

CITY OF HASTINGS, NEBRASKA
MINUTES OF CITY COUNCIL REGULAR MEETING
Monday, November 14, 2016

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 November 14, 2016.

The meeting was called to order at 5:30 p.m. in Regular Session by Mayor Powers with the following members present: Everett Goebel, Ginny Skutnik, Sarah Hoops, Chuck Niemeyer, Phil Odom, Kathy Duval, John Harrington, Michael Krings. Absent: None.

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

Moved by Ginny Skutnik seconded by Chuck Niemeyer to adopt current agenda for November 14, 2016 Regular Meeting. Roll Call: Ayes: John Harrington, Kathy Duval, Phil Odom, Chuck Niemeyer, Michael Krings, Sarah Hoops, Ginny Skutnik, Everett Goebel. Nays: None. Absent: None. The motion carried.

Mayor Powers read the Public Notice - Pursuant to the 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 Goebel gave a report on the Board of Public Works meeting held November 3rd. The planned outage of WEC Unit 2 is complete. It is not currently generating, pending market conditions. A contract was awarded to Erickson Construction from Blair in the amount of \$3.9 million for the construction on the Baltimore Avenue reverse osmosis treatment facility. A one-year extension for incentive payments was approved for water meter pit removal. The next meeting is scheduled for November 17th at 9a.m. in the Hastings Utilities boardroom.

Mayor's Youth Council will meet tomorrow night at 7p.m. He thanked Hastings Utilities, Parks & Recreation departments, and Hastings Community Foundation's Key Society for the improvements in Lincoln Park.

MAYOR'S COMMUNICATIONS:

Hastings College students were in attendance from a Small Groups Communications class in order to observe the meeting.

Mayor Powers read a proclamation for Caregiver's Week. Jinx Hackler spoke on behalf of the South Central Town Hall Caregiver Coalition.

CONSENT AGENDA:

1. All Consent Items.

Moved by Ginny Skutnik seconded by John Harrington to approve all consent items as presented.

Roll Call: Ayes: John Harrington, Kathy Duval, Phil Odom, Chuck Niemeyer, Michael Krings, Sarah Hoops, Ginny Skutnik, Everett Goebel. Nays: None. Absent: None. The motion carried.

(a) Approval of the minutes of the Council Meeting of October 24, 2016

(b) Approval of the payroll for the period ending November 19, 2016, paid November 25, 2016.

(c) Approval of the regular claims and authorizing the City Clerk to issue checks against the various funds for payment.

(d) Approval of the prepaid claims and authorizing the City Clerk to issues checks against the various funds for payment.

(e) Approve receiving and placing on file department monthly reports.

(f) Approval of the request of the Business Improvement District for closure of downtown streets for annual Celebration of Lights on November 17, 2016.

(g) Approval of the payment to South Central Economic Development District for \$2,100.00 (Invoice #588) for execution of grant administration services on Community Development Block Grant Project 12-DTR-107, Hastings Downtown Revitalization.

(h) Approval of the request for CDBG funds, Drawdown #17 (\$2,100.00) for Community Development Block Grant Downtown Revitalization Project 12-DTR-107.

(i) Approval of the payment to South Central Economic Development District for \$8,280.75 (Invoice #587) for execution of grant administration services on Community Development Block Grant Project 15-CR-008, Hastings Comprehensive Revitalization.

(j) Approval of the request for CDBG funds, Drawdown #4 (\$8,280.75) for grant administration, Streets Project 15-CR-008.

REGULAR AGENDA:

2. Public Hearings.

(a) Public hearing on the request of Randy and Donna Morehead to rezone Lots 7 and 8, Block 11, Cole's 1st Addition from I-1, Light Industrial to R-3, Multiple Family Residential.

Randy Morehead spoke in favor of the request. No other public testimony was heard. The City Clerk advised that her office had received no written objections. There being no other persons wishing to speak, Mayor Powers declared the hearing closed.

