

CITY OF HASTINGS, NEBRASKA
MINUTES OF CITY COUNCIL REGULAR MEETING
Monday, November 28, 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 28, 2022.

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

The following City Officials were present: City Attorney, Clint Schukei; Assistant City Attorney, Jesse Oswald; 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; Director of Engineering, Lee Vrooman; Director of Human Resources, Lori Hartman; Museum Director, Teresa Kreutzer-Hodson; Utility Dept., Brandan Lubken.

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

Moved by Butch Eley seconded by Ted Schroeder to adopt current agenda for Regular Meeting on November 28, 2022. Roll Call: Ayes: Matt Fong, Shawn Hartmann, Chuck Rosenberg, Butch Eley, Ted Schroeder, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: Joy Huffaker. The motion carried.

PUBLIC NOTICE - Official Notice of the Regular Meeting was published in the Hastings Tribune on Saturday, November 26, 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 Rosenberg attended the Planning Commission worksession held November 18th. Marvin Consultants talked about the Comprehensive Plan, Randy Chick presented on Tax Increment Financing (TIF), and there was a discussion on Planning Commission emails.

CITIZEN COMMUNICATIONS:

None.

MAYOR'S COMMUNICATIONS:

None.

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, Jeniffer Beahm. Nays: None. Absent: Joy Huffaker. The motion carried.

(a) Approval of the minutes of the Council Meeting of November 14, 2022

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

(c) Approval of the request of Highland Park Farmers Market LLC to utilize city property for the Highland Park Farmers Market to be held every Saturday from June 10, 2023 to October 28, 2023 at the Hastings Museum east parking lot

(d) Approval of the request of the Hastings Area Cadette Girl Scouts to utilize the Pioneer Spirit Trail from the railroad to Lake Hastings for the Fun Run for Vision Therapy on March 17, 2023

(e) Approval of Work Order EL-238, installation of an overhead street light circuit and roadway street lights along 16th Street between St. Joseph Avenue and Kansas Avenue

(f) Approval of Work Order EL-240, installation of an overhead street light circuit and roadway street lights along "M" Street from Baltimore Avenue/US Highway 281, east 3/8 of a mile

REGULAR AGENDA:

2. Unfinished Business of Preceding Meeting.

None.

3. Public Hearings.

(a) Public hearing regarding an application to the Nebraska Department of Economic Development for a Community Development Block Grant in the amount of \$217,000.00 for the Pacha Soap Co. expansion project. Lori Ferguson, South Central Economic Development District (SCEDD), spoke in support of the item. The City of Hastings is the CDBG grant recipient and is requesting \$217,000. A hearing is required prior to the submission of an application. There is a requirement for PACHA to fulfill one-year maintenance of 57 existing fulltime equivalent (FTE) positions. No public spoke. No objections were received.

Moved by Matt Fong seconded by Shawn Hartmann to approve Resolution No. 2022-41 authorizing Chief Elected Official to sign contract and project associated documents for Community Development Block Grant Funds in the amount of \$217,000 for Pacha Soap Co. expansion project. The City of Hastings is the CDBG applicant. Per Nebraska Department of Economic Development regulations, the City Council must adopt the resolution to allow the chief elected official to sign all grant contract related documents. Roll Call: Ayes: Matt Fong, Shawn Hartmann, Chuck Rosenberg, Butch Eley, Ted Schroeder, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: Joy Huffaker. The motion carried.

4. General Business.

(a) Moved by Shawn Hartmann seconded by Ted Schroeder to approve claim of Eldon's Automotive Repair in the amount of \$1,459.79 (City). Roll Call: Ayes: Matt Fong, Shawn Hartmann, Chuck Rosenberg, Butch Eley, Ted Schroeder, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: Joy Huffaker. The motion carried.

(b) Moved by Chuck Rosenberg seconded by Shawn Hartmann to approve the application of Corner Building, LLC for CDBG Downtown Revitalization Facade Program forgivable loan funding in the amount of \$100,000 for a facade renovation project at 701 and 711 West 1st Street. Roll Call: Ayes: Matt Fong, Shawn Hartmann, Chuck Rosenberg, Butch Eley, Ted Schroeder, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: Joy Huffaker. The motion carried.

