

HASTINGS PLANNING COMMISSION

A meeting of the Hastings Planning Commission has been scheduled for Tuesday, September 19, 2023 at 4:00 PM in the Hastings Public Library, 314 N Denver Ave, Hastings NE 68901.

AGENDA:

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 - Official Notice of the Regular Meeting was published in the Hastings Tribune on Friday , September 8th, 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. Approval of Minutes
 - a. Meeting of August 15, 2023
 - i. Meeting of September 5, 2023
7. Work Session
 - a. Discuss Annexation - West Industrial Park Area and East Industrial Area
8. Reports
 - a. Committee Reports
 - b. Chairman Comments
 - c. Staff Reports

Adjourn

CITY OF HASTINGS, NEBRASKA
MINUTES OF PLANNING COMMISSION
Tuesday, August 15, 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 August 15, 2023.

1. Call to Order

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, Chuck Rosenberg, Jody Stutzman, Lou Kully, Brian Hoffman, Shawn Rossi, Rakesh Srivastava Absent: Greg Sinner, Michelle Lewis, Jacque Cranson

2. Roll Call

3. Pledge of Allegiance

4. Motion to adopt the current agenda for the Planning Commission Meeting

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. Moved by Lou Kully, Seconded by Shawn Rossi to approve the minutes of July 18, 2023. Voice Vote taken. Ann Hinton, Chuck Rosenberg, Jody Stutzman, Lou Kully, Rakesh Srivastava, Brian Hoffman, Shawn Rossi

Public Notice – 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. Approval of Minutes

Pg 1 under number 2 others present State Fire to City Fire Marshall and Page 5 was change to Anthony Marshall from Kitchen to Kitchen fire has been printed and corrected to sign.

a. Approval of the Minutes of July 18th, 2023.

7. Special Order of Business

8. Unfinished Business

a. Continued Applications - None

b. Tabled Applications - **2023-417**

- i. Public hearing to recommend a request for a Conditional Use Permit (CUP) for a Medical Clinic at a property generally located to the southwest of the intersection of North Kansas Avenue and West 22nd Street in the City of Hastings, Adams County, Nebraska.

Motion to recommend concept approval for a CUP resolution for Medical Clinic at a property generally located to the southwest of the intersection of North Kansas Avenue and West 22nd Street in the City of Hastings, Adams County, Nebraska. Motion made to table until August Planning Committee Meeting.

This Application has been withdrawn by the Applicant.

c. Postponed Applications - None

9. Public Hearings.

- a. **2023-476.** Public hearing to consider bringing a tract of land into the corporate limits of the City of Hastings for The Toy Shed, LLC – Arlin Kiel to bring property generally located to the southeast of the intersection of South Showboat Avenue and East South Street (U.S. Highway 6) which is being platted as Showboat Condo Addition.

Approval of bringing a tract of land into the corporate limits of the City of Hastings for The Toy Shed, LLC – Arlin Kiel to bring property generally located to the southeast of the intersection of South Showboat Avenue and East South Street (U.S. Highway 6) which is being platted as Showboat Condo Addition.

(Jacque Cranson joined the meeting at 4:10pm)

Ann Hinton declared the public hearing open, and ready for staff comments.

Chad Bunger thanked the Planning Commission, introduced himself, then presented the applicant and their consultants with Toy Shed LLC. Chad stated Arlin Kiel is here, to answer questions, but will briefly run through a summary of the staff report for the annexation and then will follow up with the preliminary plat. Chad Bunger showed the Planning Commission the map where a portion had already been annexed into the city, leaving about 9.9 acres outside of the city limits. It is currently zoned I2 heavy industrial district and that will remain. The next map was just for reference to covering the preliminary plat discussion. What's proposed is a number of garages that would be associated with the racetrack. There are options according to the application to have temporary residential living quarters above those garages, so, the potential for each garage area to have living quarters above them. As you know, last May, the zoning regulations were amended to allow this kind of use, in the I2 District, associated with the racetrack, so these would be accessory to that racetrack. The property is a commercial category on the future land use map of our current comprehensive plan,

"Imagine Hastings" and it's zoned I2 and would remain that. A fairly straight forward annexation request and the applicant is the one requesting annexation. It is not a unilateral annex by the city, so with that, the stats analysis, I provided to you in the stats report. I won't go through each of those, but it does comply with our growth goals and standards outlined in the comprehensive plan, and thus, the city is recommending approval of the proposed annexation. Opened for questions.

Ann Hinton stated they would address that in a moment. If they have questions, anyone in the public that would like to speak for or against this annexation? Mr. Kiel would you care to talk?

Arlin Kiel stated not at that time.

Ann Hinton closed the public hearing.

Motion to approve **2023-476** and recommend to the City of Hastings that it be approved for bringing this into the City of Hastings. Open for comments or questions for Mr. Bunger or Mr. Kyle?

Brian Hoffman made the comment that he was happy to see it's being developed.

Moved by Brian Hoffman. Seconded by Lou Kully Voice Vote taken- Ayes: Jacque Cranson, Rakesh Srivastava, Shawn Rossi, Chuck Rosenberg, Lou Kully, Ann Hinton, Brian Hoffman, Jody Stutzman Nays: 0 Motion carried 8-0

10. Subdivisions

- a. **2023-472.** Preliminary Plat for Showboat Condos Subdivision, in the Northwest Quarter of Section 16, Township 7 North, Range 9 West of the 6th P.M., in the City of Hastings, Adams County, Nebraska

Chad Bunger-The corresponding Preliminary Plat for Showboat Condos Subdivision, again, the same property we discussed. Six lots are proposed. One outlot at the intersection of Showboat Blvd and Highway 6 and then the five lots that would be developed with those garages. Each lot would have a series of garages and a potential of dwelling units above them, for a total of 60 individual slots. The applicant has mentioned there is a possibility that each of those garage slots and dwellings could be a condo or create a Condominium Association in the development. They did provide us with a covenant regarding that Condominium Association, so we are looking over that draft, but it has not been finalized yet. A little bit about the Plat. It will gain access off of showboat boulevard via an existing driveway and have an interior driveway through it. That is being platted as a 24 ft wide public access easement to get the Fire Department and others that needed access to each of the five lots. Utilities are in the area and will be run along essentially that access easement and the concrete apron. In regards to access, the end there, it notes a gravel cul-de-sac, the Fire Department will have some say in the design. There are probably some different options they can look at. Chad further discussed how the Fire Department will design and approve with the final plat as they have some options, it does need to be paved or at least have a road service that will carry a fire truck. Recap is commercial retail and is zoned I2. Discussed storm water plan and how the whole racetrack is largely master planned for storm water

runoff at the very southeast corner of that property is a retention pond should be able to handle all of the run off from the site. Discussed the design of the run-off. Everything will flow essentially back towards the West where there is an existing ditch that will channel all the runoff, then through the racetrack, back to that retention cell. I did not mention access to the Outlot 1. As it is shown there, it does not have an access point. There are some options to gain access to that Outlot and so they would just need to get that confirmed at the time of that building or that lot is developed so they have legal access. They have the opportunity to either find a way onto Showboat boulevard exclusively, or have an option to have a shared easement down that driveway and gain access as proposed there. So, there are options when that site develops.

The other note that the western portion of the lot is in a 1 % chance flood plain, but it's not a detailed study area, meaning we have an estimate of what the flood elevation would be on that site, but our flood plain regulations and the state would require that an engineer study determine the specific flood elevation before construction can occur. Those are the three conditions of approval we have provided for the preliminary plat.

Ann Hinton asked for a motion to approve the Preliminary Plat for Showboat Condos Subdivision Item- **2023-472**

Kully stated he had a question, visiting developers, just one question in regards to these units in one building. There are six units. Are there any complications or problems if someone comes in and wants to combine 2-3 into one?

Arlin Kiel stated his name and is from Spirit Lake, Iowa, stated he spends quite a bit of time here at the racetrack, is an Elite member there. I have been coming here for 9 years, so I am quite acquainted with the racetrack itself. I had the opportunity to buy the property there this past winter, and talking to a lot of people around the community, they would like to see something happen. Probably the only way 2 or 3 can be joined when people have 2000 sq.foot regulation, otherwise, it would have to be sprinkled. I think a fire door in between the walls could probably be put in, but as far as opening it up as 2-3 units as one, he doesn't think that is really possible, because of the fire code.

Lou Kully questioned because of the fire code?

Arlin Kiel stated" Yes, that is correct. Anthony can probably answer that question better, but that's my thought.

Lou Kully stated he was just asking because he knows of a couple other developments where they had individual garages and people came in and combined two of them for more space, but thought he would ask. You know darn well and good, someone will come in and build an extra-large garage. Why would it have to be sprinkled?

Arlin Kiel replied because of the 2000 sq foot ruling, he believes. In Iowa they do that but they don't have as stringent codes as up here.

Lou Kully stated he was just asking for his protection. He knows someone will come in and ask.

Arlin Kiel stated he is sure they would.

Anthony Murphy said he could feel everyone looking at him as he is flipping through the code book. Stated he doesn't have the answer right now. He thinks potentially the code he is referencing may be out of the State Life Safety Code. Typically, that is the code that is more restrictive on the size of a residential and above on residential.

Lou Kully stated, but if they don't put them in the residence above and it is part of the working unit down below, then they can combine.

Anthony agreed there is potential for that. There are so many ways of configuring that, it's hard to give that general blanket answer. If someone wants to look at that, Kevin Kubo said he would be more than happy to spend the time working on that.

Lou Kully said he was just looking ahead to that. Thought he would bring it to Anthony's attention. What he is trying to help them do is help them, because they are going to get some pretty good-sized people in because of the track itself. It will attract a lot of people. They are going to need more square footage.

Anthony stated, yes, if that should happen, we would be more than happy to work with them and guide them through the code requirements.

Jody Stutzman stated she couldn't comprehend what this looked like. Could you explain who will be renting these places, how long of a time they would typically be in Hastings, is it just for the weekend, when there are events?

Arlin Kiel stated they tried to design this drive, so the driveway comes off Showboat Boulevard there. There are four units that will have living quarters in them, four buildings to the south will have living quarters in them, overlooking the track. The ones on the north side of the drive we are not planning on putting in living quarters. We plan on using storage for local people and people that come to the track. So, the ones on the north side will not have living quarters, unless they want one, then they have to go back to the city to get a permit for that. We are going to have the water and sewer all in it already for them. So, the question is how long they would be here? Some people, a few people, asked if they would like to be in it for 8-9 months, and live here, and in the wintertime go somewhere else. A couple of those have come forward already. We've had several come forward that work on the track or come to the track, and they want to stay for weekends, and then, as an elite member, you can come there during the weekend and race there all week. It will draw those people to come in here, versus living at a condo or a motel room where they don't have garage space. I know there is an outfit from Texas that wants to come for a whole month there and spend time here and work on his cars, and drive them, and it will be set up for that. He is putting lifts, car lifts in some of them, so they can work on their cars quite easily. So, it's hard to tell how many there are going to be here but I think some of them will be here quite often.

Jody Stutzman thanked him from someone that knows nothing about cars.

Chuck Rosenberg asked Chad Bunker on Lot 1, how will that be affected by the Showboat intersection on Highway 6 when the state goes to do that? Is there plenty of room in there for any adjustments?

Lee Vrooman answered that question, by saying that is probably yet to be seen, since we don't yet have the final plan for that intersection. I know that intersection does get a little bit larger. I don't know that it is significantly larger, so until we have those final plans I can't definitively say one way or another. I doubt it has much bearing there. There are a couple of easements there that probably have more bearing on that lot than what the highway project does.

Brian Hoffman said he does have a question about the easements or the driveways in to the racetrack. When it happened to him this morning going in to work, and a train went across, by AGP, that northbound traffic really kind of binds up so, is there a plan to put a gate to stop traffic, because if you open up, there's a regular road? There are going to be people that will think that to be a regular road to get to Highway 6. If they travel

through there and they don't see it, because of the distance and size of the buildings, they might think that it is an outlet, or if the city would put a No Outlet sign in that position, because some people might think that is a drive through and you don't want that type of a mess?

Arlin Kiel said that has been addressed already. When you go to the racetrack now, there is one gate that goes to the track and one that goes to the condos. That particular one that goes to the condos is open all day long from 7am to 7pm.

Brian Hoffman said he went farther south, so when he goes farther South, he knows he can't go into a racetrack. The farther north you get, the more people think they can cross there. Some people now cross through AGP's gravel road to get onto the highway, so by just putting that out there, you might have some congestion issues or some amount of traffic.

Arlin Kiel stated they have looked into moving the fence further to the East so they can pull a semi in there and they can park and get the gate open. The people that own the units will be able to get on their phone app and press the button and the gate will open, so they will be closed all the time. They are gated.

Chad Bunger said just as a point of clarification, so beyond the gate and driveway, that access easement is to make sure the lots all have legal access, so that if it was just a driveway, and we left it at that, it would create issues by blocking a driveway or whatever and cause issues for the Fire Department or others. We are creating that legal traveling, so everyone has legal access all the way back to lot 5.

Ann Hinton said her comment would be that she would like to see it before the final plat is done. She would like to see there be access to Outlot 1 in your conditions before they get a building permit there, but thinks it should be on the final plat, so that anyone wanting to buy Outlot 1 at some future point, if they are ready to sell or whatever, would know they have access. She thinks that would be a wise move before the final plat is submitted.

Chad Bunger asked if that motion was to include Ann Hinton's amendment?

Ann Hinton said she didn't make it as a recommendation to approve this. She stated before the Final Plat they put access there.

Chad Bunger said to make it up and up, and if that is truly what the expectation is on the Final Plat, he thinks it best to go ahead and amend the motion to include that change in the conditions. If the rest of the Board or Mr. Kully doesn't feel that's important, then cool, but since you made that suggestion, if the Board wants that expectation with the Final Plat, then it should be a condition.

Lou Kully said he doesn't have a problem with it at all. If somewhere down the road that Interchange is changed by the State and the City, which it probably will be, because of the traffic involved, just as long as the developer has a chance to amend the final Plat.

Ann Hinton asked if that isn't the purpose of a preliminary Plat? It is only preliminary, correct? Changes can be made prior to the final plat, as long as the commission approve those changes? Personally, she would like to see access there before approving that or making it contingent on access.

Lou Kully asked Arlin Kiel, Sir, do you have any objection to that or a problem with it? All we are trying to do is protect you because we don't know what will happen with that interchange?

Discussion continued on the best places access could work on Outlot1.

Lee Vrooman agreed with Chad Bunger, if you want to add the Access Road to Outlot 1, now is the time to do it.

