

CITY OF HASTINGS, NEBRASKA
MINUTES OF CITY COUNCIL WORKSESSION
Monday, April 17, 2023

Pursuant to due call and notice thereof, a Worksession 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 17, 2023.

The meeting was called to order at 5:30 p.m. in Worksession by Council President Matt Fong with the following members present: Shawn Hartmann, Marc Rowan, Joy Huffaker, Brad Consbruck, Steve Huntley, Jeniffer Beahm. Absent: Butch Eley.

The following City Officials were present: Mayor Corey Stutte, City Administrator, Shawn Metcalf; City Attorney, Jesse Oswald; Utility Manager, Kevin Johnson; City Clerk, Kimberly Jacobitz; Fire Chief, Brad Starling; Parks & Recreation Director, Jeff Hassenstab; Information Technology Director, Erik Nielsen; Director of Engineering, Lee Vrooman; Library Director, Amy Dissmeyer; Fire Marshal, Anthony Murphy; Director of Environmental, Marty Stange; Director of Finance, Roger Nash.

Others Present: Scott Cordes, State Fire Marshal

Pledge of Allegiance.

Moved by Shawn Hartmann seconded by Joy Huffaker to adopt current agenda for April 17, 2023 Worksession. Roll Call: Ayes: Matt Fong, Shawn Hartmann, Marc Rowan, Joy Huffaker, Brad Consbruck, Steve Huntley, Jeniffer Beahm. Nays: None. Absent: Butch Eley. The motion carried.

Official Notice of the Worksession was published in the Hastings Tribune on Friday, April 14, 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 available. Also, a current copy of the Nebraska Open Meetings Act is posted and accessible to members of the public.

Presentation of Library Annual Report.

Amy Dissmeyer presented the Library Annual Report. The annual report is statutorily required to be presented to the City Council. They also report these statistics to the State of Nebraska. We are at about 75% of pre-Covid numbers, which is very good. In January she attended the National Library Conference. Covid has affected every industry, and business is slow to come back. The items borrowed throughout the year are over 220,000. A good portion of the items checked out are from the children's area. They have a great partnership with the school system. They are still gaining new card holders. Nebraska has a reciprocal library checkout program, so that if you have a Hastings Public Library card, you are able to check out books in Grand Island. The bookmobile goes out on a two-week rotation to Adams County schools and also some daycare facilities. They also stop at assisted living places on occasion. They have a Pixel Lab: heat press, laser cutter, 3D printer, and cricket. On the main floors you consume content, and the lower level is for creating your own content. The only charge to use the lower level equipment is

for actual material you use, not for usage of the equipment. Mayor Stutte thanked Amy for all they do at the Hastings Public Library. He mentioned that the book receipt shows how much you saved by checking out material, instead of purchasing those books.

Presentation of Flyash Project (Whelan Energy Center).

Kevin Johnson stated that both of the utility projects on the agenda are time sensitive, and they are unbudgeted for this year. They wanted Council to hear about the projects prior to next Monday's meeting, when contracts will be on the agenda. This item is a required, regulatory action. Lee Vrooman stated the project bids were opened on March 29, 2023. Two bids were received, with Babcock & Wilcox proposal as the lowest and best bid of \$1,665,811. The new system will comply with the environmental requirements. The project was unbudgeted, as we were waiting on approval of the project from the Environmental Protection Agency (EPA). Total project cost is expected to be \$3 - \$3.5 million. This contract is approximately \$1.7 million. There is room in the electric budget this year, due to delivery delays of transformers and equipment. So that amount of money will cover this project cost within the utility budget.

Marty Stange reported that power plants must comply with the EPA rules. The process takes coal out of the ground, which contains 99% coal and 1% dirt. When the process is complete, there is 99% dirt and 1% coal. The ash that is generated, is recovered out of their ash pond. It is permitted by the EPA. Fly ash is used for multiple purposes, including cement replacement. This is an unfunded mandate. The EPA asked us to move forward and get the project done. Kevin stated that this was required by 2023, but we will get it done in 2024. It is a requirement, so we do the project, or we don't generate. We held off budgeting until we heard from the EPA. We will see \$600,000 utilized from this year's budget, and the balance of the project in next year's budget.

Presentation of Community Solar Expansion.

Kevin Johnson reported on the solar farm expansion. We waited until there was a significant customer desire for the additional solar farm, as well as economic development opportunities. There were changes with federal government allocations of money, which made it more economical. This is unbudgeted, because we did not anticipate those credits. We will budget the balance of the project next year.

