

CITY OF HASTINGS, NEBRASKA
MINUTES OF CITY COUNCIL REGULAR MEETING
Monday, February 14, 2022

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 February 14, 2022.

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

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; Finance Director, Roger Nash; Utility Manager, Kevin Johnson; Information Technology Director, Erik Nielsen; Development Services Director, Lisa Parnell-Rowe; Director of Engineering, Lee Vrooman; IT Manager, Dustyn John; Planner, Brian Hurskainen.

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

Moved by Butch Eley seconded by Ginny Skutnik to adopt current agenda for February 14, 2022 Regular Meeting. Roll Call: Ayes: Matt Fong, Shawn Hartmann, Chuck Rosenberg, Joy Huffaker, Butch Eley, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: Ted Schroeder. The motion carried.

PUBLIC NOTICE - Official Notice of the Regular Meeting was published in the Hastings Tribune on Friday, February 11, 2022. 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 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 Fong reported on the recent Library Board meeting. The Hastings Public Library went fine free in December 2021. He stated that lots of material came back after going fine free. The library received a humanities grant to offer additional programing beginning in April.

CITIZEN COMMUNICATIONS:

In support Ordinance 4693: Father Tom Brouillette, 402 West 6th Street; Mark Callahan, Mary Lanning Healthcare; Dan Sheehey, 1132 Highland Drive.

MAYOR'S COMMUNICATIONS:

Mayor Stutte recognized service anniversary years for Justin Steiner, Utility, 20; Suzanne Barry, Museum, 5; Nicholas Hoendervoogt, Fire, 5.

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, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: Ted Schroeder. The motion carried.

(a) Approval of the minutes of the Council Meeting of January 24, 2022

(b) Approval of the minutes of the Worksession of January 18, 2022

(c) Approval of claims and payroll

(d) Approve receiving and placing on file department monthly reports

(e) Approval of the renewal of 2022-2023 Liquor License Applications for the following: **Class "A"** On Sale Beer - Dunning Investments, Inc.; **Class "B"** Off Sale Beer - Thomsen Oil Co.; **Class "D"** Off Sale Beer, Wine, Sprits - Bosselman Pump & Pantry, Inc., Boys 3 MCP, Inc., Casey's Retail Company (3),

Cooperative Producers, Inc. (2), GNS Corporation (2), Hoff Brothers, Inc. (4), L.C.S., Inc., CF Altitude, LLC, Walmart, Inc., Walgreen Company; **Class "I"** On Sale Beer, Wine, Spirits - AFJ, Inc., BPOE Lodge 159, Central Community College Area, El Puerto, LLC, Frew Enterprises, LLC, Hastings Hospitality, Inc., Ninja House, Inc., The Listening Room, Inc.; **Class "K"** Catering - BPOE Lodge 159, Central Community College Area, Steeple Brewing Company, LLC; **Class "L"** Craft Brewery - No Coast Brewing, LLC, Steeple Brewing Company, LLC; **Class "M"** Bottle Club - Jonathon Canterbury

(f) Approval of the request for Community Development Block Grant funds drawdown in the amount of \$900.00 for Community Development Block Grant Project 20-PW-004 for administrative services from July 1, 2021 through October 31,

(g) Approval of Work Order EL-198, installation of one phase pad mount transformer to serve new commercial building located at 123 North Laird Avenue

REGULAR AGENDA:

2. Unfinished Business of Preceding Meeting.

None.

3. Public Hearings.

(a) Public hearing on the application of Art Bar, LLC dba "Art Bar" for a Class "C" Liquor License at 647 West 2nd Street. Police Chief Story stated staff reviewed both the Art Bar and manager applications and recommends approval. No public spoke. No objections were received.

Moved by Matt Fong seconded by Chuck Rosenberg to approve Resolution No. 2022-04 approving the application of Art Bar, LLC dba "Art Bar" for a Class "C" Liquor License at 647 West 2nd Street.

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

(b) Moved by Shawn Hartmann seconded by Butch Eley to approve the manager application of Alyssa R. Anders in connection with the Class "C" Liquor License of Art Bar, LLC dba "Art Bar" located at 647 West 2nd Street. Roll Call: Ayes: Matt Fong, Shawn Hartmann, Chuck Rosenberg, Joy Huffaker, Butch Eley, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: Ted Schroeder. The motion carried.

(c) Public hearing on the request of Brad Copple to change zoning from "A, Agricultural" to "R-1, Urban Single Family Residential" and from "A" Agriculture to "R-1A Single-Family Large Lot Residential" on Lot 2, Copple 3rd Subdivision, City of Hastings, Adams County, Nebraska. Brian Hurskainen, City Planner, presented this item. The applicants are planning to divide the property. The reason they are rezoning is because agricultural zoning needs a minimum of five (5) acres. They want to go less than that amount. No public spoke. No objections were received.