Rakesh Srivastava stated that in the future he thinks it would be better for all of us.

Lee Vrooman also asked if they ever sold it and the new purchaser wanted something different, they can always do something different.

Moved by Lou Kully with amended access added. Seconded by Rakesh Srivastava
Voice Vote taken- Ayes: Jacque Cranson, Shawn Rossi, Chuck Rosenberg, Ann Hinton, Brian Hoffman, Jody Stutzman Nays: 0 Motion carried 8-0

11. Reports

a. Committee Reports

No Reports

b. Chairman Comments

None

c. Staff Reports

Chad Bunger stated we sent out letters last week and will start our series of neighborhood meetings for the annexation plan, so the next two weeks starting next Tuesday, we'll meet with four different groups of neighbors that have been identified as candidates to be annexed based on their proximity to the current city limits and or getting utilities. We recognize they're not going to be super fun meetings, but we are going to have those neighborhood meetings to make sure everyone is well informed, and understands the process, why we are doing it, and what they can expect. Then, starting September 5th, we are going to schedule work sessions with you all, to have those same groups one by one, so four series of meetings with you to just discuss it we're going to be well informed by the end of this, and be good acquaintances.

Kevin Kubos said most projects are moving along. There was a walkthrough of the Justice Center and they were starting to put all the finishes on, so they are getting closer. Dinsdale, their sales floor is the last part of the remodel, so they are getting close to doing that. We went there, they are finally fine tuning their operation to get that up and going. Houses are moving right along. Doing inspections almost every day, keeping up with those. Went through a walk through with St. Cecilia, they seemed to be very close there. They are pushing really hard to get the students in next week. Heartwell, the tanks are going up really well, so I think they are finally fine tuning their operation to get that up and going. They have a lot of workers out there working. Houses moving along, inspections daily. YMCA has some hurdles, but we got them over them the other day. Had some points that were sticking for them so, we gave them some options chose those options to move forward. Hopefully, that will help them out. What Chad Bunger is talking about, is we want to educate the public, where we got a lot of people not pulling building permits, and plumbing permits, siding permits, roofing permits. We want to start educating the public on the reasons why you have to pull a

permit. We don't like being angry at people, but we need to educate them on the reasons why, especially roofs. If you hire someone to do a roof, and they don't pull a permit and they do the roof wrong, you call me and say they did my roof wrong, and I say, did you pull a permit and call for an inspection? They're going to go uh, I didn't know I had to. My only recourse is ok, tear your roof off and let's see it. That's not what we want to do. We want to educate beforehand, get the inspections done in mid-roof, so we can catch if there are things done incorrectly. We just want to emphasize the importance of pulling the building permits, and calling for inspections. Any questions from other projects? Some big ones coming down the chute for some of us in the room. Some of us are very, very excited about that.

Brian Hoffman asked what the plan or strategy is on educating on the building permits?

Kevin Kubo stated an ad campaign, working with Tony doing some Facebook, newspaper articles, just trying to be as nice as we can about why people should pull permits.

Brian Hoffman stated that he had his roof done and he was under the impression the contractor pulled the permits. That is something they need to address. He assumed paying the \$45.00 Contractor Fee was to make that work.

Kevin Kubo stated that is where we are going to educate you to be a good homeowner and when they show up at the job, ask your roofer can I see your permit? They should pull out their phone, we e-mail it directly to them, show it to you, if they can't do that, then you say no thank you. You pull it online, it takes 5 minutes to pull it online, and it takes 10 minutes to do an inspection.

Chad stated Tony has created a Press Release that went out yesterday. The local TV station interviewed Chad Bunker the other day, so the Development office is trying to get some information out there. It's about once a week we hear something has been done without a permit.

Brian Hoffman recommended they use the Utility bill, which is usually informative, and place the need for people to pull permits in it.

Jody Stutzman said something else to consider, especially after the last storm, we are all working with our insurance companies and I trust my insurance company to tell me a checklist of who to use, so they can reach out to more people.

Chuck Rosenberg asked Kevin Kubo what types of permits do we need? Siding, what if I put up new downspouts? Gutters? If I have someone fix a broken fence? Sounds like you need a permit for any type of repair, right?

Kevin Kubo said well, a downspout and gutters do not require a permit under the Building Code and the IRC. Roofing and siding require a permit because they deal with the envelope of the structure. Just being weather proofed and other codes that apply to that Windows and doors replaced that are the same do not need permits. However, if they are changed in size, then you are dealing with headers, and that deals with the structure. That requires an inspection. Tell us how big the header is and what you are doing. Then we can match it up to what is required under code.

Chad Bunker said the biggest take away is if you have any questions, if you are going to do any sort of project, a quick phone call to our office. We are happy to help, we are always there to let you know what needs to be done.

Rakesh Srivastava said not to change the subject but asked if they had decided what

they are going to do with the KMART building.

Kevin Kubo stated yes, they are working on a set of plans right now. They have a tenant for that space. They are going to take up 14,450 sq. feet of that it's in the review process right now. They are going to create a couple more tenant spaces on the North East Corner of the back half. Not sure what they are doing with that yet, but they have an assigned tenant in there. Once the parking lot is going, there are issues with the electrical we are working on. Once those get to us, we can issue the permit and move forward.

Anthony said Kevin Kubo has mentioned many of the projects we have been working on. Hopefully you picked up on the theme. We are really trying hard to focus on our customer service, the experiences of somebody that has come in and wants to do some development

do repairs, do remodeling, and things of that nature. So, we are constantly reviewing our internal systems and processes and trying to find where those points of friction or those bottlenecks are I think we have briefly discussed in these meetings previously has been work load and trying to make sure we can be responsive in a timely manner. As part of that we have been fortunate enough to be approved for a full-time Fire Inspector for the city. So, at this time, would like to introduce you to Mr. Travis Nolan, our new Fire Inspector. He just started, this is day number two. If you want to give a quick brief run down on your fire experience and things of that nature. Step up to the mike and introduce yourself.

Travis Nolan started by saying he resides in Grand Island. He saw the opportunity and applied. He has been in the fire service for nine years, He has Fire 1, Hazmat Operations, Hazmat awareness-assistance. He has always wanted to be in the fire service and this gave him a backdoor way into a fire service, since he couldn't do the fire service anymore.

Welcomed by all.

Anthony is very, very, happy to have him and have somebody with his fire background, so they know a building reacts in a fire and different ways to prevent it. Between the project updates and introducing Inspector Nolan here those were the primary things I wanted to convey. Unless there are other questions on other projects?

Lee Vrooman said the only thing I have to add is Kool-Aid days we'll have Marvin Consultants out there at the fairgrounds in a booth, so if anyone is interested in talking about planning go out there and talk with them That starts at 11am. With that, there will also be a storm water booth with some information. A little more education on that is always good.

Chad Bunger said to expand on that, the Kool-Aid days, Keith Marvin and his crew have drafted a future land use map and drafted what our future developments could look like. We can present that to the public and get some input. So, it's going to be the full 2-mile area will all be included in that future land use plan 2-excited to see what the community thinks of that. That will really be just one of several steps to getting some comments and thoughts on it.

Jody Stutzman said she really wanted to say thank you to all of you as it's evident your efforts to get community feedback and also educating the community on various things is very much noticed, thank you.

Ann Hinton seconded that and thanked the board also. Any other comments or

questions?

Adjourn

Chairman

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 26th Street and North 2nd 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 2nd, 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 26th, 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. 2nd 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 26th 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 26th Street is closer to 28-29 % due to being in Adams Central District and N 2nd 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 33rd 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 26th St. They could connect, so it would make sense to annex the buildings and not the whole property at this time.

Chad Bunker 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 26th 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 Bunker 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 Bunker 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 Bunker 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 Bunker 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 3rd. 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 2nd 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 26th 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 Hohls, 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 Hohls have no intention of developing their property

into anything other than farm ground. The HohLens 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 HohLens, 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

Chairman

Staff Memorandum



To: Hastings Planning Commission

From: Chad Bunger, AICP, CFM Director of Development Services

Date: August 30, 2023

Meeting Date: September 2, 2023

Re: Work Session to Discuss Annexation of Sites with the Industrial Park West Area and the East Industrial Area near the Intersection of U.S. Highway 6 and Showboat Boulevard.

Section 2-606 of the City Code of Ordinance requires that the Planning Commission review areas eligible for unilateral annexation every three years, as well as county industrial areas every two years. 2023 is the year to conduct both of these reviews. This process began on May 16, 2023, when the Planning Commission held a work session to discuss the annexation review topic and give direction on areas that the City staff should consider. At that work session, City staff proposed 10 different areas adjacent to or surrounded by the City limits as potential properties to be considered in this round of annexation review. The result was the identification of 42 separate properties to be considered for this round of reviews.

If the annexation review proceeds to a recommendation to annex to the City Council, the City must follow the process identified in the Nebraska Revised Statutes (N.R.S 16-116 through 16-130).

City staff has engaged these 42 property owners to introduce the topic, explain the annexation process, and hear comments at a series of neighborhood meetings from August 22nd – August 31st at the Hastings Public Library.

This work session is intended to discuss the annexation review process further and also specifically discuss the four properties in the Industrial Park West area. Subsequent work sessions will be held in the upcoming weeks to discuss the Yost Avenue area. A work session was held on September 9, 2023, to discuss the areas along E. 26th Street and N. 2nd Avenue.

During the neighborhood meeting phase of this project, property owners in the East Industrial area of the City informed Development Services staff that the area was previously designated as a County Industrial Park, and thus could not be annexed by the City, per Nebraska Revised Statute 13-1111. Staff's research on this topic came to the same conclusion as the property owners. A separate memo is provided with this agenda item that describes the findings and that the City

will no longer review this area for annexation unless subsequent changes are requested by the Adams County Board of Commissioners or the property owners.

As part of the requirements of the State Statutes, an extension of the City services plan must be provided for each area proposed to be unilaterally annexed into a City. Development Services staff has prepared individual property sheets that describe the subject site, the zoning, utilities available to the site, and public services available in the area. It is intended for these individual property sheets to serve as the basis for the required extension of City services plan. Each property sheet for the four properties at the focus of this work session is attached.

Generally speaking, these four properties are industrial uses that all are customers of Hastings Utilities for water, sanitary sewer, electricity, and gas.

No formal decision should be made at this work session. City staff would appreciate direction on the staff's review of each property and how to proceed. City staff would also recommend that the property owners in this area review and the public be invited to ask questions and provide comments at this work session.

The Development Services staff appreciate the opportunity to review this project and gain direction from the Planning Commission.

Staff Memorandum



To: City of Hastings Planning Commission

From: Chad Bunger, AICP, CFM Director of Development Services

Date: September 13, 2023

Re: Annexation Review of East Industrial Area

In May 2023 The City Planning Commission and staff initiated the review of potential annexation sites to fill in “donut holes” and “square off” the City’s corporate boundaries. One area of focus was on the east side of the City, near the intersection of U.S. Highway 6 (E. South Street) and Showboat Boulevard.

Following the initial review to consider annexing this area, Development Services staff invited the properties of the annexation review for this area to a neighborhood meeting on August 24, 2023, to discuss the review details and potential schedule. Before and during that neighborhood meeting, affected property owners provided staff with copies of approved resolutions from the Adams County Board of Commissioners from 1967 designating this area as a County Industrial Area under Nebraska Revised Statute (N.R.S.) 13-1111 to 13-1120. A copy of the 1967 resolution and a map of the designated County Industrial Area is attached.

Generally speaking, N.R.S. 13-1115 prohibits a municipality from including tracts within a designated County Industrial Area to be included within its boundaries (annexation) unless the terms to annex properties into the municipality are stipulated in terms of an agreement between the City and County, or the property owners agree to be annexed. To date, the City can not find such an agreement between the City and County for this area. Additionally, at least one property owner that has a significant land area in this review area expressed the company’s opinion that it should not be annexed into the City because of the designation.

Considering these facts and circumstances at this time, City staff does not believe annexing the East Industrial Area is possible. Development Services staff will notify the affected property owners of this decision. If new information is found regarding past agreements or the property owners choose to be annexed into the City for current or future developments, City staff will re-address this topic.

State of Nebraska, Adams County, ss. Recorded October 26, 1967 at
10:35 A.M. in Miscellaneous Record 37, page 36.

L. L. Meredith
Register of Deeds.

O R D E R

BE IT REMEMBERED:

That the Adams County Board of Supervisors, sitting in regular session on August 21, 1967, at 11:00 o'clock A.M. in the Boardroom of the Adams County Court-house of Hastings, Nebraska, did consider the application filed by Kerr-Cochran, Incorporated, Morrison-Quirk Grain Corporation, Weyerhaeuser Timber Co., and Hastings Irrigation Pipe Co. to designate certain real estate as an Industrial Area. The Board listened to testimony and arguments of counsel and entered a resolution designating the said tract as an Industrial Area subject to the applicants filing with the Board consents from all of the owners of property within the area, to the application and the said designation.

The Board finds that the said application for designation should be approved and that the said property described hereinafter should be designated as an Industrial Area, and that the tract is suitable for use as an Industrial Area and that it will be generally beneficial to the community and that the owners of all the land embraced therein have consented to such designation.

IT IS THEREFORE ORDERED AND DECREED by the Adams County Board of Supervisors that the following described parcel of real estate, to-wit:

The Southeast Quarter (SE $\frac{1}{4}$) of Section Eight (8) except the West Three Hundred feet (W 300) thereof, and the Southwest Quarter (SW $\frac{1}{4}$) of Section Nine (9), and the Northwest Quarter (NW $\frac{1}{4}$) of Section Sixteen (16), all in Township Seven (7) North, Range Nine (9), West of the 6th P.M., Adams County, Nebraska

be and the same is hereby designated an Industrial Area.

