

CITY OF HASTINGS, NEBRASKA  
MINUTES OF PLANNING COMMISSION  
Tuesday, May 16, 2023

Pursuant to due call and notice thereof, a meeting of the Hastings Planning Commission was conducted in the City Building, 220 North Hastings Avenue, on May 16, 2023.

The meeting was called to order at 4:00 p.m. in Regular Session by First Vice Chair Hinton with the following members present: Ann Hinton, Brian Hoffman, Michelle Lewis, Chuck Rosenberg, Shawn Rossi, Jacque Cranson, Jody Stutzman, Lou Kully Absent: Greg Sinner, Rakesh Srivastava.

Others Present: Lee Vrooman, Director of Engineering, Kevin Kubo, Chief Building Official, Jesse Oswald, City Attorney, Anthony Murphy, State Fire Marshal

The Chair led the Commission in recital of the Pledge of Allegiance to the United States of America.

Moved by Lou Kully, seconded by Brian Hoffman to adopt the current agenda for the work session. Roll Call: Ayes: Ann Hinton, Brian Hoffman, Michelle Lewis, Chuck Rosenberg, Shawn Rossi, Jacque Cranson, Jody Stutzman, Lou Kully Nays: None. The motion carried.

The Public Notice was read into the record. Official Notice of the Regular Meeting was published in the Hastings Tribune on Friday, May 12, 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.

## 6. Special Order of Business

### a. Discuss Annexation

Lee stated this is the year per Civic Code that the Planning Commission can look at annexation and come up with something to take to the City Council as a recommendation. This lines up with the year per City Code to look at the County Industrial Tracts. An opportunity to clean those up. Met with staff to get initial areas to look at, and will have Jesse Oswald go over what annexation means and what we can and cannot annex. We will start with the aerial at Lochland, work around the edge of the City limits, to the East and all the way around. Look at spots the Commission wants to have staff look at to make sure we can serve them, whether it is roads, utilities, or those types of things, and add those to the list for the next meeting on annexation.

Jesse Oswald, stated he will give us what he can for the purposes of this discussion. Lots of details on this, so wants to start with a very high-level overview to get the ball rolling.

- In order to annex property: has to be continuous, adjacent lands, lots, tracts, streets, or highway to the City Limits.
- Urban or Suburban in character, and there can be no agricultural lands which are rural in character. To make that determination, the areas sought to be annexed, must be immediately adjacent to annexed portions, within those surrounding areas. That can help in aiding whether it is rural in character.
- Adjacent, or synonymous, means adjoining, touching, sharing of a common border with the city limits.
- In addition to those things we have to provide basic services; such as utilities, water, sewer, electrical, as well as Fire, and Police services, and show through our plans that we have this ability and how the City would put that in place and how it would be proposed if not already serviced.

Those are the general guidelines permissible for annexation purposes.

Brian Hoffman asked if we have been looking to have our comprehensive plan completed, to give to the board, that information inside that comprehensive plan would give us guidance as to what areas we should be annexing or not?

Lee Vrooman replied, yes, and have shared these drawings you have right now, as well as anything in our discussions. We need to have recommendations of this by the February meeting in 2024. This is only the start of the discussion, anything that is shown here, does not necessarily mean it is going to be annexed. We have a long way to go to get to that recommendation. Hopefully we will get some insight from them if they see something different from what we have. Let's start at Lochland. The dark black line is the current city limits. Jesse Oswald may have said there are two different ways we can annex:

- Go through this process and the annexation process
- Or as an area develops, like North of the Retina Center, as they Plat that land, we can bring it in through the platting process. As it grows and it's platted, we can bring it in the City in that way.

Brian Hoffman inquired South, between them and Walmart, has that ever been a discussion? I know its agricultural right now, but we have made a lot of zoning decisions recently on that property, is that something that when it comes up that you know is part of the City or not part of the City?

Lee Vrooman replied when we had the discussion on the Racino; Casino Racetrack there, as a condition of the CUP that was to be brought in as annexation. So if that would move forward, we would do it through that process of platting, unless the commission has a desire to recommend areas like that.

