

CITY OF HASTINGS, NEBRASKA
MINUTES OF CITY COUNCIL REGULAR MEETING
Monday, April 10, 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 April 10, 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, Marc Rowan, Shawn Hartmann, Matt Fong. Absent: Joy Huffaker.

The following City Officials were present: City Administrator, Shawn Metcalf; City Attorney, Jesse Oswald; Utility Manager, Kevin Johnson; 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; Director of Environmental, Marty Stange; Airport Manager, Matt Kuhr.

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 April 10, 2023 Regular Meeting. Roll Call: Ayes: Matt Fong, Shawn Hartmann, Marc Rowan, Butch Eley, Brad Consbruck, Steve Huntley, 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 Friday, April 7, 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:

Councilmember Rowan recommended the planetarium show at the Hastings Museum.

CITIZEN COMMUNICATIONS:

Highway 6 Project:

Speaking For: Ron Sekora, 901 S Elm; Doc Coulter, 634 N Shore; Brent Hultine, 428 E 31st; Mat Habroch, 620 W 2nd, Hastings Chamber; Sean Vontz, 8995 S Marian, President of the Nebraska AGC (Associated General Contractors); Sott Kvols, 1203 Lochview, President of the Hastings Economic Development Corporation. Speaking Against: Willis Hunt, 616 Madden; Michael Bruns, 1613 W 6th, Big Dally's Deli; Rebecca Bruns, 2403 W 4th, Big Dally's Deli; Chuck Holmberg, 717 N Cedar; Peg Wallace, 2825 N Columbine; Roger Coffman, 849 N Burlington.

MAYOR'S COMMUNICATIONS:

Mayor Stutte recognized service anniversaries for Lorraine Clements, Police, 20; Ethan Sharman, Police, 5; Sara Mann, Police, 5; Jay Herringer, Street, 25 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, Butch Eley, Brad Consbruck, Steve Huntley, Jeniffer Beahm. Nays: None. Abstain: Marc Rowan. Absent: Joy Huffaker. The motion carried.

(a) Approval of the minutes of the Council Meeting of March 27, 2023

(b) Approval of the minutes of the Worksession of March 20, 2023

(c) Approval of claims and payroll

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

(e) Approval of the request of No Coast Brewing, LLC dba First Street Brewing Company to utilize city

streets for a Bags Tournament/Band event on August 12, 2023

(f) Approval of the request of No Coast Brewing, LLC dba First Street Brewing Company for a Special Designated License for a Bags Tournament/Band event on North St. Joseph Avenue between 1st Street and the east-west alley dividing the block between 1st Street and 2nd Street on August 12, 2023

(g) Approval of the request of Mary Lanning Healthcare to utilize city streets for the Half Hastings Races to be held on June 3, 2023

(h) Approval of the request of Mary Lanning Healthcare to utilize city streets for the Mary Lanning Fun Run to be held on June 10, 2023

(i) Approval of Invoice No. 1524 from South Central Economic Development District in the amount of \$1,225.00 for administrative services completed for Community Development Block Grant Project 21-DTR-007, Downtown Revitalization

(j) Approval of the request for Community Development Block Grant funds drawdown in the amount of \$1,225.00 for general administrative services for Community Development Block Grant Project 21-DTR-007, Downtown Revitalization

(k) Approval of Invoice No. 1522 from South Central Economic Development District, Inc. in the amount of \$1,525.00 for general administration services for Community Development Block Grant Project 20-PW-004, Public Works

(l) Approval of Invoice No. 1523 from South Central Economic Development District, Inc. in the amount of \$475.00 for construction management services for Community Development Block Grant Project 20-PW-004-C, Public Works

(m) Approval of the request for Community Development Block Grant funds drawdown in the amount of \$2,000.00 for construction management and general administration for Community Development Block Grant Project 20-PW-004, Works Project

(n) Approval of Pay Estimate #6 in the amount of \$343.55 from Carmichael Construction for work completed at 705 W. 2nd Street for the Community Development Block Grant Project 19-DTR-103, Downtown Revitalization

(o) Approval of Invoice No. 1521 from South Central Economic Development District, Inc. in the amount of \$725.00 for 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 in the amount of \$725.00 for general administration services and \$343.55 for façade improvements for Community Development Block Grant Project 19-DTR-103, Downtown Revitalization

(q) Approval of Work Order EL-229, new Whelen Energy Center underground for Heartwell Feeder 284

(r) Approval of Release of Easement on Lot 1, T'Dance Subdivision

(s) Approval of Release of Easement on Lot 2, T'Dance Subdivision

REGULAR AGENDA:

2. Unfinished Business of Preceding Meeting.

None.

