CITY OF HASTINGS, NEBRASKA
MINUTES OF CITY COUNCIL REGULAR MEETING
Monday, February 13, 2023

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 February 13, 2023.

The meeting was called to order at 5:30 p.m. in Regular Session by Mayor Stutte with the following members present: Jeniffer Beahm, Steve Huntley, Brad Consbruck, Butch Eley, Joy Huffaker, Shawn Hartmann, Matt Fong, Marc Rowan. Absent: None.

The following City Officials were present: City Administrator, Shawn Metcalf; 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 Department, Brandan Lubken; Environmental Engineer, Marty Stange.

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

Moved by Butch Eley seconded by Matt Fong to adopt current agenda for February 13, 2023 Regular Meeting. Roll Call: Ayes: Matt Fong, Shawn Hartmann, Marc Rowan, Joy Huffaker, Butch Eley, Brad Consbruck, Steve Huntley, 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, February 10, 2023. 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 Clint Bostock, Utility, 25; Jeff Hassenstab, Parks, 15; Brian Douglas, Utility, 10; Jason Rakes, Fire, 15; Dan Shea, Street, 30.

CONSENT AGENDA:
1. <u>All Consent Items.</u>
Moved by Shawn Hartmann seconded by Steve Huntley to approve all consent items, as presented. Roll Call: Ayes: Matt Fong, Shawn Hartmann, Marc Rowan, Joy Huffaker, Butch Eley, Brad Consbruck, Steve Huntley, Jeniffer Beahm. Nays: None. Absent: None. The motion carried.
(a) Approval of the minutes of the Council Meeting of January 23, 2023
(b) Approval of the minutes of the Special Council Meeting of January 17, 2023
(c) Approval of the minutes of the Worksession of January 17, 2023
(d) Approval of claims and payroll except the claim of Eldon's Automotive Repair
(e) Approve receiving and placing on file department monthly reports
(f) Approval of the renewal of May 1, 2023 - April 30, 2024 Liquor License Applications for the following: **Class "B"** Off Sale Beer - Thomsen Oil Co., Family Dollar, Inc.; **Class "D"** Off Sale Beer, Wine, Sprits - Bosselman Pump & Pantry, Inc., Boys 3 MCP, Inc., Casey's Retail Company (3), CF Altitude, LLC, Cooperative Producers, Inc. (2), GNS Corporation (2), Hoff Brothers, Inc. (4), L.C.S., Inc., Walmart, Inc., Walgreen Company; **Class "I"** On Sale Beer, Wine, Spirits - AFJ, Inc., BPOE Lodge 159, Central Community College Area, El Puerto, LLC, Frew Enterprises, LLC, Golden Entertainment NE, Inc., LNJD

Enterprises, Inc., Ninja House, Inc., RL Fridley Theatres, Inc., The Listening Room, Inc.; **Class "K"** Catering - BPOE Lodge 159, Central Community College Area, Steeple Brewing Company, LLC; **Class "L"** Craft Brewery - No Coast Brewing, LLC, Steeple Brewing Company, LLC; **Class "M"** Bottle Club - Jonathon D. Canterbury
(g) Approval of Work Order EL-243, installation of a new three-phase padmount transformer to serve the YMCA addition at 1430 West 16th Street
(h) Approval of Work Order PL-618, new fence located along the south side of Whelen Energy Center
(i) Approval of Work Order PL-620, upgrade of DCS hardware and software for North Denver Station Units 4 and 5
(j) Approval of Work Order SW-357, pump station to serve Maxon Lagoon and discharge to Heartwell Lift Station
(k) Approval of Work Order SW-368, sewer service for the Harlan Building at 8th Avenue and South Technical Boulevard
(l) Approval of the Release of Easement from Douglas P. and Tamra J. Ruhter for sanitary sewer purposes located in the Northwest Quarter of the Southeast Quarter of Section 13, Township 7, Range 10, Adams County, Nebraska
(m) Approval of the Release of Easement of a right-of-way filed with Adams County Register of Deeds for South Shore Third Subdivision
(n) Approval of the Release of Easement of a platted 40' utility easement for Allen Subdivision
(o) Approval of the request for Community Development Block Grant funds, Revised Drawdown #7, in the amount of $14,653.35 for remittance of retainage to Ben Engel Construction

REGULAR AGENDA:
2. Unfinished Business of Preceding Meeting.
None.

3. Public Hearings.
None.

4. General Business.
(a) Moved by Matt Fong seconded by Brad Consbruck to approve claim of Eldon's Automotive Repair in the amount of $414.41 (City). Joy Huffaker abstained because of Conflict of Interest.
Roll Call: Ayes: Matt Fong, Shawn Hartmann, Marc Rowan, Butch Eley, Brad Consbruck, Steve Huntley, Jeniffer Beahm. Nays: None. Absent: None. Abstain: Joy Huffaker. The motion carried.

