CITY OF HASTINGS, NEBRASKA
MINUTES OF CITY COUNCIL REGULAR MEETING
Monday, December 14, 2020

Pursuant to due call and notice thereof, a Regular Meeting of the City Council of the City of Hastings, Nebraska was conducted via video conference, on December 14, 2020, as allowed by the executive order issued from Governor Rickets on November 25, 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, Chuck Rosenberg, Scott Snell, Butch Eley, Ted Schroeder, Jeniffer Beahm, Ginny Skutnik. Absent: Paul Hamelink.

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; Director of Engineering, Lee Vrooman.

ADMINISTRATION OF OATH OF OFFICE:
City Clerk administered Oath of Office to Mayor Corey Stutte.

City Clerk administered Oath of Office to Council Members: Jennifer A. Beahm - First Ward; Butch Eley - Second Ward; Joy Huffaker - Third Ward; Shawn D. Hartmann - Fourth Ward.

Mayor Stutte asked for roll call. Following members were present: Matt Fong, Chuck Rosenberg, Butch Eley, Ted Schroeder, Jeniffer Beahm, Shawn Hartmann, Joy Huffaker, Ginny Skutnik. Absent: None.

Election of City Council President
Butch Eley nominated Ginny Skutnik as Council President. Mayor Stutte asked for further nominations. Seeing no further nominations, nominations were closed. Roll Call: Ayes: Matt Fong, Shawn Hartmann, Chuck Rosenberg, Joy Huffaker, Butch Eley, Ted Schroeder, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: None. The motion carried.

Election of City Council Vice President
Ginny Skutnik nominated Butch Eley as Council Vice President. Mayor Stutte asked for further nominations. Seeing no further nominations, nominations were closed. Roll Call: Ayes: Matt Fong, Shawn Hartmann, Chuck Rosenberg, Joy Huffaker, Butch Eley, Ted Schroeder, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: None. The motion carried.

Moved by Ginny Skutnik seconded by Matt Fong to adopt current agenda for December 14, 2020 Regular Meeting. Roll Call: Ayes: Matt Fong, Chuck Rosenberg, Butch Eley, Ted Schroeder, Ginny Skutnik, Jeniffer Beahm, Shawn Hartmann, Joy Huffaker. Nays: None. Absent: None. The motion carried.

PUBLIC NOTICE - Official Notice of the Regular Meeting was published in the Hastings Tribune on Friday, December 11, 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 can be found on the City of Hastings' website, cityofhastings.org.

COUNCIL COMMUNICATION:
Scott Snell thanked Mayor Stutte and City Council members, who he had the opportunity to serve with for four years. He offered his support to the new members of the council.

Councilmember Fong reported on the Library Advisory Board meeting held last week. There are many programs offered in virtual formats.

Councilmember Skutnik reported the Museum Board did not meet this month. They are finalizing plans on the Patio renovation.

Councilmembers thanked Scott Snell and Paul Hamelink for their service and welcomed Joy Huffaker and Shawn Hartmann.

CITIZEN COMMUNICATIONS:
None.

MAYOR'S COMMUNICATIONS:
Mayor Stutte thanked Scott Snell and Paul Hamelink for their service. He also welcomed Joy Huffaker and Shawn Hartmann to the City Council.

He asked for everyone to be safe over the holidays. Our COVID numbers are looking better, so continue to do the right thing.

CONSENT AGENDA:
1. All Consent Items.
Moved by Ginny Skutnik seconded by Ted Schroeder to remove the claim for Eldon's Automotive from the consent agenda and approve the consent agenda. Roll Call: Ayes: Matt Fong, Chuck Rosenberg, Butch Eley, Ted Schroeder, Ginny Skutnik, Jeniffer Beahm, Shawn Hartmann, Joy Huffaker.
Nays: None. Absent: None. The motion carried.

Moved by Chuck Rosenberg seconded by Butch Eley to approve Eldon's Automotive claim. Joy Huffaker abstained from the vote because of ownership in Eldon's Automotive. Roll Call: Ayes: Matt Fong, Chuck Rosenberg, Butch Eley, Ted Schroeder, Ginny Skutnik, Jeniffer Beahm, Shawn Hartmann.
Nays: None. Abstain: Joy Huffaker Absent: None. The motion carried.

