

CITY OF HASTINGS, NEBRASKA
MINUTES OF CITY COUNCIL REGULAR MEETING
Monday, December 12, 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 December 12, 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, Kathy Duval, John Harrington, Michael Krings, Phil Odom. Absent: Chuck Niemeyer.

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

Moved by Phil Odom seconded by Kathy Duval to adopt Current Agenda for December 12, 2016 Regular Meeting. Roll Call: Ayes: John Harrington, Kathy Duval, Phil Odom, Michael Krings, Sarah Hoops, Ginny Skutnik, Everett Goebel. Nays: None. Absent: Chuck Niemeyer. 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 reported on the Board of Public Works meeting held December 1, 2016. The main topic of discussion was utility pole ownership in regards to Hastings Utilities energy distribution. The board's recommendation to council is to authorize eminent domain for acquisition of utility poles owned by Windstream Communications within the City of Hasting. Whelan Energy Center's WEC2 is back online as of Thursday, December 8th. The next meeting will be held on December 15th. The Mayor's Youth Council met last night.

CITIZEN COMMUNICATION:

Chuck Shoemaker, Jeff Kully, and Willis Hunt (Board of Public Works) spoke in appreciation of the support and efforts of the City Council. Al Meyer, Interim Director of Hastings Utilities, gave plaques to all members of the City Council.

Jon Bruning, Counsel-Windstream Communications, spoke on item 4(d) regarding eminent domain of utility poles.

Will Vrasper, 301 E. 4th Street, introduced scouts from Pack 207.

Kristina Norris, 400 E. 2nd Street, introduced scouts from Pack 32.

MAYOR'S COMMUNICATIONS:

Mayor Powers recognized service anniversaries for Michael Kuzelka, 15 years, December 16th; Jenny Sidlo, 15 years, December 30th; Barbara Adler, 40 years, December 1st; Teresa Kreutzer-Hodson, 20 years, December 19th.

CONSENT AGENDA:

1. Moved by Ginny Skutnik seconded by Sarah Hoops to approve all consent agenda items as presented. Roll Call: Ayes: John Harrington, Kathy Duval, Phil Odom, Michael Krings, Sarah Hoops, Ginny Skutnik, Everett Goebel. Nays: None. Absent: Chuck Niemeyer. The motion carried.

(a) Approval of the minutes of the Council Meeting of November 28, 2016

(b) Approval of the minutes of the Worksession of November 21, 2016.

(c) Approval of the payroll for the period ending December 17, 2016, paid December 23, 2016 and for the period ending December 31, paid January 6, 2017.

- (d) Approval of the regular claims and authorizing the City Clerk to issue checks against the various funds for payment.
- (e) Approval of the prepaid claims and authorizing the City Clerk to issues checks against the various funds for payment.
- (f) Approve receiving and placing on file department monthly reports.

REGULAR AGENDA:

3. Public Hearings.

(a) Public hearing on the request of Heartland Veterinary Supply to amend the Comprehensive Land Use Plan to re-designate Lots 6, 7 & 8 in Block 2 of Lakeway Plaza Subdivision from Suburban Residential to Commercial/Retail; and to re-designate Lot 4 in Block 2 of Assembly of God Second Subdivision, from Suburban Residential to Commercial/Retail.

Christy Schutte and Michael Fagido (Heartland Veterinary Supply) spoke in favor. 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. 4498. . .AMENDING THE COMPREHENSIVE DEVELOPMENT PLAN TO RE-DESIGNATE LOTS 6, 7 & 8 IN BLOCK 2 OF LAKEWAY PLAZA SUBDIVISION FROM SUBURBAN RESIDENTIAL TO COMMERCIAL/RETAIL; AND TO RE-DESIGNATE LOT 4 IN BLOCK 2 OF ASSEMBLY OF GOD SECOND SUBDIVISION, FROM SUBURBAN RESIDENTIAL TO COMMERCIAL/RETAIL.

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

The Mayor then stated the question "Shall Ordinance No. 4498 be passed and adopted?" Upon roll call vote the following Councilmembers voted Ayes: John Harrington, Kathy Duval, Phil Odom, Michael Krings, Sarah Hoops, Ginny Skutnik, Everett Goebel. Nays: None. Absent: Chuck Niemeyer. The motion carried.