(b) Moved by Butch Eley seconded by Matt Fong to approve moving Monday, February 27, 2023 City Council Meeting to Tuesday, February 28, 2023 at 5:30 P.M. in the City Council Chambers due to Councilmembers attending the League of Nebraska Municipalities Conference.
Roll Call: Ayes: Matt Fong, Shawn Hartmann, Marc Rowan, Joy Huffaker, Butch Eley, Brad Consbruck, Steve Huntley, Jeniffer Beahm. Nays: None. Absent: None. The motion carried.

(c) Moved by Shawn Hartmann seconded by Matt Fong to approve a three-year lease with the Hastings Sodbusters for the use of Duncan Field. Jeff Hassenstab reported that the 5 year lease with the Hastings Sodbusters expired December 31st, 2022. The proposed changes to the new lease are as follows:
1. Lease changes from a 5 year term to a 3 year term (2023, 2024, 2025). The term was changed due to the current owners not knowing how long they would continue to operate.
2. Eliminated the Expedition League in the new lease. The Sodbusters along with many other teams are no longer affiliated with the Expedition League.
3. Reduced the game fee from $400/game to $300/game. The $400/game fee was proposed to the City by the founder of the Expedition League when they made their pitch to come to Hastings. After seeing the Sodbuster operations over the past 5 years and discussing rates with other communities, we felt a $300/game fee was fair and suitable. In our conversations, the Sodbusters did originally request $250/game. We settled on $300/game. The Hastings Sodbusters have added a successful entertainment option to the community. Roll Call: Ayes: Matt Fong, Shawn Hartmann, Marc Rowan, Joy Huffaker, Butch Eley, Brad Consbruck, Steve Huntley, Jeniffer Beahm. Nays: None. Absent: None. The motion carried.

(d) Moved by Matt Fong seconded by Shawn Hartmann to approve accepting a deed from the Hastings Economic Development Corporation (HEDC) for the property to extend 33rd Street to Utecht Avenue. Lee Vrooman spoke on this item. HEDC has purchased a strip of property so that 33rd Street can be extended to Utecht Avenue. They would like to transfer ownership to the City via the deed. Plans and specifications are being developed for the construction of this street extension. HEDC has agreed to pay for these improvements. Extending the street will allow for appropriate emergency services access to the area and development of the platted lots along Utecht Avenue. Roll Call: Ayes: Matt Fong, Shawn Hartmann, Marc Rowan, Joy Huffaker, Butch Eley, Brad Consbruck, Steve Huntley, Jeniffer Beahm. Nays: None. Absent: None. The motion carried.

(e) Moved by Shawn Hartmann seconded by Joy Huffaker to approve the agreement with Philip Carkoski Construction for the Coal Train Pump Station Contract HU 2023-04. Lee Vrooman reported that this project is constructing a pump station for the Maxon Avenue Lagoons, rerouting the sewer main that serves the CCC truck driving building and installing communication conduits to the pump station. The pump station is critical to the operation of the Maxon Avenue Lagoons. The pump station will allow sewage to be pumped into a lift station being installed by the Heartwell Project that pumps waste to the City's primary wastewater treatment plant at 26th and Showboat. The lagoons are full retention lagoons and subject to non-compliant discharges when it is necessary to discharge. The pump station will alleviate this issue and add capacity to the lagoon system, ultimately delaying the need for an additional lagoon to be constructed. As the piping for this pump station is installed, conduits will be installed for communication to the lift station. With the addition of the lift station being installed by Heartwell, the sewer main that the CCC truck driving building currently ties into will be eliminated. Thus, rerouting of the main is required and a part of this same contract. On January 25, 2023, bids were opened for the Coal Train Pump Station. We received three bids, with the low bidder being Philip Carkoski Construction. This project is over the budgeted amount by approximately $74,000. There is room in the budget due to the Activated Sludge Basin Switch and Startup not being anticipated to be completed this year, along with room in the Miscellaneous Sewer Main and Manhole Improvements budget item. Councilmember Eley reminded staff that council likes to see all bids that are opened.

Moved by Jeniffer Beahm seconded by Steve Huntley to amend the motion to approve the agreement with Philip Carkoski Construction for the Coal Train Pump Station Contract HU 2023-04 in the amount of $433,684.69. Roll Call: Ayes: Matt Fong, Shawn Hartmann, Marc Rowan, Joy Huffaker, Butch Eley, Brad Consbruck, Steve Huntley, Jeniffer Beahm. Nays: None. Absent: None. The motion carried.

Councilmember Rowan asked the reason why it was over budget. Lee Vrooman stated it was because of the timing and materials. Budget estimates were done over a year ago. Updates are done every budget year, sometimes adding contingency amounts.

