

**HASTINGS CITY COUNCIL
WORKSESSION AGENDA**

**Council Chambers – City Hall
220 North Hastings Avenue
June 20, 2022
5:30 PM**

ROLL CALL:

PLEDGE OF ALLEGIANCE:

MOTION TO ADOPT CURRENT AGENDA for June 20, 2022 Worksession.

PUBLIC NOTICE - Official Notice of the Worksession was published in the Hastings Tribune on Friday, June 17, 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. Discussion of Coworking and Incubator Space Project. (Maggie Esch)
2. Update on City Administrator search.
3. Update on Delegated Authority and changes to City Code Chapter 13, Fire Protection.
4. Update on changes to City Code Chapters 42, Stormwater Management and 38, Subdivisions.

ADJOURN:

The Mayor and City Council reserve the right to enter into an executive session at any time during the meeting, in accordance with the Nebraska Open Meetings Act, even though the closed session may not be indicated on the agenda.

It is the intention of the Mayor and City Council to take up the items on the agenda in sequential order. However, the Mayor and City Council reserve the right to take up matters in a different order to accommodate the schedules of the city council members, person having items on the agenda, and the public.

Worksession meetings are intended to allow for communication and discussion amongst the elected officials. At the prerogative of the presiding officer of the worksession, city staff, consultants or citizens may be requested or allowed to address specific items on the worksession agenda.

Sec. 13-101. Adoption of International Fire Code.

Chapter 4 and § 603 and § 604 of the 2018 International Urban-Wildland Interface Code and the entire International Fire Code, 2018 Edition, including appendices B, C, D, I, and J, as published by the International Code Council, Inc., are hereby adopted as the Fire Code for the City of Hastings, Nebraska. Each and all of the regulations, provisions, fees, penalties, conditions, and terms of the Fire Code are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions, and changes, if any, prescribed in this ordinance. The Fire Code, printed in book or pamphlet form, is hereby incorporated by reference in addition to all amended editions as though printed in full herein insofar as such Code does not conflict with the Statutes of the State of Nebraska or other specific model codes previously adopted by the City of Hastings. One copy of the Fire Code is on file at the office of the City Clerk and is available for public inspection during normal business hours. The provisions of the Fire Code shall be controlling throughout the City of Hastings and the extraterritorial zoning jurisdiction.

The geographic limits referenced in the following sections of the 2018 International Fire Code shall mean the Fire Limits as defined in 13-301:

5704.2.9.6.1

5706.2.4.4

5806.2

6104.2

The following sections of Chapter 4 of the 2018 International Urban-Wildland Interface Code are hereby amended as follows:

- (1) § 402.2.2(1) Is not adopted.
- (2) § 404.1 General. An approved water source shall have an adequate water supply for the use of the fire protection service to protect buildings and structures from exterior fire sources or to suppress structure fires within the urban-wildland interface area of the jurisdiction in accordance with this section.

The following sections of the International Fire Code, 2018 Edition, are hereby revised, amended or added:

- (1) §101.1 Insert: City of Hastings, Nebraska.

- (2) Section 102.7 shall read as follows:

The codes and standards referenced in this code shall be those that are listed in Chapter 80, and such codes and standards shall be considered to be part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Sections 102.7.1 and 102.7.2. The referenced International Code Council (ICC), National Fire Protection Association (NFPA), and International Kitchen Exhaust Cleaning Association (IKECA) codes and standards shall be adopted in their full text unless otherwise restricted or amended by this article or other city ordinance.

- (3) Section 103 title shall read as follows:

Section 103 Division of Fire Prevention.

- (4) [A] 103.1 shall read as follows:

[A] *103.1 General.* The Division of Fire Prevention is established within the jurisdiction under the direction of the Fire Code Official. The function of the division shall be the implementation, administration, and enforcement of the provisions of this Code.

- (5) Section 105.2.2 shall read as follows:

105.2.2 Inspection authorized. Before a new operational permit is approved, the fire code official is authorized to inspect the receptacles, vehicles, buildings, devices, premises, storage spaces or areas to be used to determine compliance with this code or any operational constraints required. The permit fee for any inspections requiring extensive assessment, research, or consultation by the Fire Code Official shall be accompanied by a special site assessment fee in accordance with the fee schedule as established by the applicable governing authority.

