

CITY OF HASTINGS, NEBRASKA  
MINUTES OF PLANNING COMMISSION  
Tuesday, September 5, 2023

Pursuant to due call and notice thereof, a meeting of the Hastings Planning Commission was conducted in the Hastings Public Library, 314 N. Denver Ave, on September 5, 2023.

1. Call to Order
2. Roll Call
3. Pledge of Allegiance
4. Motion to adopt the current agenda for the Planning Commission Meeting
5. Public Notice
  - a. - Official Notice of the Regular Meeting was published in the Hastings Tribune, Friday, August 25, 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 City Library. Also, a current copy of the Nebraska Open Meetings Act is located on the wall of the Conference Room, which is accessible to members of the public.
6. Special Order of Business
  - a. Discuss Annexation- E 26th St & N. 2nd Ave.  
CITY OF HASTINGS, NEBRASKA MINUTES OF PLANNING COMMISSION  
WORKSESSION  
Tuesday, September 5, 2023

Pursuant to due call and notice thereof, a meeting of the Hastings Planning Commission was conducted in the Hastings Public Library, 314 N. Denver Avenue, Hastings NE, on September 5, 2023.

1. Call to Order

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

2. Roll Call
3. Pledge of Allegiance

4. Motion to adopt the current agenda for the Planning Commission Worksession; Moved by Chuck Rosenberg. Seconded by Shawn Rossi to approve the current agenda. Vote taken- Ayes: Ann Hinton, Chuck Rosenberg, Jody Stutzman, Brian Hoffman, Shawn Rossi Nays - 0

5. Public Notice: The Public Notice was read into the record. - Official Notice of the Regular Meeting was published in the Hastings Tribune on Friday, August 11, 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 City Library. Also, a current copy of the Nebraska Open Meetings Act is located on the wall of the Conference Room, which is accessible to members of the public.

6. Special Order of Business

a. [Discuss Annexation- E 26th St & N. 2nd Ave.](#)

Chad opened the annexation discussion. He provided an overview of several properties being considered for annexation. Chad described Chapter 2 in the City Code of ordinances. In May of 2023, the Planning Committee reviewed several properties that staff suggested as potential annexation areas. Chad sorted them together into four neighborhoods, reviewing the neighborhood along East 26<sup>th</sup> Street and North 2<sup>nd</sup> Avenue. A majority of these are just on the edge of the city, although there are three that are surrounded by all four sides. Chad discussed the Nebraska Statutes requirements. Packets where we created individual sheets for each of the seven or eight properties that will essentially make up the basis of the service plan required. The point of this work session is to give you an idea of where we are headed and get your feedback. Discussed the process so far, have had a couple of conversations these last two weeks with the neighborhood meetings for four neighborhoods, the last Tuesday and Thursday nights, describing the process, their properties and their concerns. These are work sessions and we hope you allow the neighbors to speak, and you can provide your feedback if you like and we will take it from here. The properties are largely agricultural, although there is a thin strip of zoning district along North 2<sup>nd</sup>, zoned either R1 or County R1-A Large Lot Residential. As you can see by the map, there is a large area that is marked residential, either City R-1 or Urban Single Family Residential, or R1-A Large Lot Single Family Large Lot. On the west side, East of 26<sup>th</sup>, these duplexes are R-3 Multi-Family Residential, so predominantly a residential neighborhood. Anything that would be done, we would assume they would remain in their agricultural zoning district or until they rezone to something denser, or could be rezoned to future single family residential. This shows the flood plain of the West Fork of the Little Blue River could impact some of these properties here, so the blue shade is zone AE 1% or the 100 Year Flood Plain, and the white hash mark is the actual map flood way. Developing a flood plain is not advised, or there are standards that would need to be applied, elevating the property to meet our zoning regulations with the city. Building in the floodway is strictly prohibited. That does impact several of these properties. This color coding would be the list of properties receiving city utilities. Most of the properties are receiving gas and electricity, although the farm field and the farm fields to the south of N. 2<sup>nd</sup> Ave. and that area along Parkview Cemetery South of the RR tracks receive no services. The other ones shaded there, all receive gas and electric. Do they currently have city sewer and city water? The