Vote on Main Motion: Roll Call: Ayes: Matt Fong, Shawn Hartmann, Marc Rowan, Joy Huffaker, Butch Eley, Brad Consbruck, Steve Huntley, Jeniffer Beahm. Nays: None. Absent: None. The motion carried.

(f) Moved by Matt Fong seconded by Butch Eley to approve the City of Hastings - Heartwell Renewables Economic Opportunity Program Agreement. Lee Vrooman talked about both this item and the next agenda item, as they are related. The Heartwell Renewables project has received $500,000 of funding from the State of Nebraska Economic Opportunity Program Funds to construct turn lane improvements on US-6 to support development of the project. For the project to receive this funding, it is required to go through a municipality. With that, there is an agreement between the City of Hastings and Heartwell Renewables and also an agreement between the City of Hastings and the Nebraska Department of Transportation. The agreements layout the responsibilities each party has. Heartwell has already bid this work out and will also be in charge of the construction. The City's role is to facilitate the transfer of funds between the State and Heartwell. There is no cost to the City of Hastings. Roll Call: Ayes: Matt Fong, Shawn Hartmann, Marc Rowan, Joy Huffaker, Butch Eley, Brad Consbruck, Steve Huntley, Jeniffer Beahm. Nays: None. Absent: None. The motion carried.

(g) Moved by Shawn Hartmann seconded by Jeniffer Beahm to approve the State of Nebraska, Department of Transportation - City of Hastings Economic Opportunity Program Agreement. Lee Vrooman spoke on this item with the previous agenda item. The Heartwell Renewables project has received $500,000 of funding from the State of Nebraska Economic Opportunity Program Funds to construct turn lane improvements on US-6 to support development of the project. For the project to receive this funding, it is required to go through a municipality. With that, there is an agreement between the City of Hastings and Heartwell Renewables and also an agreement between the City of Hastings and the Nebraska Department of Transportation. The agreements layout the responsibilities each party has. Heartwell has already bid this work out and will also be in charge of the construction. The City's role is to facilitate the transfer of funds between the State and Heartwell. there is no cost to the City of Hastings. Roll Call: Ayes: Matt Fong, Shawn Hartmann, Marc Rowan, Joy Huffaker, Butch Eley, Brad Consbruck, Steve Huntley, Jeniffer Beahm. Nays: None. Absent: None. The motion carried.

5. Ordinances and Resolutions.
(a) ORDINANCE NO. 4729 AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED $2,000,000 AGGREGATE PRINCIPAL AMOUNT OF COMBINED UTILITIES REVENUE BONDS

Brandan Lubken spoke on this item. SRF Loan is to be used for removal of lead water services. The Federal Infrastructure Law Includes monies to be used exclusively for the purpose of removal of Lead Water Services Nationwide. Federal funds have been distributed to the States and in Nebraska, these funds have been transferred to the State Revolving Fund (SRF). It is the intention of the Underground Utilities Department to participate in this program via low interest loan with the potential of forgiveness for costs incurred during the investigation and removal of Lead Water Services in the City of Hastings.

The major components of the SRF Loan Agreement and Bond Ordinance with the Nebraska Department of Environment & Energy (NDEE) Include:

- SRF Loan is for $2,000,000 and is set to begin March 1, 2023.
- SRF Loan includes a grant to forgive $1,100,000 of the loan.
- Also provided is a grant of $200,000 for Lead Service Inventory activities.
- Remaining Loan of $700,000 to be paid with interest over 30 years.
- Interest is 0.5% for administrative fees and 0.5% on the loan for a total of 1.0%

The loan can be paid down after 10 years.

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. Upon roll call vote the following Councilmembers voted Ayes: Matt Fong, Shawn Hartmann, Marc Rowan, Joy Huffaker, Butch Eley, Brad Consbruck, Steve Huntley, Jeniffer Beahm. Nays: None. Absent: None. The motion carried.

Councilmember Jeniffer Beahm 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, Marc Rowan, Joy Huffaker, Butch Eley, Brad Consbruck, Steve Huntley, 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 ordinance is declared to be lawfully adopted upon publication as required by law.

