 2020.

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, Butch Eley, Ginny Skutnik, Ted Schroeder. Absent: Jeniffer Beahm.

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; Finance Director, Roger Nash; Utility Manager, Kevin Johnson; Information Technology, Erik Nielsen; Development Services Director, Lisa Parnell-Rowe; Interim City Engineer, Lee Vrooman.

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

Moved by Butch Eley seconded by Ginny Skutnik to adopt current agenda for August 24, 2020 Regular Meeting. Roll Call: Ayes: Matt Fong, Paul Hamelink, Chuck Rosenberg, Scott Snell, Butch Eley, Ted Schroeder, Ginny Skutnik. Nays: None. Absent: Jeniffer Beahm. The motion carried.

PUBLIC NOTICE - Official Notice of the Regular Meeting was published in the Hastings Tribune on Friday, August 21, 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 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 the Museum Board did not have a quorum present at last week's meeting.

CITIZEN COMMUNICATIONS:

Nick Ridgeway, Hastings Citizens with a Voice, 322 W 39th Street, Kearney and Jay Bleier, Olsson Associates, 219 W 3rd St, Hastings, spoke on the viaduct agenda item.

MAYOR'S COMMUNICATIONS:

Mayor Stutte reminded everyone to continue to social distance, wear masks, and practice good hygiene.

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. Nays: None. Absent: Jeniffer Beahm. The motion carried.

(a) Approval of the minutes of the Council Meeting of August 10, 2020

(b) Approval of claims and payroll

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

(d) Approval of the request of the Business Improvement District to utilize the city streets for Junk Street on September 12, 2020

(e) Approval of Work Order EL-100, new three-phase overhead electric line on "J" Street from Elm Avenue to the Union Pacific Railroad tracks

(f) Approval of Work Order EL-120, new underground line along Marian Road from 14th Street to 18th Street

- (g) Approval of Work Order EL-126, installation of a new three-phase overhead transformer bank for an irrigation well west of Marian Road south of Burlington Northern/Santa Fe Railroad
- (h) Approval of Work Order SW-350, Westbrook lift station renovation at 6147 Meander Circle
- (i) Approval of Partial Release of Easement on Lot 1, Willett Second Subdivision

REGULAR AGENDA:

2. Unfinished Business of Preceding Meeting.

None.

3. Public Hearings.

None.

4. General Business.

(a) Moved by Butch Eley seconded by Ginny Skutnik to approve adding a Yield Sign to the southeast corner at the intersection of Lakeridge Dr./Lakeview Ave and North Shore Drive. Lee Vrooman reported staff realized the conflict at this intersection. After collaboration with Police, Engineering, and Street Departments, recommendation was made to install a yield sign on the southeast corner of the intersection to bring awareness to potential conflicts. Councilmembers mentioned that traffic moves faster than the posted speed limit of 25 MPH and wondered if the addition of a 25 MPH sign in the area would help bring awareness. A stop sign was also discussed. Roll Call: Ayes: Matt Fong, Paul Hamelink, Chuck Rosenberg, Scott Snell, Butch Eley, Ted Schroeder, Ginny Skutnik. Nays: None. Absent: Jeniffer Beahm. The motion carried.

(b) Moved by Ginny Skutnik seconded by Paul Hamelink to approve moving the starting time of the regularly scheduled City Council Meeting on Monday, September 14, 2020 from 5:30 P.M. to 6:00 P.M. Dave Ptak reported this item and next item is a result of the legislature passing LB148, which requires a separate public hearing on the budget, from the meeting that it can be approved at. Special council meeting will be held immediately after that meeting, in order not to have to come back on another night. Roll Call: Ayes: Matt Fong, Paul Hamelink, Chuck Rosenberg, Scott Snell, Butch Eley, Ted Schroeder, Ginny Skutnik. Nays: None. Absent: Jeniffer Beahm. The motion carried.

(c) Moved by Butch Eley seconded by Ted Schroeder to approve the calling of a Special Council Meeting on Monday, September 14, 2020 at 5:30 P.M. in the Hastings City Council Chambers. Roll Call: Ayes: Matt Fong, Paul Hamelink, Chuck Rosenberg, Scott Snell, Butch Eley, Ted Schroeder, Ginny Skutnik. Nays: None. Absent: Jeniffer Beahm. The motion carried.

5. Ordinances and Resolutions.

(a) ORDINANCE NO. 4637 AMENDING HASTINGS CITY CODE SECTION 34-311, ACCESSORY USES AND STRUCTURES, TO CLARIFY AND AMEND REQUIREMENTS FOR ACCESSORY BUILDINGS
(*Second Reading*)

Said Ordinance was read by title and thereafter Councilmember Matt Fong moved for passage of the ordinance on second reading, which motion was seconded by Councilmember Paul Hamelink.

The Mayor then stated the question "Shall Ordinance No. 4637 be passed and adopted on second reading?" Upon roll call vote the following Councilmembers voted Ayes: Matt Fong, Paul Hamelink, Chuck Rosenberg, Scott Snell, Butch Eley, Ted Schroeder, Ginny Skutnik. Nays: None. Absent: Jeniffer Beahm. 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. Nays: None. Absent: Jeniffer Beahm. 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 28, 2020. Effective date of the ordinance is 15 days from and after the date this ordinance is passed and approved.