ADAMS COUNTY BOARD OF SUPERVISORS

BY *A. Kild*
Chairman

CERTIFICATION

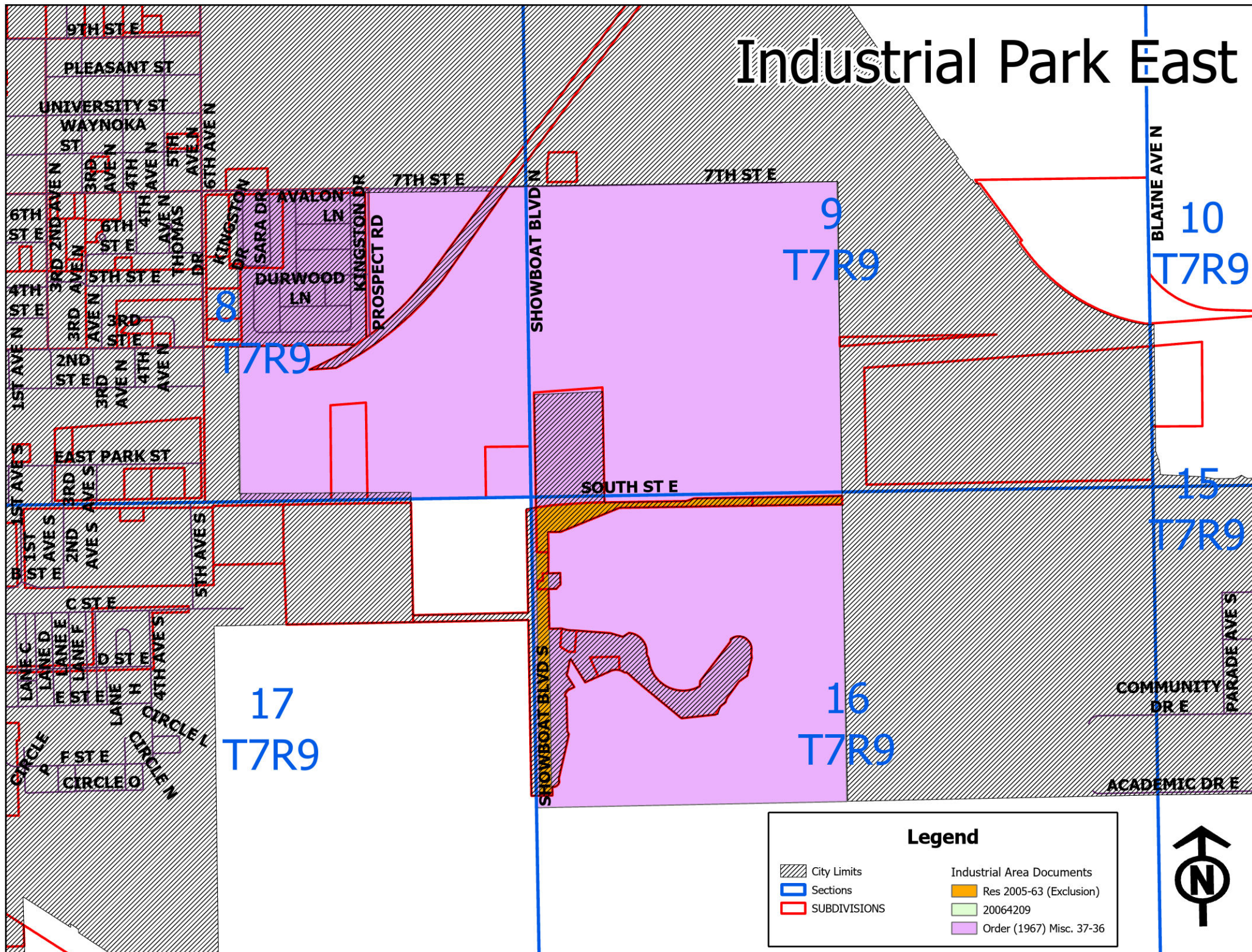
I, EMMA BERG, the duly elected and acting
County Clerk of the County of Adams, State of Nebraska,
do hereby certify that I am also the Clerk of the County
Board of Supervisors and that the within and attached
Order was duly entered by the said Board at a meeting
of the Adams County Board of Supervisors held at 11:40
o'clock on the 20th day of October, 1967, in
the Boardroom of the Adams County Courthouse, Hastings,
Nebraska, by affirmative, unanimous vote of all members
of the said Board.

DATED at Hastings, Nebraska this 20th day of
October, 1967.



Emma Berg
County Clerk

Industrial Park East



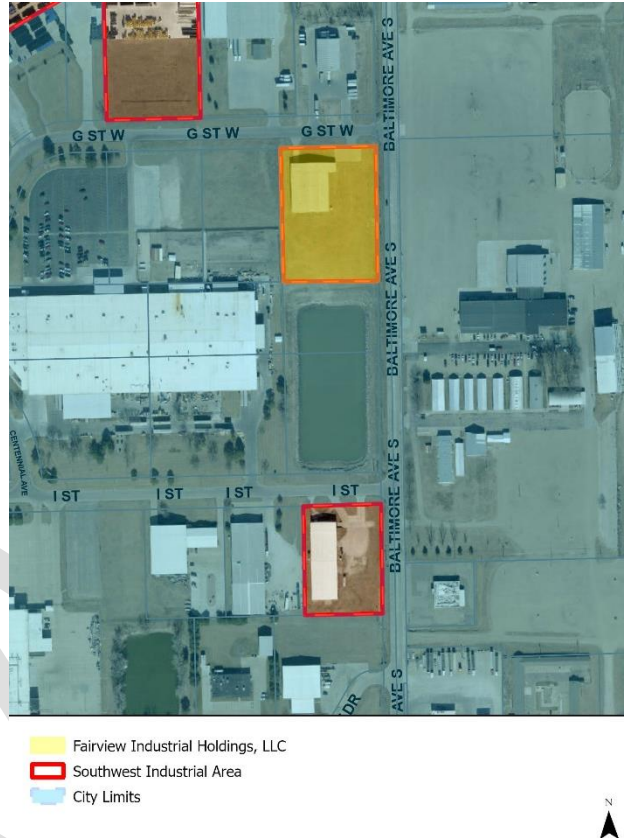
1503 West G Street
Southwest of the intersection of
South Baltimore Avenue and West G Street

Owner: Fairview Industries Holdings, LLC

Subject Site:

The subject site is a generally flat piece of land that is approximately 2.9 acres in area. The site consists of one industrial building located in the northwest corner of the site.

The property is completely surrounded by properties and rights-of-way that are within the corporate limits of Hastings. The reason for this donut hole is in part due to this property and the surrounding industrial area being designated as an Adams County Industrial Area in 1987. Before the County designation, an agreement between the City of Hastings and Adams County established a timeline to annex these properties into the City limits. Generally speaking, N.R.S. 13-1115 allows this type of agreement as an acceptable exemption from the prohibition of being annexed into the municipal limits.



The agreement between the County and City (attached) states:

- (A) That the named real estate owner's land, buildings and appurtenances affixed thereto, shall not be subject to annexation by the City of Hastings until ten (10) years passes from the date the respective facilities start operating.
- (B) That after the above-mentioned time period expires, the City may then begin incremental annexation subject to the following terms and conditions:
 - (1) Over a period of five (5) years the City may annex, in equal installments, the total value of the named property owner's real property. The value of each of the five (5) year's installments shall be determined by taking the total value prior to any annexation and dividing it by five (5). Each one fifth (1/5) value shall then be converted into lineal feet of the property owner's land and annexed each respective year.

According to Adams County records and building permits, the building was established in 1999. As evident by the City limits depicted on the site map, the City proceeded to annex portions of the area, as defined in (B)(1) for some time, but stopped in the 2010s.

The site is within the Hastings Public Schools District.

Floodplain Information:

The site is in FEMA Zone X, 0.2% Annual Chance Floodplain (500-year floodplain)(Map Panel # 31001C0160C).

Zoning: The site and surrounding areas to the is currently zoned County I-2, Heavy Industrial District.

The properties to the east, across S. Baltimore Avenue, are zoned C-3, Commercial Business District.

The potential zoning classification, based on the surrounding area and the current use if the land was annexed into the City would be I-2, Heavy Industrial District.

Public Utilities:

Water – A 10-inch water main is located in the W. G Street and S. Baltimore Avenue rights-of-way. The site is a customer of Hastings Utilities and receives water at the standard commercial rate inside the city.

Sanitary Sewer – An 8-inch gravity flow sanitary sewer main is located in the W. G Street right-of-way. A 15-inch sanitary sewer main is located in the S. Baltimore Avenue right-of-way. These mains provide service to the site. The business is connected to the City's sanitary sewer infrastructure and is currently a customer of the City's utility at a standard commercial rate.

Gas – A Hastings Utilities' gas line is located in the W. G Street right-of-way. The property is a customer of that utility enterprise and pays the standard rate for commercial property within the City limits.

Electricity - Hastings Utilities' has electrical service in the immediate area to provide electricity to the site. The property owner is a customer of the utility enterprise and pays the standard rate for commercial property within the City limits.

Access to Public Roads – The site has two driveways onto W. G Street, which is maintained by the City of Hastings. The east driveway provides access to a parking lot. The west driveway is to a loading dock at the building.

Public Safety – Per the 1987 agreement with the property owners and Hastings Economic Development Corporation, the entire industrial park would be protected by the City's fire and police department once any annexation in the industrial park was done. However, the City's Police Department does not have legal jurisdiction over properties not within the City limits, regardless of what the agreement states. The



Police Department does patrol this area, but any law enforcement response to the portion of the property is limited because of past incremental annexations and jurisdiction limitations.

Per the agreement, the Hastings Fire Department does respond to the property as the initial emergency response provider.

If this property was annexed into the Corporate limits, both Hastings Fire and Hastings Police Department would serve the property without requiring additional personnel, equipment, or new stations.

Summary of Cost To Extend Services:

[Nebraska Revised Statute 16-117](#) requires that the City Council wishing to annex land into the corporate limits must adopt a plan that:

“...contains sufficient detail to provide a reasonable person with a full and complete understanding of the proposal for extending city services to the land proposed for annexation. The plan shall (a) state the estimated cost impact of providing the services to such land, (b) state the method by which the city plans to finance the extension of services to the land and how any services already provided to the land will be maintained, (c) include a timetable for extending services to the land proposed for annexation, and (d) include a map drawn to scale clearly delineating the land proposed for annexation, the current boundaries of the city, the proposed boundaries of the city after the annexation, and the general land-use pattern in the land proposed for annexation.

As previously described, access to sanitary sewer, electricity, gas, public roadways, and emergency and protective services are readily available. The property is currently receiving services from these utilities. No extension of utility services is required if this site were to be annexed. Additionally, the site is generally protected by the City of Hastings Fire Department and Police Department per the 1987 agreement. However, any direct response by the Hastings Police Department to the site is limited because of jurisdiction limitations. The City of Hastings would maintain these existing assets through normal budgetary processes, including capital improvement planning.

Potential Tax Implications:

By being annexed into the City of Hastings, an additional mill levy would be added to the tax statement. The following table is an estimation of the potential changes in taxes the property owner may experience by being in the Hastings corporate limits. This information was collected using the current Adams County Assessors public website and estimations by the City's Finance Department for this year's tax assessment and mill rate. This amount may change as a result of the normal budget cycle.

Summary:

The use of the property is industrial. It appears to conform to the existing zoning district classification. No known nonconformities of the zoning regulations are witnessed. If annexed, it would be recommended to remain as I-2, Heavy Industrial District.

The property is surrounded by properties and public right-of-way within the City of Hastings. The property gains access to the public right-of-way maintained by the City of Hastings and receives utility services for water, sanitary sewer, gas, and electricity from Hastings Utilities. The site is within both Hastings Fire

Department and Hastings Police Department response areas and can be served without requiring additional personnel, equipment, or stations. Per the 1987 agreement with the Hastings Economic Development Corporation, protection by the Fire Department and Police Department was to occur at least 1988. However, the Hastings Police Department has no jurisdiction over the area not within the City limits, regardless of the agreement.

The land and surrounding properties were designated as a County Industrial Park in 1987. An agreement with the property owners and the Hastings Economic Development Corporation before the industrial park designation was created to address future annexation of the area and other conditions of the industrial park. Nebraska Revised Statute 13-1115 prohibits an industrial park from being annexed by a municipality, unless such an agreement was approved. As evident by the City corporate limit, this area was annexed over the years, per the agreement. Sometime in the 2010s, it was determined that the incremental approach was inappropriate and the effort stopped. It has been over 23 years since the facility became operational.

The property owner's tax assessment for the property is anticipated to increase by approximately \$1,543.81 or 20.66%, based on the 2023-2023 valuation.

Staff Recommendation

Per the agreement, this property was to be annexed by at least 2014. It was determined around that time that the incremental annexation of each site was inappropriate and the effort stopped. Following through with the annexation of the entire property at this time would fulfill the original agreement, approximately eight years after the agreed-upon time.

Conversely, not annexing the property into the City limits would maintain a donut hole, which could impact consistent emergency services and law enforcement.

Considering all of these factors, City staff is recommending that these properties be annexed into the City.

If the Planning Commission would like to recommend to the Mayor and City Council that the properties should not be annexed into the City limits, they should clearly articulate the findings of their decision.

O R D E R

BE IT REMEMBERED:

That the Adams County Board of Supervisors, sitting in regular session on July 7, 1987, at 10:00 o'clock a.m. in the Boardroom of the Adams County Courthouse of Hastings, Nebraska, did consider the application filed by Hastings Economic Development Corporation; Great Plains Packaging, Inc.; Dana Corporation; Thermo King Corporation; Scherbarth, Inc.; Monfort of Colorado; Tri-City Industrial Investors; and Tom Lauvetz to designate certain real estate as an Industrial Area. The Board listened to testimony and arguments of counsel and entered a Resolution designating the said tract as an Industrial Area subject to the applicants' filing with the Board consents from all of the owners of property within the area, to the application and the said designation.

The Board finds that the said application for designation should be approved and that the said property described hereinafter should be designated as an Industrial Area; and that the tract is suitable for use as an Industrial Area and that it will be generally beneficial to the community and that the owners of all the land embraced therein have consented to such designation.