ORDINANCE NO. 4694 CHANGING THE ZONING FROM "A" AGRICULTURE" TO "R-1, URBAN SINGLE FAMILY RESIDENTIAL" AND FROM "A" AGRICULTURE" TO "R-1A SINGLE-FAMILY LARGE LOT RESIDENTIAL" ON LOT 2, COPPLE 3RD SUBDIVISION, CITY OF HASTINGS, ADAMS COUNTY, NEBRASKA, AND TO AMEND THE OFFICIAL ZONING DISTRICT MAP ACCORDINGLY

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. 4694 be passed and adopted?" Upon roll call vote the following Councilmembers voted Ayes: Matt Fong, Shawn Hartmann, Chuck Rosenberg, Joy Huffaker, Butch Eley, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: Ted Schroeder. 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, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: Ted Schroeder. 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 February 18, 2022. Effective date of the ordinance is 15 days from and after the date this ordinance is passed and approved.

(d) Public hearing on the request of Adam Goertzen, JEO Consulting, to change zoning from "A, Agricultural" to "R-1A, Single-Family Large Lot Residential" for property commonly addressed as 1670 East 70th Street. Brian Hurskainen, City Planner, presented this item. This will pull out their mobile home from their larger farm. Agricultural zoning requires a minimum of five (5) acres. This item is in conjunction with the following plat. No public spoke. No objections were received.

ORDINANCE NO. 4695 AMENDING THE ZONING DISTRICT MAP TO CHANGE ZONING FROM "A, AGRICULTURAL" TO "R-1A, SINGLE-FAMILY LARGE LOT RESIDENTIAL" FOR PROPERTY COMMONLY ADDRESSED AS 1670 EAST 70TH STREET

Said Ordinance was read by title and thereafter Councilmember Jeniffer Beahm moved for passage of the ordinance, which motion was seconded by Councilmember Shawn Hartmann.

The Mayor then stated the question "Shall Ordinance No. 4695 be passed and adopted?" Upon roll call vote the following Councilmembers voted Ayes: Matt Fong, Shawn Hartmann, Chuck Rosenberg, Joy Huffaker, Butch Eley, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: Ted Schroeder. 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, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: Ted Schroeder. 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 February 18, 2022. Effective date of the ordinance is 15 days from and after the date this ordinance is passed and approved.

(e) Moved by Matt Fong seconded by Ginny Skutnik to approve Preliminary/Final Plat for Bierman Subdivision. Roll Call: Ayes: Matt Fong, Shawn Hartmann, Chuck Rosenberg, Joy Huffaker, Butch Eley, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: Ted Schroeder. The motion carried.

4. General Business.

(a) Moved by Ginny Skutnik seconded by Chuck Rosenberg to approve Preliminary/Final Plat for Wendell Starr Subdivision. Brian Hurskainen, City Planner, reported that this would pull out the farmhouse, similar to the other item. They already have their zoning as R-1. Roll Call: Ayes: Matt Fong, Shawn Hartmann, Chuck Rosenberg, Joy Huffaker, Butch Eley, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: Ted Schroeder. The motion carried.

(b) Moved by Butch Eley seconded by Shawn Hartmann to approve Purchase of Three Phase Substation Transformer at Don Henry Substation from Maddox Industrial Transformer in the amount of \$252,000. Kevin Johnson reported that the transformer at Don Henry Substation failed on January 22nd. Staff mobilized and got the city load transferred off the transformer. They later investigated what was wrong with the transformer. Noel Nienhueser, Superintendent, wrote a memo to explain the situation. In their investigation, they researched repair opportunities, as well as new purchase opportunities. This transformer is over 10 years old, but has never been put into service. It will suffice for the summer load.

A new one would not arrive until at least December and would cost over \$600,000. We will come back to City Council with options for this transformer, if it can be repaired. Roll Call: Ayes: Matt Fong, Shawn Hartmann, Chuck Rosenberg, Joy Huffaker, Butch Eley, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: Ted Schroeder. The motion carried.

(c) Moved by Ginny Skutnik seconded by Matt Fong to approve moving the City Council Meeting from Monday, February 28, 2022 to Tuesday, March 1, 2022 at 5:30 P.M. in the City Council Chambers. This move is because of the Nebraska League Mid-Winter Conference. Roll Call: Ayes: Matt Fong, Shawn Hartmann, Chuck Rosenberg, Joy Huffaker, Butch Eley, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: Ted Schroeder. The motion carried.

