

CITY OF HASTINGS, NEBRASKA
MINUTES OF PLANNING COMMISSION
Tuesday, November 16, 2021

Pursuant to due call and notice thereof, a meeting of the Hastings Planning Commission was conducted in the Hastings Public Library, 314 N. Denver Ave., Hastings, Nebraska on November 16, 2021.

The meeting was called to order at 4:00 p.m. in Regular Session by Chairman Gaines with the following members present: Lou Kully, Willis Hunt, LaDaun Schoenhals, Ann Hinton, Greg Sinner, Marshall Gaines, Rakesh Srivastava, and Michelle Lewis. Absent: Jacque Cranson.

The Chair led the Commission in recital of the Pledge of Allegiance to the United States of America.

Moved by Hunt, seconded by Sinner, to adopt the current agenda for the Planning Commission Meeting. Roll Call: Ayes: Lewis, Gaines, Kully, Srivastava, Schoenhals, Hinton, Hunt, Sinner. Nays: None. Absent: Jacque Cranson. The motion carried.

Public Notice - Official Notice of the Regular Meeting was published in the Hastings Tribune on Monday, November 15, 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 Conference Room B. Also, a current copy of the Nebraska Open Meetings Act is posted on the back wall of Conference Room B, which is accessible to members of the public.

Moved by Schoenhals, seconded by Srivastava, to approve the minutes of the October 19, 2021, Planning Commission Meeting. Roll Call: Ayes: Lewis, Gaines, Kully, Srivastava, Schoenhals, Hinton, Hunt, Sinner. Nays: None. Absent: Jacque Cranson. The motion carried.

9. Public Hearings.

2021-053. Public hearing for a change of zoning for Lots 7 (Seven) through 9 (Nine) and Lots 13 (Thirteen) through 18 (Eighteen), Block 1 (One), A.H. Cramer's Addition to the City of Hastings, Adams County, Nebraska AND the vacated alley adjacent to said lots from "R-3, Multiple Family Residential" to "C-3 Commercial Business", and to amend the Official Zoning District Map.

Lisa Parnell-Rowe discussed the agenda item.

Surrounding zoning is as follows:

North – R-3, Multiple Family Residential

South – R-1, Urban Single Family Residential (default for Public)

East – R-3, Multiple Family Residential & C-3, Commercial Business

West – C-3, Commercial Business

Our applicant is the owner of this property, Lawrence Esch, Jr. He has an offer from a prospective buyer for a portion of this lot to be used for a nursery/orchard.

Current uses only show signs of multiple family development in the north-eastern portion of this area. Much of this surrounding area is currently zoned C-3, Commercial Business and/or is slated for public use as R-1, Single Family Residential by default. To the south, we have a City park (Lincoln Park is zoned R-1, Single Family Residential by default, with no public zoning). Then further southeast, we have more C-3 where one of our City Fire Stations is located.

Staff views this area as an extension of the commercial corridor zoning that follows Burlington Avenue and when you add the history of this area remaining stagnant as a residential land use due to the costly utilities requirements it makes sense that this area might be better slated for commercial use. Commercial developers are not as reluctant to spend more money upfront on infrastructure due to the business profit factor that is involved in a commercial development. Additionally, the proposal at hand, for a nursery, would not require this sewer extension. Water and electricity are available to the entire area

and sewer is available for tapping into the west side of this block where the prospective buyer will place a structure for retail sale and maintenance of the nursery/orchard. The proximity of this use to Lincoln Park makes this a good spot for a nursery/orchard that would extend that look and feel of open space to the north, while still bringing greater economic opportunities to the community.