Derek Zeisler stated that there is an opportunity to model around what similar communities have done for solar farms. With economic development, companies and businesses want a renewable option. The utilities did not want to be the reason that economic development was turned down. The Inflation Reduction Act (IRA) was signed into law on August 16, 2022. The Direct Pay refund is equal to the amount of a tax credit. This is expected to be 30% as a public entity, but there is potential for more. Kevin explained that during the first phase, the city could not take advantage of any credits. That is why we sold shares, as they could take credits. This time around, we have the opportunity to take advantage of the credits. Derek reported that we have two customers (businesses) looking for renewable options. Phase 1 of the solar farm is completely sold out. Phase 2 would be offset to the road, closer to the airport, to give a buffer to the other properties. Derek talked about the Engineering Cost Evaluation, since not every year will be the same. Businesses are looking for power options. There will be a study done for glare,

because of the airport. You cannot build a building in this area close to the airport, so this is a good use of land to use for the solar farm. The panels follow the sun. These panels do not have much glare, but the railing sometimes does. Wind and solar are not reliable power sources, since wind does not always blow and the sun does not always shine. There is still value in coal power. The government funding makes this ideal for us, and this is why there is a sense of urgency. The Utility Advisory Board recommends approval. The maintenance and operation are done by the substations and transmission groups in the Utility Department. Reliability and space are the downsides to a solar farm, as acres can be valuable. That is why the airport is a great location. A customer can do solar on their own. At this point, it is a more economical option for us and the customer, than they could get on their own. This will come before City Council next Monday.

Discussion of Delegated Authority.

Brad Starling reported that this is an opportunity to help fix some of the issues and frustrations the building community is having with a smooth building process. He has received complaints about difficulties in navigating within the fire code. If you build in the City of Hastings, you have two fire codes to follow: State and City. Last year, delegated authority was brought before Council, but this got wrapped up in other issues, so we are simply bringing only delegated authority before you. The State Fire Marshal (Scott Cordes) was in attendance to answer questions the Council might have.

Anthony Murphy, Hastings Fire Marshal, went through some basic information. The State Statutes created the State Fire Marshal's Office. They are the ultimate fire authority in the state. As required by statute, there is an adopted state-wide fire code. We also have a local fire code adopted with amendments to address needs specific to Hastings. As a result, every project is subject to duplicated efforts in the areas of:

- Building code-related reviews and inspections
- Two or more fire plan reviewers and their interpretations of code
- Two or more fire inspectors and their interpretations of code

Essentially, what the delegated authority does is to get rid of red tape and make the process more developer friendly. The downside is there are additional required inspections by the city office. There are no changes to the rules that apply.

Scott Cordes stated there are currently nine communities across the state with delegated authority. He was Fire Marshal in Norfolk for many years, so he has seen this from both sides. He has found that having local control where you can reach out to, makes for a more consistent delivery of code. The local Fire Marshal knows the local people. With the state office, the deputies have multiple counties, so there is a large work load. Contractors then wait and frustrations come from that. Anthony Murphy said that delegated authority provides information upfront on both codes. If the builder does not like the ruling on codes, the most restrictive, safest code wins over. There is an appeal process, which can go all the way to the state level. We are not bringing any new rules to the City of Hastings. We can collect fees and manage the outcome. The only time the state gets involved is if there is a problem.

There were comments made about being more of a solution finder as a city to help people comply. Fees would be collected by the city, not the state. There is already an additional FTE

(Full-time Equivalent) position in the budget to handle delegated authority tasks. The two codes work together. It was explained that the state does not do building codes. Hastings is not unique in companion codes as a whole bundle. It is the way it is in Nebraska.

There is a check and balance, and multiple layers of interpretation, so there is a mechanism to make sure there is not misuse or abuse by an inspector. The state gives the official interpretation. We believe this would be a better option, and will drive economic growth. Having state and city looking at a project on different days, confuses the builders/contractors. This streamlines the process. Council President Fong said this could be discussed at the Council Retreat. Brad Starling confirmed there is no timeframe for this item.

Discussion of City Hall Survey Results.

Shawn Metcalf presented city hall survey overview:

- The survey reflected a good sampling of residents, employees, etc.
- The survey reflected a good sampling of age groups.
- The majority of those surveyed want the City Hall building located in the downtown area.
- The survey reflected that people utilize city hall for a variety of reasons and at a variety of increments.
- Strongly supported: Energy efficiency, Overall Cost, Low O&M, Fire/Building Codes, ADA compliance, Sufficient Parking, Safe, One-stop shop for contractors/developers.
- Supported: Larger Space for meetings
- Not supported: Drive-up window
- North Denver Station would have the lowest operation cost.
- City Hall is rundown. It needs to be something the citizens/staff can be proud of. City Hall is a reflection on the rest of the City.
- Maintenance needs to be a priority now and in the future.
- Employees shouldn't have to work in the existing building.
- Use tax dollars efficiently.

Council President Fong reminded all that the survey results are posted on the city's website. The City Hall Review Committee is waiting on architectural drawings and will meet one more time, prior to making their recommendation to the City Council. Possible funding for city hall was discussed.

Moved by Shawn Hartmann seconded by Joy Huffaker there being no further business to adjourn at 7:32 P.M. Roll Call: Ayes: Matt Fong, Shawn Hartmann, Marc Rowan, Joy Huffaker, Brad Consbruck, Steve Huntley, Jeniffer Beahm. Nays: None. Absent: Butch Eley. The motion carried.