IT IS THEREFORE ORDERED AND DECREED by the Adams County Board of Supervisors that the following described parcels of real estate, to-wit:

Lots Two (2), Seven (7), and Eight (8) of Block One (1); Lot Four (4) and the East 50 feet of Lot Five (5) of Block Two (2); Lots Two (2), Three (3), Four (4), and Five (5) of Block Three (3) and lake cell, all in Hastings Industrial Park West in the Southeast Quarter (SE 1/4) of Section Fourteen (14), Township Seven (7) North, Range Ten (10) West of the 6th P.M., Adams County, Nebraska;

Lots Eight (8) and Nine (9) of Block Three (3), all in Hastings Industrial Park West in the Southeast Quarter (SE 1/4) of Section Fourteen (14), Township Seven (7) North, Range Ten (10) West of the 6th P.M., Adams County, Nebraska;

Lot Seven (7) of Block Three (3), all in Hastings Industrial Park West in the Southeast Quarter (SE 1/4) of Section Fourteen (14), Township Seven (7) North, Range Ten (10) West of the 6th P.M., Adams County, Nebraska;

Lots Two (2), Three (3), the West 50 feet of Lot One (1), Lot Five (5) except the East 50 feet, Lots Six (6) and Seven (7) of Block Two (2), all in Hastings Industrial Park West in the Southeast Quarter (SE 1/4) of Section Fourteen (14), Township Seven (7) North, Range Ten (10) West of the 6th P.M., Adams County, Nebraska;

Lot Nine (9) of Block One (1), all in Hastings Industrial Park West in the Southeast Quarter (SE 1/4) of Section Fourteen (14), Township Seven (7) North, Range Ten (10) West of the 6th P.M., Adams County, Nebraska;

Lots Three (3), Four (4), Five (5), Six (6), Ten (10), Eleven (11), and Twelve (12) of Block One (1), all in Hastings Industrial Park West in the Southeast Quarter (SE 1/4) of Section Fourteen (14), Township Seven (7) North, Range Ten (10) West of the 6th P.M., Adams County, Nebraska;

Lot Six (6) of Block Three (3), all in Hastings Industrial Park West in the Southeast Quarter (SE 1/4) of Section Fourteen (14), Township Seven (7) North, Range Ten (10) West of the 6th P.M., Adams County, Nebraska;

Lot One (1) of Block One (1), all in Hastings Industrial Park West in the Southeast Quarter (SE 1/4) of Section Fourteen (14), Township Seven (7) North, Range Ten (10) West of the 6th P.M., Adams County, Nebraska;

be and the same are hereby designated an Industrial Area, under the terms and conditions more particularly set out in the

Application For Designation of County Industrial Area filed with the Adams County Clerk on May 26, 1987, and attached hereto and incorporated herein as Exhibit 1.

ADAMS COUNTY BOARD OF
SUPERVISORS

By *D.W. Maloney*
Chairman

EXHIBIT 1

APPLICATION FOR DESIGNATION

OF

COUNTY INDUSTRIAL AREA

TO THE COUNTY CLERK AND THE BOARD OF SUPERVISORS OF ADAMS COUNTY,
NEBRASKA:

We, the undersigned owners of real estate consisting of more than twenty (20) acres of contiguous real estate situated in Adams County, Nebraska, no part of which is within the boundaries of any incorporated city or village, hereby make application for the designation of the real estate described in the attached Exhibit A, as an Industrial Area pursuant to the provisions of Sections 19-2501 R.R.S. 1943, as amended.

In Support of this application, the undersigned allege:

1. That the real estate described is suitable for use as an Industrial Area;
2. That such designation will be generally beneficial to the community; and
3. The undersigned owners of the land described in Exhibit A have all consented to such designation subject to the following terms and conditions being agreed to by the City of Hastings.
 - (A) That the named real estate owner's land, buildings and appurtenances affixed thereto, shall not be subject to annexation by the City of Hastings until ten (10) years passes from the date the respective facilities start operating.
 - (B) That after the above mentioned time period expires, the City may then begin incremental annexation subject to the following terms and conditions:
 - (1) Over a period of five (5) years the City may annex, in equal installments, the total value of the named property owner's real property. The value of each of the five (5) year's installments shall be determined by taking the total value prior to any annexation and

Page 1

Filed 5-26-57

10:20 A.M.

Anita Hawes

Adams County Clerk

-4-

dividing it by five (5). Each one fifth (1/5) value shall then be converted into lineal feet of the property owner's land and annexed each respective year.

- (2) The physical annexation will start at the point where the property line meets the street fronting the properties, and move away from this point toward the rear of the property.
- (3) That upon annexation, the portions(s) annexed shall be considered one (1) tax district within the City, and the remaining portion shall be considered another separate tax district outside of the City.
- (4) That upon the initial annexation of any property, the City will also annex all of the streets within said industrial area, so that all of the property will be contiguous to the City limits.
- (5) That City police and fire protection will be provided by the City of Hastings to the entire Industrial Area once any annexation of same takes place; and
- (6) That once any annexation takes place the City of Hastings agrees to purchase from Hastings Economic Development Corporation Lot One (1), Block Two (2) except the west fifty (50) feet, and the Southeast corner of the Industrial Park as retention cells for the sum of Forty Five Thousand and no/100's (45,000.00). Payment for the retention cells shall not begin until revenues are received by the City as a result of the annexation. Payment of principal will be extended over five years with a 10% compounded interest rate on the unpaid balance. The lake cell between Dana Corporation and Thermo King Corporation will be reviewed by the City Engineer to determine whether it remains necessary to retain this cell as more than twice as many acre feet of storage has been built in the Park than was originally requested by the Planning and Zoning Commission. If the lake cell is determined to be needed by the Engineer's office this property shall be included in the acquisition by the City and maintained as a retention cell from then on. At no time will any of this property be sold by the City of Hastings for purposes other than retention cells.

We respectfully request that a time be set for hearing this
Petition and that notice thereof be given by publication all as
required by law.

DATED at Hastings, Nebraska the 26th day of May, 1987.

HASTINGS ECONOMIC DEVELOPMENT CORP.

By Doran J. Bunker

GREAT PLAINS PACKAGING, INC.

By John J. Seppel

DAVA CORPORATION

By Thomas E. Mersers

THERMO KING CORPORATION

By Harold Hule

SHERBATH INCORPORATED

By Robert L. Sherbath

TRI-CITY INDUSTRIAL INVESTORS

By James J. [Signature]

MONFORT OF COLORADO

By David J. Brater

TOM LAUVETZ

By Thomas J. Lauvetz

EXHIBIT A

Hastings Economic Development Corporation, owners of Lots Two (2), Seven (7), and Eight (8) of Block One (1); Lot Four (4) and the East 50 feet of Lot Five (5) of Block Two (2); Lots Two (2), Three (3), Four (4), and Five (5) of Block Three (3) and lake cell, all in Hastings Industrial Park West in the Southeast Quarter (SE1/4) of Section Fourteen (14), Township Seven (7) North, Range Ten (10) West of the 6th P.M., Adams County, Nebraska.

Great Plains Packaging, Inc., owners of Lots Eight (8) and Nine (9) of Block Three (3), all in Hastings Industrial Park West in the Southeast Quarter (SE1/4) of Section Fourteen (14), Township Seven (7) North, Range Ten (10) West of the 6th P.M., Adams County, Nebraska.

Dana Corporation, owners of Lot Seven (7) of Block Three (3), all in Hastings Industrial Park West in the Southeast Quarter (SE1/4) of Section Fourteen (14), Township Seven (7) North, Range Ten (10) West of the 6th P.M., Adams County, Nebraska.

Thermo King Corporation, owners of Lots Two (2), Three (3), the West 50 feet of Lot One (1), Lot Five (5) except the East 50 feet, Lots Six (6) and Seven (7) of Block Two (2), all in Hastings Industrial Park West in the Southeast Quarter (SE1/4) of Section Fourteen (14), Township Seven (7) North, Range Ten (10) West of the 6th P.M., Adams County, Nebraska.

Scherbarth, Inc., owners of Lot Nine (9) of Block One (1), all in Hastings Industrial Park West in the Southeast Quarter (SE1/4) of Section Fourteen (14), Township Seven (7) North, Range Ten (10) West of the 6th P.M., Adams County, Nebraska.

Monfort of Colorado, owners of Lots Three (3), Four (4), Five (5), Six (6), Ten (10), Eleven (11), and Twelve (12) of Block One (1), all in Hastings Industrial Park West in the Southeast Quarter (SE1/4) of Section Fourteen (14), Township Seven (7) North, Range Ten (10) West of the 6th P.M., Adams County, Nebraska.

Tri-City Industrial Investors, owners of Lot Six (6) of Block Three (3), all in Hastings Industrial Park West in the Southeast Quarter (SE1/4) of Section Fourteen (14), Township Seven (7) North, Range Ten (10) West of the 6th P.M., Adams County, Nebraska.

Tom Lauvetz, owner of Lot One (1) of Block One (1), all in Hastings Industrial Park West in the Southeast Quarter (SE1/4) of Section Fourteen (14), Township Seven (7) North, Range Ten (10) West of the 6th P.M., Adams County, Nebraska.

CERTIFICATION

I, Anita Hawes, the duly elected and acting County Clerk of the County of Adams, State of Nebraska do hereby certify that I am also the Clerk of the County Board of Supervisors and that the within and attached order was duly entered by the said Board at a meeting of the Adams County Board of Supervisors held at 10:00 A.M. on July 7, 1987, in the Boardroom of the Adams County Courthouse, Hastings, Nebraska, by affirmative unanimous vote of all members present. Teller, absent and not voting.

Dated at Hastings, Nebraska this 7th day of July, 1987.



Anita Hawes

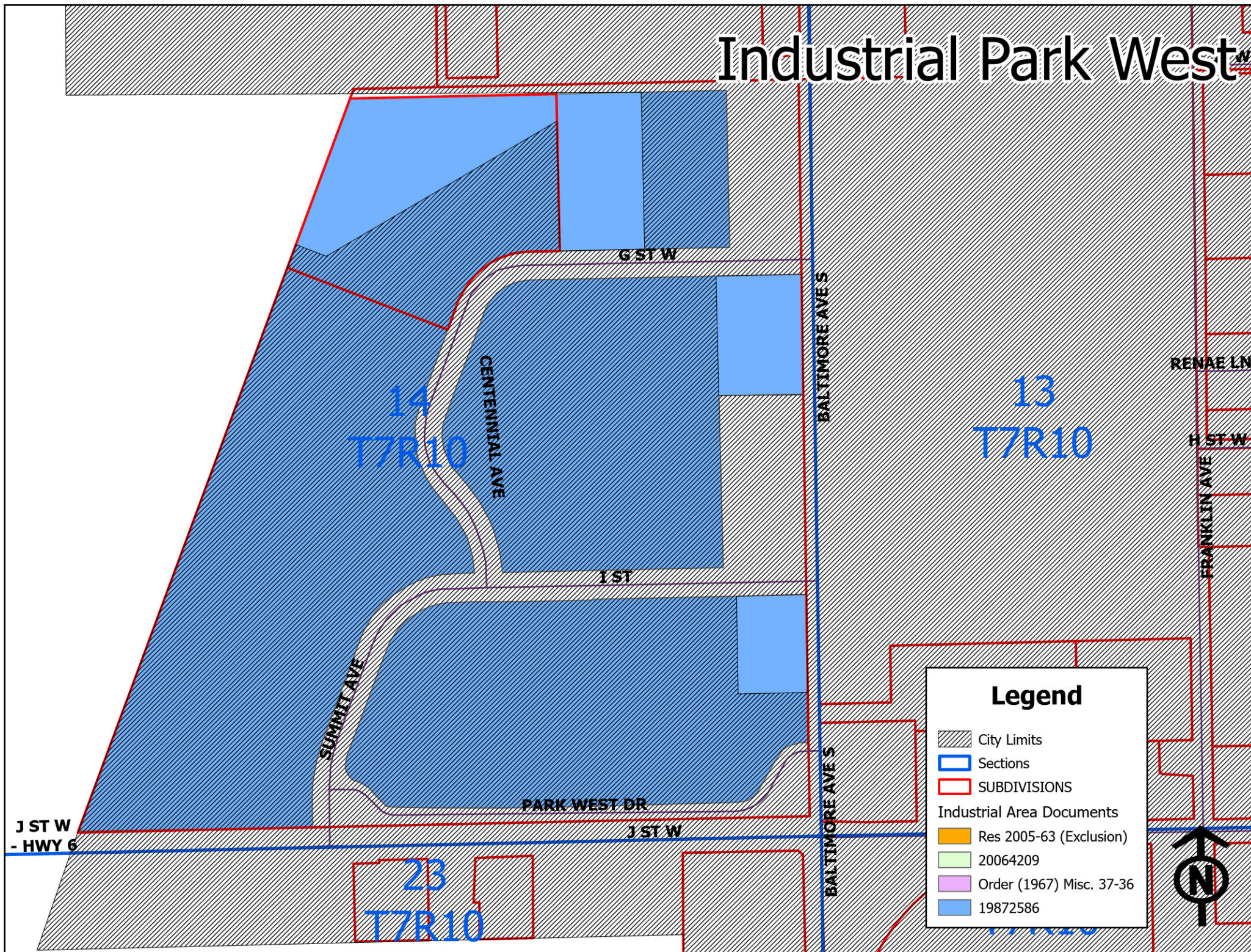
Anita Hawes, Adams County Clerk

Num 0-105 RD Computer ✓
 Comp ✓
 Tax ID — Cad — A.O. ✓

FILED
 INST. NO. 872586
 1987 JUL 15 PM 2:34
Deane Thompson
 REC'D CLERK
 ADAMS COUNTY

*Anita Hawes
 Chg 41.50 - Bd. of Supervisors
 Ret. Adams Co. Clerk*

Industrial Park West



Property Address			PID			
1503 W G STREET			#010003163			
Current Value Information						
Land Value	Dwelling Value	Improvement Value	Total Value	Net Taxable Value		
\$ 83,042.00	\$ 298,888.00	\$ -	\$ 381,930.00	\$ 381,930.00		
Tax Information		Current Levy	Current Tax	Annexed Levy	Annexed Tax	% Change?
Ag Society		0.017446	\$ 66.63	0.017446	\$ 66.63	0%
CRA		0.000000	\$ -	0.026000	\$ 99.30	100%
City		0.000000	\$ -	0.424342	\$ 1,620.69	100%
Community College		0.090272	\$ 344.78	0.090272	\$ 344.78	0%
County		0.423456	\$ 1,617.31	0.423456	\$ 1,617.31	0%
ESU 9		0.015000	\$ 57.29	0.015000	\$ 57.29	0%
Fire		0.038805	\$ 148.21	0.000000	\$ -	0%
Library		0.008717	\$ 33.29	0.000000	\$ -	0%
NRD 1 Upper Big Blue		0.020621	\$ 78.76	0.022015	\$ 84.08	0%
SID		0.000000	\$ -	0.000000	\$ -	0%
School Bonds		0.200000	\$ 763.86	0.200000	\$ 763.86	0%
School Districts		1.142000	\$ 4,361.64	1.142000	\$ 4,361.64	0%
TIF		0.000000	\$ -	0.000000	\$ -	0%
Townships		0.000000	\$ -	0.000000	\$ -	0%
Totals		1.956317	\$ 7,471.76	2.360531	\$ 9,015.58	20.66%

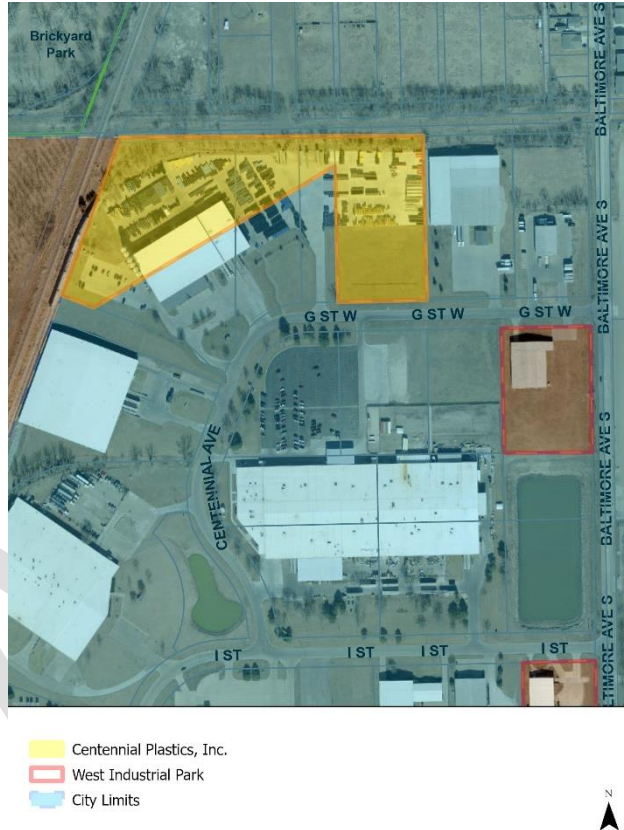
1830 Centennial Avenue
Approximately 600 feet west of the intersection of
South. Baltimore Avenue and West. G Street

Owner: Centennial Plastics, Inc.

