

CITY OF HASTINGS, NEBRASKA
MINUTES OF CITY COUNCIL REGULAR MEETING
Monday, May 9, 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 May 9, 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, Ted Schroeder, Ginny Skutnik, Chuck Rosenberg, Shawn Hartmann, Matt Fong. Absent: Joy Huffaker, Butch Eley.

The following City Officials were present: Acting City Administrator/Utility Manager, Kevin Johnson; City Clerk, Kimberly Jacobitz; Police Chief, Adam Story; Fire Chief, Brad Starling; Parks & Recreation Director, Jeff Hassenstab; Finance Director, Roger Nash; Information Technology Director, Erik Nielsen; City Engineer, Lee Vrooman; Director of Human Resources, Lori Hartman; Museum Director, Teresa Kreutzer-Hodson; Planner, Brian Hurskainen; Director of Administration, Derek Zeisler; Chief Building, Kevin Kubo.

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

Moved by Matt Fong seconded by Ted Schroeder to adopt current agenda for the May 9, 2022 Regular Meeting. Roll Call: Ayes: Matt Fong, Shawn Hartmann, Chuck Rosenberg, Ted Schroeder, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: Joy Huffaker, Butch Eley. The motion carried.

PUBLIC NOTICE - Official Notice of the Regular Meeting was published in the Hastings Tribune on Friday, May 6, 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 thanked the Hastings Museum for their history walking tour around Heartwell Park.

Councilmembers Rosenberg and Huffaker hosted a Townhall meeting April 30th, at the Hastings Public Library.

Councilmember Skutnik reported the Museum Board met on April 28th. They are working on a revised mission/vision statement. There are two additional History on Foot tours offered on May 11th and May 20th. Please see the city's website for more scheduled events. The Tree Board hosted an Arbor Day celebration in Heartwell Park on April 29th. They dedicated a tree, donated by the Lainson family. Former board member Dave Glass was honored with the Stewardship Award. Staff member Dave Wicker gave a presentation on proper pruning techniques.

Councilmember Beahm reported that the Fire Department is continuing stakeholder meetings. There are two more community meetings. The next one is on May 12th at Fire Station 1 and the last will be held on May 19th at Alcott. Councilmember Schroeder encouraged other departments to hold community events.

CITIZEN COMMUNICATIONS:

None.

MAYOR'S COMMUNICATIONS:

Mayor Stutte recognized service anniversaries for Robert Brooks, Police, 15; Terry Embree, Landfill, 25; Derek Zeisler, Utilities, 15; Thomas Treffer, Fire, 10; Taylor Smith, Fire, 10; Kenneth Lane, Utilities, 10; Russanne Hoff, Museum, 15; James Lueders, Utilities, 25.

Mayor Stutte and the Hastings Fire Department recognized the following staff from Street and Water departments for their assistance both during and after the March fire event at Berts' Pharmacy: Dale Christen, Levi Thompson, Anthony Konen, Nate Young, Steve Kostner, Mike Bloomberg, Eric Kelley, Jay Herringer, Rick Wilbur, Darren Parr, Rick Utter, Jacob Koebkee.

Mayor Stutte read a proclamation for May 2022 as Building Safety Month. Kevin Kubo spoke about making people aware of Building Safety Month.

Mayor Stutte thanked citizens who support non-profits, and congratulated the non-profits on a successful Give Hastings Day 2022.

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, Ted Schroeder, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: Joy Huffaker, Butch Eley. The motion carried.