ORDINANCE NO. 4494. . .AMENDING THE ZONING DISTRICT MAP OF THE CITY OF HASTINGS, NEBRASKA TO REZONE LOTS 7 AND 8, BLOCK 11, COLE'S 1ST ADDITION FROM I-1, LIGHT INDUSTRIAL TO R-3, MULTIPLE FAMILY RESIDENTIAL.

Said Ordinance was read by title and thereafter Councilmember Phil Odom moved for passage of the ordinance, which motion was seconded by Councilmember Kathy Duval.

The Mayor then stated the question "Shall Ordinance No. 4494 be passed and adopted?" Upon roll call vote the following Councilmembers voted Ayes: John Harrington, Kathy Duval, Phil Odom, Chuck Niemeyer, Michael Krings, Sarah Hoops, Ginny Skutnik, Everett Goebel. Nays: None. Absent: None. The motion carried.

Councilmember Michael Krings moved that the statutory rule requiring reading on three different days be suspended; Councilmember Chuck Niemeyer seconded the motion to suspend the rules and upon roll call vote the following Councilmembers voted Ayes: John Harrington, Kathy Duval, Phil Odom, Chuck Niemeyer, Michael Krings, Sarah Hoops, Ginny Skutnik, Everett Goebel. 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 November 18, 2016. Effective date of the ordinance is November 30, 2016.

(b) Public hearing on the application of Art Bar, LLC dba "Art Bar" for a Catering Liquor License to be operated at 647 W. 2nd Street.

No public testimony was heard. The City Clerk advised that her office had received no written objections. There being no persons wishing to speak, Mayor Powers declared the hearing closed.

Moved by John Harrington seconded by Ginny Skutnik to approve Resolution No. 2016-52. . .Approving the application of Art Bar, LLC dba "Art Bar" for a Catering Liquor License to be operated at 647 W. 2nd Street. Roll Call: Ayes: John Harrington, Kathy Duval, Phil Odom, Chuck Niemeyer, Michael Krings, Sarah Hoops, Ginny Skutnik, Everett Goebel. Nays: None. Absent: None. The motion carried.

(c) Public hearing on the request of Development Services Department to amend Hastings City Code Section 34-311, Table 311-1, regarding residential accessory structures.

Mark Evans, Building Inspector, spoke on the recommendation from staff and the Planning Commission. No public testimony was heard. The City Clerk advised that her office had received no written objections. There being no other persons wishing to speak, Mayor Powers declared the hearing closed.

ORDINANCE NO. 4495. . AMENDING HASTINGS CITY CODE SECTION 34-311, TABLE 311-1, REGARDING RESIDENTIAL ACCESSORY STRUCTURES.

Said Ordinance was read by title and thereafter Councilmember Sarah Hoops moved for passage of the ordinance, which motion was seconded by Councilmember Kathy Duval.

The Mayor then stated the question "Shall Ordinance No. 4495 be passed and adopted?" Upon roll call vote the following Councilmembers voted Ayes: John Harrington, Kathy Duval, Phil Odom, Chuck Niemeyer, Michael Krings, Sarah Hoops, Ginny Skutnik, Everett Goebel. Nays: None. Absent: None. The motion carried.

Councilmember Everett Goebel moved that the statutory rule requiring reading on three different days be suspended; Councilmember John Harrington seconded the motion to suspend the rules and upon roll call vote the following Councilmembers voted Ayes: John Harrington, Kathy Duval, Phil Odom, Chuck Niemeyer, Michael Krings, Sarah Hoops, Ginny Skutnik, Everett Goebel. 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 November 18, 2016. Effective date of the ordinance is November 30, 2016.