(c) Moved by Matt Fong seconded by Chuck Rosenberg to approve the Agreement for Animal Sheltering Services between Heartland Pet Connection and the City of Hastings. Lee Vrooman reported the bid letting was held November 17th. Heartland Pet Connection was the only bidder, and their bid met all the requirements. Police Chief Story stated that staff recommends award of the contract to Heartland Pet Connection for the amounts listed in the agreement. Heartland Pet Connection has given an annual report to council on animal counts in the past. Roll Call: Ayes: Matt Fong, Shawn Hartmann, Chuck Rosenberg, Butch Eley, Ted Schroeder, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: Joy Huffaker. The motion carried.

(d) Moved by Matt Fong seconded by Shawn Hartmann to approve the Access and Utilities Easement Agreement between CI Properties, LLC and the City of Hastings. Lee Vrooman stated this will provide access to properties being developed on the east end of the Craig Industrial Park which is north of A Street and west of South Woodland Avenue. Roll Call: Ayes: Matt Fong, Shawn Hartmann, Chuck Rosenberg, Butch Eley, Ted Schroeder, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: Joy Huffaker. The motion carried.

5. Ordinances and Resolutions.

(a) Moved by Shawn Hartmann seconded by Ted Schroeder to approve Resolution No. 2022-40 Approval of Year-End Certification of the City Street Superintendent for calendar year 2022 with the Nebraska Department of Transportation. Lee Vrooman spoke on this item. Resolution per State of Nebraska

Statutes, sections 39-2302 and 39-2511 through 39-2515 details the requirements that must be met in order for a municipality to qualify for an annual Incentive Payment in the amount of \$7,500.

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

(b) ORDINANCE NO. 4723 REPEALING ORDINANCE NO. 4707 AND CREATING WATER EXTENSION DISTRICT NO. 2022-2, LAKEVIEW 10TH ADDITION

Lee Vrooman spoke on next three items together (5b, 5c, 5d). There was a mistake in the legal description that we are cleaning up. In reviewing the legal description we also found that two parcels of land were not included in the original district that should have been. The added parcels additionally changed the legal description further. To clean this up, Ordinance 4707, 4708, 4709 are repealed and Ordinance 4723, 4724, and 4725 ,respectively, will be created.

Said Ordinance was read by title and thereafter Councilmember Ted Schroeder moved for passage of the ordinance, which motion was seconded by Councilmember Butch Eley. Upon roll call vote the following Councilmembers voted Ayes: Matt Fong, Shawn Hartmann, Chuck Rosenberg, Butch Eley, Ted Schroeder, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: Joy Huffaker. 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, Jeniffer Beahm. Nays: None. Absent: Joy Huffaker. 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 ordinance is declared to be lawfully adopted upon publication as required by law.

(c) ORDINANCE NO. 4724 REPEALING ORDINANCE NO. 4708 AND CREATING SEWER EXTENSION DISTRICT NO. 2022-1, LAKEVIEW 10TH ADDITION

Lee Vrooman spoke on items (5b, 5c, 5d) together. There was a mistake in the legal description that we are cleaning up. In reviewing the legal description we also found that two parcels of land were not included in the original district that should have been. The added parcels additionally changed the legal description further. To clean this up, Ordinance 4707, 4708, 4709 are repealed and Ordinance 4723, 4724, and 4725 ,respectively, will be created.

Said Ordinance was read by title and thereafter Councilmember Ted Schroeder moved for passage of the ordinance, which motion was seconded by Councilmember Matt Fong. Upon roll call vote the following Councilmembers voted Ayes: Matt Fong, Shawn Hartmann, Chuck Rosenberg, Butch Eley, Ted Schroeder, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: Joy Huffaker. The motion carried.

Councilmember Shawn Hartmann 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, Jeniffer Beahm. Nays: None. Absent: Joy Huffaker. 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 ordinance is declared to be lawfully adopted upon publication as required by law.

(d) ORDINANCE NO. 4725 REPEALING ORDINANCE NO. 4709 AND CREATING STREET IMPROVEMENT DISTRICT 2022-2, LAKEVIEW 10TH ADDITION

Lee Vrooman spoke on items (5b, 5c, 5d) together. There was a mistake in the legal description that we are cleaning up. In reviewing the legal description we also found that two parcels of land were not included in the original district that should have been. The added parcels additionally changed the legal description further. To clean this up, Ordinance 4707, 4708, 4709 are repealed and Ordinance 4723, 4724, and 4725 ,respectively, will be created.

Said Ordinance was read by title and thereafter Councilmember Ted Schroeder moved for passage of the ordinance, which motion was seconded by Councilmember Chuck Rosenberg. Upon roll call vote the following Councilmembers voted Ayes: Matt Fong, Shawn Hartmann, Chuck Rosenberg, Butch Eley, Ted Schroeder, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: Joy Huffaker. The motion carried.