(a) Approval of the minutes of the Council Meeting of November 23, 2020
(b) Approval of the minutes of the Worksession of November 16, 2020
(c) Approval of claims and payroll
(d) Approve receiving and placing on file department monthly reports
(e) Approval of Work Order GA-351, new 4" gas main at 2300 E. South Street
(f) Approval of Invoice No. 1119 from South Central Economic Development District in the amount of $1050.00 for grant administration services on Community Development Block Grant Project 18-ED-003, SHABRI Economic Development Grant
(g) Approval of the request for Community Development Block Grant funds, Drawdown #5, in the amount of $1050.00 for Community Development Block Grant Project 18-ED-003, SHABRI Economic Development Grant

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

3. Public Hearings.
(a) Public hearing on the request of Mary Lanning Memorial Hospital Association to change zoning from R-3 Multiple-family Residential District to CMP-Campus Institutional District for property commonly addressed as 828 North Denver Avenue and to amend the Campus Master Development Plan for Mary Lanning Memorial Hospital Association. Lisa Parnell-Rowe presented on the subject. The project lead, Director of Engineering at Mary Lanning, is available for questions. Mary Lanning owns the property and is rezoning the property as part of the Master Plan. No public spoke. No objections were received.

ORDINANCE NO. 4651 AMENDING THE OFFICIAL ZONING DISTRICT MAP TO REZONE CERTAIN PROPERTY FROM R-3 MULTIPLE-FAMILY RESIDENTIAL DISTRICT TO CMP CAMPUS INSTITUTIONAL DISTRICT

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

The Mayor then stated the question "Shall Ordinance No. 4651 be passed and adopted?" Upon roll call vote the following Councilmembers voted Ayes: Matt Fong, Chuck Rosenberg, Butch Eley, Ted Schroeder, Ginny Skutnik, Jeniffer Beahm, Shawn Hartmann, Joy Huffaker. Nays: None. Absent: None. The motion carried.

Councilmember Ginny Skutnik moved that the statutory rule requiring reading on three different days be suspended; Councilmember Chuck Rosenberg seconded the motion to suspend the rules and upon roll call vote the following Councilmembers voted Ayes: Matt Fong, Chuck Rosenberg, Butch Eley, Ted Schroeder, Ginny Skutnik, Jeniffer Beahm, Shawn Hartmann, Joy Huffaker. 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 December 18, 2020. Effective date of the ordinance is 15 days from and after the date this ordinance is passed and approved.

(b) Moved by Ginny Skutnik seconded by Butch Eley to approve Resolution 2020-64, for an amended Campus Master Development Plan for Mary Lanning Memorial Hospital Association (MLMHA), with the following conditions: 1) Computed quantities of runoff and discharge locations must be provided in a drainage plan prior to issuance of a building permit. Site alterations must address storm water quality through the use of structural or non-structural Best Management Practices (BMPs). Permanent BMPs shall be provided for in the drainage plan. 2) There shall be compliance with any other applicable City, County, State or Federal regulations that shall apply for each project as stated in this amended Master Development Plan. 3) Approval of the amended Master Development Plan also approves a deviation to the side yard setback on the south side of the existing structure located at 744 N Hastings Avenue so long as it remains the use of the Ambulance Headquarters for MLMHA. 4) This resolution shall be filed with the registrar of deeds for property located at 744 N. Hastings Avenue so as to provide notice to any person examining the real estate records of the existence of the approved deviation is minimum yard setback for the existing structure so long as it remains for the use of the ambulance headquarters. The recording costs incurred to comply with this section shall be paid by the applicant for the CUP.