3. General Business.

(a) Moved by Ginny Skutnik seconded by Sarah Hoops to award the contract to NMC/Nebraska Machinery Company, 10501 South US HWY 281, Doniphan, NE 68832 for furnishing one (1) each 323 FL Caterpillar excavator in the following terms:

Net Bid: \$247,885.00

Payment upon Delivery: \$75,000.00

Principal to be financed: \$172,885.00

Interest rate: 2.3%

Period: Four (4) years

Annual Installment: \$45,800.62

Roll Call: Ayes: John Harrington, Kathy Duval, Phil Odom, Chuck Niemeyer, Michael Krings, Sarah Hoops, Ginny Skutnik, Everett Goebel. Nays: None. Absent: None. The motion carried.

(b) Moved by Ginny Skutnik seconded by Michael Krings to approve Burlington Plaza (GW-2016-12) Telecommunications line Right-of-Way License Agreement with Glenwood Telephone to provide services to Burlington Plaza (GW-2016-12) and authorize the Mayor and the City Clerk to execute said agreement. Roll Call: Ayes: John Harrington, Kathy Duval, Phil Odom, Chuck Niemeyer, Michael Krings, Sarah Hoops, Ginny Skutnik, Everett Goebel. Nays: None. Absent: None. The motion carried.

(c) Moved by John Harrington seconded by Ginny Skutnik to approve Cimarron Plaza (GW-2016-13) Telecommunications line Right-of-Way License Agreement with Glenwood Telephone to provide services to Cimarron Plaza (GW-2016-13) and authorize the Mayor and the City Clerk to execute said agreement. Roll Call: Ayes: John Harrington, Kathy Duval, Phil Odom, Chuck Niemeyer, Michael Krings, Sarah Hoops, Ginny Skutnik, Everett Goebel. Nays: None. Absent: None. The motion carried.

(d) Moved by Everett Goebel seconded by Phil Odom to approve Crosier Park (GW-2016-14) Telecommunications line Right-of-Way License Agreement with Glenwood Telephone to provide services to Crosier Park(GW-2016-14) and authorize the Mayor and the City Clerk to execute said agreement.

Dave Ptak, City Attorney, stated the agreements are not exclusive.

Roll Call: Ayes: John Harrington, Kathy Duval, Phil Odom, Chuck Niemeyer, Michael Krings, Sarah Hoops, Ginny Skutnik, Everett Goebel. Nays: None. Absent: None. The motion carried.

(e) Moved by John Harrington seconded by Sarah Hoops to approve Medical Park (GW-2016-15) Telecommunications line Right-of-Way License Agreement with Glenwood Telephone to provide services to Medical Park(GW-2016-15) and authorize the Mayor and the City Clerk to execute said agreement.

Roll Call: Ayes: John Harrington, Kathy Duval, Phil Odom, Chuck Niemeyer, Michael Krings, Sarah Hoops, Ginny Skutnik, Everett Goebel. Nays: None. Absent: None. The motion carried.

(f) Moved by Ginny Skutnik seconded by Michael Krings to approve Tax Allocation Agreements between the City of Hastings and the Community Redevelopment Authority to provide for the pledge of tax receipts for the payment of Tax Increment Debt on the following projects; Emerson Estates, LLC Redevelopment Project, Diecker Construction, Inc. Redevelopment Project, THOAR, LLC Redevelopment Project and Steve Johnson Redevelopment Project.

Randy Chick, BID/CRA, stated this will approve the agreement capturing the taxes to be able to pay down tax increment debt.

Roll Call: Ayes: John Harrington, Kathy Duval, Phil Odom, Chuck Niemeyer, Michael Krings, Sarah Hoops, Ginny Skutnik, Everett Goebel. Nays: None. Absent: None. The motion carried.

(g) Moved by Ginny Skutnik seconded by Everett Goebel to approve the renewal of Maintenance Agreement #13 with the State of Nebraska. Roll Call: Ayes: John Harrington, Kathy Duval, Phil Odom, Chuck Niemeyer, Michael Krings, Sarah Hoops, Ginny Skutnik, Everett Goebel. Nays: None. Absent: None. The motion carried.

