

CITY OF HASTINGS, NEBRASKA
MINUTES OF CITY COUNCIL REGULAR MEETING
Monday, May 23, 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 23, 2022.

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

The following City Officials were present: City Attorney, Clint Schukei; City Clerk, Kimberly Jacobitz; Police Chief, Adam Story; Fire Chief, Brad Starling; Parks & Recreation Director, Jeff Hassenstab; Information Technology Director, Erik Nielsen; Director of Engineering, Lee Vrooman; Director of Human Resources, Lori Hartman; Museum Director, Teresa Kreutzer-Hodson; Utility Director of Administration, Derek Zeisler; Water & Wastewater Supt., Brandan Lubken; Director of Environmental, Marty Stange.

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

Moved by Ginny Skutnik seconded by Butch Eley to adopt current agenda for May 23, 2022 Regular Meeting. Roll Call: Ayes: Matt Fong, Shawn Hartmann, Chuck Rosenberg, Butch Eley, Ted Schroeder, Ginny Skutnik. Nays: None. Absent: Joy Huffaker, Jeniffer Beahm. The motion carried.

PUBLIC NOTICE - Official Notice of the Regular Meeting was published in the Hastings Tribune on Friday, May 20, 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 that he and Councilmember Hartmann attended the Fire Department's stakeholders meeting held at Alcott Elementary. The meeting was recorded and is now available on Facebook.

Councilmember Rosenberg reported that he attended the recent Planning and Zoning meeting. May is Health Safety and Fire Building Safety month. A presentation was given by staff: Anthony Murphy, Bill Mooney, and Kevin Kubo. They will give the same presentation tomorrow at the Hastings Public Library.

CITIZEN COMMUNICATIONS:

None.

MAYOR'S COMMUNICATIONS:

Mayor Stutte reported that he was invited to attend an event at Watson Elementary last week. Nebraska News Channel and United Health Care gave all students bike helmets at the event.

CONSENT AGENDA:

1. All Consent Items.

Moved by Matt Fong seconded by Shawn Hartmann to approve all consent items, as presented.

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

(a) Approval of the minutes of the Council Meeting of May 9, 2022

(b) Approval of claims and payroll except the claim of Eldon's Automotive

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

(d) Approval of Work Order EL-214, installation of two, three phase electric line and padmount transformers at 1601 West 2nd Street, Dutton-Lainson

- (e) Approval of Work Order EL-215, increase transformer size and add a transformer for additions to Dinsdale Automotive at 2800 Osborne Drive East
- (f) Approval of the request of Hastings Unique Bicyclists to utilize city property for the Kool-Aid Classic Bicycle Tour on August 13, 2022

REGULAR AGENDA:

2. Unfinished Business of Preceding Meeting.

None.

3. Public Hearings.

None.

4. General Business.

(a) Moved by Shawn Hartmann seconded by Ginny Skutnik to approve the claim of Eldon's Automotive Repair in the amount of \$1,245.68 (City). Roll Call: Ayes: Matt Fong, Shawn Hartmann, Chuck Rosenberg, Butch Eley, Ted Schroeder, Ginny Skutnik. Nays: None. Absent: Joy Huffaker, Jeniffer Beahm. The motion carried.

(b) Moved by Ted Schroeder seconded by Butch Eley to approve Private Access Easement 60' x 180' in Westbrook Village 6th Subdivision, in the southeast quarter of Section 5, Township 7, North, Range 10 west of the 6th P.M. City of Hastings, Adams County, Nebraska over a portion of 16th Street ROW. Lee Vrooman reported the access easement is for the Fish property, which lies west of Westbrook Subdivision. This will allow them to use the undeveloped 16th Street Right-of-Way (ROW) from Westbrook Drive to their property. Lee spoke to both property owners, who are adjacent to this ROW. Their only concern is they would like access to the existing building and future garages off of that driveway, which the easement addresses. The easement also addresses the driveway will be required to be paved for the length of the ROW. Roll Call: Ayes: Matt Fong, Shawn Hartmann, Chuck Rosenberg, Butch Eley, Ted Schroeder, Ginny Skutnik. Nays: None. Absent: Joy Huffaker, Jeniffer Beahm. The motion carried.