ones colored yellow do not have city sewer or water. The property shaded brown are receiving sanitary sewer but not water, and there is a small lot off E 26<sup>th</sup> Street shaded red is receiving all services from the city. The majority do not receive water or sanitary sewer. One is getting all the utilities, and one other is receiving sanitary sewer. This slide was not a specific factor in reviewing and formulating the draft decision. This would weigh upon the property owners that we are considering annexing. The 23.9% would be the average of the property tax that we have estimated. The City percentage tax increase of E 26<sup>th</sup> Street is closer to 28-29 % due to being in Adams Central District and N 2<sup>nd</sup> is in the 20-21 % range as they are in the Hastings Public School District. The assessed value of the properties and improvements makes differences in how much tax would increase. So, with that average, 210-2,316, again not a factor in what is proposed as to how to review this, although it will be impactful to these property owners, who want to acknowledge that, so that's the point of showing it, but did not necessarily weigh in the decision. There are development pressures in this area. You can see directly to the west of this area, with the new area of subdivision of the townhomes directly to the north. The developments along 33<sup>rd</sup> street There are definitely development pressures in this area. The land is better suited for new development for subdivisions and residential neighborhoods because of vacant undeveloped farmland. You wouldn't have to tear down buildings, no flood plains impacting some of those properties, so although there are development pressures, these eight properties are probably not best suited for this type of development, compared to others. Chad Bunger stated he would not recommend these properties be annexed to the city. There are probably more important areas to be considered, except the parcel south of the RR expansion of Parkview Cemetery, that makes sense to be annexed, allowing for the city to expand on property that is annexed in the city. There are better properties to annex, although not these properties at this time.

Ann Hinton asked if the owners would like to speak. No one came forward. Ann Hinton then asked for Planning Commission discussion.

Shawn Rossi asked Chad Bunger to put the flood plain map back up again. "How does it impact the North property, the one that is encompassed by the city? That would be the only one that would make sense. Is it purely a utility thing on that property?"

Chad Bunger stated No. You mean flood plains or generally just not recommending those?

Shawn Rossi said that the floodplain is not impacting that one. Is that correct?

Chad Bunger stated, yes, that is correct. Looking at it as a whole, not just a flood plain, zoning, utilities or development. All of those items together. If we wanted to annex the one property in the southeast corner to gain all the utilities, that's one argument, but that one small ½ acre tract of land, that is not going to develop into anything. You really have to amass several. The larger land to the NW part of it is in a ravine.

with multiple buildings. I took that area as a whole of annexing them into the city, but the city does not gain a lot and not making a lot of revenue, compared to the expenses incurred providing services.

Chuck Rosenberg asked if some of these properties, even though they don't have water and sewer services, there are water and sewer lines that run along 26<sup>th</sup> St. They could connect, so it would make sense to annex the buildings and not the whole property at this time.

Chad Bunger replied that it could be done as well. The City Code says if you are on sewer and water and your well or septic tank fails, and are in proximity to that utility line, you should be annexed. So today they are not, so who knows how long those private systems last and those systems could fail next week. Then it would be all right for the city to annex those properties before they can hook them up to city sewer or water. So, there are some other mechanisms there, over time through attrition, that would force them into the city. Yes, that would be another option if you are so inclined. At our neighborhood meetings, Chad will make his recommendations to the Planning Commission and then it will go to the City Council, who will ultimately decide.

Lee Vrooman said just to add a little more to that, with those properties with water and sewer at 26<sup>th</sup> Street available to all of them, while they are outside the city limits, if their well or septic system went bad, (looked at Jesse Oswald asking) and in our City Code isn't it in the one mile, if you're in 200 feet of one of those mains, you are supposed to connect to it? So, if you are outside the city limits, it will actually cost 1 ½ times out of district fees, versus if you are in the city limits, it's only out of district fee, just to clarify, per the City Code. That out of district fee is calculated every year based on the actual cost of construction for the previous twelve months. That little property doesn't have sewer yet. They have water, gas and electricity; sewer is available.

