

CITY OF HASTINGS, NEBRASKA
MINUTES OF CITY COUNCIL REGULAR MEETING
Monday, November 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 November 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, Ted Schroeder, Butch Eley, Joy Huffaker, Chuck Rosenberg, Shawn Hartmann, Matt Fong. Absent: None.

The following City Officials were present: Interim City Administrator/Utility Manager, Kevin Johnson; City Attorney, Clint Schukei; Assistant City Attorney, Jesse Oswald; City Clerk, Kimberly Jacobitz; Police Chief, Adam Story; Asst. Fire Chief, Troy Vorderstrasse; Parks & Recreation Director, Jeff Hassenstab; Finance Director, Roger Nash; Information Technology Director, Erik Nielsen; Director of Engineering, Lee Vrooman; Director of Human Resources, Lori Hartman; Museum Director, Teresa Kreutzer-Hodson; Public Information Manager, LeAnne Doose; Chief Building Official, Kevin Kubo; Fire Marshal, Anthony Murphy.

The Mayor 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 the current agenda for the November 14, 2022 Regular meeting, moving Item 4(a) up to the front of the Regular Agenda.

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

PUBLIC NOTICE - Official Notice of the Regular Meeting was published in the Hastings Tribune on Friday, November 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:

None.

CITIZEN COMMUNICATIONS:

None.

MAYOR'S COMMUNICATIONS:

Mayor Stutte recognized Service Anniversaries for Jessica Noyd (Museum) 10 years and Jarred Hackler (Fire) 15 years.

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

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

(b) Approval of the minutes of the Worksession of October 17, 2022

(c) Approval of claims and payroll

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

(e) Approval of Work Order EL-234, new one-phase underground electric line and padmount transformer for service to a new private shop building at 2015 N. 2nd Avenue

(f) Approval of Work Order EL-227, installation of a three-phase underground electric line and padmount transformer to serve Hastings Public Schools' Bus Barn

- (g) Approval of Work Order EL-226, installation of a one phase underground line and padmount transformer for the Pine Patch Tree Farm at 780 East 26th Street
- (h) Approval of Work Order GA-371, new two inch medium pressure gas main on Brookings Circle, Frahm Lane and Rittenhouse Street
- (i) Approval of Invoice No. 1462 from South Central Economic Development District in the amount of \$3,825.00 for general administrative services for Community Development Block Grant Project 20-PW-004, Public Works Sidewalk Improvements
- (j) Approval of Invoice No. 1463 from South Central Economic Development District in the amount of \$1,350.00 for construction management services for Community Development Block Grant Project 20-PW-004, Public Works Sidewalk Improvements
- (k) Approval of Pay Estimate #5 in the amount of \$63,669.15 from Ben Engel Construction for work completed on the Community Development Block Grant Project 20-PW-004, Public Works Sidewalk Improvements
- (l) Approval of the request for Community Development Block Grant funds, Drawdown #7, in the amount of \$62,417.64 for Community Development Block Grant Project 20-PW-004, Public Works Sidewalk Improvements
- (m) Approval of Invoice No. 1457 from South Central Economic Development District in the amount of \$1,000 for general administrative services for Community Development Block Grant Project 21-DTR-007, Downtown Revitalization
- (n) Approval of the request for Community Development Block Grant funds, Drawdown #2, in the amount of \$1,000.00 for administrative services completed for Community Development Block Grant Project 21-DTR-007, Downtown Revitalization
- (o) Approval of Invoice No. 1456 from South Central Economic Development District in the amount of \$1,750.00 for grant administrative services for Community Development Block Grant Project 19-DTR-103, Downtown Revitalization
- (p) Approval of the request for Community Development Block Grant funds, Drawdown #14, in the amount of \$1,750.00 for administrative services completed for Community Development Block Grant Project 19-DTR-103, Downtown Revitalization
- (q) Approval of Release of Easement for water lines on the Breechblock Renewables LLC property
- (r) Approval of Expenditures to Encourage the Retention of Certified Law Enforcement Officers and Dispatchers at the Hastings Police Department

REGULAR AGENDA:

2. Unfinished Business of Preceding Meeting.

None.

