

CITY OF HASTINGS, NEBRASKA
MINUTES OF CITY COUNCIL REGULAR MEETING
Monday, March 8, 2021

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 March 8, 2021.

The meeting was called to order at 5:30 p.m. in Regular Session by Mayor Stutte with the following members present: Butch Eley, Ginny Skutnik, Chuck Rosenberg, Shawn Hartmann, Jeniffer Beahm, Matt Fong, Ted Schroeder. Absent: Joy Huffaker.

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 Director, Erik Nielsen; Development Services Director, Lisa Parnell-Rowe; Director of Engineering, 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 March 8, 2021 Regular Meeting. Roll Call: Ayes: Matt Fong, Shawn Hartmann, Chuck Rosenberg, Butch Eley, Ted Schroeder, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: Joy Huffaker. The motion carried.

PUBLIC NOTICE - Official Notice of the Regular Meeting was published in the Hastings Tribune on Friday, March 5, 2021. 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 Rosenberg reported on the Fire and Police Pension Committee meetings held last week. Wells Fargo is the current administrator, but both accounts will turn over to Principal on April 20, 2021.

Councilmember Schroeder reported on the Airport State Fly-In being held on June 19th and 20th (Father's Day Weekend). He is the Volunteer Coordinator for the event and is asking for volunteers to contact him or anyone on the Airport Advisory Board.

CITIZEN COMMUNICATIONS:

Michele Beaver, South Heartland District Health Department, spoke in support of mask policy. Brandon White, 924 N. Hastings, spoke against mask ordinance. Dave Ptak stated that any property owner can dictate what rules they wish to have as entry into or out of their property. We chose to require masks in city buildings.

MAYOR'S COMMUNICATIONS:

Mayor Stutte thanked citizens for their work on keeping COVID numbers down. We held our first COVID press conference on March 19, 2020. Citizens have done a great job this past year, and numbers are heading in the right direction.

Mayor Stutte recognized service anniversaries for William Kusters, WEC, 5 years; Randall Garvin, WEC, 10 years; Brian Keever, Engineering, 10 years; Shari Bullard, Police, 5 years.

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, Shawn Hartmann, Chuck Rosenberg, Butch Eley, Ted Schroeder, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: Joy Huffaker. The motion carried.

(a) Approval of the minutes of the Council Meeting of February 22, 2021

(b) Approval of the minutes of the Worksession of February 18, 2021

(c) Approval of claims and payroll

(d) Approval of the request to utilize city property for the Highland Park Farmers Market

(e) Approval of Release of Easement for Lot 2, Bassett Acres Subdivision

(f) Approval of manager application of Lindsay J. Higel in connection with the Class "I" Liquor License of Central Community College located at 550 South Technical Boulevard

REGULAR AGENDA:

2. Unfinished Business of Preceding Meeting.

None.

3. Public Hearings.

(a) Public hearing on the request of the Community Redevelopment Authority regarding Redevelopment Plan Modification No. 2021-1 for Redevelopment Area #7, Redline Properties, LLC, generally located in the 2400 Block of Osborne Drive East, Hastings, Nebraska. Lisa Parnell-Rowe reported they are planning to build a 7,000 sq. ft. building on an approximate 30,000 sq. ft. site. This will be for a medical office retail building, with construction in Spring 2021. Tax Increment Finance (TIF) will aid in the site development. Future zoning is retail commercial. Randy Chick, CRA, spoke in support of the item. No other public spoke. No objections were received.

Moved by Ginny Skutnik seconded by Matt Fong to approve Resolution No. 2021-05 approving Redevelopment Plan Modification No. 2021-1 for Redevelopment Area #7, Redline Properties, LLC, generally located in the 2400 Block of Osborne Drive East, Hastings, Nebraska.

Roll Call: Ayes: Matt Fong, Shawn Hartmann, Chuck Rosenberg, Butch Eley, Ted Schroeder, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: Joy Huffaker. The motion carried.

(b) Public hearing on the request of the Community Redevelopment Authority regarding Redevelopment Plan Modification No. 2021-2 for Redevelopment Area #1, Brant Rentals LLC, commonly addressed as 731 West 2nd Street, Hastings, Nebraska. Lisa Parnell-Rowe reported this is an amendment to the original plan modification. The original cost was under-estimated. CRA has approved request for additional funding. No public spoke. No objections were received.