Lee Vrooman inquired is there anything to the North or East of Thom? Down towards the Softball Complex is Area #1, part of our county Industrial Tract. Out there we do have some of the buildings half in the county, half in the city, really haven't completed any annexation since 2012. At those times, some of those buildings were being brought in by segments, and now since 2012 that has stopped. This is an area the staff felt was a good area to clean up and is an area that is served by all utilities and by fire and police and surrounded by the City Limits.

Ann Hinton remembers when they would bring these in incrementally and it was an absolute nightmare in the Registrar of Deed's Office and the Assessor's Office. Worst part was that fraction, and thinks that is the prime example of a clean-up area, part of them are in and part of them are out, that would be her number one and the first she would say yes, definitely.

Lee Vrooman said that would include the buildings up by the hike and bike trail and it would go up the little sliver up to 42nd Street. Now that the City owns the property to where 33<sup>rd</sup> Street is going to be extended to **Utecht Avenue (Circle)** that would also be considered for annexation.

Brian Hoffman asked is there any reason that creek behind there would not be annexed, because it's not going to be developable land?

Lee Vrooman stated like we discussed, if something to the East of there would develop, and if they Plat that area, then you pull that in. A big portion is flood plain and would not develop. There is no benefit to bring it in to the City.

Jesse Oswald said you may not be aware but the city zoning territorial actually extends 2 miles outside the city limits that we can and do enforce.

Lee Vrooman said if we move farther South, Area #5 is completely surrounded by city limits, about three houses, we have all utilities, of course the roadway, Fire and Police service that area. Again, the reason staff said this might be a good candidate, but would like your input to keep in the discussion or not.

Chuck Rosenberg asked how is that currently zoned?

Kevin Kubo stated it's probably R1A's in there, and the larger piece may be Agriculture, and the Market Lane has both R2/R1.

Lee Vrooman said going back to when maps were put together in 2015 and 2020, they never really progressed into the annexation discussion. Both of those had this area in there as a potential annexation, and this area has really changed since 2012, with all the development to the West, with Market Lane, these houses, Trail Ridge, and even farther West and North with this whole area, that it's really developed in the last five years. The whole nature of that area has changed. So that also lends to, do we annex it at this time?

Lou Kully said normally when you look at something like this, talking about Area number #5, you look on all four sides, regardless if there is ag land. Normally it has changed and is surrounded on all four sides. The same goes for commercial property, like #8, #9 and #10. The rule of thumb on Commercial for bringing something and it's surrounded on three sides, it should be brought in. That also has to be considered. As well as #8 and #9, we will get to that eventually, but on #5, should be no brainer on that as well, and with all the expansion around it's just waiting to happen.

Jesse Oswald confirmed on GIS it is zoned for single family residential and is not zoned agricultural.

Ann Hinton asked if the little area to the East of #5 (Volker Sub is the area East of #5 that is annexed? Was that one that was brought in by Plat? Questioning, because I am remembering when this was platted and wondering why the Valentine Sub wasn't done the same way? Maybe, I think, that Craig Add came later? So they were probably thinking that it was **contiguous** at that point, and brought it in by Plat? Otherwise, it doesn't make sense, that the city would have annexed that one little area, and passed over the Valentine Sub, Volker Sub and this un-platted area without annexing them.

Jody Stutzman had a question about driving by and a horse there and knows maybe the other horse a little farther on Elm is now there, some horses are probably on Valentine, how does that affect the animals? Horses, and being a part of the City?

Jesse Oswald said it won't affect the animals at all. For example, all along Elm Avenue, they are all in the City limits, and they have horses. It's permissible use, that does not affect their ability to have horses.

Jody Stutzman wanted to know if there is a limit on horses?

Michelle Lewis said that is with the zoning, so that applies to them already, and would not change.