(a) Approval of the minutes of the Council Meeting of April 25, 2022

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

(c) Approval of claims and payroll

(d) Approve receiving and placing on file department monthly

(e) Approval of Work Order EL-208, installation of an underground street light circuit and post top street lights for Theater District Drive from 12th Street to Marian Road

(f) Approval of Work Order EL-210, installation of 500KVA transformer and removal of 300KVA transformer for car chargers at Rodeway Inn on Osborne Drive East, south of 26th Street

(g) Approval of Work Order EL-211, installation of temporary and permanent power and removal of temporary power for the new Adams County Justice Center south of "M" Street and east of Baltimore Avenue

(h) Approval of Work Order EL-212, installation of a new one phase pad mount transformer to service new Scooter's Coffee located at 3606 North Osborne Drive East

(i) Approval of Work Order EL-213, installation of 50KVA transformer for new Viero tower at 1125 Franklin Avenue

(j) Approval of Work Order GA-355, replacement of four inch medium pressure gas main and adding a regulator station for the Hamilton Building at Central Community College

(k) Approval of the request of PFLAG Hastings to utilize city property for Hastings PRIDE 2022 to be held on June 11, 2022 at Highland Park

(l) Approval of the request of the Adams County Fairgrounds to utilize city streets for Adams County Fairfest Parade on July 9, 2022

(m) Approval of the request of Mary Lanning Healthcare to utilize city streets for the Mary Lanning Fun Wun to be held on June 11, 2022

(n) Approval of the request of Highland Park LLC to utilize city property for the Highland Park Market to be held every Saturday from June 11, 2022 to October 29, 2022 at the Hastings Museum East Parking Lot

REGULAR AGENDA:

2. Unfinished Business of Preceding Meeting.

None.

3. Public Hearings.

(a) Public hearing on the application of Valentinis, LLC dba "Valentinis" for a Class "C" Liquor License at 3609 Cimarron Plaza, Suite 135. Police Chief Story recommended approval. Joshua Johnson, (Attorney representing Valentinis LLC) 906 W 2nd Street, spoke in support. No objections were received.

Moved by Matt Fong seconded by Ginny Skutnik to approve Resolution No. 2022-16 approving the application of Valentinis, LLC dba "Valentinis" for a Class "C" Liquor License at 3609 Cimarron Plaza, Suite 135. Roll Call: Ayes: Matt Fong, Shawn Hartmann, Chuck Rosenberg, Ted Schroeder, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: Joy Huffaker, Butch Eley. The motion carried.

(b) Moved by Ginny Skutnik seconded by Shawn Hartmann to approve the manager application of Valerie N. Brock in connection with the Class "C" Liquor License of Valentinis, LLC dba "Valentinis" located at 3609 Cimarron Plaza, Suite 135. Roll Call: Ayes: Matt Fong, Shawn Hartmann, Chuck Rosenberg, Ted Schroeder, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: Joy Huffaker, Butch Eley. The motion carried.

(c) Public hearing on the application of Hastings Hospitality, Inc. dba "Holiday Inn Express - Hastings" for a Class "C" Liquor License at 3605 Cimarron Plaza. Police Chief Story recommended approval. No public spoke. No objections were received.

Moved by Chuck Rosenberg seconded by Shawn Hartmann to approve Resolution No. 2022-17 approving the application of Hastings Hospitality, Inc. dba "Holiday Inn Express - Hastings" for a Class "C" Liquor License at 3605 Cimarron Plaza. Roll Call: Ayes: Matt Fong, Shawn Hartmann, Chuck Rosenberg, Ted Schroeder, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: Joy Huffaker, Butch Eley. The motion carried.

(d) Moved by Shawn Hartmann seconded by Matt Fong to approve the manager application of Margarita T. Younes-Holz in connection with the Class "C" Liquor License of Hastings Hospitality, Inc. dba "Holiday Inn Express - Hastings" located at 3605 Cimarron Plaza. Roll Call: Ayes: Matt Fong, Shawn Hartmann, Chuck Rosenberg, Ted Schroeder, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: Joy Huffaker, Butch Eley. The motion carried.

(e) Public hearing on the request of Ross and Kara Parde for a Conditional Use Permit for an entertainment venue for property commonly addressed as 3030 and 3045 South Marian Road in the extra-territorial jurisdiction of the City of Hastings, Nebraska. Brian Hurskainen reported this item is for the Barn Festival, a large craft fair. There is new ownership, and they are changing the traffic plan. The surrounding area is agricultural. Planning Commission recommended approval 9-0 in April. No public spoke. No objections were received.

