

CITY OF HASTINGS, NEBRASKA  
MINUTES OF CITY COUNCIL WORKSESSION  
Monday, April 18, 2022

Pursuant to due call and notice thereof, a Worksession of the City Council of the City of Hastings, Nebraska was conducted in the Council Chambers of City Hall, 220 N. Hastings Avenue, on April 18, 2022.

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

The following City Officials were present: Utility Manager/Acting City Administrator, Kevin Johnson; City Attorney, Clint Schukei; City Clerk, Kimberly Jacobitz; Fire Chief, Brad Starling; Fire Marshal, Anthony Murphy; 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; Museum Director, Teresa Kreutzer-Hodson; Water & Wastewater Superintendent, Brandan Lubken; Chief Building Inspector, Kevin Kubo.

Council President Ginny Skutnik led the group in recital of the Pledge of Allegiance to the United States of America.

Moved by Butch Eley seconded by Ted Schroeder to adopt current agenda for April 18, 2022 Worksession. Roll Call: Ayes: Matt Fong, Chuck Rosenberg, Joy Huffaker, Butch Eley, Ted Schroeder, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: Shawn Hartmann. The motion carried.

**PUBLIC NOTICE** - Official Notice of the Worksession was published in the Hastings Tribune on Friday, April 15, 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 available. Also, a current copy of the Nebraska Open Meetings Act is posted and accessible to members of the public.

## DISCUSSION ITEMS

### **1. Update on Delegated Authority and changes to Chapter 13, Fire Protection, of the Hastings City Code - Hastings Fire and Rescue.**

Brad Starling, Fire Chief, stated they have been discussing delegated authority for approximately 18 months. After the Fire Prevention office was vacated, they updated the position to help move in that direction with a Fire Marshal. Anthony Murphy, City Fire Marshal, has been through the delegated authority process a few times already. Our Fire Marshal exceeds the minimum qualifications for delegation of authority, as set forth by the State Fire Marshal's Office.

Anthony Murphy has been working with Development Services to improve processes and workflows. They started moving fire permits into a shared portal, to be more streamlined and increase efficiencies and services to the community.

State statutes require a statewide fire code. The City of Hastings has a local fire code, with amendments to address needs specific to Hastings. This makes for a duplication of efforts with plan reviews, inspections, and interpretation of code. The state statute allows the State Fire Marshal to delegate his/her authority to enforce the statewide fire code to qualified local personnel, or "delegated authority". We are proposing to consolidate to delegating authority, so that our city Fire Marshal becomes a single point of contact for all fire and life safety code-related questions and permit processes, both state and local. We

would be removing duplicated efforts and unnecessary delays in the permitting and inspection process currently being felt by developers and contractors alike. Hastings would be joining the University of Nebraska and nine other cities of the first class in becoming a delegated authority. The State Fire Marshal has the authority to override decisions made by the local Fire Marshal.

In the seven years since the Novak Study was completed, the community has experienced \$1 million average in fire losses per year. Also, long term effects can be found in contamination of groundwater. This falls under the fire code as hazardous material. We are required to enforce fire code within the 2-mile extra territorial jurisdiction.

Anthony explained that only three to seven percent of commercial buildings are being inspected each year. Some of our schools have not been inspected in 22 years, with an average last inspection of 10 years ago. We have no records for inspections in the extraterritorial jurisdiction (ETJ). Businesses are opening their doors to the public without a single inspection. The current workload would not allow us to meet expectations for improved turnaround times, so we are requesting certain modifications to the municipal code to add one full-time employee (FTE) to the fire department's prevention staff.

Anthony explained pre-planned walk-throughs from an operational side. On the enforcement side, we try to make appointments ahead of time out of convenience. Some inspections are required to be unannounced. Anthony takes photos during the walk-through and then follows up on corrections. Communication is key.

Discussion was held on the 2018 Fire Code and residential sprinklers. The next local code update is expected in 2024. Anthony pointed out the request to update permit fees, and the percentage charged if work commences on a project prior to permit issuance. He intends on beginning conversations with contractors and educating them, so this does not become a problem. This permit fee brings us closer in line with other communities. We want to continue to be developer friendly. Mayor Stutte asked for a coordinated effort to bring developers along as part of the process, to show we want to work with them.

The State is not able to keep up, so they want everyone to go to delegated authority. We want the staffing we need, before we request delegated authority.

## **2. Discussion of proposed Water Department City Code changes.**

Brandan Lubken, Water & Wastewater Superintendent, presented this topic. The Utility Advisory Board approved Ordinance 4701, which amends provisions relating to location of stop boxes and curb stops, bypass lines and responsibilities for maintenance and replacement of water service lines.

The Utility Department recommends to revise the shared liability portion for water service lines. We want to move our focus from shared liability to lead service lines. We know about how much lead we have in the ground for service lines. Lead does not corrode, but it is not good to drink. Most communities stopped putting lead in the ground around 1950. We target mains that are small, as those mains are not good fire flow. We want to get fire flow up within the residential areas. We want to replace these with bigger mains and want to be lead free as a community in 20 years. The benefit for the residences that don't have lead services, is that they will have a new main. We will tie old services over to the new main.

Kevin Johnson stated that regulations are coming, so we should move forward with the plan. This is the right thing to do. City will pay on average about 110 tie-overs per year. Brandan stated that by 2024 we will be mandated to remove all lead. Utility Department has records on where lead pipe is located, but public might not realize what they have. We have a lead testing program, and we sample throughout the community (federally mandated). We have never been over the threshold of lead. Code 32-602 revisions will affect the location of the curb stops. The code mandates curb stops are on the property line. Brandan explained that some stops are in alleys, some are in the street. Copper can be repaired, lead cannot. That is why we are taking responsibility for the lead replacement. We mandate that water services only providing water for yard irrigation, have a hand operated bypass valve and must be lockable.

Moved by Matt Fong seconded by Butch Eley to go into closed session for reasons of real estate, negotiations, and personnel at 6:56 P.M. Roll Call: Ayes: Matt Fong, Chuck Rosenberg, Joy Huffaker, Butch Eley, Ted Schroeder, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: Shawn Hartmann. The motion carried.

Moved by Matt Fong seconded by Chuck Rosenberg to come out of closed session at 7:32 P.M. Roll Call: Ayes: Matt Fong, Chuck Rosenberg, Joy Huffaker, Butch Eley, Ted Schroeder, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: Shawn Hartmann. The motion carried.

Moved by Jeniffer Beahm seconded by Matt Fong there being no further business to adjourn at 7:32 P.M. Roll Call: Ayes: Matt Fong, Chuck Rosenberg, Joy Huffaker, Butch Eley, Ted Schroeder, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: Shawn Hartmann. The motion carried.