Lee Vrooman said moving to the East and the next area is #7-Along 2nd Avenue, the West part of 2nd Avenue, on the West side. It's hit or miss, then a property that is in the City limits, then a property that isn't, two properties that are, then it's not. Then if you go all the way down to the cemetery, we have a portion of the cemetery that is not in the City limits. So # 7 would take all that is not in the city limits and make that all uniform. All utilities there serve them.

Ann Hinton said she personally looks at this as the weakest area, because it is on the East side surrounded by farm ground and would be the weakest to call for annexation in her opinion.

Lee Vrooman stated again, these are just areas the staff put together for discussion and when we finalize this, recommendation comes from the Planning Commission, and it's up to everyone here so if you want something out, we are happy to take it out. It's just to start a conversation.

Brian Hoffman asked could we break it up to the right, so we could annex all the way up to the railroad and get the rest of the cemetery?

Lee Vrooman said Absolutely!

Brian Hoffman said I'm just seeing what she's saying is where is the road entrance to that side of the railroad tracks, there really isn't a good road access, or anything for development there.

Ann Hinton stated she would rather see it just to the railroad. The cemetery obviously needs to be in the City.

Jesse Oswald said Police and Fire Services, they are likely to receive those services, even though they are not paying those taxes to the City. They won't make the call to the county for a fire to wait, so would be receiving City services. If you are a neighbor across the street, who is paying those taxes, yet your neighbor is receiving the same services, that should be discussed, and part of the reasoning behind considering those as well.

Brian Hoffman asked how many houses are on that developed area?

Lee Vrooman said so there is a house on the North end, and if we go down, the next property has a house, the third house to the South is in the City Limits. The next house is out. The following two houses are in, and then the rest is farm ground.

Brian Hoffman asked so we currently have services all the way down that road?

Lee Vrooman replied, "We do! Right now, we have water, sewer, gas and electric.

Ann Hinton asked Is there any way we could move the line farther East and get the homes, versus getting the ground behind it? I know on 6<sup>th</sup> Avenue years ago that's how they brought them in, because of the farm ground, and it was the first 300 feet, within the city limits, and then everything over was not. We could make however many feet to take in those homes, and leave the rest outside as farm ground.

Jesse Oswald said he could look into that. May not be permissible.

Lee Vrooman said we could go in the tree line, and kind of square it off.

Anthony Murphy stated just a couple of quick comments to follow up from my perspective on situations like this. As long as we are careful one part of the property might be serviced by Emergency Services by one jurisdiction, back to your comment from the Assessor's and Registrar' of Deeds, that we aren't splitting it up too much, because that's the other line, we can't respond to your backyard that is on fire, and we don't want to end up in that situation. I will also say any situation like this where we have one or two houses is covered by one jurisdiction and one or two by another, that definitely becomes a concern, and not clear cut for 911 purposes. Anywhere we find situations like that needs cleaned up. Emergency services on both sides of that line, are going to be in favor of that! Depending on what date the annexation occurred, sometimes those streets are divided by center lines and become an issue as to who maintains them. Street and roads are divided by a thin line, for gravel road, and who maintains them.

Lee Vrooman stated currently the roads that may be split, the city maintains. We get paid the lane miles, since they are adjacent to the City. We do have a few of those that are split down the middle. I am hearing that the guidance on this property is to try to take the houses in the annex?

Ann Hinton stated she didn't know, but the next issue, if we take in all of those, that leaves that one little property. Right beside it that again would be rural and all of these other houses along there would be City. Then we are getting into the jurisdictional thing with just one house left there. I guess to leave one home, and jog around it, however, they are probably the homeowners of that whole quarter, aren't they? So that probably is not going to work.

Brian Hoffman asked Lee what the potential of land R1 development is?

Lee Vrooman states obviously where the creek is, probably none. If you go South, there is potential for this area at some point. Maybe a large lot, similar to what's to the North.