Subject Site:

The subject site is a generally flat piece of land that is approximately 14.9 acres in area. The site consists of four separate tracts that have been combined by the owner for a manufacturing plant that creates plastic pipes.

Of the 14.9-acre site, approximately 10.2 acres remain in rural Adams County. The reason for this is in part due to this property and the surrounding industrial area being designated as an Adams County Industrial Area in 1987. Before the County designation, an agreement between the City of Hastings and Adams County established a timeline to annex these properties into the City limits. Generally speaking, N.R.S. 13-1115 allows this type of agreement as an acceptable exemption from the prohibition of being annexed into the municipal limits.



The agreement between the County and City (attached) states:

- (A) That the named real estate owner's land, buildings and appurtenances affixed thereto, shall not be subject to annexation by the City of Hastings until ten (10) years passes from the date the respective facilities start operating.
- (B) That after the above-mentioned time period expires, the City may then begin incremental annexation subject to the following terms and conditions:
 - (1) Over a period of five (5) years the City may annex, in equal installments, the total value of the named property owner's real property. The value of each of the five (5) year's installments shall be determined by taking the total value prior to any annexation and dividing it by five (5). Each one fifth ($1/5$) value shall then be converted into lineal feet of the property owner's land and annexed each respective year.

According to Adams County records, Centennial Plastics was established in 2000. As evident by the City limits depicted on the site map, the City proceeded to annex portions of the property, as defined in (B)(1) for some time, but stopped in the 2010s.

Properties to the immediate north, east, and south are located within the City limits. Immediate properties in the general area to the west, across the rail line are outside of the City limits.

Floodplain Information:

The site is in FEMA Zone X, 0.2% Annual Chance Floodplain (500-year floodplain)(Map Panel # 31001C0160C).

The site is partially within the Adams Central Public Schools District and partially in the Hastings Public School District.

Zoning: The site is currently zoned County I-2, Heavy Industrial District.

The properties to the north are a mix of zoned City I-1, Light Industrial District, I-2 District, and R-1, Urban Single-family Residential District.

To the east and south are properties zoned City I-2 District.

To the west is land zoned County R-1 District.

The potential zoning classification, based on the surrounding area and the current use if the land was annexed into the City would be I-2, Heavy Industrial District.

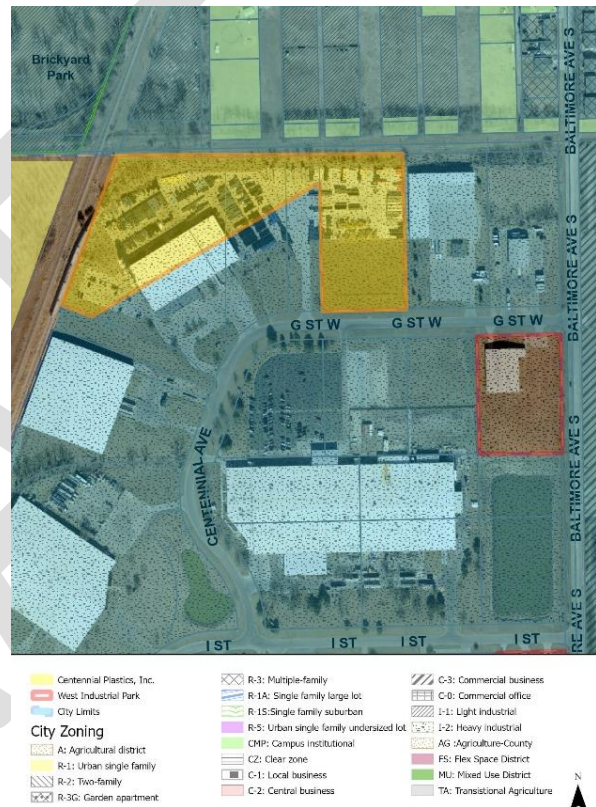
Public Utilities:

Water – A 10-inch water main is located in the Centennial Avenue and West G Street rights-of-way. The site is a customer of Hastings Utilities and receives water at the standard commercial rate inside the city.

Sanitary Sewer – An 8-inch gravity flow sanitary sewer main is located in the Centennial Avenue and West G Street rights-of-way and provides service to the site. The business is connected to the City's sanitary sewer infrastructure and is currently a customer of the City's utility at a standard commercial rate.

Gas – A Hastings Utilities' gas line is located in the Centennial Avenue and West G Street rights-of-way. The property is a customer of that utility enterprise and pays the standard rate for commercial property within the City limits.

Electricity - Hastings Utilities' has electrical service in the immediate area to provide electricity to the site. The property owner is a customer of the utility enterprise and pays the standard rate for commercial property within the City limits.



Access to Public Roads – The site has three driveways onto Centennial Avenue and West G Street, which is maintained by the City of Hastings. A circular driveway provides access to the customer and employee parking areas, as well as a truck loading dock. The first driveway provides access to the storage yard to the north and east of the building.

Public Safety – Per the 1987 agreement with the property owners and Hastings Economic Development Corporation, the entire industrial park would be protected by the City's fire and police department once any annexation in the industrial park was done. However, the City's Police Department does not have legal jurisdiction over properties not within the City limits, regardless of what the agreement states. The Police Department does patrol this area, but any law enforcement response to the portion of the property is limited because of past incremental annexations and jurisdiction limitations.

Per the agreement, the Hastings Fire Department does respond to the property as the initial emergency response provider.

If this property was annexed into the Corporate limits, both Hastings Fire and Hastings Police Department would serve the property without requiring additional personnel, equipment, or new stations.

Summary of Cost To Extend Services:

[Nebraska Revised Statute 16-117](#) requires that the City Council wishing to annex land into the corporate limits must adopt a plan that:

“...contains sufficient detail to provide a reasonable person with a full and complete understanding of the proposal for extending city services to the land proposed for annexation. The plan shall (a) state the estimated cost impact of providing the services to such land, (b) state the method by which the city plans to finance the extension of services to the land and how any services already provided to the land will be maintained, (c) include a timetable for extending services to the land proposed for annexation, and (d) include a map drawn to scale clearly delineating the land proposed for annexation, the current boundaries of the city, the proposed boundaries of the city after the annexation, and the general land-use pattern in the land proposed for annexation.

As previously described, access to sanitary sewer, electricity, gas, public roadways, and emergency and protective services are readily available. The property is currently receiving services from these utilities. No extension of utility services is required if this site were to be annexed. Additionally, the site is protected by the City of Hastings Fire Department and Police Department per the 1987 agreement. The City of Hastings would maintain these existing assets through normal budgetary processes, including capital improvement planning.

Potential Tax Implications:

Although the agreement, as part of the industrial park designation application states a process to incrementally annex and assess property taxes, it was determined in the 2010s that this manner of annexing and applying mill levies was against the state standards. This practice was halted and this property has been assessed as if it was fully in the Hastings corporate limits since at least 2013. No changes to the property owner's tax statement will occur if the property is annexed.

Summary:

The use of the property is a manufacturing plant of plastic piles. It appears to conform to the existing zoning district classification. No known nonconformities of the zoning regulations are witnessed. If annexed, it would be recommended to remain as I-2, Heavy Industrial District.

The property is surrounded by properties or public right-of-way within the City of Hastings to the north, east, and south. The property gains access to the public right-of-way maintained by the City of Hastings and receives utility services for water, sanitary sewer, gas, and electricity from Hastings Utilities. The site is within both Hastings Fire Department and Hastings Police Department response areas and can be served without requiring additional personnel, equipment, or stations. Per the 1987 agreement with the Hastings Economic Development Corporation, protection by the Fire Department and Police Department was to occur at least 1988. However, the Hastings Police Department has no jurisdiction over the area not within the City limits, regardless of the agreement.

The land and surrounding properties were designated as a County Industrial Park in 1987. An agreement with the property owners and the Hastings Economic Development Corporation before the industrial park designation was created to address future annexation of the area and other conditions of the industrial park. Nebraska Revised Statute 13-1115 prohibits an industrial park from being annexed by a municipality, unless such an agreement was approved. As evident by the City corporate limit, this area was annexed over the years, per the agreement. This property specifically was annexed, in part, following the conditions of the agreement. Sometime in the 2010s, it was determined that the incremental approach was inappropriate and the effort stopped. It has been over 22 years since the plant became operational.

The property owner's tax assessment will not increase if the property is annexed. It was determined in the 2010s that the incremental annexation of properties in the designated industrial park and subsequent incremental changes to the property's tax statement were against state standards. Since at least 2013 the property has been assessed as if the property was entirely inside the City limits.

Staff Recommendation

Per the agreement, this property was to be fully annexed by at least 2015. It was determined around that time that the incremental annexation of each site was inappropriate and the effort stopped. Following through with the annexation of the entire property at this time would fulfill the original agreement, approximately seven years after the agreed-upon time.

Conversely, not annexing the property into the City limits would maintain a donut hole, which could impact consistent emergency services and law enforcement.

Considering all of these factors, City staff is recommending that these properties be annexed into the City.

If the Planning Commission would like to recommend to the Mayor and City Council that the properties should not be annexed into the City limits, they should clearly articulate the findings of their decision.

O R D E R

BE IT REMEMBERED:

That the Adams County Board of Supervisors, sitting in regular session on July 7, 1987, at 10:00 o'clock a.m. in the Boardroom of the Adams County Courthouse of Hastings, Nebraska, did consider the application filed by Hastings Economic Development Corporation; Great Plains Packaging, Inc.; Dana Corporation; Thermo King Corporation; Scherbarth, Inc.; Monfort of Colorado; Tri-City Industrial Investors; and Tom Lauvetz to designate certain real estate as an Industrial Area. The Board listened to testimony and arguments of counsel and entered a Resolution designating the said tract as an Industrial Area subject to the applicants' filing with the Board consents from all of the owners of property within the area, to the application and the said designation.

The Board finds that the said application for designation should be approved and that the said property described hereinafter should be designated as an Industrial Area; and that the tract is suitable for use as an Industrial Area and that it will be generally beneficial to the community and that the owners of all the land embraced therein have consented to such designation.

IT IS THEREFORE ORDERED AND DECREED by the Adams County Board of Supervisors that the following described parcels of real estate, to-wit:

Lots Two (2), Seven (7), and Eight (8) of Block One (1); Lot Four (4) and the East 50 feet of Lot Five (5) of Block Two (2); Lots Two (2), Three (3), Four (4), and Five (5) of Block Three (3) and lake cell, all in Hastings Industrial Park West in the Southeast Quarter (SE 1/4) of Section Fourteen (14), Township Seven (7) North, Range Ten (10) West of the 6th P.M., Adams County, Nebraska;

Lots Eight (8) and Nine (9) of Block Three (3), all in Hastings Industrial Park West in the Southeast Quarter (SE 1/4) of Section Fourteen (14), Township Seven (7) North, Range Ten (10) West of the 6th P.M., Adams County, Nebraska;

Lot Seven (7) of Block Three (3), all in Hastings Industrial Park West in the Southeast Quarter (SE 1/4) of Section Fourteen (14), Township Seven (7) North, Range Ten (10) West of the 6th P.M., Adams County, Nebraska;

Lots Two (2), Three (3), the West 50 feet of Lot One (1), Lot Five (5) except the East 50 feet, Lots Six (6) and Seven (7) of Block Two (2), all in Hastings Industrial Park West in the Southeast Quarter (SE 1/4) of Section Fourteen (14), Township Seven (7) North, Range Ten (10) West of the 6th P.M., Adams County, Nebraska;

Lot Nine (9) of Block One (1), all in Hastings Industrial Park West in the Southeast Quarter (SE 1/4) of Section Fourteen (14), Township Seven (7) North, Range Ten (10) West of the 6th P.M., Adams County, Nebraska;

Lots Three (3), Four (4), Five (5), Six (6), Ten (10), Eleven (11), and Twelve (12) of Block One (1), all in Hastings Industrial Park West in the Southeast Quarter (SE 1/4) of Section Fourteen (14), Township Seven (7) North, Range Ten (10) West of the 6th P.M., Adams County, Nebraska;

Lot Six (6) of Block Three (3), all in Hastings Industrial Park West in the Southeast Quarter (SE 1/4) of Section Fourteen (14), Township Seven (7) North, Range Ten (10) West of the 6th P.M., Adams County, Nebraska;

Lot One (1) of Block One (1), all in Hastings Industrial Park West in the Southeast Quarter (SE 1/4) of Section Fourteen (14), Township Seven (7) North, Range Ten (10) West of the 6th P.M., Adams County, Nebraska;

be and the same are hereby designated an Industrial Area, under the terms and conditions more particularly set out in the

Application For Designation of County Industrial Area filed with the Adams County Clerk on May 26, 1987, and attached hereto and incorporated herein as Exhibit 1.