Councilmember Ginny Skutnik moved that the statutory rule requiring reading on three different days be suspended; Councilmember Everett Goebel seconded the motion to suspend the rules and upon roll call vote the following Councilmembers voted Ayes: John Harrington, Kathy Duval, Phil Odom, Michael Krings, Sarah Hoops, Ginny Skutnik, Everett Goebel. Nays: None. Absent: Chuck Niemeyer. 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 December 16, 2016. Effective date of the ordinance is December 28, 2016.

(b) Public hearing on the request of Heartland Veterinary Supply to rezone Lots 6, 7 & 8 in Block 2 of Lakeway Plaza Subdivision from R-1 Urban Single Family Residential District to CP-3 Commercial Planned Business District; and to rezone Lots 3 & 4 in Block 2 of Assembly of God Second Subdivision, from C-3 Commercial Business to CP-3 Commercial Planned Business District.

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.

ORDINANCE NO. 4499. . .AMENDING THE ZONING DISTRICT MAP OF THE CITY OF HASTINGS TO REZONE PROPERTY FROM R-1 URBAN SINGLE FAMILY RESIDENTIAL DISTRICT AND C-3 COMMERCIAL BUSINESS DISTRICT TO CP-3 COMMERCIAL PLANNED BUSINESS DISTRICT.

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

The Mayor then stated the question "Shall Ordinance No.4499 be passed and adopted?" Upon roll call vote the following Councilmembers voted Ayes: John Harrington, Kathy Duval, Phil Odom, Michael Krings, Sarah Hoops, Ginny Skutnik, Everett Goebel. Nays: None. Absent: Chuck Niemeyer. The motion carried.

Councilmember Ginny Skutnik 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, Michael Krings, Sarah Hoops, Ginny Skutnik, Everett Goebel. Nays: None. Absent: Chuck Niemeyer. 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 December 16, 2016. Effective date of the ordinance is December 28, 2016.

4. General Business.

(a) Moved by Michael Krings seconded by Everett Goebel to approve the Memorandum of Understanding between Expedition League, Inc. and the City of Hastings.

Jeff Hassenstab, Parks and Recreation Director, explained the possible collegiate summer baseball league for the 2018 season at Duncan Field.

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

(b) Moved by Ginny Skutnik seconded by Phil Odom 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; Furrow Plumbing, LLC Redevelopment Project, On Top LLC Redevelopment Project, Redline Properties, LLC Redevelopment Project and 801-809 W. 2nd Redevelopment Project. Roll Call: Ayes: John Harrington, Kathy Duval, Phil Odom, Michael Krings, Sarah Hoops, Ginny Skutnik, Everett Goebel. Nays: None. Absent: Chuck Niemeyer. The motion carried.

(c) Moved by John Harrington seconded by Kathy Duval to approve the Addendum Development Agreement with Hastings College re: Ninth Street paving. Roll Call: Ayes: John Harrington, Kathy Duval, Phil Odom, Michael Krings, Sarah Hoops, Ginny Skutnik, Everett Goebel. Nays: None. Absent: Chuck Niemeyer. The motion carried.

(d) Moved by Everett Goebel seconded by Phil Odom to authorize eminent domain by the City of Hastings, Nebraska for the acquisition of utility poles owned by Windstream Communications within the City of Hastings, Nebraska.

Dave Ptak, City Attorney, explained the discrepancy of ownership in utility poles and the city's need to protect our energy distribution system. There have been good discussions with Windstream Communications' counsel and we will continue to negotiate as long as there are meaningful discussions.

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

5. Ordinances and Resolutions.

(a) Moved by Phil Odom seconded by Ginny Skutnik to approve Resolution No. 2016-57. . .Accepting plat and schedule of assessments prepared by the City Engineer for special assessments proposed to be levied in Street Improvement District No. 2015-1 and setting a hearing date relative to the levy of said special assessments. Roll Call: Ayes: John Harrington, Kathy Duval, Phil Odom, Michael Krings, Sarah Hoops, Ginny Skutnik, Everett Goebel. Nays: None. Absent: Chuck Niemeyer. The motion carried.

8. Miscellaneous and Other Business.

Councilmembers spoke on experiences during their years of service to the City of Hastings.

Moved by Michael Krings seconded by Ginny Skutnik there being no further business, to adjourn Sine Die at 6:35p.m. Roll Call: Ayes: John Harrington, Kathy Duval, Phil Odom, Michael Krings, Sarah Hoops, Ginny Skutnik, Everett Goebel. Nays: None. Absent: Chuck Niemeyer. The motion carried.

APPROVED:

Corey Stutte, Mayor

ATTEST:

Kimberly S. Jacobitz, City Clerk

(S E A L)