Brian said he can see industrial moving next to the tracks, it's hard having residential right next to the tracks there. Lee Vrooman stated there is some housing by the tracks, so not out of the realm there could be. Now whether that's next year or fifty years from now, hard to tell. Some of these areas, if we are on the fence about them, leave on here for the next meeting, have more discussions, then ultimately, if we pull them off, in three years we can look at them again. For sure the cemetery.

Ann Hinton states she would agree with the cemetery. She would also think maybe an area like this, bring it in by Plat as it is developed North of the railroad, as so much of it is agricultural.

Lee Vrooman stated yes and even this one that is in the City, a little further North, may be the case also. We go farther South to the Hastings College area, a lot of agriculture right outside of the city limits. Then farther to the East is AGP.

Brian Hoffman asked if AGP is in the City Limits?

Lee Vrooman stated no, they are right outside the city limits. I know there was some internal discussion on an agreement they had.

Jesse Oswald stated Yes, he has been told that when AGP went out there, as to how there are some limits to when the City could annex them. He has not seen the agreement yet. Needs to read it to understand what the terms would be on that agreement.

Lee Vrooman said that is one on the previous maps starting discussions and again that is up to the Commission if they want to move forward either way.

Jesse said if the Commission wants, he will look to find that agreement to find that information to make a better decision on that based on what that agreement may or may not say.

Brian Hoffman stated Yes, because we have annexed the College out that direction and we are not going to get the annex for Heartland Renewables, because they are City Property, so I would encourage us to look at that. An industrial area and an industrial company, and so is AGP. Do we supply water up to that property line?

Lee Vrooman replied, we supply water, sewer and electricity. Discussed #8-9-10. Split these up to West of Showboat is area #8, the CPI area is this little triangle, Area #9 is - East side of showboat then Area #10- square South of Highway 6. All utilities are there. Fire and Police would be called to serve those areas. To Lou's point, they are surrounded by the City.

Brian Hoffman made an argument about it having a lot of high-power high lines on that corner, so if interested in buying a business down there, it would be costly to move the power from down there.

Lee Vrooman stated they would not make them move power lines, move farther to the West and not use that corner. The very first part next to Showboat is undevelopable. Farther to the East, the Central Community College area, is annexed, the Heartwell Area, is inside the City Limits, then a piece here of City owned property also is in City limits, brought in by a Plat at the same time the Heartwell property was. At one point there was development anticipated in the corner, so they wanted to make sure it was in the City limits, to receive electricity.

Brian Hoffman pointed out that there are a lot of storage and businesses in that area South of that. Asked for an estimate of businesses using rural services instead of our services.

Lee Vrooman said they have our water and sewer, not our electricity or gas. If annexed, we would have to compensate the electric provider for taking over their service area. Same thing as when CCC and Lochland were annexed. There was a negotiation there to compensate the previous owner.

Anthony Murphy asked, back to the jurisdictional question, is there a reason why Whelan Energy is not in Corporate limits?

Lee Vrooman stated it's more of a sales tax issue. From the rate payer side, it is tax exempt, so there are no benefits from the tax side, but would be a detriment to the rate payer, paying another percent and a half on sales tax for purchases. That's the crux of it on that property. Probably causes issues with Fire and Police Services not being in the city.

Anthony Murphy stated ultimately since it's still city property, we are going to respond, to help protect and be there for our employees. Anywhere we can clean up jurisdictional areas.

Brian Hoffman told Lee it would be interesting to know how many businesses, and there are people who have redeveloped those to residential properties in there, people that have camper storages, a metal company and businesses outside the city limits and only reason to see it could be a decent annex. Is there anything regarding the hazard of the land over in that area the city may have to consider?

- The ground by the Naval Depot was mentioned.

Jesse Oswald deferred to the Environmental Director on the question of that nature.

Lee Vrooman stated the plumes that are coming out of town are going that direction so it is going to the Naval Ammunition Depot, so, it could be.

Jesse Oswald stated it is a valid concern, we can look more into that if that is an area we want to explore.

Lee Vrooman then started back to the West outskirts of city limits and then to the general area South of Good Sam, moved on to Wabash Area.