5. Ordinances and Resolutions.

(a) ORDINANCE NO. 4693 VACATING KANSAS AVENUE BETWEEN THE NORTH RIGHT OF WAY LINE OF WEST 5TH STREET AND THE SOUTH RIGHT OF WAY LINE OF 6TH STREET, THE SOUTH 50 FOOT OF WEST 6TH STREET BETWEEN KANSAS AVENUE AND COLORADO AVENUE, THE ALLEY BETWEEN 5TH STREET AND 6TH STREET CONNECTING KANSAS AVENUE TO COLORADO AVENUE, AND THAT PORTION OF THE ALLEY BETWEEN 5TH STREET AND 6TH STREET CONNECTING KANSAS AVENUE TO SAINT JOSEPH AVENUE ADJACENT TO LOTS 3, 4, 9 AND 10 JOHNSONS ADDITION AND RETAINING UTILITY EASEMENTS

Brian Hurskainen, City Planner, reported this would vacate Kansas Avenue right-of-way to help out school travel and safety. This will allow them to add onto the school and it provides a safer drop experience for the children as they can avoid crossing traffic. Lee Vrooman reported that a requirement for street closure is to conduct a traffic study, to demonstrate that the adjacent roadways would not be impacted. The study was completed by JEO Consulting. The study details a number of changes to be made. After reviewing, the study showed no significant impacts and the City Engineer recommended closure. The effective date for street closure will be May 9th, 2022. Councilmember Fong asked if there was an assessment of one-way streets. Lee Vrooman stated that is a part of the Transportation Study. One-way streets are on the worksession agenda next week for discussion. Councilmember Hartmann asked if we are addressing possible safety problems from the school crossing on 6th and 7th streets.

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

The Mayor then stated the question "Shall Ordinance No. 4693 be passed and adopted?" Upon roll call vote the following Councilmembers voted Ayes: Matt Fong, Shawn Hartmann, Chuck Rosenberg, Joy Huffaker, Butch Eley, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: Ted Schroeder. The motion carried.

Councilmember Chuck Rosenberg moved that the statutory rule requiring reading on three different days be suspended; Councilmember Butch Eley 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, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: Ted Schroeder. 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 February 18, 2022. Effective date of the ordinance is 15 days from and after the date this ordinance is passed and approved.

(b) ORDINANCE NO. 4696 VACATING THE 14-FOOT ALLEY ABUTTING LOTS 4-9, BLOCK 22 OF RANDOLPH AND BOWERS SUBDIVISION AND VACATING THE 14-FOOT ALLEY ABUTTING LOTS 1-4 AND LOTS 11-14 IN KAY'S SUBDIVISION WITH PROPERTY VESTING WITH THE OWNERS OF THE ADJACENT PROPERTY AND THE CITY OF HASTINGS RETAINING UTILITY EASEMENTS

Lee Vrooman reported that this ordinance cleans up a few alleys north of F Street, that were platted in the late 1800's.

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

The Mayor then stated the question "Shall Ordinance No. 4696 be passed and adopted?" Upon roll call vote the following Councilmembers voted Ayes: Matt Fong, Shawn Hartmann, Chuck Rosenberg, Joy Huffaker, Butch Eley, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: Ted Schroeder. The motion carried.

Councilmember Matt Fong 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, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: Ted Schroeder. 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 February 18, 2022. Effective date of the ordinance is 15 days from and after the date this ordinance is passed and approved.

6. Final Passage of Ordinances.

None.

7. Appointments.

None.

8. Miscellaneous and Other Business.

None.

Moved by Ginny Skutnik seconded by Shawn Hartmann to go into closed session for reasons of litigation and real estate at 5:58 P.M. Roll Call: Ayes: Matt Fong, Shawn Hartmann, Chuck Rosenberg, Joy Huffaker, Butch Eley, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: Ted Schroeder. The motion carried.

Moved by Butch Eley seconded by Joy Huffaker to come out of closed session at 6:36 P.M. Roll Call: Ayes: Matt Fong, Shawn Hartmann, Chuck Rosenberg, Joy Huffaker, Butch Eley, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: Ted Schroeder. The motion carried.

Moved by Ginny Skutnik seconded by Butch Eley there being no further business to adjourn at 6:36 P.M. Roll Call: Ayes: Matt Fong, Shawn Hartmann, Chuck Rosenberg, Joy Huffaker, Butch Eley, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: Ted Schroeder. The motion carried.

APPROVED:

Corey Stutte, Mayor

ATTEST:

Kimberly S. Jacobitz, City Clerk

(S E A L)