(6) Add section 105.2.5 to read as follows:

Where it is determined that the plans submitted are of such deficiency that a revision and re-submittal is required, said re-submittal shall be accompanied by the applicable re-submittal fee in accordance with the fee schedule as established by the applicable governing authority.

(7) Section 105.6.37 shall read as follows:

Places of assembly ~~or business~~. An operational permit is required to operate a ~~Group-A place of assembly~~, ~~Group-B business~~, ~~Group-E education~~, ~~Group-F factory/industrial~~, ~~Group-H high-hazard~~, ~~Group-I institutional~~, ~~Group-M mercantile~~, ~~Group-R residential (other than 1-or 2-family dwellings)~~, or ~~Group-S storage occupancy~~, as defined in Chapter 2.

(8) Add section 108.3.1 to read as follows:

Records of all system inspections, tests, and maintenance shall be submitted to the Division of Fire Prevention in a manner and format as prescribed by the Fire Code Official within fifteen (15) working days after the inspections, tests, and maintenance are completed. System impairments shall be reported to the Fire Code Official without delay.

(9) Add section 108.3.2 to read as follows:

Following written notice of nuisance fire alarms, fire alarm system owners must submit documentation to the Fire Code Official within 15 days as evidence the system has been examined by a qualified technician and efforts made to find and fix the probable cause of the nuisance alarm.

(10) Add Section 109.1 to read as follows:

The appeal shall be made in a writing which shall state the decision appealed and the alleged grounds of error, and shall be filed with the City Clerk within thirty (30) days after the date of the decision appealed

(11) § [A] 110.4 shall read as follows:

[A] 110.4 Violation Penalties. Persons who shall violate a provision of this Code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the Fire Code Official, or of a permit or certificate used under provisions of this Code, shall be guilty of a misdemeanor punishable by a fine of not more than \$100.00. Each day that a violation continues after due notice has been served shall be deemed a separate offense. In all cases of violation of each of the chapters, articles or sections of this Code or of any other ordinance of this City where a fine is imposed upon any persons found guilty of the violation thereof, such person so found guilty shall pay the costs of prosecution and, in default of payment thereof, shall be adjudged to stand committed to the county jail until such fine and costs are paid. Each judgment finding a person guilty under any chapter, article or section of this Code or of any ordinance of this City shall specify in terms that the person found guilty stand committed until such fine and costs are paid, secured or satisfied, or unless the prisoner is sooner discharged by the due process of law.

(12) § [A] 112.4 Shall read as follows:

Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation of unsafe condition, shall be liable to a fine of not less than \$100.00 and shall be a continuing violation.

(13) § 307.1 shall read as follows:

§ 307.1 General. A person shall not kindle or maintain or authorize to be kindled or maintained any open burning unless conducted and approved in accordance with Sections 307.1.1 through 307.5, and in accordance with Neb. Rev. Stats. §§ 81-520.01 to 81-520.05.

(14) Add Section 307.1.2 to read as follows:

§ 307.1.2 Authorized times. Open burning may be granted only between the hours of 8:00 a.m. and 7:00 p.m. on Tuesdays and Thursdays, and 12:00 noon and 7:00 p.m. on Saturdays, unless alternate dates and/or times are specifically authorized by the Fire Chief or his designee, and included within the permit.

(15) Add Section 307.2.2 to read as follows:

§ 307.2.2 Permit timeframes and fees. The permit may be granted for a single burning event or a series of burning events over a period of time not exceeding 30 days. The fee for such permit shall be in the amount established by the City Council's Fee Resolution.

(16) § 307.3 shall read as follows:

§ 307.3 Extinguishment authority. Where open burning, recreational fires, portable or permanent outdoor fireplaces, or cooking fires create or add to a hazardous situation, or a required permit for open burning has not been obtained, the Fire Code Official is authorized to order extinguishment of the burning operation. Any person who refuses to comply with the order or requirement of the Fire Chief or any member of the Fire Department to extinguish a fire shall be guilty of an ordinance violation.

(17) § 307.4 shall read as follows:

§ 307.4 Location. The location for open burning shall not be less than 50 feet from any structure, shall not be less than 15 feet from any property line, and provisions shall be made to prevent the fire from spreading to within 50 feet of any structure.