Chuck Rosenberg asked, "Do they get city rates or do they pay more for electricity as they are not in the city limits?"

Lee Vrooman said he probably needed to go to the Business Office, to make sure.

Chad Bunger said he could add that to the final document for the properties if they are at a different rate.

Lee Vrooman said he could check with the business office to get the correct one they are actually on.

Ann Hinton stated Chuck mentioned annexing part of it and did not like the idea of doing partial. Still likes either doing all of it, or none of it, just for the bookkeeping, and the assessor's office, because they have to split that out, and make two separate units based on whether it is in the city limits or not. For convenience, I would prefer we do the whole thing, or leave it all out.

Chad Bunger stated he could create the specific legal descriptions, but it would take some additional work. We can do it, it would just take some work by the Commission and the Development Office to make it happen.

Jody Stutzman asked about the highlighted on the utilities and wanted a brief summary on Public Safety and Fire from our last talks, and that stuck out in my mind? Can you summarize that?

Chad Bunger apologized if he glossed over that. Today, they are outside the city limits. They are served by Adams County Sheriff, Adams County Rural Fire Department and, with their City contract, receive Emergency Medical Services. If there were a medical emergency, an ambulance would come to the door automatically. If there is a fire or criminal activity, our fire department and police show up at the request of those two rural agencies. Only available through requested mutual aid, verified by Anthony Murphy. If brought into the city, then all of those things become automatic.

Jody Stutzman inquired if there has ever been a challenge with this system working?

Anthony Murphy answered that some of the bigger challenges have been on the 911 dispatch side, within the corporate limits. This side of the street vs, this side of the street, where the wreck happened before the car spun off, in the other district. Fortunately, I have not seen it here, but in prior jurisdictions, it has become a yelling match on the scenes where they are saying no, this is your report, not mine. So, anywhere I can speak to try to fill in those holes, to keep it less complicated, we are going to be in favor of on the emergency services side. There are incentives as far as the properties moving from a much higher ISO score to a better ISO score for the city department, moving to a 2, and typically, depending on which insurance agency you use, those factors can be as much as 10 % per point on your homeowners insurance, business insurance, The EMS side that has been extended for a year, we do not know where that is going to go, but our intent is to always provide the best services that we can. One other question that has been brought up to Anthony is the distance to city services. The one mile had been mentioned. He has not been able to find if that includes propane tanks? So, Anthony has been asked by different locations where they can have propane tanks, in town versus out of town. If they are too far away from a natural gas line, how would that work? This seems like the appropriate time to bring that up?

Lee Vrooman said natural gas lines in general, anything inside the city limits, we can serve. If it's outside the city limits, we cannot serve it. It is usually Black Hills, unless they have given us a waiver to serve that customer.

Ann Hinton said, "What is an ISO Score?"

Anthony Murphy said, "Let me go over that. Essentially, it's our report card. Every Fire Department across the country gets some sort of report card on their effectiveness. They look at the city water supply, are there hydrants nearby, are they well maintained, is there enough pressure? Factors: how is the department dispatched? Are there redundant means available? We have all seen 911 outages lately, are there redundant means in place when those calls come in to get that department rolling? Training records, it compiles all these things the general public would want good quality service. It compiles all those into a score. The best score is a 1. There are only two of those in the State of Nebraska. Hastings Fire & Rescue are a 2, and it goes all the way out to a 10, which means you don't meet even minimum standards, so that would be in the middle of nowhere, no hydrants, no fire stations, no responders for miles. That would be a 10. So again, Hastings is a 2 that's our report card, and is in top 1 % in the State of Nebraska, so we are doing really well, and in the top 5% in the nation. The way it's an insurance service organization that gets used, you might ask your local insurance agent, sometimes it's in the underwriting process, so they plug in the numbers and they might not see how

much it weighs into that formula, but personally know some folks, that were borderline, that got lumped into the wrong department and their agent called them saying he didn't know how to explain it to them, but their premium doubled. So, depending on where it falls, it can have a substantial impact.