3. Public Hearings.

(a) Public hearing on the application of Hublocsters, LLC dba "Back Alley Bakery" for a Class "C" Liquor License (Beer, Wine, Spirits, On and Off Sale) at 609 W. 2nd Street. Police Chief Story reported the application was investigated and is recommended for approval. No objections were received.

Moved by Shawn Hartmann seconded by Matt Fong to approve Resolution No. 2023-10 approving the application of Hublocsters, LLC dba "Back Alley Bakery" for a Class "C" Liquor License at 609 W. 2nd Street. Roll Call: Ayes: Matt Fong, Shawn Hartmann, Marc Rowan, Butch Eley, Brad Consbruck, Steve Huntley, Jeniffer Beahm. Nays: None. Absent: Joy Huffaker. The motion carried.

(b) Moved by Matt Fong seconded by Shawn Hartmann to approve the manager application of Kerry-Anne Block in connection with the Class "C" Liquor License of Hublocsters, LLC dba "Back Alley Bakery" located at 609 W. 2nd Street. Roll Call: Ayes: Matt Fong, Shawn Hartmann, Marc Rowan, Butch Eley, Brad Consbruck, Steve Huntley, Jeniffer Beahm. Nays: None. Absent: Joy Huffaker. The motion carried.

(c) Public hearing on the request of Bryce and Stephanie Anderson to change zoning from "R-1, Urban Single Family Residential District" to "R-2, Mixed Density Neighborhood District" for property commonly

addressed as 901 South Lincoln Avenue, Hastings, Nebraska. Lee Vrooman reported that the applicants intend to tear down the house and garage in order to build duplexes. The reason for the request is that R-1 does not allow for duplexes. The Future Land Use Map shows the area as Urban Residential. The change to R-2 meets the guidelines for Urban Residential. Planning Commission recommended approval 7-0 at the March meeting. No objections were received.

ORDINANCE NO. 4731 AMENDING THE ZONING DISTRICT MAP TO CHANGE ZONING FROM "R-1, URBAN SINGLE FAMILY RESIDENTIAL DISTRICT" TO "R-2, MIXED DENSITY NEIGHBORHOOD DISTRICT" FOR PROPERTY COMMONLY ADDRESSED AS 901 SOUTH LINCOLN AVENUE, 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. Upon roll call vote the following Councilmembers voted Ayes: Matt Fong, Shawn Hartmann, Marc Rowan, Butch Eley, Brad Consbruck, Steve Huntley, Jeniffer Beahm. Nays: None. Absent: Joy Huffaker. 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, Marc Rowan, Butch Eley, Brad Consbruck, Steve Huntley, 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.

4. General Business.

(a) Moved by Shawn Hartmann seconded by Butch Eley to approve the Final Plat for Brickhouse Subdivision. Lee Vrooman reported that the preliminary plat was approved last month. Currently, it is a combination of C-3 and R-1 zoning. After platting process is complete, the applicant plans to rezone all of the lots to C-3. Planning Commission recommended approval 7-0 at the March meeting. Roll Call: Ayes: Matt Fong, Shawn Hartmann, Marc Rowan, Butch Eley, Brad Consbruck, Steve Huntley, Jeniffer Beahm. Nays: None. Absent: Joy Huffaker. The motion carried.

(b) Moved by Jeniffer Beahm seconded by Steve Huntley to approve the agreement with Werner Construction for paving Street Improvement District 2022-3 Laird Ave in the amount of \$412,511.22. Lee Vrooman reported that this bid was opened March 15, 2023. We received three bids, with Werner Construction being the low bid. This contract price includes an alternate price for sidewalks to be constructed for properties that have already been developed along Laird Avenue. These property owners will be given the option of having our contractor construct the sidewalk now and this cost can then be included in their total assessment. If the property owners choose not to have a sidewalk constructed, it will be their responsibility to have the sidewalk constructed when adjacent lots are developed. The low bid is over both the budget and Engineer's estimate. However, we did receive three good competitive bids and because of this I would recommend this contract be approved so that the project can move forward. As we have seen on many things, increased material prices are affecting everything. Roll Call: Ayes: Matt Fong, Shawn Hartmann, Butch Eley, Brad Consbruck, Steve Huntley, Jeniffer Beahm. Nays: Marc Rowan. Absent: Joy Huffaker. The motion carried.

