

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

The meeting was called to order at 5:30 p.m. in Regular Session by Mayor Stutte with the following members present: Matt Fong, Shawn Hartmann, Chuck Rosenberg, Joy Huffaker, Butch Eley, Ginny Skutnik, Jeniffer Beahm, Ted Schroeder. Absent: None.

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; Director of Human Resources, Lori Hartman; Museum Director, Teresa Kreutzer-Hodson; Environmental Engineer, Marty Stange.

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

Moved by Ginny Skutnik seconded by Ted Schroeder to adopt current agenda for November 8, 2021 Regular Meeting. 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.

PUBLIC NOTICE - Official Notice of the Regular Meeting was published in the Hastings Tribune on Friday, November 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 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 Rosenberg reported that he and Councilmember Eley attended the Fire Pension Meeting held last week. Fire Department decided to switch providers to Oakeson-Steiner, a local investment firm.

Councilmember Eley attended the 'Stache Bash for Lily', held for the daughter of a City of Hastings firefighter. He thanked all businesses and citizens for their donations and support. Brad Starling echoed his thanks for community support.

CITIZEN COMMUNICATIONS:

Spoke against Viaduct Item: Alton Jackson, 820 S. Shore Drive; Roger Coffman, 849 N. Burlington Avenue; Peg Wallace, 2825 N. Columbine. Alton Jackson gave the City Clerk a packet of information.

MAYOR'S COMMUNICATIONS:

Mayor Stutte read a proclamation for Hastings Family Caregiver's Month. Jinx Hackler spoke on behalf of the South Central Town Hall Caregiver Coalition.

Mayor Stutte recognized service anniversaries for Fredrick Sanchez, Utilities, 5 years; Elizabeth Grzywa, Library, 15 years; Jennica Pohlmeier, 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, Joy Huffaker, Butch Eley, Ted Schroeder, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: None. The motion carried.

- (a) Approval of the minutes of the Council Meeting of October 25, 2021
- (b) Approval of the minutes of the Worksession of October 18,
- (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 Work Order EL-187, installation of a single-phase electric line to serve a new motorcycle shop at 9025 Osborne Drive West
- (f) Approval of Work Order GA-357, replacement of 2" PE gas main on Highland Drive
- (g) Approval of Work Order EL-186, installation of a new pole, electric line and padmount at Russ's Market
- (h) Approval of Work Order EL-189, installation of single-phase electric line to serve south dumping station at Landfill
- (i) Approval of Work Order EL-188, extend feeders 244 and 273 north from Coal Train Road at Whelan Energy Center
- (j) Approval of utilization of city streets for the Celebration of Lights on November 18, 2021
- (k) Approval of the request for Community Development Block Grant funds drawdown in the amount of \$92,192.31 for Community Development Block Grant Project 18-ED-003, Downtown Revitalization

REGULAR AGENDA:

2. Unfinished Business of Preceding Meeting. None.

3. Public Hearings.

(a) Public hearing on the request of Engel Construction, Inc. for a Planned District Development Plan for property generally located west and southwest of Walmart, south of West 42nd Street and northeast of Fisherman Lane. Lisa Parnell-Rowe spoke on this item. In 2019, there was a Development Plan put together. There were two areas that were rezoned back to R1. Those two areas will be removed from the Development Plan that was attached to the Planned District. We are formalizing the Development Plan in the resolution. No public spoke on this item. No objections were received.

Moved by Chuck Rosenberg seconded by Matt Fong to approve Resolution No. 2021-53 for an amended Planned District Development Plan for Engel Construction Company, including undeveloped property generally located west and southwest of Walmart, south of 42nd Street West and northeast of Fisherman Lane in Adams County, Nebraska. This will add affordable housing to the area.

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.

(b) Public hearing regarding the request of the City of Hastings Development Services Department to amend the City of Hastings Comprehensive Plan Future Land Use Map by changing designated land use from "Urban Residential" to "Commercial/Retail" for property generally located in the southern portion of the block between South Lincoln Avenue, South Hastings Avenue and "I" Street. Lisa Parnell-Rowe stated this came to staff's attention when a recent discussion was held for a nursery or orchard in the area. They wanted to determine upfront if that would be a good use of the property. The sewer line has not been extended to the south. Because of this, the cost for it to be residentially developed has always exceeded the benefits. The commercial use of a nursery or orchard, would seem to be a better fit. The Future Land Use Map shows Urban Residential. This is the first step in changing the Future Land Use Map to allow this use to occur. No public spoke on this item. No objections were received.