ADAMS COUNTY BOARD OF
SUPERVISORS

By *D.W. Maloney*
Chairman

EXHIBIT 1

APPLICATION FOR DESIGNATION

OF

COUNTY INDUSTRIAL AREA

TO THE COUNTY CLERK AND THE BOARD OF SUPERVISORS OF ADAMS COUNTY,
NEBRASKA:

We, the undersigned owners of real estate consisting of more than twenty (20) acres of contiguous real estate situated in Adams County, Nebraska, no part of which is within the boundaries of any incorporated city or village, hereby make application for the designation of the real estate described in the attached Exhibit A, as an Industrial Area pursuant to the provisions of Sections 19-2501 R.R.S. 1943, as amended.

In Support of this application, the undersigned allege:

1. That the real estate described is suitable for use as an Industrial Area;
2. That such designation will be generally beneficial to the community; and
3. The undersigned owners of the land described in Exhibit A have all consented to such designation subject to the following terms and conditions being agreed to by the City of Hastings.
 - (A) That the named real estate owner's land, buildings and appurtenances affixed thereto, shall not be subject to annexation by the City of Hastings until ten (10) years passes from the date the respective facilities start operating.
 - (B) That after the above mentioned time period expires, the City may then begin incremental annexation subject to the following terms and conditions:
 - (1) Over a period of five (5) years the City may annex, in equal installments, the total value of the named property owner's real property. The value of each of the five (5) year's installments shall be determined by taking the total value prior to any annexation and

Page 1

Filed 5-26-57

10:20 A.M.

Anita Hawes

Adams County Clerk

-4-

dividing it by five (5). Each one fifth (1/5) value shall then be converted into lineal feet of the property owner's land and annexed each respective year.

- (2) The physical annexation will start at the point where the property line meets the street fronting the properties, and move away from this point toward the rear of the property.
- (3) That upon annexation, the portions(s) annexed shall be considered one (1) tax district within the City, and the remaining portion shall be considered another separate tax district outside of the City.
- (4) That upon the initial annexation of any property, the City will also annex all of the streets within said industrial area, so that all of the property will be contiguous to the City limits.
- (5) That City police and fire protection will be provided by the City of Hastings to the entire Industrial Area once any annexation of same takes place; and
- (6) That once any annexation takes place the City of Hastings agrees to purchase from Hastings Economic Development Corporation Lot One (1), Block Two (2) except the west fifty (50) feet, and the Southeast corner of the Industrial Park as retention cells for the sum of Forty Five Thousand and no/100's (45,000.00). Payment for the retention cells shall not begin until revenues are received by the City as a result of the annexation. Payment of principal will be extended over five years with a 10% compounded interest rate on the unpaid balance. The lake cell between Dana Corporation and Thermo King Corporation will be reviewed by the City Engineer to determine whether it remains necessary to retain this cell as more than twice as many acre feet of storage has been built in the Park than was originally requested by the Planning and Zoning Commission. If the lake cell is determined to be needed by the Engineer's office this property shall be included in the acquisition by the City and maintained as a retention cell from then on. At no time will any of this property be sold by the City of Hastings for purposes other than retention cells.

We respectfully request that a time be set for hearing this Petition and that notice thereof be given by publication all as required by law.

DATED at Hastings, Nebraska the 26th day of May, 1987.

HASTINGS ECONOMIC DEVELOPMENT CORP.

By Doran J. Bunker

GREAT PLAINS PACKAGING, INC.

By John J. Seppel

DAVA CORPORATION

By Thomas E. Mersiers

THERMO KING CORPORATION

By Harold Hule

SHERBATH INCORPORATED

By Robert L. Sherbath

TRI-CITY INDUSTRIAL INVESTORS

By James J. [Signature]

MONFORT OF COLORADO

By David J. Brater

TOM LAUVETZ

By Thomas J. Lauvetz

EXHIBIT A

Hastings Economic Development Corporation, owners of Lots Two (2), Seven (7), and Eight (8) of Block One (1); Lot Four (4) and the East 50 feet of Lot Five (5) of Block Two (2); Lots Two (2), Three (3), Four (4), and Five (5) of Block Three (3) and lake cell, all in Hastings Industrial Park West in the Southeast Quarter (SE1/4) of Section Fourteen (14), Township Seven (7) North, Range Ten (10) West of the 6th P.M., Adams County, Nebraska.

Great Plains Packaging, Inc., owners of Lots Eight (8) and Nine (9) of Block Three (3), all in Hastings Industrial Park West in the Southeast Quarter (SE1/4) of Section Fourteen (14), Township Seven (7) North, Range Ten (10) West of the 6th P.M., Adams County, Nebraska.

Dana Corporation, owners of Lot Seven (7) of Block Three (3), all in Hastings Industrial Park West in the Southeast Quarter (SE1/4) of Section Fourteen (14), Township Seven (7) North, Range Ten (10) West of the 6th P.M., Adams County, Nebraska.

Thermo King Corporation, owners of Lots Two (2), Three (3), the West 50 feet of Lot One (1), Lot Five (5) except the East 50 feet, Lots Six (6) and Seven (7) of Block Two (2), all in Hastings Industrial Park West in the Southeast Quarter (SE1/4) of Section Fourteen (14), Township Seven (7) North, Range Ten (10) West of the 6th P.M., Adams County, Nebraska.

Scherbarth, Inc., owners of Lot Nine (9) of Block One (1), all in Hastings Industrial Park West in the Southeast Quarter (SE1/4) of Section Fourteen (14), Township Seven (7) North, Range Ten (10) West of the 6th P.M., Adams County, Nebraska.

Monfort of Colorado, owners of Lots Three (3), Four (4), Five (5), Six (6), Ten (10), Eleven (11), and Twelve (12) of Block One (1), all in Hastings Industrial Park West in the Southeast Quarter (SE1/4) of Section Fourteen (14), Township Seven (7) North, Range Ten (10) West of the 6th P.M., Adams County, Nebraska.

Tri-City Industrial Investors, owners of Lot Six (6) of Block Three (3), all in Hastings Industrial Park West in the Southeast Quarter (SE1/4) of Section Fourteen (14), Township Seven (7) North, Range Ten (10) West of the 6th P.M., Adams County, Nebraska.

Tom Lauvetz, owner of Lot One (1) of Block One (1), all in Hastings Industrial Park West in the Southeast Quarter (SE1/4) of Section Fourteen (14), Township Seven (7) North, Range Ten (10) West of the 6th P.M., Adams County, Nebraska.

CERTIFICATION

I, Anita Hawes, the duly elected and acting County Clerk of the County of Adams, State of Nebraska do hereby certify that I am also the Clerk of the County Board of Supervisors and that the within and attached order was duly entered by the said Board at a meeting of the Adams County Board of Supervisors held at 10:00 A.M. on July 7, 1987, in the Boardroom of the Adams County Courthouse, Hastings, Nebraska, by affirmative unanimous vote of all members present. Teller, absent and not voting.

Dated at Hastings, Nebraska this 7th day of July, 1987.



Anita Hawes

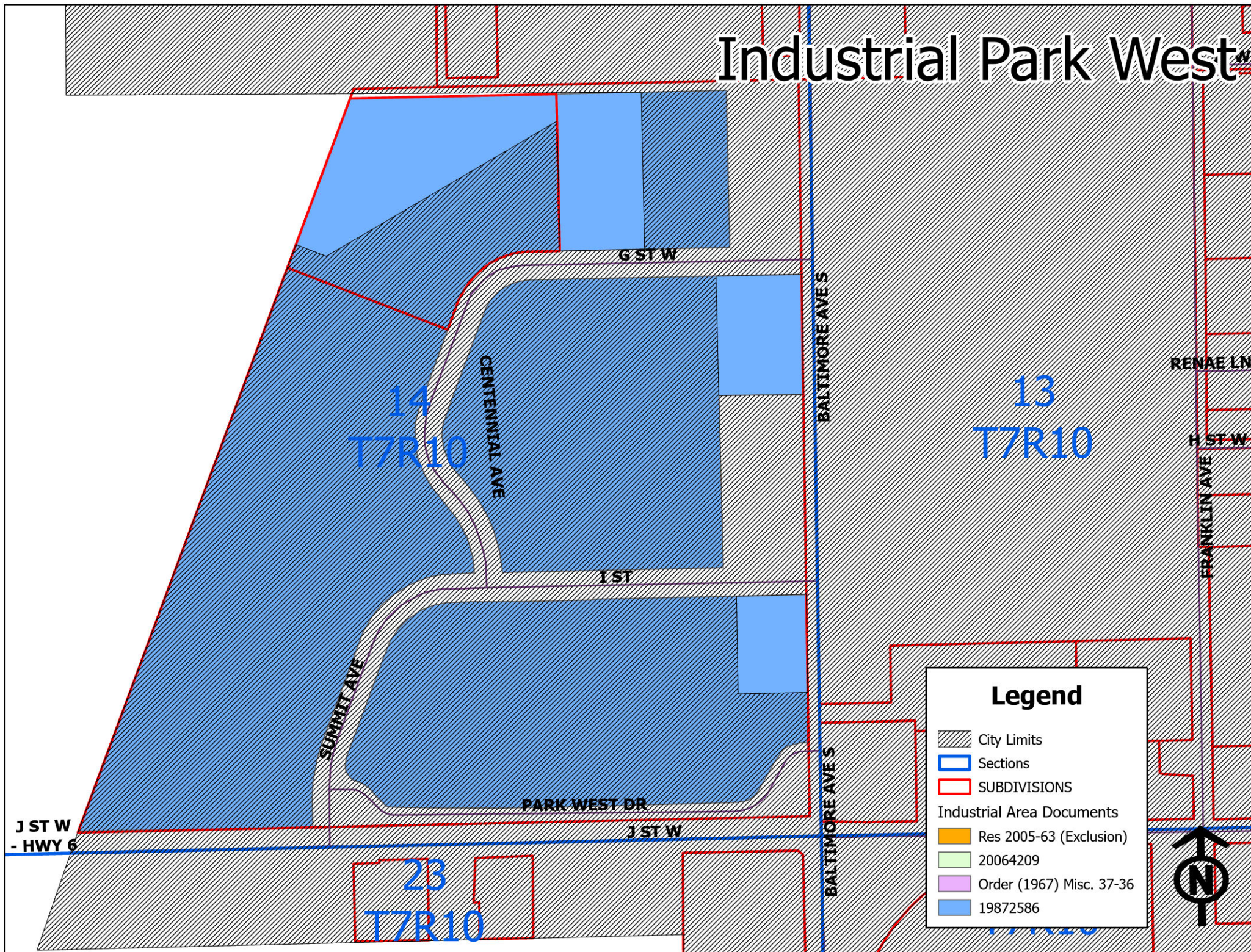
Anita Hawes, Adams County Clerk

Num 0-105 RD Computer ✓
 Comp ✓
 Tax ID — Cad — A.O. ✓

FILED
 INST. NO. 872586
 1987 JUL 15 PM 2:34
Deane Thompson
 REC'D CLERK
 ADAMS COUNTY

*Anita Hawes
 Chg 41.50 - Bd. of Supervisors
 Ret. Adams Co. Clerk*

Industrial Park West



Property Address			PID			
CENTENNIAL PLASTICS INC			#010003165			
Current Value Information						
Land Value	Dwelling Value	Improvement Value	Total Value	Net Taxable Value		
\$ 32,799.00	\$ -	\$ 209,880.00	\$ 242,679.00	\$ 242,679.00		
Tax Information		Current Levy	Current Tax	Annexed Levy	Annexed Tax	% Change?
Ag Society		0.017446	\$ 42.34	0.017446	\$ 42.34	0%
CRA		0.026000	\$ 63.10	0.026000	\$ 63.10	100%
City		0.424342	\$ 1,029.79	0.424342	\$ 1,029.79	100%
Community College		0.090272	\$ 219.07	0.090272	\$ 219.07	0%
County		0.423456	\$ 1,027.64	0.423456	\$ 1,027.64	0%
ESU 9		0.015000	\$ 36.40	0.015000	\$ 36.40	0%
Fire		0.000000	\$ -	0.000000	\$ -	0%
Library		0.000000	\$ -	0.000000	\$ -	0%
NRD 2 Little Blue		0.020621	\$ 50.04	0.020621	\$ 50.04	0%
SID		0.000000	\$ -	0.000000	\$ -	0%
School Bonds		0.200000	\$ 485.36	0.200000	\$ 485.36	0%
School Districts		1.142000	\$ 2,771.39	1.142000	\$ 2,771.39	0%
TIF		0.000000	\$ -	0.000000	\$ -	0%
Townships		0.000000	\$ -	0.000000	\$ -	0%
Totals		2.359137	\$ 5,725.13	2.359137	\$ 5,725.13	0.00%

**Approximately 475 feet west of the
intersection of E. 26th Street and Market Lane**

Owner: Municipal Supply, Inc.

Subject Site:

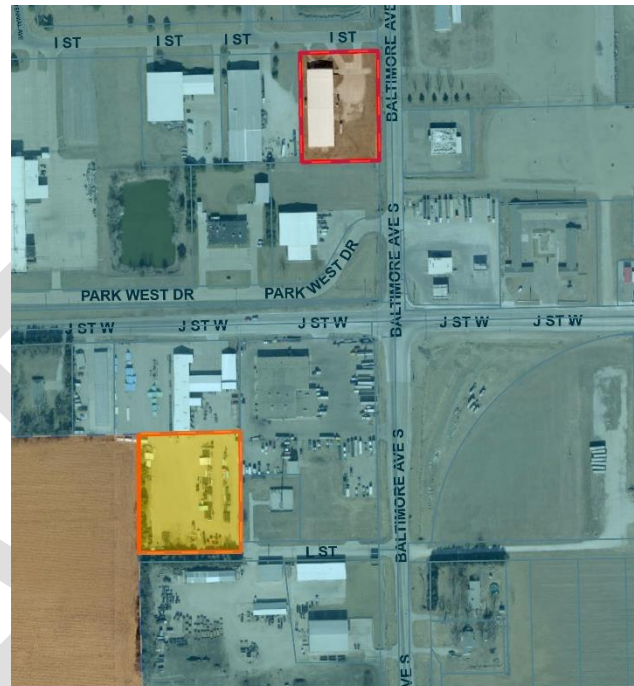
The subject site is approximately 2.7 acres in area and is used as an equipment and materials storage yard for the industrial business to the north of the site. Both sites are owned by the same property owner and largely function as one site. However, the subject site was created as a separate tract that was not previously annexed.

Properties to the immediate north, south, and east, are located within the City limits. The undeveloped agricultural field to the west is outside of the City limits.

The site is within the Adams Central Public Schools District.