Brian Hartman asked Lee, who owns the J Street mounds of dirt over in that direction, is that the city or a business that owns that gigantic mound of dirt there?

Lee Vrooman said that is a business. MSC or LLC? At one time it was Nitro Construction, big pile of concrete there, they crushed concrete, and would sell it.

Brian Hoffman's question if they are in the City Limits was answered yes by Lee Vrooman

Lee Vrooman then moved on to Area #6 saying, we thought this area, as it's the same storage property area as the business along 12th street, to square that off and clean it up. Of course, then the County Jail Property came in a year ago.

Brian Hoffman said further south on Wabash, that development is constantly going south with houses, and why they're not being considered plotted when they are being brought in there?

Lee Vrooman said he don't know if we have had any new Plats in this area for a while, most have been North. Again, an area to look at, if they like? How far down Wabash?

Brian Hoffman stated all the way to Idlewilde. I imagine we supply sewer, water and electricity?

Lee Vrooman stated we have electricity and water, sewer may be a challenge. Gas and sewer stop at the City Limits. Would have to look at difficulty of that area for full utilities. Can take a look at that for next time. Areas #2, #3 and #4 in the West Industrial Park, again, Area #2 is half in and half out of the city, and then Areas #3 and #4 are single properties, that are encompassed by the city.

Ann Hinton said several years ago while she was still in the Register of Deeds, she got a call from someone about one of those two properties. Why weren't they in the City Limits? Told them she really didn't know, they just got missed, partly because of that incremental annexation that was happening out there. This particular building wasn't part of what they considered the Industrial Area, and got missed, because the others were a part of that and brought it in incrementally. There must have been more, because #3 and #4 were both in that situation.

Lee Vrooman states he thinks that is similar to Area #1 and is a clean-up area.

Brian Hoffman asked Lee Vrooman if the area up there on the one property was actually cut in half?

Lee Vrooman nodded yes and said that is Area #2. Moving on if you go back to the West. Basically, goes from Brickyard up to South Street, straight across and encompasses the Regional Center. One time the landfill was in City Limits, then it was out, there was some legal action to take it out, but right now there is farm ground between the Landfill and the City Limits. Going back up to the North around Highland Drive, we have a little sliver of city property to get out to Westbrook, then it comes back into Highland Drive and around the Airport.

Brian Hoffman asked is Westbrook being platted in when they develop and grow? I know we did a house recently out there for horses and agriculture, and I think that's to the left.

Lee Vrooman asked so this whole entire parcel of land right here?

Brian Hoffman asked so that's being brought into the city?

Lee Vrooman said so that is NOT being brought into the city.

Brian Hoffman questioned that's Fish property? Lee concurred. Brian went on to say they came and asked us to rezone their property.

Lee Vrooman stated they moved it back to agricultural maybe because of the size it wasn't brought in. Other than that, Westbrook is pretty much fully developed unless it goes back to the North or to the East.

Brian Hoffman stated it was going further West.

Lee Vrooman said but right now there is no further development. The Fish property encompasses everything that is left. To the left of that is Country Estates, once you cross the creek, we would have difficulty serving sewer there.

Brian Hoffman asked but all the other services are currently being served there?

Lee Vrooman stated Electricity is, water is not, so electricity is the only service they have.

Brian Hoffman asked Lee what is the reason that area is not being annexed, just the size so we left it as ag? But it's being developed for residential and horses?

Lee Vrooman said he doesn't remember for sure, it's one house, and how many acres?

Kevin Kubo replied about 67 acres.

Brian Hoffman said it's going to be a big house, a big chunk of property, big outhouse buildings.

Ann Hinton said she thought the whole thing was more than 10 acres which means they don't have to plat it. The state statute is if it is less than 10 acres then they have to plat.

Lee Vrooman said yes, being 67 acres it falls out of that, and is a good point. Without annexing something there, it would be difficult to jump the creek to get to anything past that.

Lee Vrooman pointed out the City Limits go around the airport then encompasses the ASR Lagoon, ASR Buildings and well houses, around the city property, back around the Walmart area.