(h) Moved by Ginny Skutnik seconded by Kathy Duval to approve awarding bid to Sid Dillon Fleet & Commercial, 257 West A St, Wahoo, NE 68066 for a 2017 Chevrolet Tahoe in the amount of \$39,171.00. Roll Call: Ayes: John Harrington, Kathy Duval, Phil Odom, Chuck Niemeyer, Michael Krings, Sarah Hoops, Ginny Skutnik, Everett Goebel. Nays: None. Absent: None. The motion carried.

(i) Moved by Everett Goebel seconded by Ginny Skutnik to approve awarding bid to Hastings Ford Lincoln, Hastings, NE in the amount of \$31,634.00 for the purchase of a 2017 Ford F-250 pickup.

Roll Call: Ayes: John Harrington, Kathy Duval, Phil Odom, Chuck Niemeyer, Michael Krings, Sarah Hoops, Ginny Skutnik, Everett Goebel. Nays: None. Absent: None. The motion carried.

4. Ordinances and Resolutions.

(a) ORDINANCE 4496. . .CORRECTING SECTION 1 OF ORDINANCE 4489 WHICH AMENDED THE OFFICIAL ZONING DISTRICT MAP TO REZONE PROPERTY FROM AG, AGRICULTURAL DISTRICT TO I-2, HEAVY INDUSTRIAL DISTRICT.

Said Ordinance was read by title and thereafter Councilmember John Harrington moved for passage of the ordinance, which motion was seconded by Councilmember Kathy Duval.

Mark Evans, Building Inspector, stated changes that were unforeseen at the time of the original plat have been corrected.

The Mayor then stated the question "Shall Ordinance No. 4496 be passed and adopted?" Upon roll call vote the following Councilmembers voted Ayes: John Harrington, Kathy Duval, Phil Odom, Chuck Niemeyer, Michael Krings, Sarah Hoops, Ginny Skutnik, Everett Goebel. Nays: None. Absent: None. The motion carried.

Councilmember Sarah Hoops 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: John Harrington, Kathy Duval, Phil Odom, Chuck Niemeyer, Michael Krings, Sarah Hoops, Ginny Skutnik, Everett Goebel. 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 November 18, 2016. Effective date of the ordinance is November 30, 2016.

(b) ORDINANCE NO. 4497 TO AMEND SECTION 15-310 OF THE CITY CODE TO PROVIDE FOR SPEED LIMITS ON NORTH BALTIMORE AVENUE

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

A speed study was conducted and the decision was made to make a gradual change in speed limits along this stretch of roadway.

The Mayor then stated the question "Shall Ordinance No. 4497 be passed and adopted?" Upon roll call vote the following Councilmembers voted Ayes: John Harrington, Kathy Duval, Phil Odom, Chuck Niemeyer, Michael Krings, Sarah Hoops, Ginny Skutnik, Everett Goebel. Nays: None. Absent: None. The motion carried.

Councilmember Michael Krings moved that the statutory rule requiring reading on three different days be suspended; Councilmember Chuck Niemeyer seconded the motion to suspend the rules and upon roll call vote the following Councilmembers voted Ayes: John Harrington, Kathy Duval, Phil Odom, Chuck Niemeyer, Michael Krings, Sarah Hoops, Ginny Skutnik, Everett Goebel. 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 November 18, 2016. Effective date of the ordinance is November 30, 2016.

Roy Birnbaum spoke on the Mt. Sinai Cemetery.

Moved by Michael Krings seconded by Ginny Skutnik there being no further business to adjourn at 6:10 p.m. Roll Call: Ayes: John Harrington, Kathy Duval, Phil Odom, Chuck Niemeyer, Michael Krings, Sarah Hoops, Ginny Skutnik, Everett Goebel. Nays: None. Absent: None. The motion carried.

APPROVED:

Vern P. Powers, Mayor

ATTEST:

Kimberly S. Jacobitz, City Clerk

(S E A L)