5. Ordinances and Resolutions.

(a) Moved by Matt Fong seconded by Shawn Hartmann to approve Resolution No. 2023-11 giving advance notice to the Nebraska Department of Transportation that the City of Hastings intends to conduct a special event, the Half Hastings Races, requiring the closing of a portion of the state highway system on June 3, 2023. Lee Vrooman reported that this is something we do annually, as we prepare for the Half Hastings Race. Kansas Avenue will be closed in both directions off of Highway 281 for a few hours that morning, so the race can be conducted. Mike Florek stated that several departments work with him to prepare for the event. This is the ninth year holding the event. Mayor Stutte thanked Mike Florek for putting on the annual event and for all the volunteers. Roll Call: Ayes: Matt Fong, Shawn Hartmann, Marc Rowan, Butch Eley, Brad Consbruck, Steve Huntley, Jeniffer Beahm. Nays: None. Absent: Joy Huffaker. The motion carried.

(b) Moved by Shawn Hartmann seconded by Butch Eley to approve Resolution No. 2023-12 approving the requirements for building a private hangar at the Hastings Municipal Airport. Matt Kuhr reported there has been interest in building hangars at the airport. There was no formal process in place for this practice, so this would make a concise way to handle requests. Airport Advisory Board approved 5-0. They would lease the land. If they don't want the hangar any longer, it reverts to the City of Hastings. Shawn Hartmann stated that he is the Council liaison on the Airport Advisory Board. There is a necessity for hangars at the airport and the board has vetted this very well. Roll Call: Ayes: Matt Fong, Shawn Hartmann, Marc Rowan, Butch Eley, Brad Consbruck, Steve Huntley, Jeniffer Beahm. Nays: None. Absent: Joy Huffaker. The motion carried.

(c) Moved by Jeniffer Beahm seconded by Shawn Hartmann to approve Resolution No. 2023-13 Removal of designation of blighted and substandard for the Hastings Dog Park. Jesse Oswald reported that the City, in 1992, designated as blighted and substandard area what is today commonly referred to as the Hastings Dog Park. The City anticipates that this land will remain a dog park for the indefinite future. Therefore, development will not occur and the designation of blighted and substandard is not necessary. Under Nebraska law, communities are required to keep the designation of blighted and substandard to a maximum of 35% of the community. The City of Hastings currently has designated less than 30% of the community as blighted and substandard. However, the Hastings Dog Park is over 20 acres of land which can be removed from this designation to free up additional use of the blighted and substandard designation in the future, should the City of Hastings have a need. At this time, there are no plans to designate additional areas as blighted and substandard. The removal of the designation of blighted and substandard has been recommended by both the CRA and the Planning Commission. Roll Call: Ayes: Matt Fong, Shawn Hartmann, Marc Rowan, Butch Eley, Brad Consbruck, Steve Huntley, Jeniffer Beahm. Nays: None. Absent: Joy Huffaker. The motion carried.

(d) Moved by Shawn Hartmann seconded by Butch Eley to approve Resolution No. 2023-14 Supporting the Nebraska Department of Transportation (NDOT) design and construction of a Roundabout and 3-Lane Section for the project along U.S. Highway 6 (Hastings Southeast Project). Lee Vrooman reported that the resolution of support must be passed for the project to move forward. If we do not pass this, we are looking at an asphalt overlay. Mayor Stutte stated that Adams Central went through the same sort of project a few years ago, and it has turned out well for that area.

The Nebraska Department of Transportation (NDOT) has stated that the project is a take it or leave it type of situation. A few businesses will need to make modifications, and Council members will look out for their best interest, as much as possible. There were concerns voiced about the roundabout placement. This approval would move the project forward, so we can get into detailed planning on the project. Lee Vrooman reported his understanding is that it is not an either-or on the roundabout. The state is committed to the Elm and South Street location, based on what their design shows for safety and flow of traffic for that intersection. It is the best design for that intersection. The state is willing to look at the south location, if the city is interested in a roundabout there. The state does not pay for betterment. The electric line is located close to the curb line, and with the 3-lane design, the storm sewer goes behind the curb, so that takes out the electric where it is currently located. Whatever we have to move for the state project, whether it is electric, water, gas, or sewer, when we put that back, the labor cost to move that, we will pay for the betterment, but the base cost is paid by the state. For example, if we are required to move an 8" watermain, the state would pay 80% to move that 8" watermain. If at the same time we want to upgrade it to a 10" watermain, the cost difference in the material to go from 8" to 10" would be paid by the City. It would be similar with the electric line. If we have to upgrade, state would pay for the labor for moving the lines, and the City would only pay for the betterment of materials.

