

CITY OF HASTINGS, NEBRASKA
MINUTES OF CITY COUNCIL REGULAR MEETING
Monday, June 14, 2021

Pursuant to due call and notice thereof, a Regular Meeting of the City Council of the City of Hastings, Nebraska was conducted at the Hastings Public Library, 314 North Denver Avenue, on June 14, 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, Chuck Rosenberg, Shawn Hartmann, Matt Fong, Jeniffer Beahm, Ted Schroeder. Absent: Joy Huffaker, Ginny Skutnik.

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; Information Technology Director, Erik Nielsen; Development Services Director, Lisa Parnell-Rowe; Director of Engineering, Lee Vrooman; Landfill Superintendent, Jack Newlun; Museum Director, Rebecca Matticks; Building Inspector, Mark Evans.

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

Moved by Butch Eley seconded by Ted Schroeder to adopt current agenda, removing Item 8(a), for June 14, 2021 Regular Meeting. Roll Call: Ayes: Matt Fong, Shawn Hartmann, Chuck Rosenberg, Butch Eley, Ted Schroeder, Jeniffer Beahm. Nays: None. Absent: Joy Huffaker, Ginny Skutnik. The motion carried.

PUBLIC NOTICE - Official Notice of the Regular Meeting was published in the Hastings Tribune on Friday, June 11, 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 available for public review. Also, a current copy of the Nebraska Open Meetings Act is posted and is accessible to members of the public.

COUNCIL COMMUNICATION:

Councilmember Fong reported on the Hastings Public Library Board meeting held last week, where they talked about summer programming. He thanked the folks who recently joined the Library Board.

Councilmember Eley stated that any councilmember needing an ID card for the city should talk to Human Resources.

Councilmember Schroeder updated the group on the Hastings Airport Fly-In. Saturday's focus will be on the Kiwanis pancake feed and B29 flights. The majority of the events will take place on Sunday. They had 110 volunteers sign up to help next weekend. Opening comments will be given by Mayor Stutte and opening prayer by Pastor Greg Allen-Picketts. Please bring your own chairs or blankets for watching the show. Water and food trucks will be available onsite. Thanks to those who have helped plan and prepare for this event.

CITIZEN COMMUNICATIONS:

None.

MAYOR'S COMMUNICATIONS:

Mayor Stutte recognized Service Anniversaries for Paul Weber, Police, 40 years; Jacob Frerichs, IT, 5 years; Benjamin Erie, Fire, 15 years; John Reining, Street, 5 years; James Barron, Police, 5 years; Jady Dawe, Police, 5 years; Sabra Ditter, Police, 5 years; Nathan Hanson, Police, 5 years.

CONSENT AGENDA:

1. All Consent Items.

Moved by Matt Fong seconded by Shawn Hartmann to approve all consent items, as presented.

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

(a) Approval of the minutes of the Council Meeting of May 24, 2021

(b) Approval of the minutes of the Worksession of May 17, 2021

(c) Approval of claims and payroll

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

(e) Approval of the request of Hastings Unique Bicyclists to utilize city streets for the Kool-Aid Classic Bicycle Tour on August 14, 2021

(f) Approval of Work Order CO-173, equipment and infrastructure to read ERT meters automatically and begin conversion to complete AMI system

(g) Approval of Work Order GA-352, new 2" medium pressure gas main on Laux Drive, 31st Street to 33rd Street

(h) Approval of Work Order EL-170, installation of additional streetlights by the Hastings Municipal Airport along 12th Street and Marian Road

(i) Approval of Work Order EL-168, remove polemount transformers and install a padmount transformer to serve Well 9

(j) Approval of Work Order EL-163, upgrade of single phase underground electric lines and padmount transformers that serve the Hastings Municipal Airport

(k) Approval of Work Order EL-167, new single phase underground and streetlight ducts on eastern lots at 33rd Street and East Laux Drive

(l) Approval of Work Order EL -171, installation of three phase underground line and padmounted transformer to serve a new three unit commercial building on Osborne Drive East south of 31st Street

REGULAR AGENDA:

2. Unfinished Business of Preceding Meeting.

None.