(18) § 307.5 shall read as follows:

§ 307.5 Attendance. Open burning, bonfires, recreational fires, and use of portable outdoor fireplaces shall be constantly attended by a competent person of legal age until the fire is extinguished. No fewer than one portable fire extinguisher complying with section 906 with a minimum 4-A rating or other approved on-site fire-extinguishing equipment, such as dirt, sand, water barrel, garden hose or water truck, shall be available for immediate utilization.

(19) § 903.2.8 shall read as follows:

§ 903.2.8. An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all buildings with a Group R fire area.

Exception 1: Group R-3 occupancies shall not be required to be provided with an automatic sprinkler system. Where installed, the design and installation of fire sprinkler systems in one- and two-family dwellings and townhouses shall comply with Section 903.3.

Exception 2: Care facilities located in a single family dwelling shall not be required to be provided with an automatic fire sprinkler system, where the number of persons receiving care is fewer than 13.

(20) Section 907.6.3.1 shall read as follows:

The initiating device status shall be annunciated at an approved on-site location. Sprinkler systems with more than one zone must have a fire alarm annunciator present in the vicinity of the main sprinkler riser zone valves in addition to any others required by code.

(21) Section 907.8.5.1 shall be added to read as follows:

Upon receipt of four (4) or more nuisance alarms in any six (6) month period, the owner of the fire alarm system shall be assessed fees for each nuisance alarm in accordance with the hourly rates of the responding apparatus and personnel per the fee schedule as established by the applicable governing authority. The fee for six (6) or more nuisance alarms shall be double the rate of the responding apparatus and personnel. These fee shall apply regardless of whether or not the response is cancelled by the owner or occupant. The Fire Code Official may order the system disconnected or deactivated and a fire watch initiated at the owner's expense due to repetitive alarms. The Fire Code Official may revoke the Certificate of Occupancy if requirements are not met and fees not paid.

(22) Section 907.8.5.2 shall be added to read as follows:

Failure of a qualified fire alarm service technician to notify the alarm monitoring company/agency of work being performed on the system and resulting in a fire department response shall constitute a false alarm. The company servicing the fire alarm system shall be assessed fees for each false alarm in accordance with the hourly rates of the responding apparatus and personnel per the fee schedule as established by the applicable governing authority. These fee shall apply regardless of whether or not the response is cancelled by the owner or occupant.

(23) Chapter 80 shall be amended as follows:

NFPA 1124 Code for the Manufacture, Transportation, Storage and Retail Sales of Fireworks and Pyrotechnic Articles **2006** edition.

Add: NFPA 291 Recommended Practice for Water Flow Testing and Marking of Hydrants 2019 edition

The adoption of NFPA 1221 Standard for the Installation, Maintenance and Use of Emergency Services Communications Systems 2016 edition shall be limited to the extents prescribed in sections 510.4.2 and 510.5

The following sections of NFPA 96 Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations, 2017 Edition, are hereby revised, amended or added:

(1) Section 7.5.2.1.2 shall read as follows:

Prior to the use of or concealment of any portion of a grease duct system, a water pressure leakage test shall be performed to determine that all welded joints and seams are liquidtight.

The following sections of NFPA 291 Recommended Practice for Fire Flow Testing and Marking of Hydrants, 2019 Edition, are hereby revised, amended or added:

(1) Section 5.2.1.1 shall read as follows:

All barrels of private hydrants are to be chrome yellow and all barrels of public hydrants are to be Rustoleum Aluminum (silver), or an approved equivalent. Non-steamer caps and bonnets shall be color-coded per the direction of City Utilities.

(2) Add section 5.2.5.3 to read as follows:

All private hydrants shall have affixed and legible a unique, sequential identification tag prior to final approval. Such tag(s) shall be issued by the Fire Department for installation by the owner or owner's representative. Actual costs for such tag(s) shall be reimbursed to the Fire Department prior to issuance.

The following sections of NFPA 101 Life Safety Code, 2018 Edition, are hereby revised, amended or added:

(1) Section 24.3.5.1 shall be removed

(Code 1973, 14-1; Ord. Nos. 2632, 2874, 3011-4/87, 3155-1/90, 3440-12/94, 3962-8/2004, 3976-11/2004, 4581 - 3/2019)

Sec. 13-222. Possession of fire keys.

