

CITY OF HASTINGS, NEBRASKA
MINUTES OF CITY COUNCIL REGULAR MEETING
Monday, September 28, 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 September 28, 2020.

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

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; Utility Manager, Kevin Johnson; Information Technology, Erik Nielsen; Development Services Director, Lisa Parnell-Rowe; Cemetery Superintendent, John Brown.

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

Moved by Butch Eley seconded by Scott Snell to adopt current agenda for Regular Meeting, September 28, 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.

PUBLIC NOTICE - Official Notice of the Regular Meeting was published in the Hastings Tribune on Friday, September 25, 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 Snell encouraged public to attend worksessions.

Councilmember Eley stated he received a complaint on the railroad crossing at South and Marion Road. He explained to the public that every crossing arm has information to report problems or emergencies. If you use that number on the crossing, that would be the quickest way to achieve results.

CITIZEN COMMUNICATIONS:

None.

MAYOR'S COMMUNICATIONS:

Council President, Paul Hamelink, reported Mayor Stutte is taking time off. Paul met with city staff and others regarding the Youth Rehabilitation and Treatment Center (YRTC) issue at the Hastings Regional Center. This will be an ongoing discussion for a number of months ahead with Department of Health and Human Services. Congratulations to Rakesh Srivastava, Prosthetics Orthopedics, who received the Small Business of the Year award from the State of Nebraska Small Business Administration.

CONSENT AGENDA:

1. All Consent Items.

Moved by Ginny Skutnik seconded by Matt Fong to approve the consent agenda, 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 Special Council Meeting of September 14, 2020
- (b) Approval of the minutes of the Regular Council Meeting of September 14, 2020
- (c) Approval of claims and payroll
- (d) Approve receiving and placing on file department monthly reports
- (e) Approval of the request of the Church Women United to utilize the streets for Hastings CROP Hunger Walk on October 11, 2020
- (f) Approval of invoice from Community Redevelopment Authority in amount of \$58,500.00 for Community Development Block Grant Project 17-DTR-105, Downtown Revitalization
- (g) Approval of the request for Community Development Block Grant funds, Drawdown #13, in the amount of \$43,231.50 for Project 17-DTR-105, Downtown Revitalization
- (h) Approval of the request from the Hastings Police Department and the Chamber of Commerce to utilize the city streets for National Night Out on October 6, 2020
- (i) Approval of the request from Hastings Museum to utilize the city streets for History on Wheels on October 4, 2020

REGULAR AGENDA:

2. Unfinished Business of Preceding Meeting.

None.

3. Public Hearings.

(a) Public hearing on the application of RM Retail Services, LLC dba "Midtowne Mart" for a Class "CK" Liquor License at 1921 W. 2nd Street. Police Chief Adam Story reported on the application. They have reviewed and recommend approval. No public spoke. No objections were received.

Moved by Chuck Rosenberg seconded by Matt Fong to approve Resolution No. 2020-54 approving the application of RM Retail Services, LLC dba "Midtowne Mart" for a Class "CK" Liquor License at 1921 W. 2nd Street. 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 Scott Snell to approve the manager application of Ryan A. Rutt in connection with the Class "CK" Liquor License of RM Retail Services, LLC dba "Midtowne Mart" located at 1921 W. 2nd Street. 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 on the request of Westbrook, LLC to change zoning from R-1, Urban Single Family Residential District and A, Agricultural District to R-1, Urban Single Family Residential District for Westbrook Village 17th Addition. Lisa Parnell-Rowe reported this particular item is the rezone piece to the Westbrook Village 17th Addition. She will follow with the final plat on October 26th. We want to discuss the addition of the 25 feet of side-yard to the lot. The piece of agriculture will need to be rezoned to R-1. She asked to approve first reading only. Dave Ptak stated what makes this unique is that small piece is outside the city limits. It causes an extra step in the process. No public spoke. No objections were received.

ORDINANCE NO. 4647 AMENDING OFFICIAL ZONING DISTRICT MAP OF THE CITY OF HASTINGS TO REZONE PROPERTY FROM R-1, URBAN SINGLE FAMILY RESIDENTIAL DISTRICT AND A, AGRICULTURAL DISTRICT TO R-1, URBAN SINGLE FAMILY RESIDENTIAL DISTRICT FOR WESTBROOK VILLAGE 17TH ADDITION