Lisa Parnell-Rowe presented on this item. The general boundaries are 7th to 9th Streets and Hastings to Colorado Avenues. They are processing this amendment utilizing the Plan District regulation 34-215 (7). Changes are significant in use and beyond minor incidental exterior changes. Ambulance storage is part of the master plan. There are deviations to the original setback. In the CMP it requires a ten foot setback. If it fits the intent of the development and specifically called out as a deviation, you can accept that in order to meet the intent. Secondly, this has to do with the central boiler plant they are proposing, next to the chiller plant. This plant will not produce smoke or dust and will have minimal fan noise. There is a deviation for the use on this as well. The plan has additional permitted projects, including parking lots. Drainage plan must be submitted with each development. Roll Call: Ayes: Matt Fong, Chuck Rosenberg, Butch Eley, Ted Schroeder, Ginny Skutnik, Jeniffer Beahm, Shawn Hartmann, Joy Huffaker. Nays: None. Absent: None. The motion carried.

(c) Public hearing on the request of the Community Redevelopment Authority regarding Plan Modification No. 2020-5 in Redevelopment Area Number 13, Theatre District Redevelopment Project, commonly addressed as 3101 West 12th Street. Lisa Parnell-Rowe spoke on the Theatre District Redevelopment Project. This includes Block Nine and Lot One of Imperial Village Addition and Lot One Imperial Theatre

Subdivision. There will be demolition of the Imperial Mall structure, excluding the K-mart portion of the building. There will be multiple phases with this project. Tax Increment Financing (TIF) will aid in demolition, structure rehabilitation, facade enhancements, architectural, engineering and planning costs. Currently the project team is working to submit a Form 7460 with the FAA for review and feedback on heights. Tom Huston and Randy Chick are available to answer questions.

Tom Huston, Theatre District LLC, spoke in support of the project. Demolition of the mall begins next Monday. Asbestos removal has been completed. He expects construction to begin spring 2021. No other public spoke. No objections received.

Moved by Chuck Rosenberg seconded by Butch Eley to approve Resolution 2020-65, Plan Modification No. 2020-5 to Redevelopment Plan #13, Theatre District Redevelopment Project.
Dave Ptak thanked the Theatre District LLC for allowing our Fire Department to utilize the mall structure for training purposes. Roll Call: Ayes: Matt Fong, Chuck Rosenberg, Butch Eley, Ted Schroeder, Ginny Skutnik, Jeniffer Beahm, Shawn Hartmann, Joy Huffaker. Nays: None. Absent: None. The motion carried.

4. <u>General Business.</u>
(a) Moved by Ginny Skutnik seconded by Matt Fong to approve contract in the amount of $540,865.00 with Creative Sites LLC for the purchase and installation of an inclusive playground at Crosier Park.
Jeff Hassenstab reported this has been identified as a need in our community. It was included in a list of projects for our sales tax fund. The first phase of this project is a playground and parking stalls. This phase is scheduled to be begin next summer, if approved. Key Society has pledged $100,000 to this project. Phase 2 will include restrooms and a shelter. That phase is expected to begin in the fall of 2021. Roll Call: Ayes: Matt Fong, Chuck Rosenberg, Butch Eley, Ted Schroeder, Ginny Skutnik, Jeniffer Beahm, Shawn Hartmann, Joy Huffaker. Nays: None. Absent: None. The motion carried.

(b) Moved by Butch Eley seconded by Chuck Rosenberg to approve the Agreement with Priority Medical Transport, L.L.C. to provide backup emergency medical services to the City of Hastings.
Fire Chief Brad Starling reported on this item. This agreement is identical to the one with South Central EMS. It will add another agency who can assist us with backup services. Roll Call: Ayes: Matt Fong, Chuck Rosenberg, Butch Eley, Ted Schroeder, Ginny Skutnik, Jeniffer Beahm, Shawn Hartmann, Joy Huffaker. Nays: None. Absent: None. The motion carried.

(c) Moved by Matt Fong seconded by Ginny Skutnik to approve the submittal of Letters of Intent for 2020 Rural Workforce Housing Funds from the Nebraska Department of Economic Development for Phase II of Trail Ridge Subdivision and for Pioneer Trail Flats Subdivision. Michael Krings reported that in 2017 the legislature made funds available trying to encourage housing in rural areas. We received funds from that opportunity and split it amongst a few projects. The legislature approved additional funding for rural workforce housing. They are looking for letters of intent from communities. We are hoping to apply for $500,000 and would need a match in that amount from the Utility development funds. Letters of intents are due tomorrow. The application is due at the end of January. Mayor Stutte stated these funds all come back through a revolving fund, so other developers can use the funds in the future.
Roll Call: Ayes: Matt Fong, Chuck Rosenberg, Butch Eley, Ted Schroeder, Ginny Skutnik, Jeniffer Beahm, Shawn Hartmann, Joy Huffaker. Nays: None. Absent: None. The motion carried.