ORDINANCE NO. 4684 AMENDING THE CITY OF HASTINGS COMPREHENSIVE PLAN FUTURE LAND USE MAP BY CHANGING DESIGNATED LAND USE FROM "URBAN RESIDENTIAL" TO "COMMERCIAL/RETAIL" FOR PROPERTY GENERALLY LOCATED IN THE SOUTHERN PORTION OF THE BLOCK BETWEEN SOUTH LINCOLN AVENUE, SOUTH HASTINGS AVENUE AND "I" STREET

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

The Mayor then stated the question "Shall Ordinance No. 4684 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, Jeniffer Beahm. Nays: None. 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, Shawn Hartmann, Chuck Rosenberg, Joy Huffaker, Butch Eley, Ted Schroeder, Ginny Skutnik, Jeniffer Beahm. 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 12, 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 City Code Sections 34-103, 34-200, 34-403 and 34-404 to add language for a Temporary Use Permit and amend Uses and Districts Table to include restaurants, mobile vendors, temporary structures, recreational and temporary recreational vehicles. Lisa Parnell-Rowe reported that staff had this item ready for council to review on August 9th, but mobile vendors asked to discuss further. Staff held a meeting with vendors, which were invited by utilizing the occupation tax list. This item will clean up the Uses and Districts Table. The three major things being allowed in this ordinance are: recreational vehicles in mobile home parks and/or recreational campgrounds for extended temporary stays during economic need; mobile vendors to spend more than 14 days in one spot; and temporary structures (for health and safety reasons). The procedure would be to review internally and renew those annually. Lisa explained the process of requesting an extension to the 180-days, if needed. If an extension is given, there would be no fee attached to that. No public spoke on this item. No objections were received.

ORDINANCE NO. 4674 AMENDING CITY CODE SECTIONS 34-103, 34-200, 34-403 AND 34-404 TO PROVIDE FOR A TEMPORARY USE PERMIT AND TO ALTER THE USES AND DISTRICTS TABLE

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

Lisa reported that staff continues to work on an ordinance for the existing Hastings campground and their Conditional Use Permit (CUP). That CUP also had a 180-day limitation. Staff is working on a longer-stay area for mobile home courts and the recreation vehicle code. Tonight's temporary, annual permit is separate from the previously discussed CUP for the campground.

The Mayor then stated the question "Shall Ordinance No. 4674 be passed and adopted?" Upon roll call vote the following Councilmembers voted Ayes: Matt Fong, Shawn Hartmann, Chuck Rosenberg, Joy Huffaker, Ted Schroeder, Ginny Skutnik, Jeniffer Beahm. Nays: Butch Eley. 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, Shawn Hartmann, Chuck Rosenberg, Joy Huffaker, Ted Schroeder, Ginny Skutnik, Jeniffer Beahm. Nays: Butch Eley. 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 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 Matt Fong seconded by Shawn Hartmann to approve claim of Eldon's Automotive Repair in the amount of \$3,876.20 (City). Roll Call: Ayes: Matt Fong, Shawn Hartmann, Chuck Rosenberg, Butch Eley, Ted Schroeder, Ginny Skutnik, Jeniffer Beahm. Nays: None. Abstain: Joy Huffaker. Absent: None. The motion carried. Joy Huffaker recused herself, because of conflict of interest.

(b) Moved by Ted Schroeder seconded by Shawn Hartmann to approve awarding bid to Nebraska Machinery Company, Doniphan, NE, for CAT Model 938M with 106" Wide Bucket - Grapple Fork in the amount of \$314,480.00 less trade in value of CAT Model 938H of \$51,875.00 for net total price of \$262,605.00. Marty Stange spoke on this item. The landfill currently has a 2011 front end loader with a grapple fork, which needs to be replaced. They are expecting it to take until April for equipment delivery. Staff looked at the interest rate and found it would be better to pay the full amount of the purchase in one budget year and avoid paying the interest. 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.

(c) Moved by Chuck Rosenberg seconded by Ginny Skutnik to approve the agreement with Werner Construction, Inc. for CH 2021-10 FC-06 Parkview Cemetery Paving, Phases II and III in the amount of \$500,054.41. Jeff Hassenstab spoke on this item. This item includes Phase 2 and 3 of six phases. The bid letting was held on October 26th. The engineer's estimate was \$489,151. We received three bids, with Werner being the low bidder. Work may begin this spring, or next summer, depending on Werner's availability. Completion will be no later than November 2022. 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.

(d) Moved by Matt Fong seconded by Shawn Hartmann to approve a new logo for the City of Hastings for use during 2022 honoring the City's 150th Anniversary. Teresa Kreutzer-Hodson reported that the museum will use the logo as part of an exhibit. A big thank you goes out to Curtis Gosser, the Hastings Museum employee who designed the logo. 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.

(e) Moved by Ginny Skutnik seconded by Matt Fong to approve an Extension Request for CDBG Project #18-ED-003 (SHABRI, LLC Project) for a period of six months to June 20, 2022. Sharon Hueftle, South Central Economic Development District (SCEDD), spoke on the item. She stated that due to flooding in 2019, then the pandemic, the project has not moved as quickly as expected. We requested a one-year extension last year. Now we are getting close to the extended date, so we are asking for an extension to complete the project by June 20, 2022. 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.