The Comprehensive Plan and Future Land Use (FLU) map did show this area as slated for Urban Residential use. Staff initiated a FLU change because it is felt that this area would be better served in the long-term future as a commercial/retail use. This was due to the southern-most section of Hastings Avenue South having an unfinished sewer main. Without this being extended, there would be no sewer service lots on the east side of this block. Though developers have looked into this in the past, they have ultimately not developed here because the costs for developers looking to build residential homes in this area have always exceeded the benefits. The Planning Commission reviewed this FLU change at our last meeting held on October 19th and recommended approval to City Council by a vote of 8-0. The City Council reviewed that matter at their regular meeting held on November 8th and voted 8 to 0 to approve the FLU change. This rezone follows suit to that FLU change and will make the reality of a nursery/orchard a permitted use once the area is re-platted accordingly.

Moved by Sinner, seconded by Hunt, to recommend approval to the Mayor and City Council an ordinance and the amendment to the Official Zoning District Map to rezone Lots 7 (Seven) through 9 (Nine) and Lots 13 (Thirteen) through 18 (Eighteen), Block 1 (One), A.H. Cramer's Addition to the City of Hastings, Adams County, Nebraska AND the vacated alley adjacent to said lots from "R-3, Multiple Family Residential" to "C-3, Commercial Business". Roll Call: Ayes: Lewis, Gaines, Kully, Srivastava, Schoenhals, Hinton, Hunt, Sinner. Nays: None. Absent: Jacque Cranson. The motion carried.

b. 2021-064. Public hearing to consider an ordinance to amend Hastings City Code Chapter 29, Article III, regarding electrical exams, and licensing procedures and requirements.

Lisa Parnell-Rowe discussed the agenda item.

This change is primarily to allow the City of Hastings to discontinue holding electrical exams and/or providing electrical licenses based on in-house provided exams. The State of Nebraska governs licensing within the State, and are now using testing centers for electronic testing, as well as individual online testing that can be done at anytime from anywhere. The City of Hastings exam has, in the past, been a convenient option for local electricians and has also been used as an overflow of sorts when the State exams were full. Those reasons for justifying this practice are no longer necessary due to the State now providing an online option, as well as testing centers.

In the past few years, the City of Hastings applications for testing have dwindled, and it is felt that much of the reason for that is the State's new testing arrangement. In years past, we have had around 12 to 14 persons taking the test each annual test cycle. In April 2021 there were only 4 individuals, in October of 2020 there were only 3 individuals. We did not test in April of 2020 due to COVID-19. Currently we have 63 Electrical contractors who have paid their Occupation Tax with the City of Hastings, which would make the number of test applicants, even for our local contractors, seem very low.

Development Services already has to have the electrical exams approved by the State of Nebraska each test cycle, as they are used to then reciprocate with the State. As part of that reciprocation we are required to change at least 5 questions on each test in each cycle in order to conform to the State's rules on testing.

The City of Hastings license has been able to reciprocate with the State of Nebraska in order to obtain a State license. However, once the holder has reciprocated with the State to get a license, they cannot use the State license to reciprocate with another State. This has been seen as a dis-service to some electricians, as they would need to test on the State level exclusively in order to reciprocate with another State.

With the Development Services Department's impending temporary move due to the existing City Hall conditions, it is uncertain as to whether or not there will be a room available for testing as there has been in the past. It is quite possible that if we did continue to hold in-house testing that this would need to be

held off-site at another location, such as the Library.

Additionally, our Electrical Inspector was recently made aware that the State of Nebraska has requirements for continuing education for all State license holders.

This was a takeaway item at the annual International Association of Electrical Inspectors Meeting held in Kearney from October 27-29th 2021. This requirement was added to the State guidance in 1993, which means that we have been in direct violation of the State of Nebraska Electrical Act for nearly 20 years as the City of Hastings has never required continuing education. To add a continuing education requirement would mean additional staff time to administer and track this added requirement. Eliminating our local testing and licensing and providing a registration card upon proof of being licensed in the State would ensure that any electricians working in the City are *current* with this required continuing education.

The section from that act follows:

81-2117.01. License or registration renewal; continuing education required; instructor and course approval; certificate of attendance.

