

CITY OF HASTINGS, NEBRASKA
MINUTES OF CITY COUNCIL REGULAR MEETING
Monday, September 27, 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 September 27, 2021.

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

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; Information Technology Director, Erik Nielsen; Development Services Director, Lisa Parnell-Rowe; Director of Engineering, Lee Vrooman; Director of Human Resources, Lori Hartman; Museum Director, Teresa Kreutzer-Hodson.

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

Moved by Ginny Skutnik seconded by Butch Eley to remove agenda items 2(a) and 4(c) and adopt current agenda for September 27, 2021 Regular Meeting. Roll Call: Ayes: Matt Fong, Shawn Hartmann, Chuck Rosenberg, Joy Huffaker, Butch Eley, Ted Schroeder, Ginny Skutnik. Nays: None. Absent: Jeniffer Beahm. The motion carried.

PUBLIC NOTICE - Official Notice of the Regular Meeting was published in the Hastings Tribune on Friday, September 24, 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 accessible to members of the public.

COUNCIL COMMUNICATION:

Councilmember Fong reported on the Hastings Economic Development Corporation's meeting. They discussed development at North Park Commons, and housing coming online this fall through the winter. Councilmember Eley stated the downtown trees were recently trimmed by the Business Improvement District. He thanked those responsible for the work. Councilmember Schroeder reported that several jets have flown into the Hastings Airport recently, giving citizens something special to watch. Thanks to all involved for their work on Mama Mia at the Hastings Community Theater.

CITIZEN COMMUNICATIONS:

None.

MAYOR'S COMMUNICATIONS:

Mayor Stutte took the opportunity to visit the Crossroads shelter in Hastings. He stated the facility is looking good and doing well.

CONSENT AGENDA:

1. All Consent Items.

Moved by Matt Fong seconded by Ginny Skutnik to approve all consent items, as presented. Roll Call: Ayes: Matt Fong, Shawn Hartmann, Chuck Rosenberg, Joy Huffaker, Butch Eley, Ted Schroeder, Ginny Skutnik. Nays: None. Absent: Jeniffer Beahm. The motion carried.

- (a) Approval of the minutes of the Special Council Meeting of September 13, 2021
- (b) Approval of the minutes of the Regular Council Meeting of September 13, 2021
- (c) Approval of claims and payroll except the claim of Eldon's Automotive Repair
- (d) Approve receiving and placing on file department monthly reports

- (e) Approval of manager application of Robert L. Matthies in connection with the Class "D" Liquor License of Cooperative Producers Inc. dba Premier Stop North located at 1414 North Burlington Avenue
- (f) Approval of Work Order EL-179, installation of a three phase underground electric line and padmount transformer to serve Morton School Building

REGULAR AGENDA:

2. Unfinished Business of Preceding Meeting.

- (a) Resolution No. 2021-39 approving the request of Terrick L.L.C. for an amendment to a Conditional Use Permit for an extended stay area in a recreational vehicle park for property commonly addressed 302 East 26th Street, Hastings, Nebraska. (Postponed *from the August 23, 2021 City Council Meeting.*)

This item was removed from the agenda, upon adoption of the agenda.

3. Public Hearings.

- (a) Public hearing on the request of Dennis Engel to change zoning from "CP-3, Commercial Business Planned District" to "R-1, Urban Single Family Residential District" for a portion of unplatted property generally located east of Lakepark Lane and north of 38th Street. Lisa Parnell-Rowe reported that this item is a continuation of administrative cleanup of things from the past that have happened on Cimarron Meadows. The housing types will go better with R-1 zoning. The preliminary plat on record at this moment, shows that area as R-1. Future land use is urban residential, so it matches better than previous zoning. No public spoke. No objections were received.