3. Public Hearings.

(a) Public hearing on the application of BG Olive Saloon, LLC dba "BG Olive Saloon" for a Class "C" Liquor License (Beer, Wine, Spirits, On and Off Sale) at 423 W. 3rd Street. Police Chief Story reported on this item. He recommends approval. Speaking For: Barry Gregory, 1415 N Kansas. No objections were received.

Moved by Chuck Rosenberg seconded by Ginny Skutnik to approve Resolution No. 2022-39 approving the application of BG Olive Saloon, LLC dba "BG Olive Saloon" for a Class "C" Liquor License at 423 W. 3rd Street. Roll Call: Ayes: Matt Fong, Shawn Hartmann, Chuck Rosenberg, Joy Huffaker, Butch Eley, Ted Schroeder, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: None. The motion carried.

(b) Moved by Ginny Skutnik seconded by Shawn Hartmann to approve the manager application of Barry N. Gregory in connection with the Class "C" Liquor License of BG Olive Saloon, LLC dba "BG Olive Saloon" located at 423 W. 3rd Street. Roll Call: Ayes: Matt Fong, Shawn Hartmann, Chuck Rosenberg, Joy Huffaker, Butch Eley, Ted Schroeder, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: None. The motion carried.

(c) Public Hearing on the adoption of the City of Hastings Engineering Department 2023-2028 One and Six Year Street Improvement Plan. Lee Vrooman gave a presentation on this item.

Projects in progress/completed: NDOT Highway US-6 Project No. 6-4(129), 16th Street Viaduct demolition, Brookings Circle, and miscellaneous asphalt resurfacing. Upcoming projects (Arterial &

Residential): 7th Street-Chestnut to Oswego, Crane Avenue-5th to 7th, 3rd & 4th Streets-Eastside Blvd to California, Turner Avenue-12th to 14th, Lexington Avenue-7th to 9th, West 5th Street-Kerr to Saunders, Quiet Crossings, CDBG sidewalk and curbs in downtown area, Downtown Streets one-way to two-way conversion Study, 13th & Eastside Blvd Street/Drainage improvements, Laird Avenue-14th to Apache, M Street-Baltimore to 800' east, Lakeview Avenue-Martin Drive to 33rd, 33rd-connect to Utecht Avenue. Future projects: Hastings Southeast Project (significant future cost sharing requirements) and 12th Street Corridor Improvements (preliminary design budgeted for 2023). No public spoke. No objections were received.

Moved by Matt Fong seconded by Butch Eley to approve Resolution No. 2022-34 adopting City of Hastings Engineering Department 2023-2028 One and Six Year Street Improvement Plan.
Roll Call: Ayes: Matt Fong, Shawn Hartmann, Chuck Rosenberg, Joy Huffaker, Butch Eley, Ted Schroeder, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: None. The motion carried.

(d) Public hearing on the request of the Community Redevelopment Authority regarding Plan Modification No. 2022-4 to Redevelopment Area Number #13, Theatre Flats Project, at Lot Two (2), Block One (1), Theatre District Subdivision, Hastings, Nebraska. Lee Vrooman gave a presentation on this item. Theatre Flats is zoned CP-3, Commercial Business Planned District. It is a 75 dwelling unit apartment building. Tax Increment Financing (TIF) will aid in the acquisition, site preparation, infrastructure expenses, building enhancements and related construction costs associated with the purchase and development. Planning Commission recommended approval 9-0 at their meeting held on October 18, 2022. Spoke For: Tom Huston, 9200 Andermat Dr, Lincoln, on behalf of Theatre Flats. No objections were received.

Moved by Butch Eley seconded by Shawn Hartmann to approve Resolution 2022-36, Plan Modification No. 2022-4 to Redevelopment Area Number #13, Theatre Flats Project, Lot Two (2), Block One (1), Theatre District Subdivision, Hastings, Adams County, Nebraska. Roll Call: Ayes: Matt Fong, Shawn Hartmann, Chuck Rosenberg, Joy Huffaker, Butch Eley, Ted Schroeder, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: None. The motion carried.