3. Public Hearings.

(a) Public hearing on the request of First Presbyterian Church for a Conditional Use Permit for a neighborhood assembly at the First Presbyterian Church Peace Center commonly addressed as 715 W. 7th Street, Hastings, Nebraska. Lisa Parnell-Rowe reported there are two different reasons for the Conditional Use Permit. They initially approached the city about having a food truck located on the south side of the old middle school, but there was no Conditional Use Permit in place. The building has many uses, including classes, walking clubs, and Hearts and Hands Against Hunger. The building is surrounded by commercial and residential. One of the reasons this ended up as R-1 is that we do not have an existing public/semi-public zone in our zoning districts. We are working on getting that remedied. As we look at the integration of this, we find that it is compatible with the uses in the surrounding area. We are working on a permit for food trucks in the near future. We are attaching the food truck as part of the conditional use. Planning Commission recommended approval. No public spoke. No objections were received.

Moved by Chuck Rosenberg seconded by Butch Eley to approve Resolution No. 2021-27 approving the Conditional Use Permit for First Presbyterian Church for a neighborhood assembly at the First Presbyterian Church Peace Center commonly addressed as 715 W. 7th Street, Hastings, Nebraska with the following conditions:

1) Applicant agrees to enforce Peace Center reduced maximum occupancies to no more than 299 persons in the Peace Center at one time. Occupancies listed in each room and for the overall building must be re-posted and approved by Building Inspector.

2) Due to several hazards in the upstairs storage areas, public will be banned from this area and the doors at the top of the stairs shall be locked at all times. Additionally, the stairs going up to the top will be roped or chained off so that public cannot use the stairs.

- 3) Applicant agrees to pull building permit for southern parking lot improvements when ready to accomplish this project. At that time City staff will review this parking lot site plan improvement Conditional Use Permit standards as found in Chapter 34-404 (6).
 - 4) Any food trucks being utilized (i.e., daily or for the Food Truck Roundup event) will provide a copy or picture of their State certification to the Development Services Department to maintain on file prior to each event or once a year when it is annually renewed.
 - 5) There shall be compliance with any other applicable City, County, State or Federal regulations that shall apply.
 - 6) This Resolution shall be filed with the registrar of deeds so as to provide notice to any person examining the real estate records of the existence of this CUP. The recording costs incurred to comply with this section shall be paid by the applicant for the CUP.
- Roll Call: Ayes: Matt Fong, Shawn Hartmann, Chuck Rosenberg, Butch Eley, Ted Schroeder, Jeniffer Beahm. Nays: None. Absent: Joy Huffaker, Ginny Skutnik. The motion carried.

(b) Public hearing on the request of Engel Construction, Inc. to change zoning from "CP-3, Commercial Business Planned District" to "R-1, Urban Single Family Residential District" for unplatted property southeast of Cimarron Meadows 9th Addition, east of Cimarron Meadows 7th Addition, north of Cimarron Meadows Subdivision #4, and west of Fishermen Lane. Lisa Parnell-Rowe reported we are looking at the crescent shaped piece of land, which was changed in a past ordinance to CP-3. That area should not have been changed, so we are doing an administrative fix to put it back to what it should be. Mr. Engel is also updating his Preliminary Plat to what it should have been. Planning Commission recommended approval. No public spoke. No objections were received.