(d) Moved by Matt Fong seconded by Ginny Skutnik to approve the application from LUCKEE, LLC for CDBG Downtown Revitalization forgivable loan funding in the amount of $35,000 for a façade renovation project at 529 W. 2nd. Randy Chick reported on this item. We are utilizing Community Block Development Grant funds for downtown revitalization. We want to utilize some of those funds on this project. The main floor will be gutted and two more apartments will be on the second floor. Roll Call: Ayes: Matt Fong, Chuck Rosenberg, Butch Eley, Ted Schroeder, Ginny Skutnik, Jeniffer Beahm, Shawn Hartmann, Joy Huffaker. Nays: None. Absent: None. The motion carried.

(e) Moved by Chuck Rosenberg seconded by Ginny Skutnik to approve the amended application from THOAR, LLC for CDBG Downtown Revitalization forgivable loan funding in the amount of $236,000 for a façade renovation project at 119 N. Hastings/712 W. 1st. Randy Chick reported this project was previously approved for $200,000. They tore into the facade and found structural issues. They came back to the committee with a request on additional funding. Roll Call: Ayes: Matt Fong, Chuck Rosenberg, Butch Eley, Ted Schroeder, Ginny Skutnik, Jeniffer Beahm, Shawn Hartmann, Joy Huffaker. Nays: None. Absent: None. The motion carried.

(f) Moved by Matt Fong seconded by Chuck Rosenberg to approve contract with Van Kirk Bros. Contracting, Inc. for 2021 Water Main Improvements. Lee Vrooman reported on the bid letting held December 3, 2020. We received two bids. Those bids included four water main projects. Both bids took exception to railroad flagging cost. These projects have a spring 2021 start date and completion in August. Roll Call: Ayes: Matt Fong, Chuck Rosenberg, Butch Eley, Ted Schroeder, Ginny Skutnik, Jeniffer Beahm, Shawn Hartmann, Joy Huffaker. Nays: None. Absent: None. The motion carried.

(g) Moved by Ginny Skutnik seconded by Chuck Rosenberg to approve the Telecommunications Line Right-of-Way License Agreement with OPTK Network (NebraskaLink Holdings, LLC). Lee Vrooman reported this agreement allows them to occupy our Right-of-Way on the city portion of the fiber installation. There are no interferences. Roll Call: Ayes: Matt Fong, Shawn Hartmann, Chuck Rosenberg, Joy Huffaker, Butch Eley, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: None. The motion carried. Ted Schroeder did not vote, due to technical difficulties.

5. <u>Ordinances and Resolutions.</u>
(a) Moved by Ginny Skutnik seconded by Butch Eley to approve Resolution No. 2020-63 adopting and approving the execution of an Agency Agreement with the Nebraska Department of Transportation (Aeronautics Division) for Project No. 3-31-0040-018-2021, construction phase of a snow removal equipment (SRE) building. Deb Bergmann reported this if for funding that we receive from the Federal Aviation Administration (FAA). They require us to have an agreement with the State to do various paperwork and agreements. This involves approximately $600,000 funding for the new snow removal equipment building. Roll Call: Ayes: Matt Fong, Shawn Hartmann, Chuck Rosenberg, Joy Huffaker, Butch Eley, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: None. The motion carried. Ted Schroeder did not vote, due to technical difficulties.

(b) ORDINANCE NO. 4652 VACATING THE EAST HALF OF BURLINGTON AVENUE BETWEEN THE NORTH RIGHT-OF-WAY LINE OF 21ST STREET AND THE SOUTH RIGHT-OF-WAY LINE OF 22ND STREET

Lisa Parnell-Rowe presented on this item. There is a sanitary sewer easement running through this area that the city will retain for access to that line. Dave Ptak stated this will aid development of the two buildings to the east of what is being vacated.