Brian Hoffman asked we are providing all services on that 42nd road all the way out?

Lee Vrooman replied Yes. We have water, sewer, electric. We don't have a gas line currently there, but we could have. The sewer is dry because there is no one to provide service.

Lou Kully asked could you move up further North to Madden Road? You do know that strip of land just sold, on the South side of Madden road, going West off of Tom Osborne? The area you are pointing at right now, the strip. The price reflected the whole section of ground, but what they were talking about, was about 300 ft. That entails everything in back of the houses, South of Madden Road and figure all the way to Tom Osborne Drive.

Lee Vrooman said well, they are in the City Limits right now. Where the Casino was going to go was out, and to the North of the black line is in, so that 300 ft. would be in.

Brian Hoffman asked when we started we talked about where the Retina Center is, that's all being brought in when it's being Platted or no?

Lee Vrooman stated it has been, yes. There is a preliminary plat for the entire area and I know Johnson Imperial Homes, as they have developed have platted each part and brought it in to the city. Lou Kully asked Lee to bring the map up higher North, and Lee stated mentioned the Weather Station and TV Station there.

Lee Vrooman said this area is the discussion do you wait until people Plat, develops, or either way. At some point do you continue to annex North?

Brian Hoffman asked to look at East Lochland on the East side of Lochland Road to see if there is anything missing in that area?

Lee Vrooman said so right now the City Limits looks like it encompasses Lochland Road. It does not consider these two houses here or the farmstead, that's everything South. A couple action items to look at:

- Area South on the NAD
- Environmental concerns
- a number of businesses
- Area on South Wabash-whether we can service?
- Pare down area #7
- Look into AGP agreement

Brian Hoffman asked about the new concrete company all the way out on the corner of Showboat is that considered outside the City Limits? Which it is. Discussed that one time the City was looking at developing that area at 42nd and J Street and a house is going up that is quite large on the North side of 42<sup>nd</sup> right now.

Lee Vrooman pointed to it and said, yes, that is just outside the City Limits. It's like the one talked about at Westbrook, it's a single house on 70-80 acres.

Brian Hoffman said just thinking they do a lot of concrete business out there. Do we currently provide services?

Lee Vrooman said yes, we do, everything. That would be right here on the corner. The city owns this property here and pointed to the East of the other one. At times talk of different developments coming to part of that. As the 42<sup>nd</sup> Street bypass continues to develop as a truck route maybe that spurs some growth along that whole route.

Lee Vrooman said if we are done with annexations, there is one more piece of business. We had an Interview for the Director of Development position last Thursday, May 11, 2023, Chad Bunger. He was offered the job and accepted. He will start June 19<sup>th</sup>. Lee Vrooman said he has lots of good experience, grew up in Hildreth, Nebraska, went to UNK, and Kansas State, worked at Manhattan KS., for the City as a planner for 15 years, and is now out in Bennet, CO. He has been out there the last 10 months, and is looking to get closer to family here. He will be a great addition to our team. A lot of good experience. Jacque Cranson, Ann Hinton and Michelle Lewis helped with the interview. Had a formal interview, then Kevin Kubo and Anthony Murphy took him on a tour of town, then had an informal group meet with Chad at Yost for conversation and they all gathered after that. They all had the same opinion, very genuine, and a good fit for the City of Hastings and excited to have him.

Shawn Metcalf added it was a pretty big group at the very end and everyone was on the same page. You know when you are looking at applicants and you get that feel when you have the right person, all the experience, the right mind-set, developer friendly. Chad had all of the things we were looking for, so we were really happy.

Moved by Jacque Cranson. Seconded by Chuck Rosenberg there being no further business to adjourn at 5:12 p.m.  
Roll Call: Ayes: Ann Hinton, Brian Hoffman, Michelle Lewis, Chuck Rosenberg, Shawn Rossi, Jacque Cranson, Jody Stutzman, Lou Kully Nays: None. The motion carried.

Adjourn