ORDINANCE NO. 4679 AMENDING THE ZONING DISTRICT MAP TO CHANGE ZONING FROM "CP-3, COMMERCIAL BUSINESS PLANNED DISTRICT" TO "R-1, URBAN SINGLE FAMILY RESIDENTIAL DISTRICT" FOR A PORTION OF UNPLATTED PROPERTY GENERALLY LOCATED EAST OF LAKEPARK LANE AND NORTH OF 38TH STREET

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. 4679 be passed and adopted?" Upon roll call vote the following Councilmembers voted Ayes: Matt Fong, Shawn Hartmann, Chuck Rosenberg, Joy Huffaker, Butch Eley, Ted Schroeder, Ginny Skutnik. Nays: None. Absent: Jeniffer Beahm. 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, Shawn Hartmann, Chuck Rosenberg, Joy Huffaker, Butch Eley, Ted Schroeder, Ginny Skutnik. Nays: None. Absent: Jeniffer Beahm. 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 October 1, 2021. Effective date of the ordinance is 15 days from and after the date this ordinance is passed and approved.

- (b) Public hearing on the request of the Community Redevelopment Authority regarding the First Amended and Restated Plan Modification No. 2020-5 to Redevelopment Area Number 13, Theatre District Redevelopment Project, for property located at Lots 1-8, Block 1, and Lots 1-4, Block 2, Theatre District Subdivision, Hastings, Nebraska. Lisa Parnell-Rowe presented this item. The TIF (Tax Increment Financing) agreement changed, to where it needed to go back through for approval. There is a new legal description listed in the details, after approval of the final plat. We added some differences between the residential and business aspects, breaking that out. The biggest thing is the figure for the public streets project portion. No public spoke. No objections were received.

Moved by Butch Eley seconded by Ted Schroeder to approve Resolution No. 2021-46 First Amended and Restated for Plan Modification No. 2020-5 to Redevelopment Plan #13 for Theatre District Redevelopment Project. Lisa stated the developer continues to work on FAA approval. It takes time to work through the FAA process, but no problems are expected. Roll Call: Ayes: Matt Fong, Shawn Hartmann, Chuck Rosenberg, Joy Huffaker, Butch Eley, Ted Schroeder, Ginny Skutnik. Nays: None. Absent: Jeniffer Beahm. The motion carried.

(c) Public hearing on the request of the Hastings Tribune for a Conditional Use Permit for neighborhood assembly for events throughout the year for property commonly addressed as 908 West 2nd Street, Hastings, Nebraska. Lisa Parnell-Rowe stated that Hastings Tribune intends to use this for assemblies, meetings, and receptions. According to our code, this use is conditional across all zoning districts. This area is conducive for having mixed uses, because of its downtown location. There is a private parking lot on the property. Occupancy for this area is not to exceed 134 at one time. Conditions are listed in the resolution. No public spoke. No objections were received.

Moved by Matt Fong seconded by Ginny Skutnik to approve Resolution 2021-47, a Conditional Use Permit for Hastings Tribune for assembly, neighborhood use for a meeting area where events can be held by various community organizations, civic parties and groups within an existing structure commonly addressed as 908 W 2nd Street, City of Hastings, Adams County, Nebraska, with the following conditions:

- 1) There shall be compliance with any other applicable City, County, State or Federal regulations that shall apply.
- 2) 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.
- 3) Applicant agrees to enforce a reduced maximum occupancy for this space to no more than 134 persons at one time. Occupancies listed must be re-posted and the one in this space will be posted to state, "This space cannot exceed maximum occupant load of 134 persons" and must be approved by the Building Inspector.
- 4) This CUP will require a new occupancy permit and inspection for use as location for neighborhood assembly.

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

(d) Public hearing on the request of Shipping Ventures, LLC to change zoning from "R-1, Urban Single Family Residential District" to "I-2, Heavy Industrial District" for property generally located between "L" Street and "M" Street on South Lexington Avenue, Hastings, Nebraska. Lisa Parnell-Rowe presented this item for Crystal Creek Logistics. They specialize in frozen fulfillment logistics and shipping services. This area is more appropriately zoned to I-2. We are in concurrent review with the replat. Building plans have already been submitted. The future land use shows this as suburban residential. Staff feels this is wrong in the comprehensive plan, and will review it in the future. Speaking For: Ben Roll, 1415 Markay Drive, facility manager at Crystal Creek. No objections were received.