(e) Public hearing on the request of Patrick Moore to change zoning from "C-2, Central Business District" to "R-3, Multiple Family Residential District" for property commonly addressed as 403 West 3rd Street, Hastings, Nebraska. Mayor Stutte explained that public hearings for Items 3(e), 3(f), and 3(g) will be held together. Lee Vrooman gave the presentation. This request is rezone from C-2 to R-3 to have bottom level apartments. Then they need a planned district to allow for reduced setbacks and increased lot coverage. The deviations will give this parcel a similar look and feel to other C-2 properties with the standards being very similar. The Plan Modification is zoned RP-3 Multi-Family Residential Planned District. The plan is for a downtown fourplex. This will aid in site acquisition, site preparation, interior demolition, rehabilitation of the structure, facade enhancements, architectural, engineering and planning costs, capitalized interest, and legal fees, public parking and any other eligible public improvements essential for public uses in accordance with the Redevelopment Plan. The housing project shall qualify as "Workforce Housing". Planning Commission recommended approval of all Garage Flats agenda items 9-0 at their meeting held on October 18, 2022. Spoke For: Dave Rippe, 1312 Heritage Drive, Garage Flats Project. No objections were received.

ORDINANCE NO. 4720 AMENDING THE ZONING DISTRICT MAP TO CHANGE ZONING FROM "C-2, CENTRAL BUSINESS DISTRICT" TO "R-3, MULTIPLE FAMILY RESIDENTIAL DISTRICT" FOR PROPERTY COMMONLY ADDRESSED AS 403 WEST 3RD STREET, HASTINGS, NEBRASKA

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

The Mayor then stated the question "Shall Ordinance No. 4720 be passed and adopted?" Upon roll call vote the following Councilmembers voted Ayes: Matt Fong, Shawn Hartmann, Chuck Rosenberg, Joy Huffaker, Butch Eley, Ted Schroeder, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: None. 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, Ted Schroeder, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: None. 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 November 18, 2022. Effective date of the ordinance is 15 days from and after the date this ordinance is passed and approved.

(f) Public hearing on the request of Patrick Moore for a Planned District Development Plan for Garage Flats, LLC for property commonly addressed as 403 West 3rd Street, Hastings, Nebraska. This public hearing was held together with Items 3(e) and 3(g).

Moved by Shawn Hartmann seconded by Matt Fong to approve Resolution No. 2022-37, Planned District Development Plan for Garage Flats, LLC for property commonly addressed as 403 West 3rd Street, Hastings, Nebraska. Roll Call: Ayes: Matt Fong, Shawn Hartmann, Chuck Rosenberg, Joy Huffaker, Butch Eley, Ted Schroeder, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: None. The motion carried.

(g) Public hearing on the request of the Community Redevelopment Authority regarding Plan Modification No. 2022-3 to Redevelopment Area Number #1, Garage Flats Project, commonly addressed as 403 West 3rd Street, Hastings, Nebraska. This public hearing was held together with Items 3(e) and 3(f).

Moved by Matt Fong seconded by Ginny Skutnik to approve Resolution No. 2022-35, Plan Modification No. 2022-3 to Redevelopment Area Number #1, Garage Flats Project, commonly addressed as 403 West 3rd Street, Hastings, Nebraska. Roll Call: Ayes: Matt Fong, Shawn Hartmann, Chuck Rosenberg, Joy Huffaker, Butch Eley, Ted Schroeder, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: None. The motion carried.

(h) Public hearing on the request of Bradley Beck to change zoning from "R-1, Urban Single Family Residential District" to "R-1A, Single-Family Large Lot Residential District" for property commonly addressed as 3801 Wendell Drive, Hastings, Nebraska. Lee Vrooman gave a presentation on this item. This request is rezone from R-1 to R-1A to allow for a pony. The property is over 2 acres. This land is adjacent to the floodplain and would be challenging to further develop to the north. Planning Commission recommended approval 9-0 at their meeting held on October 18, 2022. No public spoke. No objections were received.