(c) Moved by Ginny Skutnik seconded by Shawn Hartmann to approve the agreement with Nebraska Fire Sprinkler Corp for replacement of the fire sprinkler system at Chautauqua Park Pavilion, CH 2022-05 in the amount of \$95,600. Jeff Hassenstab reported that Chautauqua Pavilion had a fire sprinkler system installed after it was rebuilt after the 1993 fire. Since then, the piping has acquired many leaks and needs to be rebuilt. This bid would accomplish that and will take six weeks to complete. The pavilion will be closed during the project, starting in July 2022. Jeff explained that the fire suppression system was working all winter, but it had leaks. He stated the system is not working at this time. There are no rentals for the Chautauqua Pavilion during the time the contractors want to work on the system. Roll Call: Ayes: Matt Fong, Shawn Hartmann, Chuck Rosenberg, Butch Eley, Ted Schroeder, Ginny Skutnik. Nays: None. Absent: Joy Huffaker, Jeniffer Beahm. The motion carried.

(d) Moved by Chuck Rosenberg seconded by Matt Fong to approve the Agreement with Rutt's Heating and Air Conditioning, Inc. for the RBC Building HVAC Replacement, HU 2022-19, in the amount of \$77,300. Lee Vrooman reported the bids were opened on May 11, 2022. We received two bids. Rutt's Heating and Air Conditioning was the low bidder, and had no exceptions on their bid. Roll Call: Ayes: Matt Fong, Shawn Hartmann, Chuck Rosenberg, Butch Eley, Ted Schroeder, Ginny Skutnik. Nays: None. Absent: Joy Huffaker, Jeniffer Beahm. The motion carried.

(e) Moved by Butch Eley seconded by Ginny Skutnik to approve the agreement with WEG Transformers USA for Substation Transformers at Whelan Energy Center, East 7th St Substation and B Street Substation, HU 2022-01, in the amount of \$3,662,787. Lee Vrooman reported that the next two items are for the substation improvements, budgeted over the next three years. These three projects were bid together. The Whelan Energy Center distribution sub is a new substation being constructed to support the Heartwell Project. The East 7th Substation is expanding by one transformer to support the industrial load in that area and add redundancy and flexibility to our system. The B Street substation is replacement of

the existing transformers. We opened bids on April 13th. We had six bidders, each had several exceptions. The exceptions that impacted the most were lead time for delivery and price indexes. Roll Call: Ayes: Matt Fong, Shawn Hartmann, Chuck Rosenberg, Butch Eley, Ted Schroeder, Ginny Skutnik. Nays: None. Absent: Joy Huffaker, Jeniffer Beahm. The motion carried.

(f) Moved by Shawn Hartmann seconded by Ted Schroeder to approve agreement with Siemens Industry Inc. for Power Distribution Center Building with installed 15kv switchgear at 2 locations: Whelan Energy Center (WEC) and B Street Substation and 15kv switchgear at 7th Street Substation, HU 2022-12, in the amount of \$2,365,263. Lee Vrooman reported this is similar to the last item, as it is for all three locations. WEC and B Street get a new building and switchgear. There is a building already at East 7th Street, so the switchgear will go into that. The bids were opened on April 20th, and three bids were received. Siemens Industry gave firm pricing (including sales tax), and had a thirty-six month warranty. Lee Vrooman stated they had \$12.5 million budgeted over three years for these items. Roll Call: Ayes: Matt Fong, Shawn Hartmann, Chuck Rosenberg, Butch Eley, Ted Schroeder, Ginny Skutnik. Nays: None. Absent: Joy Huffaker, Jeniffer Beahm. The motion carried.

(g) Moved by Ginny Skutnik seconded by Shawn Hartmann to approve extension of lease agreement with the Hastings Sodbusters for use of Duncan Field. Jeff Hassenstab reported this lease extension is through April 30, 2023. The current agreement expires December 31, 2022. This is strictly to obtain their liquor license for this season. The city charges the Sodbusters \$400 per game for use of Duncan Field. He explained they were with the Expedition League, but are now in an independent league. Roll Call: Ayes: Matt Fong, Shawn Hartmann, Chuck Rosenberg, Butch Eley, Ted Schroeder, Ginny Skutnik. Nays: None. Absent: Joy Huffaker, Jeniffer Beahm. The motion carried.