Councilmember Shawn Hartmann 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, Jeniffer Beahm. Nays: None. Absent: Joy Huffaker. 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 ordinance is declared to be lawfully adopted upon publication as required by law.

(e) Moved by Ted Schroeder seconded by Chuck Rosenberg to approve Resolution No. 2022-42 approving the plans, specifications and authorization to advertise for bids for Lakeview 10th Water Extension District 2022-2 and Sewer Extension District 2022-1. Lee Vrooman spoke on this item. Water Extension District 2022-2 was created by Ordinance No. 4723 and Sewer Extension District 2022-1 was created by Ordinance No. 4724. Plans and specifications have been completed and are included in the packet. The bid opening date for this work will be December 21st with an award date of January 9, 2023. Roll Call: Ayes: Matt Fong, Shawn Hartmann, Chuck Rosenberg, Butch Eley, Ted Schroeder, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: Joy Huffaker. The motion carried.

(f) ORDINANCE NO. 4726 AMENDING CITY CODE SECTION 15-311, SCHOOL ZONES

Lee Vrooman spoke on this item. In the existing City Code, St. Cecilia's School Zone included the portion of Kansas Avenue from 5th to 6th Streets that was closed for the addition to the school. Amending Section 15-311 moves the school zone to 6th Street and cleans up this section of the code.

Said Ordinance was read by title and thereafter Councilmember Butch Eley moved for passage of the ordinance, which motion was seconded by Councilmember Matt Fong. Upon roll call vote the following Councilmembers voted Ayes: Matt Fong, Shawn Hartmann, Chuck Rosenberg, Butch Eley, Ted Schroeder, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: Joy Huffaker. The motion carried.

Councilmember Chuck Rosenberg 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, Jeniffer Beahm. Nays: None. Absent: Joy Huffaker. 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 ordinance is declared to be lawfully adopted upon publication as required by law.

(g) ORDINANCE NO. 4727 CONVEYING OWNERSHIP OF A TRACT OF LAND COMMONLY REFERRED TO AS WELL 20 TO CLINT A. BOSTOCK FOR \$250.00

Brandan Lubken explained that it is an old well within the utility system. It is a contaminated well, which has been decommissioned. There is an access point to the land. The question came up for the normal way the City of Hastings handles a sale of property. Jesse Oswald pointed out that he would compare this to if the city vacated an alley or Right-of-Way we no longer use. We commonly contact property owners adjacent to the property. This is the normal course of action for the city. Brandan stated that the pump and motor have been removed. The well could be used for irrigation only, because of the contamination. Jesse stated it is a common practice for the city to do the quit claim deed. From the city's perspective, this is the best and most cost-effective way to transfer ownership.

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. Upon roll call vote the following Councilmembers voted Ayes: Matt Fong, Shawn Hartmann, Chuck Rosenberg, Butch Eley, Ted Schroeder, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: Joy Huffaker. The motion carried.

Councilmember Shawn Hartmann 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, Jeniffer Beahm. Nays: None. Absent: Joy Huffaker. 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 ordinance is declared to be lawfully adopted upon publication as required by law.

6. Final Passage of Ordinances.
None.

7. Appointments.
(a) Appointment of City Attorney

Ginny Skutnik thanked Clint Schukei for his service as our City Attorney.

Moved by Shawn Hartmann seconded by Chuck Rosenberg to approve appointment of Jesse Oswald as City Attorney, effective December 2, 2022. Roll Call: Ayes: Matt Fong, Shawn Hartmann, Chuck Rosenberg, Butch Eley, Ted Schroeder, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: Joy Huffaker. The motion carried.

8. Miscellaneous and Other Business.
(a) Contract with Heartland Pet Connection
Scott Pauley spoke regarding the contract with Heartland Pet Connection, during agenda item (4c) awarding the contract for animal sheltering.

Moved by Butch Eley seconded by Matt Fong there being no further business to come before the council to adjourn at 6:05 P.M. Roll Call: Ayes: Matt Fong, Shawn Hartmann, Chuck Rosenberg, Butch Eley, Ted Schroeder, Ginny Skutnik, Jeniffer Beahm. Nays: None. Absent: Joy Huffaker. The motion carried.

APPROVED:

Corey Stutte, Mayor

ATTEST:

Kimberly S. Jacobitz, City Clerk

(S E A L)