Moved by Chuck Rosenberg seconded by Butch Eley to approve Resolution No. 2021-06 approving Redevelopment Plan Modification No. 2021-2 for Redevelopment Area #1, Brant Rentals LLC, commonly addressed as 731 West 2nd Street, Hastings, Nebraska. Roll Call: Ayes: Matt Fong, Shawn Hartmann, Chuck Rosenberg, Butch Eley, Ted Schroeder, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: Joy Huffaker. The motion carried.

(c) Public hearing on the request of the City of Hastings Development Services Department to amend Hastings City Code Section 34-217, airport zoning regulations, location boundaries zones, and height restrictions. Lisa Parnell-Rowe reported this will make changes, per Nebraska State Statute updates in 2013. We have four different zones required when looking at airport zoning: operation, approach, transition, and turning. They added the Airport Layout Plan, permits, and referral to State Statutes. No public spoke. No objections were received.

ORDINANCE NO. 4657 TO AMEND HASTINGS CITY CODE SECTION 34-217 TO PROVIDE FOR AIRPORT ZONING REGULATIONS, BOUNDARIES AND HEIGHT RESTRICTIONS

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

The Mayor then stated the question "Shall Ordinance No. 4657 be passed and adopted?" Upon roll call vote the following Councilmembers voted Ayes: Matt Fong, Shawn Hartmann, Chuck Rosenberg, Butch Eley, Ted Schroeder, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: Joy Huffaker. 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, Shawn Hartmann, Chuck Rosenberg, Butch Eley, Ted Schroeder, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: Joy Huffaker. 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 March 12, 2021. Effective date of the ordinance is 15 days from and after the date this ordinance is passed and approved.

(d) Public hearing on the request of Schardt Family Partnership, LTD to change zoning from "R-3, Multiple Family Residential District" to "C-O, Commercial Office Non-Retail District" for property generally located south of 33rd Street and east of Fisherman Lane. Lisa Parnell-Rowe reported this has a congruent administrative plat that would remove interior lot lines. This would be sold to an undisclosed buyer to place a surgeon's medical office. The sale is contingent upon successful replat and rezone. These three lots have been vacant over ten years and remain undeveloped as R3. The property owner would put a thirty-foot buffer to the residential lot abutting them and also will provide evergreens across the south line for visual buffer. Lisa received a call from one person concerned about the visual effects from the west. No public spoke. No objections were received.

ORDINANCE NO. 4658 AMENDING THE ZONING DISTRICT MAP TO REZONE PROPERTY FROM "R-3, MULTIPLE FAMILY RESIDENTIAL DISTRICT" TO "C-O, COMMERCIAL OFFICE NON-RETAIL DISTRICT" FOR PROPERTY GENERALLY LOCATED SOUTH OF 33RD STREET AND EAST OF FISHERMAN LANE

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

The Mayor then stated the question "Shall Ordinance No. 4658 be passed and adopted?" Upon roll call vote the following Councilmembers voted Ayes: Matt Fong, Shawn Hartmann, Chuck Rosenberg, Butch Eley, Ted Schroeder, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: Joy Huffaker. The motion carried.

Councilmember Matt Fong moved that the statutory rule requiring reading on three different days be suspended; Councilmember Shawn Hartmann seconded the motion to suspend the rules and upon roll call vote the following Councilmembers voted Ayes: Matt Fong, Shawn Hartmann, Chuck Rosenberg, Butch Eley, Ted Schroeder, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: Joy Huffaker. 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 March 12, 2021. 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 Butch Eley seconded by Ginny Skutnik to approve the amended IAFF Salary Schedule. Brad Starling reported this will update the current IAFF Salary Schedule to include the position for Training EMS Coordinator that was approved in this budget year. We expect as we get final items figured out with the union contract, as far as the coordination of transferring the employee from a 54-hour week to a 40-hour week, we will have an additional amendment to the union contract. Roll Call: Ayes: Matt Fong, Shawn Hartmann, Chuck Rosenberg, Butch Eley, Ted Schroeder, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: Joy Huffaker. The motion carried.

(b) Moved by Ginny Skutnik seconded by Matt Fong to approve the award of contract to Heartland Concrete & Construction Inc., for the amount of \$122,353.00 for the Crosier Park Playground Parking Lot. Jeff Hassenstab reported this project is in conjunction with the playground project scheduled this summer. The parking lot will include 28 stalls, with eight being handicap-accessible. The second phase of this project will replace the intersection at 13th and Pine Street. The bid letting was held on February 25th, with four bids being received. Low bidder was Heartland Concrete & Construction. The project is funded by the half cent sales tax. Roll Call: Ayes: Matt Fong, Shawn Hartmann, Chuck Rosenberg, Butch Eley, Ted Schroeder, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: Joy Huffaker. The motion carried.