(f) Moved by Ginny Skutnik seconded by Matt Fong to approve the agreement with Farris Construction for CH 2021-09 FC-03 North Fire Station No 1 Sprinkler & Remodel, in the amount of \$251,889. Brad Starling reported that the sprinkler system and remodel was approved in the 2021-22 budget. We received two bids. This bid is over the original budgeted amount, so Brad discussed this with the City Administrator and Finance Director. They agreed that we have funds to cover the extra cost. 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.

(g) Moved by Jeniffer Beahm seconded by Ginny Skutnik to approve plans and specifications and authorization to advertise for bids for Project CH 2021-12 FC-13 16th St Viaduct Demolition. Lee Vrooman spoke on this item. He addressed a few questions from the citizens speaking tonight. The Engineering Specialists Inc. (ESI) comprehensive report, which is on the city's website, talks about the

subsurface. ESI recommended that the typical bridge, at 75 years old, would require complete replacement of the substructure. The ESI Report was signed by three individuals: Andrew Gonka (Professional Engineer), Paul Douglas (Professional and Structural Engineer), Anthony Siahpush (Certified Environmental Specialist). The railroad cost is in the specifications for \$108,000. What we have before you tonight is asking for authorization to send out plans and specifications to a list of bidders. We will advertise on the city's website. The bid letting will be held on December 2, 2021. We are hoping to award the bid on December 13, 2021. Matt Rief, Olsson, spoke on this item as the Project Manager. The plans are for demolition of the 16th Street viaduct and reconstruction of 16th Street. The plans curve 16th Street and tie it into Kansas Avenue. Part of the plans will reconstruct the church's parking lot. The contractors will be required to maintain access to the church during construction. There will be a preconstruction survey of surrounding structures and vibration monitoring will be conducted. There are no defined means and methods of tearing down the bridge in the specifications. The contractor will come up with the best method for them. Those plans will be submitted to the Union Pacific Railroad (UPRR) for their approval. The contractor will be required to submit a Right of Entry application to the UPRR. There are insurance requirements from the UPRR for the contractor. There are twenty railroad flagging days in the contract, which is the city's responsibility. If it takes more time to demolish the bridge, then the contractor picks up the cost of the extra flagging days. It is an estimate from the railroad, which is a sound estimate. The specifications call for an October 1, 2022 completion date. If the project is awarded on December 13th, that gives time for the contractor to mobilize and have three months of construction, with plenty of flexibility. When the contractor is within the railroad right-of-way, they are required to have flaggers. The UPRR will attend the preconstruction meeting. There are provisions in the contract to protect the city, with the liability falling on the contractor. 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.

(h) Moved by Shawn Hartmann seconded by Ginny Skutnik to approve the City-wide Cell Phone Policy. Dave Ptak spoke on this item. This policy is the result of an appointed committee of Department Heads, with regard to the business needs of their department. Radios have gone by the wayside for communication. Smart phones allow communication, with unlimited texts and calls. This policy would allow a stipend for those who would qualify, using the five criteria required for a person to be eligible. The exhibit, which will be attached to this policy, will be brought back to council with the number of positions and departments that will qualify. 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.

(i) Moved by Butch Eley seconded by Matt Fong to approve the International Association of Firefighters (IAFF) Local 675 Collective Bargaining Agreement for Fiscal Year 2021-2022 / Fiscal Year 2022-2023 / Fiscal Year 2023-2024. Dave Ptak spoke on this item. This agreement is a result of four meetings held with IAFF Local 675, led by President Thomas Treffer. We had cordial negotiations. It was unanimously approved by the firefighters. 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.

(j) Moved by Ginny Skutnik seconded by Shawn Hartmann to approve the Fraternal Order of Police (FOP) Lodge 9 Collective Bargaining Agreement for Fiscal Years 2021 through 2024. Dave Ptak spoke on this item. This agreement is a result of four meetings held with FOP Lodge 9, led by President, Sgt. Jason Haase. We had cordial negotiations. It was unanimously approved by members of the FOP. 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.

(k) Moved by Ginny Skutnik seconded by Shawn Hartmann to approve the purchase of a GeoTab Go-9 Automatic Vehicle Locator system through Clevest, a subsidiary of Industrial and Financial Systems (IFS) for non-emergency City vehicles in the amount of \$84,151.20, recurring annual fee of \$49,290.60. Dave Ptak reported this system will track city vehicles using the GIS system. We will know where our vehicles are located and it will also assist with vehicle maintenance. Erik Nielsen reported that IT was tasked to look into this system. We have a current system, Geocom, being utilized by emergency

vehicles. With Geocom there are security levels necessary for looking at the system. The GeoTab Go-9 will tie into our upcoming outage system in the Utility Department. This includes engine diagnostics, and will work across all departments and vehicles. This vendor was the only one that was compatible with our existing systems. This will be installed on all city vehicles on the street. The system is able to be updated, as needed. 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.

5. Ordinances and Resolutions.

None.

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 6:49 P.M. 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.

APPROVED:

Corey Stutte, Mayor

ATTEST:

Kimberly S. Jacobitz, City Clerk

(S E A L)