Ted Schroeder recused himself from voting on this item, stating conflict of interest.

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

The Mayor then stated the question “Shall Ordinance No. 4652 be passed and adopted?” Upon roll call vote the following Councilmembers voted Ayes: Matt Fong, Chuck Rosenberg, Butch Eley, Ginny Skutnik, Jeniffer Beahm, Shawn Hartmann, Joy Huffaker. Nays: None. Abstain: Ted Schroeder Absent: None. 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, Chuck Rosenberg, Butch Eley, Ginny Skutnik, Jeniffer Beahm, Shawn Hartmann, Joy Huffaker. Nays: None. Abstain: Ted Schroeder 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 December 18, 2020. Effective date of the ordinance is 15 days from and after the date this ordinance is passed and approved.

(c) Moved by Butch Eley seconded by Matt Fong to approve Resolution No. 2020-66 approving year-end certification of City Street Superintendent. Lee Vrooman reported this is an annual certification to receive incentive money from the State of Nebraska. Roll Call: Ayes: Matt Fong, Chuck Rosenberg, Butch Eley, Ted Schroeder, Ginny Skutnik, Jeniffer Beahm, Shawn Hartmann, Joy Huffaker. Nays: None. Absent: None. The motion carried.

6. Final Passage of Ordinances.
None.

7. Appointments.
(a) Moved by Ginny Skutnik seconded by Jeniffer Beahm to approve Mayor's appointment of City Administrator - Dave Ptak, City Attorney - Clint Schukei, City Clerk - Kim Jacobitz, City Engineer – Lee Vrooman and City Finance Director/City Treasurer - Roger Nash. Mayor Stutte thanked these staff members for helping throughout this tough year. Roll Call: Ayes: Matt Fong, Chuck Rosenberg, Butch Eley, Ted Schroeder, Ginny Skutnik, Jeniffer Beahm, Shawn Hartmann, Joy Huffaker. Nays: None. Absent: None. The motion carried.

Moved by Jeniffer Beahm seconded by Chuck Rosenberg to approve Community Redevelopment Authority (CRA) appointments Rick Klamm - 5-year term ending November 1, 2025; Kaleena Fong - 4-year term ending November 1, 2024; Dan Schwartzkopf - 3-year term ending November 1, 2023; Dick Hysell - 2-year term ending November 1, 2022; and Roger Coffman - 1-year term ending November 1, 2021. Dave Ptak reported this is to realign terms, per State Statutes as for the CRA. It requires each member to have a five-year term. It provides when they are initially setup, they should have setup a five year, four year, three year, two year, and one year term, to comply with State Statutes. The CRA terms currently end at the same time. Matt Fong will abstain from voting, as he is related to one of the board members. Roll Call: Ayes: Chuck Rosenberg, Butch Eley, Ted Schroeder, Ginny Skutnik, Jeniffer Beahm, Shawn Hartmann, Joy Huffaker. Nays: None. Abstain: Matt Fong Absent: None. The motion carried.

(b) Moved by Ginny Skutnik seconded by Butch Eley to approve Mayor’s appointments of liaisons. Roll Call: Ayes: Matt Fong, Chuck Rosenberg, Butch Eley, Ted Schroeder, Ginny Skutnik, Jeniffer Beahm, Shawn Hartmann, Joy Huffaker. Nays: None. Absent: None. The motion carried.

8. Miscellaneous and Other Business.
None.

Moved by Jeniffer Beahm seconded by Ginny Skutnik there being no further business to adjourn at 6:47 P.M. Roll Call: Ayes: Matt Fong, Chuck Rosenberg, Butch Eley, Ted Schroeder, Ginny Skutnik, Jeniffer Beahm, Shawn Hartmann, Joy Huffaker. Nays: None. Absent: None. The motion carried.

APPROVED:

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Corey Stutte, Mayor

ATTEST:

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Kimberly S. Jacobitz, City Clerk

(S E A L)