(c) Moved by Chuck Rosenberg seconded by Shawn Hartmann to approve moving stop signs at the intersection of 14th Street and Saint Joseph Avenue from 14th Street to Saint Joseph Avenue. Lee Vrooman reported currently stop signs are on 14th Street. It made sense to make 14th Street a through street, since the viaduct is closed and possible future demolition. If approved, they will add flagging to the new signs to bring attention to the change. Roll Call: Ayes: Matt Fong, Shawn Hartmann, Chuck Rosenberg, Butch Eley, Ted Schroeder, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: Joy Huffaker. The motion carried.

(d) Moved by Ginny Skutnik seconded by Butch Eley to approve professional services proposal from Olsson to prepare plans and specifications for demolition of 16th Street Viaduct. Lee Vrooman reported that two proposals were received on February 23rd. These include development of plans and specs for demolition of the viaduct, removal and replacement of the street between St. Joseph and Kansas Avenue, removal of the north approach to the viaduct, coordination with the Union Pacific Railroad, and construction management, if we move forward with demolition of the viaduct. After calls with each bidder, staff recommends Olsson. Documents will be ready for bidding the project late summer or early fall. There is an engineering design portion and a construction management part. We would not move forward with the construction management part, if we do not move forward with the demolition. Roll Call: Ayes: Matt Fong, Shawn Hartmann, Chuck Rosenberg, Butch Eley, Ted Schroeder, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: Joy Huffaker. The motion carried.

5. Ordinances and Resolutions.

(a) Emergency Ordinance No. 4659 to extend the provisions of Ordinance No. 4650 and to provide a new sunset date (*Ordinance No. 4659 passed on first reading at February 22, 2021 meeting.*)
Died for lack of motion.

(b) ORDINANCE NO. 4660 TO REPEAL CHAPTER 2, ARTICLE X OF THE CITY CODE ENACTED BY ORDINANCE 4650

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

Dave Ptak reported that the only thing Ordinance 4659 amended was the sunset clause. This ordinance would clean Ordinance 4659 out of the city code. If there would be a surge of COVID, then we would start with a clean slate with a new mask ordinance.

The Mayor then stated the question "Shall Ordinance No. 4660 be passed and adopted?" Upon roll call vote the following Councilmembers voted Ayes: Matt Fong, Shawn Hartmann, Chuck Rosenberg, Butch Eley, Ted Schroeder, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: Joy Huffaker. The motion carried.

Councilmember Ginny Skutnik moved that the statutory rule requiring reading on three different days be suspended; Councilmember Jeniffer Beahm seconded the motion to suspend the rules and upon roll call vote the following Councilmembers voted Ayes: Matt Fong, Shawn Hartmann, Chuck Rosenberg, Butch Eley, Ted Schroeder, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: Joy Huffaker. 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 March 12, 2021. Effective date of the ordinance is 15 days from and after the date this ordinance is passed and approved.

(c) Moved by Ginny Skutnik seconded by Ted Schroeder to approve Resolution No. 2021-07 accepting the work and certificate of the City Engineer in Street Improvement District No. 2019-3. Lee Vrooman reported the next eight resolutions are for the Pioneer Flats and Trail Ridge Subdivisions: two paving, one water extension, and one sewer extension districts. These are statutory bonding requirements. Dave Ptak stated these are dual resolutions, one is accepting the work and certificate of the City Engineer and one is to set the public hearing date for assessments on April 12, 2021. Lee Vrooman reported this district is Laux Drive, 31st street to the bike trail. Total cost is \$295,295.83; Total Assessable \$286,059.45; and General Obligation \$9,236.38. Roll Call: Ayes: Matt Fong, Shawn Hartmann, Chuck Rosenberg, Butch Eley, Ted Schroeder, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: Joy Huffaker. The motion carried.

(d) Moved by Chuck Rosenberg seconded by Butch Eley to approve Resolution No. 2021-08 accepting the schedule of assessments as prepared by the City Engineer for special assessments proposed to be levied in Street Improvement District No. 2019-3 and setting a hearing date relative to the levy of said special assessments. Lee Vrooman reported the assessments are based on the frontal footage of the lot. Roll Call: Ayes: Matt Fong, Shawn Hartmann, Chuck Rosenberg, Butch Eley, Ted Schroeder, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: Joy Huffaker. The motion carried.