ORDINANCE NO. 4680 AMENDING THE ZONING DISTRICT MAP TO CHANGE ZONING FROM "R-1, URBAN SINGLE FAMILY RESIDENTIAL DISTRICT" TO "I-2, HEAVY INDUSTRIAL DISTRICT" FOR PROPERTY GENERALLY LOCATED BETWEEN "L" STREET AND "M" STREET ON SOUTH LEXINGTON AVENUE, HASTINGS, NEBRASKA

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. 4680 be passed and adopted?" Upon roll call vote the following Councilmembers voted Ayes: Matt Fong, Shawn Hartmann, Chuck Rosenberg, Joy Huffaker, Butch Eley, Ted Schroeder, Ginny Skutnik. Nays: None. Absent: Jeniffer Beahm. The motion carried.

Councilmember Ginny Skutnik 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, Joy Huffaker, Butch Eley, Ted Schroeder, Ginny Skutnik. Nays: None. Absent: Jeniffer Beahm. 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 October 1, 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 Matt Fong seconded by Shawn Hartmann to approve claim of Eldon's Automotive Repair in the amount of \$877.26 (City). Roll Call: Ayes: Matt Fong, Shawn Hartmann, Chuck Rosenberg, Butch Eley, Ted Schroeder, Ginny Skutnik. Nays: None. Abstain: Joy Huffaker. Absent: Jeniffer Beahm. The motion carried. Joy Huffaker recused herself, because of Conflict of Interest.

(b) Moved by Ginny Skutnik seconded by Matt Fong to award the City's insurance coverages for Fiscal Year 2021-22 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 introduced Jeff Scanlan and Mark Frantz (FNIC), insurance consultants for city insurance coverage. Jeff Scanlan and Mark Frantz (FNIC), presented the insurance coverage summary to the group. Last year when they presented, they were under a different name and logo, which was Harry A. Koch Company. They have rebranded as FNIC, but are the same company, organization, and management. Last year's insurance renewal was more tense, with market correction across all markets, all business sectors, mostly property. This has settled down a bit, reflected in the pricing. The biggest change this year was in the cyber insurance market. New insurance terminology in the cyber market was multi-factor authentication (MFA), which is required by most insurance carriers. Not only was that requirement added, but the pricing increase was significant on cyber. Travelers remained our primary carrier for the city. FM Global handles the property insurance for the Utility Department and AEGIS carries the utility's excess liability. AEGIS, on the casualty side, specializes in utilities. There has been conflict in that market, with California wildfires and freezing in Texas, impacting premium pricing. Workers Compensation coverage is the largest line of premium. The increased modifier was offset by better rates. Mark Frantz thanked staff for working through the challenging cyber coverage process. Roll Call: Ayes: Matt Fong, Shawn Hartmann, Chuck Rosenberg, Joy Huffaker, Butch Eley, Ted Schroeder, Ginny Skutnik. Nays: None. Absent: Jeniffer Beahm. The motion carried.

(c) Approval of agreement with Union Pacific Railroad for the engineering and inspection costs for the 16th Street Viaduct.

This item was removed from the agenda, during adoption of the agenda.

5. Ordinances and Resolutions.

(a) Moved by Chuck Rosenberg seconded by Matt Fong to approve Resolution No. 2021-51, approving the request to move the stop sign from southbound Elm Avenue to eastbound 2nd Street. Dave Ptak stated this item was discussed at last Monday night's council worksession. Roll Call: Ayes: Matt Fong, Shawn Hartmann, Chuck Rosenberg, Joy Huffaker, Butch Eley, Ted Schroeder, Ginny Skutnik. Nays: None. Absent: Jeniffer Beahm. The motion carried.

6. Final Passage of Ordinances.

None.

7. Appointments.

None.

8. Miscellaneous and Other Business.

None.

Moved by Ginny Skutnik seconded by Butch Eley there being no further business, to adjourn at 6:08p.m.

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

APPROVED:

Corey Stutte, Mayor

ATTEST:

Kimberly S. Jacobitz, City Clerk

(S E A L)