ORDINANCE NO. 4721 AMENDING THE ZONING DISTRICT MAP TO CHANGE ZONING FROM "R-1, URBAN SINGLE FAMILY RESIDENTIAL DISTRICT" TO "R-1A, SINGLE-FAMILY LARGE LOT RESIDENTIAL DISTRICT" FOR PROPERTY COMMONLY ADDRESSED AS 3801 WENDELL DRIVE, HASTINGS, NEBRASKA

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. 4721 be passed and adopted?" Upon roll call vote the following Councilmembers voted Ayes: Matt Fong, Shawn Hartmann, Chuck Rosenberg, Joy Huffaker, Butch Eley, Ted Schroeder, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: None. 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, Ted Schroeder, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: None. 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 November 18, 2022. Effective date of the ordinance is 15 days from and after the date this ordinance is passed and approved.

(i) Public hearing on the request of Brian Jorde for Prairie Thunder Hastings, LLC with Robert A. Wallace for West Fork, Inc. to change zoning from "A, Agriculture District" to "C-3, Commercial Business District" for property generally located north of West 42nd Street and west of Tom Osborne Expressway in the extra-territorial jurisdiction of the City of Hastings, Nebraska. Mayor Stutte explained that both public hearings, Items 3(i) and 3(j) will be held together. He also stated that representatives for the applicants and the opposition would be given 30 minutes each to speak, then 10 minutes each for rebuttal. Each citizen wishing to speak will be given up to three minutes.

Lee Vrooman gave a presentation on this item together with the next agenda item. He stated these are two separate actions: C-3 zoning is required to have the casino and a Conditional Use Permit (CUP) is required to have the horse racetrack.

Zoning Legal Description – clarifying words added: "THENCE EASTERLY PERPENDICULAR TO SAID WEST LINE, A DISTANCE OF 150 FEET, THIS BEING THE POINT OF BEGINNING; THEN SOUTHERLY PARALLEL TO SAID WEST LINE, A DISTANCE OF 825.00 FEET"

CUP Legal Description – clarifying words added: "THENCE EASTERLY PERPENDICULAR TO SAID WEST LINE, A DISTANCE OF 60 FEET, THIS BEING THE POINT OF BEGINNING; THENCE SOUTHERLY PARALLEL TO SAID WEST LINE, A DISTANCE OF 800.00 FEET"

CUP Condition #9 – applicant requested a change in language that further clarifies what is required for licensing paperwork before a building permit will be issued for a racetrack and related amenities.

Comprehensive Plan: The Future Land Use Map shows designations for this property as a mix of Suburban Residential and Commercial Retail. Commercial Retail: "The commercial/retail land use designation provides the opportunity for the development of general retail and service uses that serve neighborhoods and the community and region. Commercial/retail uses should be along primary arterials such as Burlington Avenue." Suburban Residential: "Suburban residential development is primarily reserved for single-family uses." Planning Commission recommended approval of zoning change 8-1 at their meeting held on October 18, 2022.

Speaking For Applicant: Brian Jorde, Domina Law Group in Omaha, represented Prairie Thunder Hastings, LLC, and spoke in support of rezoning and the Conditional Use Permit (CUP).

Speaking in Opposition: Timothy O'Keefe, 309 Lakeside; Shannon Hoff, 1325 Highland; and Tiffani Arndt; represented the opposition, and spoke against the rezoning and Conditional Use Permit (CUP).

Speaking For: Mike Engelhardt, 700 Eastside Blvd; Alan Anderson, 701 North Shore; Tyson Havranek,

3763 West Capital, Grand Island; Tom Hastings, 1101 West 33rd; Jim Guthman, 1513 Highland Drive

Speaking Against: Greg Harhay, 1740 Highland; Raul Franco, 3812 Lake Park; Kim Perez, 611 Madden;

Kirk Dielman, 14 Village Drive; Anthony Swanson, 630 North Shore; Cathy Phillips, 1411 Highland; Kaylin

DeDiana, 2220 Bateman; Jeff Klug, 503 Quayle Circle; Cathy Swanson, 630 North Shore; Roger

Eigenberg, 1248 North Hewett; Joel Remmers, 821 Madden; Kiley McCoy, 1 Kingston Drive; Betsy Cook,

5001 Nathan Way; Dave Hart, 5404 North Baltimore; C.L. Wilmer, 320 East 9th; Mike Butler, 1505

Highland; Lacinda Glenn, 820 Highland; Dayna Harhay, 1740 Highland; Deb Rasby, 5825 Pintail; Don

Conyers, No Address Given; Jenyfer Beye, 1118 West 4th; Mark Phillips, 1411 Highland; Matt Sass,

2621 West 9th; Speaking Either Way: Marc Rowen, 1009 Country Club Drive.

Mayor Stutte asked the City Attorneys to address the following concerns:

1) Is it appropriate for this council to be hearing this item, because of the recent election?