It shall be unlawful for any person to have in his possession, or make or cause to be made, any keys of any fire engine, Knox Box, vehicle or the fire station, or use or cause the same to be used, without the consent of the Fire Chief.

(Code 1973, 14-38)

~~Sec. 13-223. Tampering with, defacing, etc., fire alarm apparatus.~~

~~It shall be unlawful for any person, except those connected with the management of the same, to open any signal box unless it be to give an alarm of fire, or break, cut, injure, deface, derange or in any manner meddle or interfere with any signal box or fire alarm system.~~

(Code 1973, 14-40)

Sec. 13-301. Fire Limits

Primary Fire limits are hereby prescribed and established in the City of Hastings, Nebraska as detailed in the fire limits map. All references to streets are intended to reference street centerlines, and all references to rail lines and/or railroad properties are intended to reference railroad right-of-way. Any fringe parcel shall be considered within the primary fire limits if the centroid of the parcel falls within the lines of said map.

Sec. 30-907. Liquid petroleum gas.

Subject to the penalty prescribed by this Code, no installation for the handling and use of liquid petroleum gas will be permitted within the City unless (1) installed by a plumber or gas fitter duly registered under this chapter, and unless (2) such installation is found to conform in all respects to the standards of the National Fire Protection Association Pamphlet 58, LP Gas Code, 2017 Edition and Chapter 13 of the municipal code. Homes and mobile homes within 500 ft. of underground gas utilities are prohibited from new permanent installations of propane systems.

~~Liquid petroleum cylinders and tanks used in the City of Hastings shall comply with the following:~~

- ~~(1) — No more than two cylinders not exceeding 20 pounds each shall be allowed per residence, except that campers, RV's or camper trailers that are permitted to be stored on the premise shall be permitted to have up to two 40 pound cylinders, provided they are mounted on and attached to the camper, RV, etc. by approved means.~~
- ~~(2) — Cylinders and tanks shall be filled, handled and stored in accordance with NFPA 58 LP Gas Code, 2017 Edition.~~
- ~~(3) — Campers, camper trailers and mobile homes located in RV parks and mobile home parks shall be permitted to have not more than two 40 pound cylinders, provided they are mounted on and attached to the camper, RV, etc. by approved means.~~

Fee Schedule Updates:

FIRE SERVICES

9.	Tier I and Environmental Clearance Reviews	\$	200.00
10.	Underground tank installation and/or closure fee per tank	\$	100.00
11.	Aboveground tank installation and or closure fee per tank	\$	100.00
12.	Temporary aboveground petroleum storage fee per tank	\$	50.00
9.	Tents over 200 square feet	\$	30.00
10.	Canopies over 400 square feet	\$	30.00

FIRE PREVENTION

4. Plan Reviews

\$1 – \$5,000	\$	5.00
\$5,001 – \$25,000	\$5 for the first \$5,000 plus \$2 for each additional \$5,000 or fraction thereof	
\$25,001 – \$ 50,000	\$15 for the first \$25,000 plus \$2 for each additional \$5,000 or fraction thereof	
\$50,001 – \$100,000	\$25 for the first \$50,000 plus \$1 for each additional \$5,000 or fraction thereof	
\$100,001 – \$200,000	\$35 for the first \$100,000 plus \$1 for each additional \$10,000 or fraction thereof	
\$200,001 or more	\$50 for the first \$200,000 plus \$1 for each additional \$10,000 or fraction thereof, total fee shall not exceed \$500	

State Fire Code Review

2.50 per \$10,000.00 (or portion thereof) of estimated project cost. Total review fee for compliance with State codes shall not exceed \$500.00

Local Fire Code Review

2.50 per \$10,000.00 (or portion thereof) of estimated project cost, \$15.00 minimum

Re-submittal		20%
Alarm System	\$	125.00
<u>Standpipe or</u> Sprinkler System	\$	100.00/riser
	\$	50.00/design area
<u>Commercial Kitchen or Vapor</u> Hood System (Hood/duct/fan)	\$	100.00
Suppression System (other)	\$	100.00

For expedited plan reviews (guaranteed 5 business day turnaround), add 50% to the total review fee