ORDINANCE NO. 4666 AMENDING THE ZONING DISTRICT MAP TO REZONE PROPERTY FROM "CP-3, COMMERCIAL BUSINESS PLANNED DISTRICT" TO "R-1, URBAN SINGLE FAMILY RESIDENTIAL DISTRICT" FOR UNPLATTED PROPERTY SOUTHEAST OF CIMARRON MEADOWS 9TH ADDITION, EAST OF CIMARRON MEADOWS 7TH ADDITION, NORTH OF CIMARRON MEADOWS SUBDIVISION #4, AND WEST OF FISHERMEN LANE

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. 4666 be passed and adopted?" Upon roll call vote the following Councilmembers voted Ayes: Matt Fong, Shawn Hartmann, Chuck Rosenberg, Butch Eley, Ted Schroeder, Jeniffer Beahm. Nays: None. Absent: Joy Huffaker, Ginny Skutnik. The motion carried.

Councilmember Chuck Rosenberg 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, Jeniffer Beahm. Nays: None. Absent: Joy Huffaker, Ginny Skutnik. 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 June 18, 2021. Effective date of the ordinance is 15 days from and after the date this ordinance is passed and approved.

(c) Public hearing on the request of the City of Hastings Development Services Department to amend Hastings City Code Section 34-320 (3)(a)(iv), regulating solar energy uses to provide for appropriate easements. Mark Evans reported this is a housekeeping item. City Code requires a solar access easement, but the wording is inconsistent. In working with our consultant, it was determined that ground mounted solar should require the easement, but not roof mounted installations. Planning Commission recommended approval. No public spoke. No objections were received.

ORDINANCE NO. 4667 AMENDING SECTION 34-320 (3)(A)(IV) BY REMOVING THE REQUIREMENT THAT A SOLAR EASEMENT BE IN PLACE FOR A ROOF MOUNTED INDIVIDUAL SOLAR SYSTEM

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.

The Mayor then stated the question "Shall Ordinance No. 4667 be passed and adopted?" Upon roll call vote the following Councilmembers voted Ayes: Matt Fong, Shawn Hartmann, Chuck Rosenberg, Butch Eley, Ted Schroeder, Jeniffer Beahm. Nays: None. Absent: Joy Huffaker, Ginny Skutnik. The motion carried.

Councilmember Butch Eley 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, Shawn Hartmann, Chuck Rosenberg, Butch Eley, Ted Schroeder, Jeniffer Beahm. Nays: None. Absent: Joy Huffaker, Ginny Skutnik. 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 June 18, 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 the City of Hastings Development Services Department to amend the City of Hastings Comprehensive Plan Future Land Use Map by changing land use south of 2nd Street, east of Marian Road to Chestnut Avenue and south to the railroad from Urban Residential to Mixed Use – Neighborhood, Public/Semi-public and Employment/Industrial. Lisa Parnell-Rowe reported this is changing the Future Land Use Map, not the existing zoning code. Lisa described multiple areas that will be amended on the map. Planning Commission recommended approval. No public spoke. No objections were received.

ORDINANCE NO. 4668 TO AMENDING THE CITY OF HASTINGS COMPREHENSIVE PLAN FUTURE LAND USE MAP BY CHANGING LAND USE SOUTH OF 2ND STREET, EAST OF MARIAN ROAD TO CHESTNUT AVENUE AND SOUTH TO THE RAILROAD FROM URBAN RESIDENTIAL TO MIXED USE – NEIGHBORHOOD, PUBLIC/SEMI-PUBLIC AND EMPLOYMENT/INDUSTRIAL

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

The Mayor then stated the question "Shall Ordinance No. 4668 be passed and adopted?" Upon roll call vote the following Councilmembers voted Ayes: Matt Fong, Shawn Hartmann, Chuck Rosenberg, Butch Eley, Ted Schroeder, Jeniffer Beahm. Nays: None. Absent: Joy Huffaker, Ginny Skutnik. 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, Jeniffer Beahm. Nays: None. Absent: Joy Huffaker, Ginny Skutnik. 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 June 18, 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 Chuck Rosenberg seconded by Shawn Hartmann to approve moving City Council Meetings from the Council Chambers in the City Building, 220 North Hastings Avenue, to the Hastings Public Library, 314 North Denver Avenue, beginning June 28, 2021 and to include following meetings.