5. Ordinances and Resolutions.

(a) ORDINANCE NO. 4701 AMENDING SECTIONS 30-112 AND 32-602 OF THE HASTINGS CITY CODE REGARDING PROVISIONS RELATING TO BYPASS LINES AND RESPONSIBILITIES FOR MAINTENANCE AND REPLACEMENT OF WATERSERVICE LINES

Brandan Lubken reported that City Code 30-112, currently stipulates that water meters 1 1/2" or larger shall have a bypass line and a hand operated lockable valve. The purpose of the bypass is to allow prompt restoration of water flow to high need water customers in the event the meter becomes damaged, obstructed, or otherwise impedes the water flow. The bypass is for emergency purposes only. New code language disallows bypass lines on the meters 1 1/2" or larger on systems that are used exclusive for yard irrigation. This application does not merit the need for emergency use, should the meter become impeded of flow. This code change was vetted in a recent council worksession.

City Code 32-602, currently stipulates that the city shares liability for damaged water service lines of 1 1/2" or less. Under the provided revision, the city will retain partial liability of cost of the replacement from the watermain to the property line and add full liability of cost for replacement to the city if the damaged service is found to be lead pipe. Also included, is language that stipulated a requirement for the city to have a plan to remove all lead service lines from the water system. Lastly, the revision informs that curb stops being placed exactly upon the property line shall be the city's responsibility to replace or repair if damaged. This code change was vetted in a recent council worksession.

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

The Mayor then stated the question "Shall Ordinance No. 4701 be passed and adopted?" Upon roll call vote the following Councilmembers voted Ayes: Matt Fong, Shawn Hartmann, Chuck Rosenberg, Butch Eley, Ted Schroeder, Ginny Skutnik. Nays: None. Absent: Joy Huffaker, Jeniffer Beahm. 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, Butch Eley, Ted Schroeder, Ginny Skutnik. Nays: None. Absent: Joy Huffaker, Jeniffer Beahm. 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 28, 2022. Effective date of the ordinance is 15 days from and after the date this ordinance is passed and approved.

(b) Moved by Shawn Hartmann seconded by Matt Fong to approve Ordinance No. 4703, for voluntary annexation to bring a tract of land into the corporate limits of the City of Hastings, generally located on the southeast corner of Baltimore Avenue and M Street, on second reading only. Brian Hurskainen stated that May 9th was first reading passage. Roll Call: Ayes: Matt Fong, Shawn Hartmann, Chuck Rosenberg, Butch Eley, Ted Schroeder, Ginny Skutnik. Nays: None. Absent: Joy Huffaker, Jeniffer Beahm. The motion carried.

(c) ORDINANCE NO. 4706 CREATING STREET IMPROVEMENT DISTRICT NO. 2022-3, LAIRD AVENUE-14TH STREET TO APACHE AVENUE

Lee Vrooman reported this ordinance creates a Street Improvement District. This will allow for construction of houses on the east side of Laird. This is a GAP paving district, so there is no remonstrance period.

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

The Mayor then stated the question "Shall Ordinance No. 4706 be passed and adopted?" Upon roll call vote the following Councilmembers voted Ayes: Matt Fong, Shawn Hartmann, Chuck Rosenberg, Butch Eley, Ted Schroeder, Ginny Skutnik. Nays: None. Absent: Joy Huffaker, Jeniffer Beahm. The motion carried.

Councilmember Chuck Rosenberg 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, Butch Eley, Ted Schroeder, Ginny Skutnik. Nays: None. Absent: Joy Huffaker, Jeniffer Beahm. 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 28, 2022. Effective date of the ordinance is 15 days from and after the date this ordinance is passed and approved.

(d) ORDINANCE NO. 4707 CREATING WATER EXTENSION DISTRICT NO. 2022-2, LAKEVIEW 10TH ADDITION

Lee Vrooman reported the next three items are for Lakeview 10th Addition, creating street, water, and sewer districts. Both water and sewer are connecting to existing eight inch mains. The water and sewer districts require a super majority vote of the council, as there is no remonstrance period.