Councilmember Huntley said he would like to make a motion to amend Resolution 22-14. He detailed the changes he would like to make to Resolution 22-14. City Attorney, Jesse Oswald, pointed out that in City Code, Section 2- 204.- Rules of Procedure, (10) When a question is under debate, no motion shall be made, entertained, or seconded, except the following privileged motions, to wit: (a) The previous question; (b) to lay on the table; (c) to adjourn. Each of such privileged motions shall be decided without debate. He explained that since the question is under debate on this motion, the only motions that can be made are: the previous question, to table, or to adjourn. This is from City Code, and it says that anything

that is not within City Code falls under Roberts Rules of Order. Mayor Stutte addressed Mr. Huntley's motion, because he has had the discussion with the state. We asked the State if we could take the roundabout out of the resolution language. The state said we must keep the roundabout language in the resolution. Bringing this project forward is only going to happen if we have it as it is stated and the current resolution as it is.

Councilmember Eley called a Point of Order on Councilmember Huntley's motion for clarification.

Lee Vrooman stated that it costs money for the state to complete a design. Whether the roundabout wording is in or out of the resolution, there will still be a roundabout at South and Elm.

Moved by Brad Consbruck seconded by Steve Huntley to table Resolution No. 2023-14 Supporting the NDOT design and construction of a Roundabout and 3-Lane Section for the project along U.S. Highway 6 (Hastings Southeast Project). Roll Call: Ayes: Marc Rowan, Brad Consbruck, Steve Huntley. Nays: Matt Fong, Shawn Hartmann, Butch Eley, Jeniffer Beahm. Absent: Joy Huffaker. The motion failed.

Lee Vrooman explained that this is a conceptual design and if the resolution passes, then state will get into the detailed design. On the south roundabout, the state is not against a roundabout there, if that is what the city wants. We want truck traffic to utilize the Bypass, so we want whatever the best design is to do that. NDOT will not do any design until the city has passed a resolution. From the worksession, the longer we push this back, we lose another construction season and possible funding. Lee restated this is not an either-or, they are set on the roundabout at South and Elm. They are not opposed to adding a second roundabout at Elm and J, if that is the best way to get truck traffic onto the bypass. There is no guarantee the state will move forward, but if this is not passed, there is no chance of having the project. Mayor Stutte said the will of the former council was to allow the new council to make the decision.

Main Motion Vote: Roll Call: Ayes: Matt Fong, Shawn Hartmann, Butch Eley, Jeniffer Beahm, Corey Stutte. Nays: Marc Rowan, Brad Consbruck, Steve Huntley. Absent: Joy Huffaker. The motion carried.

(e) ORDINANCE NO. 4730 ENACTING SECTION 18-151 OF HASTINGS CITY CODE TO CREATE AN OFFENSE IN THE EVENT A PERSON ENTERS A VEHICLE WITHOUT THE PERMISSION OF THE OWNER

Chief Story reported this code is a necessity to protect vehicle owners from being victims within the city of Hastings. There is currently no state law precluding persons from entering a vehicle they do not own and each city is responsible for their own code to address this. Chief Story stated there is a citation attached to this. This is a mirror image of another community's city ordinance.

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, Marc Rowan, Butch Eley, Brad Consbruck, Steve Huntley, Jeniffer Beahm. Nays: None. Absent: Joy Huffaker. The motion carried.

Councilmember Butch Eley 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, Marc Rowan, Butch Eley, Brad Consbruck, Steve Huntley, 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) Appointments to Boards and Commissions

Moved by Matt Fong seconded by Shawn Hartmann to approve the appointment, as presented. Museum Board, Jamey Hamburger, term from 4/01/2023 to 4/01/2027. Roll Call: Ayes: Matt Fong, Shawn Hartmann, Marc Rowan, Butch Eley, Brad Consbruck, Steve Huntley, Jeniffer Beahm. Nays: None. Absent: Joy Huffaker. The motion carried.

8. Miscellaneous and Other Business.

None.

Moved by Butch Eley seconded by Shawn Hartmann there being no further business to adjourn at 6:45 P.M. Roll Call: Ayes: Matt Fong, Shawn Hartmann, Butch Eley, Brad Consbruck, Steve Huntley, Jeniffer Beahm. Nays: Marc Rowan. Absent: Joy Huffaker. The motion carried.

APPROVED:

Corey Stutte, Mayor

ATTEST:

Kimberly S. Jacobitz, City Clerk

(S E A L)