Floodplain Information:

The site is in FEMA Zone X, 0.2% Annual Chance Floodplain (500-year floodplain)(Map Panel #31001C0160C).



1615 W J St
Southwest Industrial Area
City Limits

Zoning:

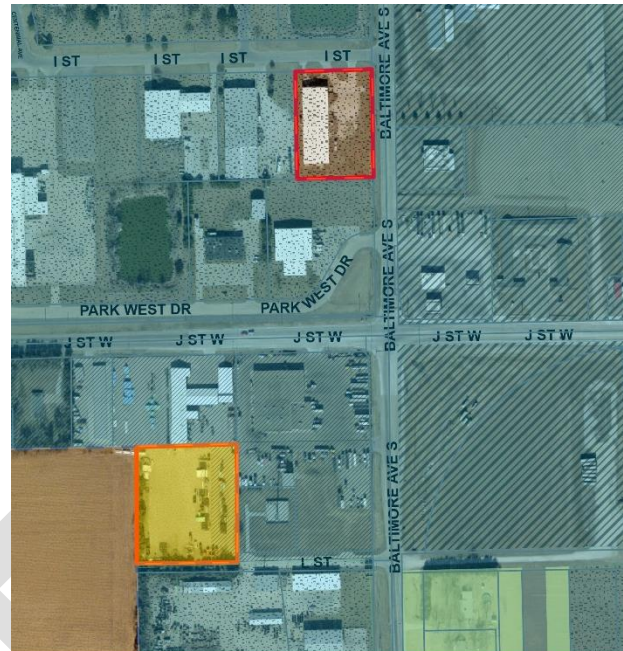
The site is a combination of the County A, Agricultural District, and I-1, Light Industrial District. The approximately east 80 feet of the site is zoned I-1 District. The remaining part of the site is zoned A District.

The adjacent properties to the north, including the “parent tract” with the industrial building, and east are zoned City I-1 District.

To the south of the site is property zoned City I-2, Heavy Industrial District.

To the west is undeveloped agricultural land zoned County A District.

The potential zoning classification, based on the surrounding area and the current use if the land was annexed into the City would be I-1 District. This would necessitate a rezoning in the future. The existing use could be considered a nonconforming situation if annexed.



1615 W J St	R-3: Multiple-family	C-3: Commercial business
Southwest Industrial Area	R-1A: Single family large lot	C-0: Commercial office
City Limits	R-1S: Single family suburban	I-1: Light industrial
City Zoning	R-5: Urban single family undersized lot	I-2: Heavy industrial
A: Agricultural district	CMP: Campus institutional	AG: Agriculture-County
R-1: Urban single family	CZ: Clear zone	FS: Flex Space District
R-2: Two-family	C-1: Local business	MU: Mixed Use District
R-3G: Garden apartment	C-2: Central business	TA: Transitional Agriculture

Public Utilities:

The use of the site is a storage yard that does not necessitate most utilities. The main site is served by all public utilities.

Water – There is a 10-inch water main in the S. Baltimore Avenue right-of-way, approximately 500 feet east of the site. As mentioned, the main site is served by the City utility. The City would most likely consider this an in-city service unless the site was sold and developed for a different use in the future. If the site were to develop, water could be provided either from the S. Baltimore Avenue main or the water service along W. J Street.

Sanitary Sewer – An 8-inch gravity flow sanitary sewer main is located in the L Street right-of-way that could provide service to the site. As mentioned, the main site is served by the City utility. The City would most likely consider this an in-city service unless the site was sold and developed for a different use in the future. If the site were to develop, sanitary sewer could be provided either from L Street. main or the service along W. J Street.

Gas – Hastings Utilities’ gas line is located along the S. Baltimore Avenue right-of-way. The use of the subject site does not currently require gas service. However, the main site is a customer of Hastings Utilities for gas service.

Electricity - Hastings Utilities has electrical service in the immediate area to provide electricity to the site. The property owner is a customer of the utility enterprise and pays the standard rate for property within the City limits.

Access to Public Roads – Based on aerial photos, the site gains access from L Street, and to W. J Street through internal paths. The City of Hastings maintains the surrounding roadways.

Public Safety – Because the land is outside the City limits, the technical jurisdiction for fire, EMS, and law enforcement services are from Hastings Rural Volunteer Fire Department and Adams County Sheriff's Office. However, the Hastings Fire Department responds at the request of Hastings Rural for any fire incidents, and provides ambulance transport by contract, in the event of an emergency call to the property. Generally, the Hastings Police Department would only respond to the site for a crime or an emergency at the request of the Adams County Sheriff's Office.

If this property was annexed into the Corporate limits, both Hastings Fire Department and Hastings Police Department would serve the property without requiring additional personnel, equipment, or new stations.

Summary of Cost To Extend Services:

[Nebraska Revised Statute 16-117](#) requires that the City Council wishing to annex land into the corporate limits must adopt a plan that:

“...contains sufficient detail to provide a reasonable person with a full and complete understanding of the proposal for extending city services to the land proposed for annexation. The plan shall (a) state the estimated cost impact of providing the services to such land, (b) state the method by which the city plans to finance the extension of services to the land and how any services already provided to the land will be maintained, (c) include a timetable for extending services to the land proposed for annexation, and (d) include a map drawn to scale clearly delineating the land proposed for annexation, the current boundaries of the city, the proposed boundaries of the city after the annexation, and the general land-use pattern in the land proposed for annexation.

As previously described, access to utilities, public roadways, and emergency and protective services are readily available. All utilities are in the immediate area and no extension of services is required. Additionally, the site is located within the Fire and Police Department's service area and response times to the site would be within the acceptable times established by the departments. The City of Hastings would maintain these existing assets through normal budgetary processes, including capital improvement planning.

Potential Tax Implications:

By being annexed into the City of Hastings, an additional mill levy would be added to the tax statement. The following table is an estimation of the potential changes in taxes the property owner may experience by being in the Hastings corporate limits. This information was collected using the current Adams County Assessors public website and estimations by the City's Finance Department for this year's tax assessment and mill rate. This amount may change as a result of the normal budget cycle.

Summary:

The use of the property appears to be industrial (storage of materials and equipment) related to its “parent tract” to the north. The site is mostly zoned County A, Agricultural District, with the eastern 80 feet of the site zoned County, I-1, Light Industrial District. The current use of the site could be considered a nonconforming condition to the A District. It would be most appropriate to rezone the site to I-1 District to bring the site into conformance.

The property is surrounded on three sides by properties or public right-of-way within the City of Hastings. The property gains access to the public right-of-way maintained by the City of Hastings. All Hastings Utilities are present in the area and can service the site. However, the existing use does not require most of these utilities. The site is within both Hastings Fire Department and Hastings Police Department response areas and can be served without requiring additional personnel, equipment, or stations.

The property owner’s tax assessment for the two properties is anticipated to increase by approximately \$156 or 28.57%, based on the 2023-2023 valuation.

Staff Recommendation

As discussed, the site is considered an industrial use, and is being used as a storage area for equipment and materials related to the industrial facility on the “parent tract.” Because of the use of the site, it does not need any public utilities or is gaining service from the parent tract to the north.

The site is generally considered and functions as part of the parent tract to the north. Including the site into the City’s corporate limit would square off the corporate limit and avoid any potential confusion with fire or police response.

Conversely, not annexing the property into the City limits could impact consistent emergency services and law enforcement.

Considering all of these factors, City staff is recommending that these properties not be annexed into the City.

If the Planning Commission would like to recommend to the Mayor and City Council that the properties should be annexed into the City limits, they should clearly articulate the findings of their decision.

Property Address			PID		
MUNICIPAL SUPPLY INC			#010003201		
Current Value Information					
Land Value	Dwelling Value	Improvement Value	Total Value	Net Taxable Value	
\$38,650	\$ -	\$ -	\$38,650	\$ 38,650.00	
Tax Information	Current Levy	Current Tax	Annexed Levy	Annexed Tax	% Change?
Ag Society	0.017446	\$ 6.74	0.017446	\$ 6.74	0%
CRA	0.000000	\$ -	0.026000	\$ 10.05	100%
City	0.000000	\$ -	0.424342	\$ 164.01	100%
Community College	0.090272	\$ 34.89	0.090272	\$ 34.89	0%
County	0.423456	\$ 163.67	0.423456	\$ 163.67	0%
ESU 9	0.015000	\$ 5.80	0.015000	\$ 5.80	0%
Fire	0.038805	\$ 15.00	0.000000	\$ -	0%
Library	0.008717	\$ 3.37	0.000000	\$ -	0%
NRD 2 Little Blue	0.020621	\$ 7.97	0.020621	\$ 7.97	0%
SID	0.000000	\$ -	0.000000	\$ -	0%
School Bonds	0.075686	\$ 29.25	0.075686	\$ 29.25	0%
School Districts	0.708894	\$ 273.99	0.708894	\$ 273.99	0%
TIF	0.000000	\$ -	0.000000	\$ -	0%
Townships	0.000000	\$ -	0.000000	\$ -	0%
Totals	1.398897	\$ 540.67	1.801717	\$ 696.36	28.80%

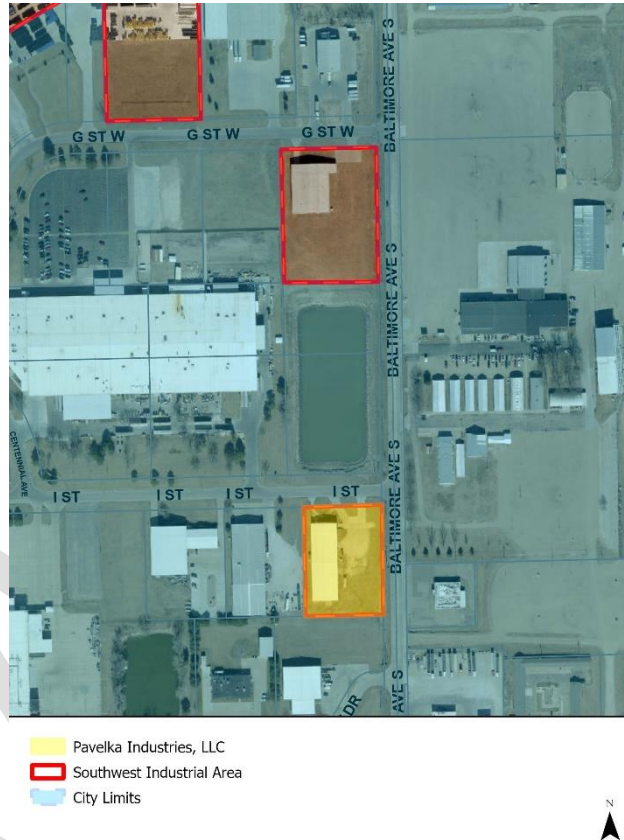
**1503 West I Street
Southwest of the intersection of
South Baltimore Avenue and West I Street**

Owner: Pavelka Industries, LLC

Subject Site:

The subject site is a generally flat piece of land that is approximately 1.9 acres in area. The site consists of one industrial building located along the west property line of the site.

The property is completely surrounded by properties and rights-of-way that are within the corporate limits of Hastings. The reason for this donut hole is in part due to this property and the surrounding industrial area being designated as an Adams County Industrial Area in 1987. Before the County designation, an agreement between the City of Hastings and Adams County established a timeline to annex these properties into the City limits. Generally speaking, N.R.S. 13-1115 allows this type of agreement as an acceptable exemption from the prohibition of being annexed into the municipal limits.



The agreement between the County and City (attached) states:

- (A) That the named real estate owner's land, buildings and appurtenances affixed thereto, shall not be subject to annexation by the City of Hastings until ten (10) years passes from the date the respective facilities start operating.
- (B) That after the above-mentioned time period expires, the City may then begin incremental annexation subject to the following terms and conditions:
 - (1) Over a period of five (5) years the City may annex, in equal installments, the total value of the named property owner's real property. The value of each of the five (5) year's installments shall be determined by taking the total value prior to any annexation and dividing it by five (5). Each one fifth (1/5) value shall then be converted into lineal feet of the property owner's land and annexed each respective year.

According to Adams County records and building permits, the building was established in 2007. As evident by the City limits depicted on the site map, the City proceeded to annex portions of the area, as defined in (B)(1) for some time, but stopped in the 2010s.

The site is within the Adams Central Public Schools District.

Floodplain Information:

The site is in FEMA Zone X, 0.2% Annual Chance Floodplain (500-year floodplain)(Map Panel # 31001C0160C).

Zoning: The site and surrounding areas to the is currently zoned County I-2, Heavy Industrial District.

The properties to the east, across S. Baltimore Avenue, are zoned C-3, Commercial Business District.

The potential zoning classification, based on the surrounding area and the current use if the land was annexed into the City would be I-2, Heavy Industrial District.

Public Utilities:

Water – A 10-inch water main is located in the W. I Street and S. Baltimore Avenue rights-of-way. The site is a customer of Hastings Utilities and receives water at the standard commercial rate inside the city.

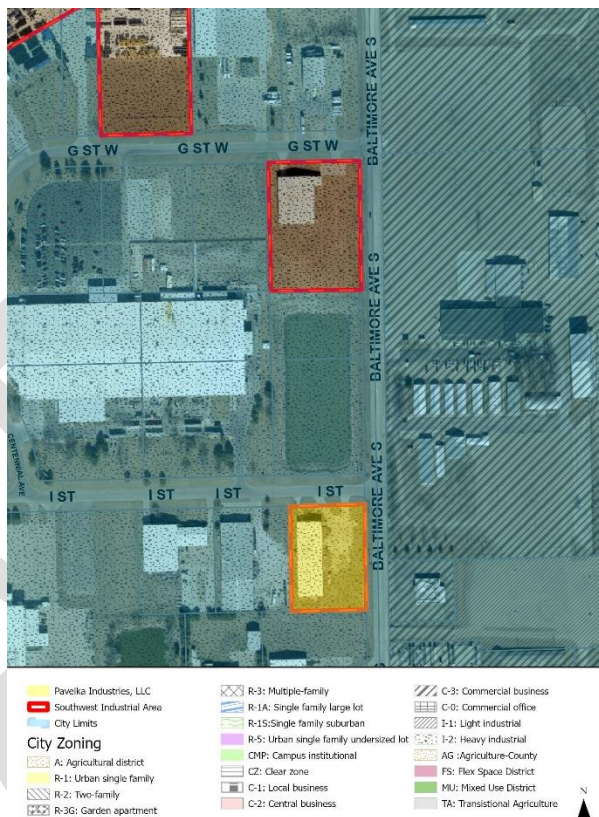
Sanitary Sewer – An 8-inch gravity flow sanitary sewer main is located in the W. I Street right-of-way. A 15-inch sanitary sewer main is located in the S. Baltimore Avenue right-of-way. These mains provide service to the site. The business is connected to the City's sanitary sewer infrastructure and is currently a customer of the City's utility at a standard commercial rate.