Chuck Rosenberg, so if one of these residents had a fire, the rural fire department responds to it, but not the city fire department?

Anthony Murphy answered that is correct.

Chuck Rosenberg said, so at this time, you guys have to be aware of these donut holes around town so you send the right responders, so would they use the city hydrant if they needed water on the other side of 26?

Anthony Murphy answered," Absolutely. For fires in those areas, typically the rural areas. We have a great working relationship with Hastings Rural. They are pretty quick to call over the radio. If there was an actual fire, we would go anyway. We are at that point providing those services. A few of those donut holes in town, where they are already receiving city services, even though the tax money is going to the rural and Sheriff's office.

Brian Hoffman said he is more in favor of annexing sections, and the reason for that is development in Hastings has primarily gone to the north side of town. So, by not annexing these properties, and making them available for the city and residential areas, especially when they are donut holed, makes it look weird for the developers to say why it is sitting here like this when they are going to develop and then they are going to be quickly annexed into the city. We do have this prime time to assess this. We need to expand Hastings residential, and many of the employers in town are questioning why we don't have more housing in town and if we could make sure some of these properties are properly annexed, this might bring in developers to develop these properties. He does understand the flood plain pieces of that, but making donut holes all over, will cause issues for people moving into those developed areas, and then seeing the annexed map saying, "Hey, what's the deal here. We are a block or two outside the city limits of our normal residential and this guy is not receiving services, where we are now having to pay that 23 % tax rate?" So, we understand people have been living there for 50-60 years, but the fastest growing in Hastings is our North development is residential, and to discount that would be harming.

Chuck Rosenberg said if one of those property owners says they want to sell their property as a commercial, say as a truck stop or something, because 26 does carry quite a bit of traffic, we do have a residential area now that was developed over to the west, do we have any control over that yet?

Chad Bunger said, Yes, they are within our two-mile jurisdiction, so our department and you as the Planning Commission, would evaluate those if it's appropriate to rezone them. The process in moving forward. There are two more rounds of these work sessions, Yost Avenue neighborhood to the north here and the West Industrial Park to the southwest. We will take that group collectively at our next meeting, and then the East Industrial Park at our last work session on October 3<sup>rd</sup>. The industrial areas have proposed some interesting research. We found that they are indeed designated industrial county industrial areas and so there are some additional steps

we need to walk through. Need to find a few more agreements between the city, the county and the Economic Council or Corporation to make sure we are on the up and up. It looks like at least two of the three were designated and then the agreements gave a ramping up of being annexed into the city, so we just need to clarify that. Still doing work sessions, but with understanding we have a little more research to do. These are the next steps; a couple more work sessions, then a work session with the City Council and then proceed one way or another with formal recommendations.

Chuck Rosberg asked Chad, "Will we be able to vote on these properties? There are quite a few. Listening to some of the Commissioners indicates that they are in favor of annexing all these properties. Could we vote on those at a regular meeting? Say we are in favor of this one, and the majority of the commission says yes, and would it be recommended to the council, and another one wouldn't?"

Chad Bunger said that is probably the best path forward when they do have a formal official public hearing, which will be November or December time-frame, kind of depends on what we discover about the Industrial areas, but in the upcoming months, we will have a more formal public hearing, to address those, and that would be the time to vote on it. Chad will devise a way to number them, to figure out if all come in as a group or if one area or two versus an individual.

Jesse Oswald said they would figure something out. He hasn't honestly thought that far through it.

Chad Bunger said he believes the State Statute requires some legal descriptions to be defined for that public hearing, so we need to think through that.

Ann Hinton said, "Well you pretty much have them divided out." So that part to me wouldn't be that much of an issue, unless we voted on only a part of those and then that is when we get into the major headaches, of trying to come up with what would be there. As long as we accept them as they are here and vote for them, then it doesn't look like that big of a thing to me.