In order to renew a license or registration issued under the State Electrical Act, the licensee or registrant shall be required to complete twelve contact hours of continuing education by January 1 of each odd-numbered year. The continuing education courses shall be approved by the board and may consist of training programs, courses, and seminars by the State Electrical Division or public or private schools, organizations, or associations. The contact hours shall include a minimum of six contact hours studying the National Electrical Code described in section 81-2104, and the remaining contact hours may include study of electrical circuit theory, blueprint reading, transformer and motor theory, electrical circuits and devices, control systems, programmable controllers, and microcomputers or any other study of electrical-related material that is approved by the board. Any additional hours studying the National Electrical Code shall be acceptable. For purposes of this section, a contact hour means fifty minutes of classroom attendance at an approved course under a qualified instructor approved by the board.

On October 18, 2021, City Staff discussed eliminating in-house examinations and only registering electricians with proof of testing with the State with the City of Hastings Electrical Examining Board. During that meeting, the two electrical contractors on the board did not like the fact that we would no longer be having exams, as they believed it to be a benefit to our local contractors. However, their biggest complaint was that they assumed that anyone taking an exam would have to drive to North Platte or Lincoln to test. In checking with the State of Nebraska, we have since confirmed that anyone wishing to take their test can do so online from their own home and therefore, driving should not be an issue.

Lastly, there is only one other municipality in the State of Nebraska that is accomplishing in-house testing, as we are and that is the City of Fremont. The State would prefer, particularly if reciprocating with them, that the testing be left to them and that municipalities would simply register electricians and verify the testing occurred with them.

In short, the benefits of making this change now far outweigh the costs of continuing the in-house testing and are summarized as follows:

1. Less burden on staff time and resources.
2. Temporary City Hall considerations for potential limited conference areas to test would no longer be a concern for the future.
3. Electrical Board concerns for access to tests have since been fully vetted with the discovery of online testing options at the State level.
4. Municipal consistency in how this testing occurs eliminates barriers to reciprocate with other municipalities. Again, we are one of just 2 municipalities in the entire State doing in-house testing.
5. Continuing education requirements are already being addressed by the State and so incorporating those into our processes locally to comply with law would no longer be a concern. Adding it would further stress staff time and resources.

6. It just makes sense. We are redoing something already done by the State. It eliminates doing something no longer necessary. This should open up some time for staff to use on other important tasks.

Moved by Schoenhals, seconded by Kully, to recommend approval to the Mayor and City Council an ordinance to amend the Hastings City Code Chapter 29, Article III, regarding electrical exams, and licensing procedures and requirements. Roll Call: Ayes: Lewis, Gaines, Kully, Srivastava, Schoenhals, Hinton, Sinner. Nays: None. Abstain: Hunt. Absent: Jacque Cranson. The motion carried.

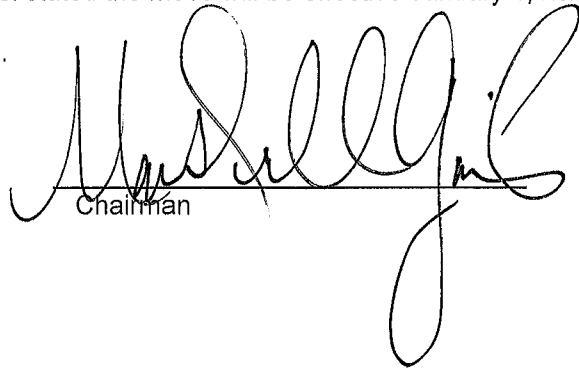
11. Reports

Lisa Parnell-Rowe stated the City put out the RFP for the Comprehensive Code updates and only received one response. We may extend that out to get more proposal.

Clint Schukei reported that specific topic discussions at Planning Commission meetings cannot be had without the item(s) being on the agenda.

Lisa Parnell-Rowe also reported that at the work session Monday night the Council discussed moving the meetings back to the Council Chambers. Mr. Schukei stated the move will be effective January 1, 2022.

Moved by Schoenhals, seconded by Kully to adjourn.



Chairman