Moved by Shawn Hartmann seconded by Ginny Skutnik to approve Resolution 2022-15, a Conditional Use Permit (CUP) for an Entertainment Venue at 3030 and 3045 South Marian Road in the extra-territorial jurisdiction of the City of Hastings, Adams County, Nebraska, subject to the following conditions:

- 1) The applicants' Site Plan with inclusive dimensions of buildings, parking locations, access and easement location notes are hereby approved and applicant agrees to comply to all inclusive details.
- 2) Applicant must follow traffic and parking plan set forth by the Adams County Roads Department and is required to renew their plan every year.
- 3) Applicant is limited to holding events to 2 3-day weekends in both May and September as well as 10 days in December.
- 4) This resolution shall be filed with the Registrar of Deeds so as to provide notice to any person examining the real estate records of the existence of this CUP. The recording costs incurred to comply with this section shall be paid by the applicant for the CUP.
- 5) There shall be compliance with any other applicable City, County, State or Federal regulations that shall apply.
- 6) Any changes to the CUP shall require an amendment to be approved by the Planning Commission and City Council.

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

(f) Public hearing on the request of Adams County for voluntary annexation to bring a tract of land into the corporate limits of the City of Hastings for property generally located on the southeast corner of Baltimore Avenue and "M" Street. Brian Hurskainen reported this is for Adams County. They will build a justice center on the property. The surrounding area is agricultural and industrial. Planning Commission recommended 9-0. There is a water district for this area later on the agenda. There will also be a paving district at a later date. No public spoke. No objections were received.

ORDINANCE NO. 4703 REQUESTING VOLUNTARY ANNEXATION TO BRING A TRACT OF LAND INTO THE CORPORATE LIMITS OF THE CITY OF HASTINGS FOR PROPERTY GENERALLY LOCATED ON THE SOUTHEAST CORNER OF BALTIMORE AVENUE AND "M" STREET

Moved by Ginny Skutnik seconded by Ted Schroeder to approve Ordinance No. 4703, for voluntary annexation to bring a tract of land into the corporate limits of the City of Hastings, for property generally located on the southeast corner of Baltimore Avenue and M Street on first reading only.

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

(g) Public hearing on the request of Thomas and Jill Fish to change zoning from "R-1 Single Family Residential District" and "A, Agricultural District" to "A, Agricultural District" for property generally located at the end of West 16th Street, west of Westbrook Drive in the extra-territorial jurisdiction of the City of Hastings, Nebraska and to amend the Zoning District Map. Brian Hurskainen reported that this was originally planned to be part of Westbrook. The area is under seventy acres. There will be a house, a barn, and an area for horses to workout. Planning Commission recommended 9-0 in April. The future land use is supportive of this rezone. Tom Lieske (Attorney representing Fish), 333 North Colorado, Minden, spoke in support. No objections were received.

ORDINANCE NO. 4704 AMENDING THE ZONING DISTRICT MAP TO CHANGE ZONING FROM "R-1 SINGLE FAMILY RESIDENTIAL DISTRICT" AND "A, AGRICULTURAL DISTRICT" TO "A, AGRICULTURAL DISTRICT" FOR PROPERTY GENERALLY LOCATED AT THE END OF WEST 16TH STREET, WEST OF WESTBROOK DRIVE IN THE EXTRA-TERRITORIAL JURISDICTION OF THE CITY OF HASTINGS, NEBRASKA

Tom Fish, 917 North Kansas Avenue, stated they are allowed one horse per number of acres, but expect to house a minimal number of horses at this location.

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

The Mayor then stated the question "Shall Ordinance No. 4704 be passed and adopted?" Upon roll call vote the following Councilmembers voted Ayes: Matt Fong, Shawn Hartmann, Chuck Rosenberg, Ted Schroeder, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: Joy Huffaker, Butch Eley. 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, Ted Schroeder, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: Joy Huffaker, Butch Eley. 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 May 13, 2022. 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 Ginny Skutnik seconded by Matt Fong to approve Final Plat for Orchard Subdivision. Brian Hurskainen reported this is dividing the plat in half. It is property located by Lincoln Park, West J Street. Planning Commission reviewed this in March 2022. There have been a few issues with ownership, so there has been a delay. The orchard will be located on the north half of the property.