Brian Hoffman said he thinks when they had their first discussion, he, Ann and some of the other Commissioners did say they would like it if there are certain sections here that obviously won't be developed, not going to be residential one's going to be a cemetery, so we see reasons of the automatics, but there are pieces in there that should be annexed and then there is the flood plain sitting in there that is going to be that entire chunk of that property (East Side). Obviously, it's not going to be developed. There are some discussions about when you will bring this to us. Are we going to be voting on these three sections, like this? I would rather see us vote on the zoning specifics, the top left, the NE section and then each individual section. Will that be voted on separately?

Chad Bunger said they can work through this as they go, but it makes sense to him, having the understanding he has of the State Statutes and what Brian just said, we will talk as staff, but probably propose these things to the Commission as individual properties. That way, we can have the correct legal description for each property, define it as a number or a name, or an address or something to that effect. That way, if the Board chooses the Cemetery is the right one to annex, we will only identify it and have the legal description, or if it's one property in the middle of a

grouping, you will see three areas there, just one property. In that one group, you could still just define it as property nine. If you wanted to bring three, four or all of them in your future motion, couldn't pry spell that out.

Jesse Oswald said his thought would be if they divided it up by property description of each parcel. Would that be sufficient for you, or you did mention dividing a smaller portion of just a house into something that is still on the table or in mind, or would it be enough to do it just by parcel? That would be the question he would pose to you in general?

Chuck Rosenberg said the issue of the flood plain is kind of a big thing, because one parcel there, you can see how much flood plain knocks through that, yet, the residential encompasses an area they are adjacent to the city receiving many of the services, so that one might be something to look at.

Brian Hoffman said he thinks it would also make sense to do it by the plat, not just carving around a tree. Make sure the dividing lines on the property might be the best of interest on it.

Ann Hinton said she just didn't think all of those are platted, the properties, she thinks a lot of those are metes and bounds descriptions. It will be a lot of work for a surveyor or attorney or someone to come up with a legal description for them because she doesn't think most of those are lots and blocks.

Brian Hoffman asked, so if they come into the city, are we going to have to do that?

Ann Hinton stated No. They do not have to be platted to come into the city. In fact, there are many areas in town that are not. So, there are still weird legal descriptions out there.

Chad Bunger said to address Jesse's question, is there any interest in bringing in a subsection or smaller element of a parcel of land, instead of a whole parcel, whole ownership? That's probably something we need to know tonight and then, thinking ahead, if there is an inclination, at that formal public hearing to just bring in the homestead, the house or whatever, he probably needs to give directions to staff to draw that approximate line, table it, then come back for a formal review, don't you think Jesse?

Jesse Oswald said he didn't know how they do that either.

Chad Bunger said if that's an inclination, we probably need to know and we can figure that out at that meeting. That's probably what will end up having to happen. It is if you say no, you just want everything in this fence line, and we will have to figure out how best to do that. How to write a legal description of that specific subarea of that property. Which could get a little messy.

Brian Hoffman said the one area we are also missing in this discussion is not only missing utilities, it's also missing education being brought into this. So, some of these developments in that area are currently participants of HPS and that would be a big chunk and that type of taxation. What happens to these properties?

Chad Bunger actually stated from his understanding that doesn't change. So,

everything north along East 26th is Adams Central and everything along N 2<sup>nd</sup> is HPS. To his understanding, that doesn't change if they are in the city or not. If the city annexes those properties along E 26<sup>th</sup> they stay in Adams Central School District. It doesn't change and vice versus.

Ann Hinton said she would question that, only from the standpoint of the interlocal agreement between Adams Central and HPS. There is something: she knows they do not have to switch schools, they can stay where they are, and she believes the taxes still go to the same place, and does not think the taxes themselves change, but there is something in the assessor's office that does change to bring in that interlocal agreement.

Jody Stutzman asked Matt Baack if he had someone in the public that could see to that?