Jesse Oswald's response to the concern: Tabling the item is something you can do. From a procedural standpoint, it does not make sense to have a council who attends a hearing, goes through the process, and is able to ask questions, then table that item for another council to then vote on it without going

through the proper procedures. It would not be recommended. Clint Schukei stated that the terms of this council are clear. The folks that are here, are still the council of the City of Hastings today and will be until the statute directs the change at the first meeting in December, and not before that. Mayor Stutte stated he wanted to establish that this council has a legitimate reason to evaluate this.

2) Timeline between when the application was submitted and when we got to a Planning Commission hearing and Council. Jesse Oswald's response to the concern: Under city code, once an application is submitted for a zoning change, it can be heard by the Planning Commission, as long as it is submitted 15 working days before the Planning Commission meets. This application was received 17 working days before the Planning Commission met in October, so it did fit within that timeline and was able to be heard. When it gets to the recommendation, legally the city council can hear it as soon as the next council meeting, which would have been in October. Typically, the city historically handles Planning Commission items at the first meeting of the month following their meeting. In addition to that, how the calendar fell, it gave an extra week before hearing this, because of the fifth Monday. Clint Schukei stated that when city code talks about being in receipt of a conditional use permit or a zoning permit, it is not discretionary that if it is held within 15 days. It states if it is received more than 15 working days prior to the next Planning Commission meeting, it shall be on the Planning Commission agenda. This got to where it's at in its normal course. If it would have slowed down, it would have been a violation of the statute.

3) Staffing issues, where we are with a City Administrator, and also the Planner and how we have been handling the planning process. Jesse Oswald's response to the concern: The city has a Planner currently employed, and he handled all the planning in the typical manner. As far as a City Administrator, we have an Interim City Administrator. However, the administrator is not part of the typical review or has a strong say in these situations.

Councilmember Eley stated it would be irresponsible for this item to be tabled for the next council vote. He asked if Mr. Jorde had considered other properties? Mr. Jorde stated they have looked at other properties, but the owners are not interested in selling. Councilmember Beahm asked about their gaming partner. Mr. Jorde stated that their previous partner did not help to get it done. The previous partner stated the community didn't want us, so we are leaving. Councilmember Skutnik asked why an operator had not been named yet? Mr. Jorde commented that they are talking to three and they are confidential. Skutnik was concerned with the council not being able to vet the operator, as they do in Keno. Mr. Jorde said the State of Nebraska makes that decision on who gets approved and who does not. They will put forth who they want, but the state makes the decision about who meets the requirements.

Councilmember Rosenberg stated that about eight months ago, people who were opposed to the casino came to his office, and reminded him that he had previously stated he supports Planning Commission recommendations, since they thoroughly vet their decisions. The Planning Commission voted against this last time and he supported their recommendation. Those people came again in the past few weeks, and they did not want him to follow the Planning Commission decision this time. Councilmember Fong stated that he appreciates the amount of feedback and people who stepped up to speak tonight. He asked how long are conditional use permits (CUP) normally in existence after they are approved? Clint Schukei stated that it is a zoning change that because of the nature of it, says there can be conditions placed on them. This CUP is for the racetrack, which can be granted under the city code, regardless of whether it is in agricultural zoning district, or it is in a C3 zoning district. A horse stable is allowed in a C3 zoning classification. The CUP lasts as long as the conditional use is there, if it is there lawfully. Councilmember Schroeder stated he received two phone calls in opposition last time. One of the speakers tonight attacked his vote, because of Conflict of Interest (COI). Schroeder went to the State last time about a potential COI, and they stated he did not have a COI. As council, they need to follow the Planning Commission. The Planning Commission vets what is best for the community on zoning. Councilmember Rosenberg stated that it is not easy coming from a business and bring all that experience to the council, then be attacked. He will finish his term with respect and dignity. Councilmember Huffaker stated that she appreciated the emails and feedback, and the hard work of the Planning Commission. Councilmember Hartmann agreed with Huffaker's statement.