Moved by Matt Fong seconded by Ginny Skutnik to approve Ordinance No. 4647, a change of zoning for Westbrook Village 17th Addition, City of Hastings, Adams County, Nebraska, from R-1, Urban Single Family Residential and A, Agricultural to R-1, Urban Single Family Residential District and to amend the Official Zoning District Map on first reading only. 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 Butch Eley seconded by Chuck Rosenberg to approve Release of Easement on Lot 1, Crane Circle Villas Subdivision and Lot 2, Block 4, Indian Acres Second Addition. Kevin Johnson reported the developer wants to replat this area. The utilities are already in place. 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 Scott Snell to approve the Interlocal Agreement with Juniata and the City of Hastings, NE to extend the street light policies with regard to LED upgrades and any needed capital improvements. Kevin Johnson reported the Cost of Service Study recommended handling Juniata street lights, the same as the city lights. They would become a part of the Electric Department and electric rates. It was approved by Juniata leadership. 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 Chuck Rosenberg seconded by Butch Eley to award Crouch Recreation in the amount of \$50,930.00 for the purchase of six (6) ball field dugouts. Jeff Hassenstab reported this item is to purchase six dugouts to be installed by city staff at the north and south recreation fields and Carter Park. Park sales tax funds will be used to purchase the dugouts. 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 Ted Schroeder seconded by Matt Fong to approve the lease with Meyer's Aerial Service, L.L.C. for Airport property. Clint Schukei reported this is a lease where the tenant is building the structure on city property. It provides for them to lease the land on an annual basis. There is an inflation factor built into the lease. 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 Scott Snell seconded by Chuck Rosenberg to award contract for Parkview Cemetery Paving, Phase I to Werner Construction, Inc. in the amount of \$244,107.25. Jeff Hassenstab reported bids were opened on September 17th. The engineering estimate was \$310,605. They received three bids. The low bidder was Werner at \$244,107.25. They hope to construct Phase I and Phase II this year. 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) Moved by Ginny Skutnik seconded by Butch Eley to award the City's insurance coverages for FY2020-21 to Travelers' Insurance Company for Property, Casualty, and Workers' Compensation; to Hanover Insurance Group for Crime coverage; and to AXIS for Cyber coverage. Dave Ptak reported this is an annual event that runs close to budget time. The insurance was discussed at the worksession on September 21st. This formalizes binding coverage. 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.

(g) Moved by Ted Schroeder seconded by Matt Fong to approve the Library Interlocal Agreement with Adams County. Dave Ptak reported this is an update of the Library Interlocal Agreement. Our first agreement was in affect for the fiscal year in 2016. This makes it easier for the annual amount to be determined and budgeted. County approved the agreement on September 15th. 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. 4646 TO AMEND HASTINGS CITY CODE SECTIONS IN CHAPTERS 10, 23, 24 AND 39 CONCERNING ANIMALS, PARKS, LAKE HASTINGS, AND TREES.

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

Clint reported this basically is the ordinance Parks Department brought to the worksession. The relevant items are removing camping at Lake Hastings, tree guidance on where trees can be planted, and concern with horses on city property. Discussion was held on complaints received from horses making messes on the Lake Hastings walking trail, Baltimore Avenue, and other public properties.

Moved by Scott Snell to table Ordinance No. 4646. The motion died for lack of a second.

Moved by Butch Eley seconded by Ginny Skutnik to amend Ordinance 4646 by deleting Section 1 of the ordinance as presented. Roll Call: Ayes: Matt Fong, Paul Hamelink, Scott Snell, Butch Eley, Ted Schroeder, Ginny Skutnik, Jeniffer Beahm. Nays: Chuck Rosenberg. Absent: None. The motion carried.

The Council President then stated the question "Shall Ordinance No. 4646 be passed and adopted as amended?" Upon roll call vote the following Councilmembers voted Ayes: Matt Fong, Paul Hamelink, Scott Snell, Butch Eley, Ted Schroeder, Ginny Skutnik, Jeniffer Beahm, Chuck Rosenberg. Nays: None. Absent: None. The motion carried.

Councilmember Chuck Rosenberg 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, 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 Council President declared the amended ordinance adopted upon second and final reading and the Council President 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 2, 2020. Effective date of the ordinance is 15 days from and after the date this ordinance is passed and approved.

6. Final Passage of Ordinances.
None.

7. Appointments.

(a) Moved by Ginny Skutnik seconded by Matt Fong to approve Mayor Stutte's appointment to the Museum Board of Ashley McCarter. 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.

8. Miscellaneous and Other Business.
None.

Moved by Ginny Skutnik seconded by Butch Eley there being no further business to adjourn at 6:07 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:

Paul Hamelink, Council President

ATTEST:

Kimberly S. Jacobitz, City Clerk

(S E A L)