(b) Moved by Matt Fong seconded by Butch Eley to approve Resolution No. 2023-05 adopting City of Hastings Public Comment policy. Jesse Oswald stated that this is intended to replace an administrative policy that was put in place in March 2006, by the City Administrator. It was viewed by some as being too restrictive. The intended use of this new public comment policy, is to be more user-friendly and allow the public to better understand the direction and flow of any comments regarding city operations and how those can and should be handled. The best practice for this is having a form for public comments to be available to the public. From there, the form is forwarded to the City Administrator, who makes the determination whether to review it more internally with department heads to get additional information, or whether to add it to an agenda for discussion. Other communities, including Kearney, use this approach and it seems to be beneficial. The item was discussed at the January 2023 worksession. Councilmember

Huntley recommended that this be postponed to the first meeting in April. We bring it back in the March worksession, where staff can bring us information from what other cities (North Platte, Kearney, Grand Island, Lincoln), how they handle it. Maybe even how the school board and county board handles the situation. Councilmember Eley stated he sees the motion on the table as a good resolution. What other cities or boards do is what is good for them, but Hastings should do what is best for us. Councilmember Fong added that this resolution is an improvement in our communication process, for allowing members of the public to suggest items to put on the agenda. Having the form accessible on the website provides thorough information for the public to submit all the information they would like to add to an agenda. Additionally, this shortens the time window to receive feedback. It allows more public comment and other opportunities for the public to get answers. Councilmember Rowan stated that he wanted further discussion amongst themselves and to possibly table the item. Mayor Stutte stated that the resolution was discussed at the recent worksession, direction was that feedback should have been sent to Shawn and item would probably come to the next meeting in February. This item is a resolution, not an ordinance, so it is easier to be brought back at a later date, if changes were seen as necessary. Councilmember Fong reminded the group that the item was on the worksession in January and was not a complete surprise to be on the agenda tonight. Roll Call: Ayes: Matt Fong, Shawn Hartmann, Joy Huffaker, Butch Eley, Jeniffer Beahm. Nays: Marc Rowan, Brad Consbruck, Steve Huntley. Absent: None. The motion carried.

(c) Moved by Shawn Hartmann seconded by Butch Eley to approve Resolution No. 2023-06 approving the plans, specifications and authorization to advertise for bids for Street Improvement District 2022-3 Laird Avenue. Lee Vrooman stated that the Street Improvement District 2022-3 was created by Ordinance No. 4710. Plans and specifications have been completed and are included in the packet. The bid opening date for this work will be March 15th with an award date of March 27, 2023. The plans and specifications are being brought before the council because the project is part of a district. Roll Call: Ayes: Matt Fong, Shawn Hartmann, Marc Rowan, Joy Huffaker, Butch Eley, Brad Consbruck, Steve Huntley, Jeniffer Beahm. Nays: None. Absent: None. The motion carried.

6. <u>Final Passage of Ordinances.</u>
(a) ORDINANCE NO. 4728 REQUESTING VOLUNTARY ANNEXATION TO BRING A TRACT OF LAND INTO THE CORPORATE LIMITS OF THE CITY OF HASTINGS FOR PROPERTY GENERALLY LOCATED ON THE SOUTHEAST CORNER OF BALTIMORE AVENUE AND M STREET AND REPEALING ORDINANCE 4703

Moved by Matt Fong seconded by Shawn Hartmann to approve Ordinance No. 4728 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 and Repealing Ordinance 4703 on final reading.
Lee Vrooman stated that this annexation was previously heard, and there is nothing further to add. This is the third and final reading of the ordinance. Roll Call: Ayes: Matt Fong, Shawn Hartmann, Marc Rowan, Joy Huffaker, Butch Eley, Brad Consbruck, Steve Huntley, Jeniffer Beahm. Nays: None. Absent: None. The motion carried.

7. <u>Appointments.</u>
(a) Moved by Shawn Hartmann seconded by Butch Eley to approve Mayor Stutte's appointments to the following Board and Commission:
<u>Airport Advisory Board:</u>
Brent Hoops 2/01/2023 to 2/01/2027 Reappointment
<u>City Planning Commission:</u>
Michelle Lewis, 2/01/2023 to 2/01/2026, Reappointment;
Rakesh Srivastava, 2/01/2023 to 2/01/2026, Reappointment;
Jody Stutzman, 2/01/2023 to 2/01/2026, Replacement;
Chuck Rosenberg, 2/01/2023 to 2/01/2026, (Alternate) New Appointment.
Roll Call: Ayes: Matt Fong, Shawn Hartmann, Marc Rowan, Joy Huffaker, Butch Eley, Brad Consbruck, Steve Huntley, Jeniffer Beahm. Nays: None. Absent: None. The motion carried.

8. Miscellaneous and Other Business.
None.

Moved by Steve Huntley seconded by Butch Eley there being no further business to come before the group to adjourn at 6:05 P.M. Roll Call: Ayes: Matt Fong, Shawn Hartmann, Joy Huffaker, Butch Eley, Brad Consbruck, Steve Huntley, Jeniffer Beahm. Nays: Marc Rowan. Absent: None. The motion carried.

APPROVED:

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Corey Stutte, Mayor

ATTEST:

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Kimberly S. Jacobitz, City Clerk

(S E A L)