Roll Call: Ayes: Matt Fong, Shawn Hartmann, Chuck Rosenberg, Ted Schroeder, Jeniffer Beahm.

Nays: Butch Eley. Absent: Joy Huffaker, Ginny Skutnik. The motion carried.

(b) Moved by Shawn Hartmann seconded by Matt Fong to approve moving City Council Worksessions from the Council Chambers in the City Building, 220 North Hastings Avenue, to the Hastings Public Library, 314 North Denver Avenue, beginning June 21, 2021 and to include following meetings.

Roll Call: Ayes: Matt Fong, Shawn Hartmann, Chuck Rosenberg, Ted Schroeder, Jeniffer Beahm.

Nays: Butch Eley. Absent: Joy Huffaker, Ginny Skutnik. The motion carried.

(c) Moved by Matt Fong seconded by Shawn Hartmann to approve awarding the agreement for the Hastings Museum Outdoor Improvements, Section A to Philip Carkoski Construction and Trenching Inc., in the amount of \$179,285.13. Rebecca Matticks reported this is the hardscape portion of the project. This item would accept the low bid, which meets the museum's needs. Roll Call: Ayes: Matt Fong, Shawn Hartmann, Chuck Rosenberg, Butch Eley, Ted Schroeder, Jeniffer Beahm. Nays: None. Absent: Joy Huffaker, Ginny Skutnik. The motion carried.

(d) Moved by Jeniffer Beahm seconded by Matt Fong to award the agreement for the Hastings Museum Outdoor Improvements, Section B to On Point Construction Management, Inc. in the amount of \$42,800.00. Roll Call: Ayes: Matt Fong, Shawn Hartmann, Chuck Rosenberg, Butch Eley, Ted Schroeder, Jeniffer Beahm. Nays: None. Absent: Joy Huffaker, Ginny Skutnik. The motion carried.

(e) Moved by Ted Schroeder seconded by Butch Eley to award agreement to Carmichael Construction, LLC for New 40' x 120' Storage Facility at the Solid Waste Facility in the amount of \$110,200.00. Jack Newlun reported this is a 2020-2021 budgeted item. It is an open storage building, very similar to the building by Headstart, except ours would have three sides. This would house large equipment and vehicles, for their protection. We need to get it ordered, but delivery might be late this year.

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

(f) Moved by Chuck Rosenberg seconded by Butch Eley to table the expenditure not to exceed \$200,000 for the temporary move of City Hall employees to the North Denver Station of the Hastings Utility Department. Roll Call: Ayes: Matt Fong, Chuck Rosenberg, Butch Eley, Ted Schroeder, Jeniffer Beahm. Nays: Shawn Hartmann. Absent: Joy Huffaker, Ginny Skutnik. The motion carried.

(g) Moved by Butch Eley seconded by Jeniffer Beahm to approve the agreement with Hastings Area Habitat for Humanity for the sale of property located at 702 S. Chicago Avenue to Habitat for Humanity in the amount of \$11,011.01. Clint Schukei reported this is a piece of property that came to the city after dealing with a demolished building. The property was advertised on the website and newspaper. There were two bidders. The first time we opened bids, it was a tie. We had a rebid of the tie bidders.

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

5. Ordinances and Resolutions.

(a) ORDINANCE NO. 4669 PROVIDING FOR THE SALE OF LAND TO THE HASTINGS AREA HABITAT FOR HUMANITY PURSUANT TO THE TERMS OF THE PURCHASE AGREEMENT BETWEEN THE CITY OF HASTINGS AND HASTINGS AREA HABITAT FOR HUMANITY

Clint Schukei stated this implements the agreement just approved. State Statutes mandate to sell property, you must do it by ordinance. There is a 30-day remonstrance period.

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. 4669 be passed and adopted?" Upon roll call vote the following Councilmembers voted Ayes: Matt Fong, Shawn Hartmann, Chuck Rosenberg, Butch Eley, Ted Schroeder, Jeniffer Beahm. Nays: None. Absent: Joy Huffaker, Ginny Skutnik. The motion carried.