(b) ORDINANCE NO. 4638 TO ENACT A NEW SECTION 18-123 OF THE OFFICIAL HASTINGS CITY CODE TO PROVIDE FOR THE CREATION OF AN OFFENSE WHEN A PERSON WILLFULLY FAILS TO APPEAR IN COURT ON A CITY ORDINANCE VIOLATION

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

Clint Schukei reported this ordinance gives us another option, if someone chooses not to appear in court. It would make it possible to add another charge and creates opportunities for negotiation and resolution of issues.

The Mayor then stated the question "Shall Ordinance No. 4638 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. Nays: None. Absent: Jeniffer Beahm. 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. Nays: None. Absent: Jeniffer Beahm. 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 28, 2020. Effective date of the ordinance is 15 days from and after the date this ordinance is passed and approved.

(c) Moved by Matt Fong seconded by Scott Snell to approve Resolution No. 2020-46 authorizing allowable 1% increase in restricted funds. Dave Ptak reported this is done every year, as far as to authorize a 1% increase on the levy. This resolution is for restricted funds only and is required by State Statute. Our budget hearing is scheduled for September 14th. Roll Call: Ayes: Matt Fong, Paul Hamelink, Chuck Rosenberg, Scott Snell, Butch Eley, Ted Schroeder, Ginny Skutnik. Nays: None. Absent: Jeniffer Beahm. The motion carried.

(d) Moved by Ginny Skutnik seconded by Paul Hamelink to approve Resolution No. 2020-47 approving levy authority for the Community Redevelopment Authority in the amount of \$400,322.33 to help defray the expenses of the Authority for the 2020-2021 fiscal year. Randy Chick, Community Redevelopment Authority (CRA), reported the levy is up to 2.6 cents, the maximum according to the State Statute. The CRA has met and reviewed the budget and expenditures for the coming year. If approved tonight, this would generate approximately \$400,000. The CRA will adopt their budget at their September meeting. Roll Call: Ayes: Matt Fong, Paul Hamelink, Chuck Rosenberg, Scott Snell, Butch Eley, Ted Schroeder, Ginny Skutnik. Nays: None. Absent: Jeniffer Beahm. The motion carried.

(e) Moved by Butch Eley seconded by Ginny Skutnik to approve Resolution No. 2020-50 placing a ballot question on the ballot for the November 3, 2020 general election providing voters the opportunity to authorize the rebuilding of the 16th Street viaduct, issuing bonds in an amount not to exceed \$12,500,000 and levying tax in the amount needed to retire the bonds. Dave Ptak reported this resolution was put together after last week's council worksession. It was the general consensus of those present on the

council to put this amount on the ballot. What you have is the not to exceed number. This does not mean we will issue \$12,500,000 in bonds. It is the cap amount. The amount can be up to \$12.5 million or under that amount. The amount depends on what the plans are and the dollar amount on the bids. Discussion was held on the amount needed, if this does not pass and the bridge is torn down. Councilmember Rosenberg wanted the ballot not to exceed amount to be \$10 million. He mentioned the contingency amount seemed high. Councilmember Skutnik stated, since the amount is a not to exceed number, it might be wise to establish a higher amount, rather than be too low. If bids come in higher, we would not be able to do the project. Dave Ptak stated that the not to exceed amount needs to be a fair and reasonable amount. There are unknown costs involved in the rebuilding of the 16th Street viaduct. The Union Pacific will not give estimate of other costs until they look at plans. If they have to reroute trains, it might be costly. We need some cushion in the amount, so we do not undercut the amount necessary to complete the project. Jay Blier, Olsson Associates, stated Engineering Specialists, Inc. (ESI) provided a sealed report. That means that ESI is accepting professional responsibility and liability for their position. They stated clearly the existing structure and foundations cannot and should not be saved, as a matter of public safety. Olsson agrees with that assessment, based upon their evidence. ESI did testing above and beyond what Olsson did. The assumptions Olsson put forth did not take into account the exceedingly poor condition of the bridge itself, as well as the rotation in the structure, which indicates that the foundations have failed. In Olsson's opinion, it is not a viable option to save the bridge, as the cost would be excessive and would not benefit the community. Roll Call: Ayes: Matt Fong, Paul Hamelink, Scott Snell, Butch Eley, Ted Schroeder, Ginny Skutnik. Nays: None. Abstain: Chuck Rosenberg. Absent: Jeniffer Beahm. The motion carried.

6. Final Passage of Ordinances.

None.

7. Appointments.

(a) Mayor Stutte announced his appointment of Mark Hemje to the Utility Board.

Moved by Ginny Skutnik seconded by Ted Schroeder to approve Mayor Stutte's appointment of Mark Hemje to the Utility Board. Roll Call: Ayes: Matt Fong, Paul Hamelink, Chuck Rosenberg, Scott Snell, Butch Eley, Ted Schroeder, Ginny Skutnik. Nays: None. Absent: Jeniffer Beahm. The motion carried.

8. Miscellaneous and Other Business.

None.

Moved by Ginny Skutnik seconded by Butch Eley there being no further business to adjourn at 6:05 P.M. Roll Call: Ayes: Matt Fong, Paul Hamelink, Chuck Rosenberg, Scott Snell, Butch Eley, Ted Schroeder, Ginny Skutnik. Nays: None. Absent: Jeniffer Beahm. The motion carried.

APPROVED:

Corey Stutte, Mayor

ATTEST:

Kimberly S. Jacobitz, City Clerk

(S E A L)