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

The Mayor then stated the question "Shall Ordinance No. 4707 be passed and adopted?" Upon roll call vote the following Councilmembers voted Ayes: Matt Fong, Shawn Hartmann, Chuck Rosenberg, Butch Eley, Ted Schroeder, Ginny Skutnik. Nays: None. Absent: Joy Huffaker, Jeniffer Beahm. 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, Butch Eley, Ted Schroeder, Ginny Skutnik. Nays: None. Absent: Joy Huffaker, Jeniffer Beahm. 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 28, 2022. Effective date of the ordinance is 15 days from and after the date this ordinance is passed and approved.

(e) ORDINANCE NO. 4708 CREATING SEWER EXTENSION DISTRICT NO. 2022-1, LAKEVIEW 10TH ADDITION

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

The Mayor then stated the question "Shall Ordinance No. 4708 be passed and adopted?" Upon roll call vote the following Councilmembers voted Ayes: Matt Fong, Shawn Hartmann, Chuck Rosenberg, Butch Eley, Ted Schroeder, Ginny Skutnik. Nays: None. Absent: Joy Huffaker, Jeniffer Beahm. The motion carried.

Councilmember Shawn Hartmann 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, Butch Eley, Ted Schroeder, Ginny Skutnik. Nays: None. Absent: Joy Huffaker, Jeniffer Beahm. 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 28, 2022. Effective date of the ordinance is 15 days from and after the date this ordinance is passed and approved.

(f) ORDINANCE NO. 4709 CREATING STREET IMPROVEMENT DISTRICT 2022-2, LAKEVIEW 10TH ADDITION

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

The Mayor then stated the question "Shall Ordinance No. 4709 be passed and adopted?" Upon roll call vote the following Councilmembers voted Ayes: Matt Fong, Shawn Hartmann, Chuck Rosenberg, Butch Eley, Ted Schroeder, Ginny Skutnik. Nays: None. Absent: Joy Huffaker, Jeniffer Beahm. 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, Butch Eley, Ted Schroeder, Ginny Skutnik. Nays: None. Absent: Joy Huffaker, Jeniffer Beahm. 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 28, 2022. Effective date of the ordinance is 15 days from and after the date this ordinance is passed and approved.

(g) Moved by Matt Fong seconded by Shawn Hartmann to approve Resolution No. 2022-18 authorizing the purchase of Natural Gas from Central Plains Energy Project, approving execution and delivery of a gas supply agreement and consenting to the issuance of bonds by the Central Plains Energy Project. Derek Zeisler reported this resolution allows the city to participate if and when CPEP Project 5 moves forward. Currently, we participate in two of the three active CPEP projects (CPEP 2 and 4). CPEP 2 makes up about 32% of our gas, and CPEP 4 is about 23%. CPEP 5 will only do about 8% of our gas. The reason it is smaller, is we are running out of volumes that we can allocate to this. This is another opportunity to get discount off some gas. This is not for purchase of the gas, but it is an agreement to a long term commitment to get a discount from that gas. CPEP 2 and CPEP 4 last year saved the city around \$140,000. CPEP 5 has the potential to save us \$15,000 to \$30,000 a year. Roll Call: Ayes: Matt Fong, Shawn Hartmann, Chuck Rosenberg, Butch Eley, Ted Schroeder, Ginny Skutnik. Nays: None. Absent: Joy Huffaker, Jeniffer Beahm. The motion carried.

6. Final Passage of Ordinances.
None.

7. Appointments.
None.

8. Miscellaneous and Other Business.
None.

Moved by Ginny Skutnik seconded by Ted Schroeder there being no further business to adjourn at 6:00 P.M. Roll Call: Ayes: Matt Fong, Shawn Hartmann, Chuck Rosenberg, Butch Eley, Ted Schroeder, Ginny Skutnik. Nays: None. Absent: Joy Huffaker, Jeniffer Beahm. The motion carried.

APPROVED:

Corey Stutte, Mayor

ATTEST:

Kimberly S. Jacobitz, City Clerk

(S E A L)