ORDINANCE NO. 4722 AMENDING THE ZONING DISTRICT MAP TO CHANGE ZONING FROM "A, AGRICULTURE DISTRICT" TO "C-3, COMMERCIAL BUSINESS DISTRICT" FOR PROPERTY GENERALLY LOCATED NORTH OF WEST 42ND STREET AND WEST OF TOM OSBORNE EXPRESSWAY IN THE EXTRA-TERRITORIAL JURISDICTION OF THE CITY OF HASTINGS, NEBRASKA

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. 4722 be passed and adopted?" Upon roll call vote the following Councilmembers voted Ayes: Matt Fong, Shawn Hartmann, Chuck Rosenberg, Joy Huffaker, Butch Eley, Ted Schroeder. Nays: Ginny Skutnik, Jeniffer Beahm. Absent: None. 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, Ted Schroeder. Nays: Ginny Skutnik, Jeniffer Beahm. Absent: None. 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 November 18, 2022. Effective date of the ordinance is 15 days from and after the date this ordinance is passed and approved.

(j) Public hearing on the request of Brian Jorde for Prairie Thunder Hastings, LLC with Robert A. Wallace for West Fork, Inc. for a Conditional Use Permit for an Outdoor Entertainment and Recreation Business for property generally located north of West 42nd Street and west of Tom Osborne Expressway in the extra-territorial jurisdiction of the City of Hastings, Nebraska. Hearing was held together with prior item 3(i). Planning Commission recommended approval of the Conditional Use Permit (CUP) at their meeting held on October 18, 2022.

Moved by Shawn Hartmann seconded by Ted Schroeder to approve Resolution No. 2022-38, the request of Brian Jorde for Prairie Thunder Hastings, LLC with Robert A. Wallace for West Fork, Inc. for a Conditional Use Permit for an Outdoor Entertainment and Recreation Business for property generally located north of West 42nd Street and west of Tom Osborne Expressway in the extra-territorial jurisdiction of the City of Hastings, Nebraska. Roll Call: Ayes: Matt Fong, Shawn Hartmann, Chuck Rosenberg, Joy Huffaker, Butch Eley, Ted Schroeder. Nays: Ginny Skutnik, Jeniffer Beahm. Absent: None. The motion carried.

4. General Business.

(a) Moved by Matt Fong seconded by Shawn Hartmann to approve to submit Letters of Intent Rural Workforce Housing Funds from the Nebraska Department of Economic Development for Phase III. Michael Krings, Hastings Economic Development Corporation, spoke on this item. Round three of rural workforce housing funds are expected to open anytime now. Letter of Intent is going to be in December. The application is due in February. We should know the decision early next year. The maximum award we can get is \$1 million. Normally, this is a 1:1 match required. This year it was made into 50% needed for match. We talked to the Utility Advisory Board about funds. Those that get more matching funds, have leverage to move up the application list. We are talking to other organizations to get as much funding support as possible. Roll Call: Ayes: Matt Fong, Shawn Hartmann, Chuck Rosenberg, Joy Huffaker, Butch Eley, Ted Schroeder, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: None. The motion carried.

5. Ordinances and Resolutions.

None.

6.

Final Passage of Ordinances.

None.

7. Appointments.

(a) Moved by Matt Fong seconded by Shawn Hartmann to approve Boards and Commissions appointments, as presented by Mayor Stutte.

Community Redevelopment Authority: Dick Hysell 11/01/2022 to 11/01/2027, Reappointment

Board of Appeals: Heath Lemke 11/01/2022 to 11/01/2027, Reappointment

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

8. Miscellaneous and Other Business.

None.

Moved by Ginny Skutnik seconded by Butch Eley there being no further business to come before the council to adjourn at 9:10 P.M. Roll Call: Ayes: Matt Fong, Shawn Hartmann, Chuck Rosenberg, Joy Huffaker, Butch Eley, Ted Schroeder, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: None. The motion carried.

APPROVED:

Corey Stutte, Mayor

ATTEST:

Kimberly S. Jacobitz, City Clerk

(S E A L)