Councilmember Chuck Rosenberg moved that the statutory rule requiring reading on three different days be suspended; Councilmember Butch Eley 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, Jeniffer Beahm. Nays: None. Absent: Joy Huffaker, Ginny Skutnik. 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 June 18, 2021. Effective date of the ordinance is 15 days from and after the date this ordinance is passed and approved.

(b) Moved by Jeniffer Beahm seconded by Matt Fong to approve Resolution No. 2021-29 requesting the South Central Economic Development District, Inc. to assist with a Community Development Block Grant Application for a 2021 Public Works Project. This will establish working with SCEDD to work on a block grant for the purpose of helping to fund the Senior Center in conjunction with the Community Center. Roll Call: Ayes: Matt Fong, Shawn Hartmann, Chuck Rosenberg, Butch Eley, Ted Schroeder, Jeniffer Beahm. Nays: None. Absent: Joy Huffaker, Ginny Skutnik. The motion carried.

(c) Moved by Chuck Rosenberg seconded by Matt Fong to approve Resolution No. 2021-30 adopting and approving the execution of Supplemental Agreement No. 1 with the Department of Transportation of the State of Nebraska for Project No. NH-6-4 (129). Lee Vrooman reported this supplemental agreement splits the city's payment to the Nebraska Department of Transportation in half to put over two budget years. This is for the work currently being done on the West Highway 6 project. Payments will be in the amount of \$1.18 million for each half of the project. We already paid a portion previously for engineering services. Roll Call: Ayes: Matt Fong, Shawn Hartmann, Chuck Rosenberg, Butch Eley, Ted Schroeder, Jeniffer Beahm. Nays: None. Absent: Joy Huffaker, Ginny Skutnik. The motion carried.

6. Final Passage of Ordinances.
None.

7. Appointments.

(a) Appointments to Boards and Commissions

Moved by Chuck Rosenberg seconded by Ted Schroeder to approve Mayor Stutte's proposed appointments to the Board of Adjustment as follows:

John Northrup, 6/14/2021-6/14/2024, Reappointment; Robert Myer, 6/14/2021-6/14/2024, Reappointment; Ann Hinton, 6/14/2021-6/14/2024, Replacing.

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

(b) Moved by Shawn Hartmann seconded by Butch Eley to approve the Mayor's appointment of Teresa Kreutzer-Hodson as Interim Museum Director as of June 19, 2021. Mayor thanked Rebecca Matticks for all her work at the Hastings Museum over the years. Roll Call: Ayes: Matt Fong, Shawn Hartmann, Chuck Rosenberg, Butch Eley, Ted Schroeder, Jeniffer Beahm. Nays: None. Absent: Joy Huffaker, Ginny Skutnik. The motion carried.

8. Miscellaneous and Other Business.

(a) General concerns related to Development Services' processes

Item 8(a) was removed from the agenda, when the agenda was adopted.

9. Closed Session.

Moved by Chuck Rosenberg seconded by Ted Schroeder to go into closed session for reason of litigation at 6:18p.m. Roll Call: Ayes: Matt Fong, Shawn Hartmann, Chuck Rosenberg, Butch Eley, Ted Schroeder, Jeniffer Beahm. Nays: None. Absent: Joy Huffaker, Ginny Skutnik. The motion carried.

Moved by Butch Eley seconded by Ted Schroeder to come out of closed session at 7:04p.m.

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

Moved by Chuck Rosenberg seconded by Butch Eley there being no further business to adjourn at 7:05p.m. Roll Call: Ayes: Matt Fong, Shawn Hartmann, Chuck Rosenberg, Butch Eley, Ted Schroeder, Jeniffer Beahm. Nays: None. Absent: Joy Huffaker, Ginny Skutnik. The motion carried.

APPROVED:

Corey Stutte, Mayor

ATTEST:

Kimberly S. Jacobitz, City Clerk

(S E A L)