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

(b) Moved by Matt Fong seconded by Ted Schroeder to approve the Preliminary/Final plat for Hastings Catholic School Subdivision. Brian Hurskainen reported this is cleaning up ownership and parcels at the Catholic Schools and creating easements where needed for utilities. Roll Call: Ayes: Matt Fong, Shawn Hartmann, Chuck Rosenberg, Ted Schroeder, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: Joy Huffaker, Butch Eley. The motion carried.

(c) Moved by Shawn Hartmann seconded by Ginny Skutnik to approve hiring a Compliance Manager for the Utilities Department. Kevin Johnson reported this new compliance manager role is the result of a resignation that had a combined responsibility included in the former role. This is an unbudgeted request, but can be funded within the current existing budget, without issues. Derek Zeisler reported that we are responsible for maintaining and supporting Supervisory Control and Data Acquisition (SCADA). We must ensure compliance and adherence with the North American Electric Reliability Corporation (NERC), Critical Infrastructure Protection (CIP) reliability standards and regulatory requirements. This position would assure the overall utility security program. This was originally taken care of by the Engineering Department. This continues to grow and is primarily a utility position. We are a small utility, but we are part of a larger utility grid. In the entire grid, everyone must carry their weight in compliance. SCADA monitors and controls water, electric, gas and sewer. IT will support through network and software needs, cyber security requirements, etc. Engineering will support through SCADA logic, system testing, transmission monitoring, etc. Numerous Utility Subject Matter Experts (SME) support through specific policies. Kevin Johnson stated this item was taken to the Utility Advisory Board for recommendation of the new role. This role is a requirement. They are not managing staff, they are managing relationships to ensure that we stay in this reliability oversight standard. We are continuing the effort to not add managing level staff. Roll Call: Ayes: Matt Fong, Shawn Hartmann, Chuck Rosenberg, Ted Schroeder, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: Joy Huffaker, Butch Eley. The motion carried.

5. Ordinances and Resolutions.

(a) ORDINANCE NO. 4705 CREATING WATER EXTENSION DISTRICT NO. 2022-1, "M" STREET FROM BALTIMORE AVENUE TO BELLEVUE AVENUE

Lee Vrooman reported this creates the district that serves the Adams County jail and other development in the area. The district does not require a remonstrance period, but does require a super-majority vote to pass. The project is currently out for bids, and will be brought to the council for approval of bid.

Said Ordinance was read by title and thereafter Councilmember Matt Fong moved for passage of the ordinance, which motion was seconded by Councilmember Chuck Rosenberg.

The Mayor then stated the question "Shall Ordinance No. 4705 be passed and adopted?" Upon roll call vote the following Councilmembers voted Ayes: Matt Fong, Shawn Hartmann, Chuck Rosenberg, Ted Schroeder, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: Joy Huffaker, Butch Eley. 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, Ted Schroeder, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: Joy Huffaker, Butch Eley. 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 May 13, 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.

(a) Moved by Ted Schroeder seconded by Shawn Hartmann to approve Mayor Stutte's recommendations for appointments to the following:

Airport Advisory Board:

Brent Hoops, Appoint as Chairman, 5/4 2018 to 2/1/2023;

Jason Haase, Replacement, 5/9/2022 to 2/1/2025

City Planning Commission:

Jody Stutzman, Alternate, 5/9/2022 to 11/1/2025

Mayor Stutte thanked Willis Hunt for serving on the Planning Commission.

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

8. Miscellaneous and Other Business.

None.

Moved by Ginny Skutnik seconded by Shawn Hartmann there being no further business to adjourn at 6:13 P.M. Roll Call: Ayes: Matt Fong, Shawn Hartmann, Chuck Rosenberg, Ted Schroeder, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: Joy Huffaker, Butch Eley. The motion carried.

APPROVED:

Corey Stutte, Mayor

ATTEST:

Kimberly S. Jacobitz, City Clerk

(S E A L)