3. Fireworks/Pyrotechnics

Sales	\$500.00	<u>200.00</u>
Displays	\$	200.00

5. Permit Fees

Occupancy Use

Initial -- All Hazards	\$	150.00
Renewal – High Hazard (annual)	\$	50.00
Renewal – Moderate Hazard (biennial)	\$	100.00
Renewal – Low Hazard (triennial)	\$	150.00
<u>Enclosed</u> tents over 200 square feet	\$	30.00
Canopies over 400 square feet	\$	30.00
Mobile Food Preparation	\$	30.00

Work commencing prior to permit issuance-first offense 2% of the total project cost

Work commencing prior to permit issuance-second offense 3.5% of the total project cost

Work commencing prior to permit issuance-third or more offense 5% of the total project cost

STORMWATER MEETINGS

Date	Who	Summary
1/11/22	Developers that Mr. Ptak specifically assigned to us to invite. There were roughly 5 developers that attended that meeting.	This was a lunch and learn to give them facts on stormwater req's and also to present these potential code changes. Mr. Reuel Anderson of the State NDEE compliance talked via satellite at this meeting to the developers on the importance of these requirements. This meeting was taped and then sent out to others who couldn't make it and also placed online as our department feature article.
2/8/22	Half of City Council (4)	Held informal meeting with a presentation to explain our processes and procedures, the importance of stormwater, and the past trends of enablement.
2/16/22	Remaining half of City Council (4)	Held informal meeting with a presentation to explain our processes and procedures, the importance of stormwater, and the past trends of enablement.
5/16/22	City Council Worksession – public meeting	Reuel Anderson from State NDEE Compliance talk to CC on the importance of Stormwater management and the proposed changes. Mayor asked that we hold one more meeting with the developers.
6/1/22	Other than Mr. Woodford there were no developers that showed up. Planning Commissioner Schoenhals and Council member Rosenberg attended this meeting. There were also a few utilities employees and Mr. Roger Coffman was also in attendance.	Held one more meeting for which we re-invited the list of developers that were invited to the lunch and learn on 1/11/22, but also an additional list of engineers that Tara compiled. We also did a press release and invited the public. We provided a flyer. This meeting gave a more in-depth and comprehensive review of the code changes for chapters 38 and 42. Reuel Anderson came back and also spoke in support to these code changes.

STORMWATER MEETINGS NOTES

(Black font – points made by Reuel Anderson, NDEE Compliance Supervisor; Red font – Staff points)

- There is no justification or concept for a Grandfather clause for Post-Construction BMPs.
- ✚ Post Construction BMPs are needed for current undeveloped lots and subdivisions (Ch. 42). Hastings is unique to other Nebraska H2O communities in that we have at least one (1) significant (75 Acre) preliminary platted subdivision from ~20 years ago that has not been fully built out in an environmentally sensitive area (Lake Hastings watershed) with no Post-Construction BMPs. There has been some misunderstandings and misinterpretations about Ch.42 and the Post-Construction BMP program as if there is some sort of Grandfather clause in the current language.
- Studies in the 2000s were launched as the Clean Water Act (CWA) began to focus on urban runoff. Data shows that urban runoff can cause more pollution than agricultural runoff. Sediment erosion is compounded by increased velocities running off impervious spaces, fertilizers increase the eutrophication process and contribute to poor downstream water quality.
- ✚ Lake Hastings is and has been impacted by agricultural to residential land use conversions in the watershed. Post-Construction BMPs are controls that help with water quality and quantity. This waterbody has been listed under the CWA as impaired for aquatic life due to PCBs since 2006. The lake has been listed as impaired for aquatic life due to sediment and nutrients since 2010.
- Post Construction BMPs (Raingardens, swales, detention cells) incorporate a green space and this vegetation allows the slowing down, settling, and filtration of the majority of sediment and nutrients.
- It is the developer's responsibility under the regulations to plan for and incorporate Post Construction BMPs.
- ✚ There may be grants or funding available in 2023 to apply for green infrastructure support that we could pass along to local developers. In the meantime, that doesn't mean we can tell developers that they don't need to incorporate Post-Construction BMPs into their development plans.
- In recent years, Kearney received a series of Audits and State/EPA enforcement because they were not enforcing their Stormwater Program very well at the time.
- NDEE has recently increased their inspection and enforcement capabilities across the State.
- The next Integrated Report will be for 2022.