(e) Moved by Matt Fong seconded by Shawn Hartmann to approve Resolution No. 2021-09 accepting the work and certificate of the City Engineer in Street Improvement District No. 2019-4. Lee Vrooman reported this district is Laux drive from the east side of the trail to 33rd Street. Total Cost \$882,162.09; Total Assessable \$828,409.01; General Obligation \$53,075.08. Roll Call: Ayes: Matt Fong, Shawn Hartmann, Chuck Rosenberg, Butch Eley, Ted Schroeder, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: Joy Huffaker. The motion carried.

(f) Moved by Butch Eley seconded by Shawn Hartmann to approve Resolution No. 2021-10 accepting the schedule of assessments as prepared by the City Engineer for special assessments proposed to be levied in Street Improvement District No. 2019-4 and setting a hearing date relative to the levy of said special assessments. Roll Call: Ayes: Matt Fong, Shawn Hartmann, Chuck Rosenberg, Butch Eley, Ted Schroeder, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: Joy Huffaker. The motion carried.

(g) Moved by Shawn Hartmann seconded by Matt Fong to approve Resolution No. 2021-11 accepting the work and certificate of the City Engineer in Water Extension District No. 2019-1. Lee Vrooman reported this is for the water extension district for the entire Pioneer Flats and Trail Ridge Subdivision. Total Cost \$675,948.40; Total Assessable \$609,734.57; General Obligation \$66,213.83. Roll Call: Ayes: Matt Fong, Shawn Hartmann, Chuck Rosenberg, Butch Eley, Ted Schroeder, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: Joy Huffaker. The motion carried.

(h) Moved by Ginny Skutnik seconded by Matt Fong to approve Resolution No. 2021-12 accepting the schedule of assessments as prepared by the City Engineer for special assessments proposed to be levied in Water Extension District No. 2019-1 and setting a hearing date relative to the levy of said special assessments. Roll Call: Ayes: Matt Fong, Shawn Hartmann, Chuck Rosenberg, Butch Eley, Ted Schroeder, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: Joy Huffaker. The motion carried.

(i) Moved by Matt Fong seconded by Shawn Hartmann to approve Resolution No. 2021-13 accepting the work and the certificate of the City Engineer in Sewer Extension District No. 2019-1. Lee Vrooman reported this is the sewer extension district for the entire Pioneer Flats and Trail Ridge Subdivision. Total Cost \$593,049.82 ; Total Assessible \$551,453.33 ; General Obligation \$41,596.49. Roll Call: Ayes: Matt Fong, Shawn Hartmann, Chuck Rosenberg, Butch Eley, Ted Schroeder, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: Joy Huffaker. The motion carried.

(j) Moved by Shawn Hartmann seconded by Chuck Rosenberg to approve Resolution No. 2021-14 accepting schedule of assessments as prepared by the City Engineer for special assessments proposed to be levied in Sewer Extension District No. 2019-1 and setting a hearing date relative to the levy of said special assessments. Roll Call: Ayes: Matt Fong, Shawn Hartmann, Chuck Rosenberg, Butch Eley, Ted Schroeder, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: Joy Huffaker. The motion carried.

6. Final Passage of Ordinances.

None.

7. Appointments.

(a) Moved by Ginny Skutnik seconded by Shawn Hartmann to approve appointment of Jacque Cranson to the Planning Commission for the term of 2/1/2021 to 2/01/2024. Roll Call: Ayes: Matt Fong, Shawn Hartmann, Chuck Rosenberg, Butch Eley, Ted Schroeder, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: Joy Huffaker. The motion carried.

8. Miscellaneous and Other Business.

(a) Citizen participation in the 16th Street and Osborne Drive East Viaduct Project. Willis Hunt, 616 Madden Road, spoke on this item.

Moved by Jeniffer Beahm seconded by Matt Fong there being no further business to adjourn at 6:41p.m. Roll Call: Ayes: Matt Fong, Shawn Hartmann, Chuck Rosenberg, Butch Eley, Ted Schroeder, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: Joy Huffaker. The motion carried.

APPROVED:

Corey Stutte, Mayor

ATTEST:

Kimberly S. Jacobitz, City Clerk

(S E A L)