Matt Baack asked if he could circle back and ask questions. Matt stated his name and address at 1606 Highland Drive, Hastings NE Attorney here in town, representing Currys, the one with the major flood plain issues in the pasture there and HohLens, which is the property north of the railroad tracks, both ag land properties on the edge of town. Matt had a couple points on taxes, saying he was in the Adams Central district and sent his kids to Hastings Public, pays Adams Central taxes, but Hastings Public gets a check back from Adams Central for sending his kids there. So, taxes won't change. All these properties already pay the tax for the school districts. On the taxes Chad has, if you can go through the packet, the changes are not based on schools, so they are still paying for the schools, regardless if they are in town or out of town. Where they send their kids makes a difference to how much tax revenue the school gets. Couple of clarifications, Brian, when you say donut holes, are you thinking of a different recommendation than Chad's? Are you thinking of annexing those?

Brian Hoffman replied that the Northeast property there is surrounded and Matt pointed out that is not one of the properties he is representing, but Brian clarified what he is saying if they develop in the city further east, from the highway, that is how the city has progressed, the past twenty years. So Menards, the whole nine yards in that direction, so when they do that, so the next step is going to be looking at whatever that next road is, that is the next growth plate for the city, to be in that area. We have to consider if someone buys and starts developing in that area to the east of that location. Which would leave that there as an undeveloped or unzoned area.

Matt Baack stated that the property to the north is also in the flood plain.

Brian Hoffman said yes.

Matt Baack said I do a lot of real estate and the flood plain is a significant issue. It's a significant issue when you go to get insurance on a property. If you have ever built a house or bought a house on a flood plain, you don't want to own a house in a flood plain. There are things you can do to get out of a flood plain, but not as significant as this. You can build up and get a portion of it out, it's a horrible process to go through. Been through it, don't like to do it. That's why it's farm ground and yes things can change. Rich Curry is not going to develop his property into anything other than farm ground. The HohLens have no intention of developing their property

into anything other than farm ground. The Hohlers farm, the Curry's farm, that's what they do. It would add a significant cost to those two. If you go back in time, the Hohlers, if you go back to when mom's house was annexed into the city, can't recall the year, the main issue there was the frontage on the property, and she got hit with a sidewalk assessment, and got hit with a bill for \$120,000 for a sidewalk she doesn't use, and also had someone coming to her door, to a 93-year-old, telling her you need to be scooping your sidewalk, She said take me to jail, because I can't go scoop that sidewalk. A lot of other issues outside of the tax. These ag properties have a lot of frontage, if you were to put a road or a sidewalk in, and the city is going to assess that to the property owner. When you are talking that large of an area, it's a lot different than if it's a 1-acre lot for a house, what that assessment might be if he gets a road or a sidewalk. When you are talking a lot of acres here and a lot of frontage, so he wanted that brought to their attention when they are talking about ag land. The potential impact for them on costs outside of just taxes, doesn't think a thousand-dollar tax is going to make or break someone, but \$120,000.00 sidewalk bill, that's pretty significant. Matt thanked them and sat down.

Ann Hinton asked if there were any further questions or comments?

Chad stated a couple things he took away from this that he will add in, one being utility rates into the document provided. So, we will spell that out, and give a close summary of what their rates are, compared to those within the city. 2. Did not hear anyone that it's a great idea to annex just the subset of a property, that if we are going to look at something, we will do it as a whole, so we won't necessarily prepare for that ahead of time. However, if at the public hearing later, down the road, someone brings up a good reason to just piece out a portion of a property, just know we will have to process this down, table it, and get good input from where that line should be, and then go back and make that legal description to proceed forward. Right now, I did not hear anybody giving directions to do that. Did he miss any information in proceeding forward? He will work on getting that information.

Moved by Shawn Rossi. Seconded by Chuck Rosenberg to adjourn. Vote taken- Ayes: Ann Hinton, Chuck Rosenberg, Jody Stutzman, Brian Hoffman, Shawn Rossi, Ann Hinton Nays - 0 Vote taken- Ayes: Ann Hinton, Chuck Rosenberg, Jody Stutzman, Brian Hoffman, Shawn Rossi Nays - 0

Adjourn

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Chairman