Gas – A Hastings Utilities' gas line is located in the W. I Street right-of-way. The property is a customer of that utility enterprise and pays the standard rate for commercial property within the City limits.

Electricity - Hastings Utilities' has electrical service in the immediate area to provide electricity to the site. The property owner is a customer of the utility enterprise and pays the standard rate for commercial property within the City limits.

Access to Public Roads – The site has three driveways onto W. I Street, which is maintained by the City of Hastings. There is a circular driveway on the west side of the site at the front of the building. The middle and west driveway also provides access to a loading dock at the building, parking, and a materials storage area on the east side of the building.

Public Safety – Per the 1987 agreement with the property owners and Hastings Economic Development Corporation, the entire industrial park would be protected by the City's fire and police department once any annexation in the industrial park was done. However, the City's Police Department does not have



legal jurisdiction over properties not within the City limits, regardless of what the agreement states. The Police Department does patrol this area, but any law enforcement response to the portion of the property is limited because of past incremental annexations and jurisdiction limitations.

Per the agreement, the Hastings Fire Department does respond to the property as the initial emergency response provider.

If this property was annexed into the Corporate limits, both Hastings Fire and Hastings Police Department would serve the property without requiring additional personnel, equipment, or new stations.

Summary of Cost To Extend Services:

[Nebraska Revised Statute 16-117](#) requires that the City Council wishing to annex land into the corporate limits must adopt a plan that:

“...contains sufficient detail to provide a reasonable person with a full and complete understanding of the proposal for extending city services to the land proposed for annexation. The plan shall (a) state the estimated cost impact of providing the services to such land, (b) state the method by which the city plans to finance the extension of services to the land and how any services already provided to the land will be maintained, (c) include a timetable for extending services to the land proposed for annexation, and (d) include a map drawn to scale clearly delineating the land proposed for annexation, the current boundaries of the city, the proposed boundaries of the city after the annexation, and the general land-use pattern in the land proposed for annexation.

As previously described, access to sanitary sewer, electricity, gas, public roadways, and emergency and protective services are readily available. The property is currently receiving services from these utilities. No extension of utility services is required if this site were to be annexed. Additionally, the site is generally protected by the City of Hastings Fire Department and Police Department per the 1987 agreement. However, any direct response by the Hastings Police Department to the site is limited because of jurisdiction limitations. The City of Hastings would maintain these existing assets through normal budgetary processes, including capital improvement planning.

Potential Tax Implications:

By being annexed into the City of Hastings, an additional mill levy would be added to the tax statement. The following table is an estimation of the potential changes in taxes the property owner may experience by being in the Hastings corporate limits. This information was collected using the current Adams County Assessors public website and estimations by the City's Finance Department for this year's tax assessment and mill rate. This amount may change as a result of the normal budget cycle.

Summary:

The use of the property is industrial. It appears to conform to the existing zoning district classification. No known nonconformities of the zoning regulations are witnessed. If annexed, it would be recommended to remain as I-2, Heavy Industrial District.

The property is surrounded by properties and public right-of-way within the City of Hastings. The property gains access to the public right-of-way maintained by the City of Hastings and receives utility services for

water, sanitary sewer, gas, and electricity from Hastings Utilities. The site is within both Hastings Fire Department and Hastings Police Department response areas and can be served without requiring additional personnel, equipment, or stations. Per the 1987 agreement with the Hastings Economic Development Corporation, protection by the Fire Department and Police Department was to occur at least 1988. However, the Hastings Police Department has no jurisdiction over the area not within the City limits, regardless of the agreement.

The land and surrounding properties were designated as a County Industrial Park in 1987. An agreement with the property owners and the Hastings Economic Development Corporation before the industrial park designation was created to address future annexation of the area and other conditions of the industrial park. Nebraska Revised Statute 13-1115 prohibits an industrial park from being annexed by a municipality, unless such an agreement was approved. As evident by the City corporate limit, this area was annexed over the years, per the agreement. Sometime in the 2010s, it was determined that the incremental approach was inappropriate and the effort stopped. It has been over 16 years since the facility became operational.

The property owner's tax assessment for the property is anticipated to increase by approximately \$3,146 or 28.80%, based on the 2023-2023 valuation.

Staff Recommendation

Per the agreement, this property was to be annexed by at least 2022. It was determined that the incremental annexation of each site was inappropriate and the effort stopped in the area and never began at this site. Following through with the annexation of the entire property at this time would fulfill the original agreement.

Conversely, not annexing the property into the City limits would maintain a donut hole, which could impact consistent emergency services and law enforcement.

Considering all of these factors, City staff is recommending that these properties be annexed into the City.

If the Planning Commission would like to recommend to the Mayor and City Council that the properties should not be annexed into the City limits, they should clearly articulate the findings of their decision.

O R D E R

BE IT REMEMBERED:

That the Adams County Board of Supervisors, sitting in regular session on July 7, 1987, at 10:00 o'clock a.m. in the Boardroom of the Adams County Courthouse of Hastings, Nebraska, did consider the application filed by Hastings Economic Development Corporation; Great Plains Packaging, Inc.; Dana Corporation; Thermo King Corporation; Scherbarth, Inc.; Monfort of Colorado; Tri-City Industrial Investors; and Tom Lauvetz to designate certain real estate as an Industrial Area. The Board listened to testimony and arguments of counsel and entered a Resolution designating the said tract as an Industrial Area subject to the applicants' filing with the Board consents from all of the owners of property within the area, to the application and the said designation.

The Board finds that the said application for designation should be approved and that the said property described hereinafter should be designated as an Industrial Area; and that the tract is suitable for use as an Industrial Area and that it will be generally beneficial to the community and that the owners of all the land embraced therein have consented to such designation.

IT IS THEREFORE ORDERED AND DECREED by the Adams County Board of Supervisors that the following described parcels of real estate, to-wit:

Lots Two (2), Seven (7), and Eight (8) of Block One (1); Lot Four (4) and the East 50 feet of Lot Five (5) of Block Two (2); Lots Two (2), Three (3), Four (4), and Five (5) of Block Three (3) and lake cell, all in Hastings Industrial Park West in the Southeast Quarter (SE 1/4) of Section Fourteen (14), Township Seven (7) North, Range Ten (10) West of the 6th P.M., Adams County, Nebraska;

Lots Eight (8) and Nine (9) of Block Three (3), all in Hastings Industrial Park West in the Southeast Quarter (SE 1/4) of Section Fourteen (14), Township Seven (7) North, Range Ten (10) West of the 6th P.M., Adams County, Nebraska;

Lot Seven (7) of Block Three (3), all in Hastings Industrial Park West in the Southeast Quarter (SE 1/4) of Section Fourteen (14), Township Seven (7) North, Range Ten (10) West of the 6th P.M., Adams County, Nebraska;

Lots Two (2), Three (3), the West 50 feet of Lot One (1), Lot Five (5) except the East 50 feet, Lots Six (6) and Seven (7) of Block Two (2), all in Hastings Industrial Park West in the Southeast Quarter (SE 1/4) of Section Fourteen (14), Township Seven (7) North, Range Ten (10) West of the 6th P.M., Adams County, Nebraska;

Lot Nine (9) of Block One (1), all in Hastings Industrial Park West in the Southeast Quarter (SE 1/4) of Section Fourteen (14), Township Seven (7) North, Range Ten (10) West of the 6th P.M., Adams County, Nebraska;

Lots Three (3), Four (4), Five (5), Six (6), Ten (10), Eleven (11), and Twelve (12) of Block One (1), all in Hastings Industrial Park West in the Southeast Quarter (SE 1/4) of Section Fourteen (14), Township Seven (7) North, Range Ten (10) West of the 6th P.M., Adams County, Nebraska;

Lot Six (6) of Block Three (3), all in Hastings Industrial Park West in the Southeast Quarter (SE 1/4) of Section Fourteen (14), Township Seven (7) North, Range Ten (10) West of the 6th P.M., Adams County, Nebraska;

Lot One (1) of Block One (1), all in Hastings Industrial Park West in the Southeast Quarter (SE 1/4) of Section Fourteen (14), Township Seven (7) North, Range Ten (10) West of the 6th P.M., Adams County, Nebraska;

be and the same are hereby designated an Industrial Area, under the terms and conditions more particularly set out in the

Application For Designation of County Industrial Area filed with the Adams County Clerk on May 26, 1987, and attached hereto and incorporated herein as Exhibit 1.

ADAMS COUNTY BOARD OF
SUPERVISORS

By *D.W. Maloney*
Chairman

EXHIBIT 1

APPLICATION FOR DESIGNATION

OF

COUNTY INDUSTRIAL AREA

TO THE COUNTY CLERK AND THE BOARD OF SUPERVISORS OF ADAMS COUNTY,
NEBRASKA:

We, the undersigned owners of real estate consisting of more than twenty (20) acres of contiguous real estate situated in Adams County, Nebraska, no part of which is within the boundaries of any incorporated city or village, hereby make application for the designation of the real estate described in the attached Exhibit A, as an Industrial Area pursuant to the provisions of Sections 19-2501 R.R.S. 1943, as amended.

In Support of this application, the undersigned allege:

1. That the real estate described is suitable for use as an Industrial Area;
2. That such designation will be generally beneficial to the community; and
3. The undersigned owners of the land described in Exhibit A have all consented to such designation subject to the following terms and conditions being agreed to by the City of Hastings.
 - (A) That the named real estate owner's land, buildings and appurtenances affixed thereto, shall not be subject to annexation by the City of Hastings until ten (10) years passes from the date the respective facilities start operating.
 - (B) That after the above mentioned time period expires, the City may then begin incremental annexation subject to the following terms and conditions:
 - (1) Over a period of five (5) years the City may annex, in equal installments, the total value of the named property owner's real property. The value of each of the five (5) year's installments shall be determined by taking the total value prior to any annexation and

Page 1

Filed 5-26-57

10:20 A.M.

Anita Hawes

Adams County Clerk

-4-

dividing it by five (5). Each one fifth (1/5) value shall then be converted into lineal feet of the property owner's land and annexed each respective year.

- (2) The physical annexation will start at the point where the property line meets the street fronting the properties, and move away from this point toward the rear of the property.
- (3) That upon annexation, the portions(s) annexed shall be considered one (1) tax district within the City, and the remaining portion shall be considered another separate tax district outside of the City.
- (4) That upon the initial annexation of any property, the City will also annex all of the streets within said industrial area, so that all of the property will be contiguous to the City limits.
- (5) That City police and fire protection will be provided by the City of Hastings to the entire Industrial Area once any annexation of same takes place; and
- (6) That once any annexation takes place the City of Hastings agrees to purchase from Hastings Economic Development Corporation Lot One (1), Block Two (2) except the west fifty (50) feet, and the Southeast corner of the Industrial Park as retention cells for the sum of Forty Five Thousand and no/100's (45,000.00). Payment for the retention cells shall not begin until revenues are received by the City as a result of the annexation. Payment of principal will be extended over five years with a 10% compounded interest rate on the unpaid balance. The lake cell between Dana Corporation and Thermo King Corporation will be reviewed by the City Engineer to determine whether it remains necessary to retain this cell as more than twice as many acre feet of storage has been built in the Park than was originally requested by the Planning and Zoning Commission. If the lake cell is determined to be needed by the Engineer's office this property shall be included in the acquisition by the City and maintained as a retention cell from then on. At no time will any of this property be sold by the City of Hastings for purposes other than retention cells.

We respectfully request that a time be set for hearing this
Petition and that notice thereof be given by publication all as
required by law.

DATED at Hastings, Nebraska the 26th day of May, 1987.

HASTINGS ECONOMIC DEVELOPMENT CORP.

By Doran J. Bunker

GREAT PLAINS PACKAGING, INC.

By John J. Seppel

DAVA CORPORATION

By Thomas E. Mersers

THERMO KING CORPORATION

By Harold Hule

SHERBATH INCORPORATED

By Robert L. Sherbath

TRI-CITY INDUSTRIAL INVESTORS

By James J. [Signature]

MONFORT OF COLORADO

By David J. Brater

TOM LAUVETZ

By Thomas J. Lauvetz

EXHIBIT A

Hastings Economic Development Corporation, owners of Lots Two (2), Seven (7), and Eight (8) of Block One (1); Lot Four (4) and the East 50 feet of Lot Five (5) of Block Two (2); Lots Two (2), Three (3), Four (4), and Five (5) of Block Three (3) and lake cell, all in Hastings Industrial Park West in the Southeast Quarter (SE1/4) of Section Fourteen (14), Township Seven (7) North, Range Ten (10) West of the 6th P.M., Adams County, Nebraska.

Great Plains Packaging, Inc., owners of Lots Eight (8) and Nine (9) of Block Three (3), all in Hastings Industrial Park West in the Southeast Quarter (SE1/4) of Section Fourteen (14), Township Seven (7) North, Range Ten (10) West of the 6th P.M., Adams County, Nebraska.

Dana Corporation, owners of Lot Seven (7) of Block Three (3), all in Hastings Industrial Park West in the Southeast Quarter (SE1/4) of Section Fourteen (14), Township Seven (7) North, Range Ten (10) West of the 6th P.M., Adams County, Nebraska.

Thermo King Corporation, owners of Lots Two (2), Three (3), the West 50 feet of Lot One (1), Lot Five (5) except the East 50 feet, Lots Six (6) and Seven (7) of Block Two (2), all in Hastings Industrial Park West in the Southeast Quarter (SE1/4) of Section Fourteen (14), Township Seven (7) North, Range Ten (10) West of the 6th P.M., Adams County, Nebraska.

Scherbarth, Inc., owners of Lot Nine (9) of Block One (1), all in Hastings Industrial Park West in the Southeast Quarter (SE1/4) of Section Fourteen (14), Township Seven (7) North, Range Ten (10) West of the 6th P.M., Adams County, Nebraska.

Monfort of Colorado, owners of Lots Three (3), Four (4), Five (5), Six (6), Ten (10), Eleven (11), and Twelve (12) of Block One (1), all in Hastings Industrial Park West in the Southeast Quarter (SE1/4) of Section Fourteen (14), Township Seven (7) North, Range Ten (10) West of the 6th P.M., Adams County, Nebraska.

Tri-City Industrial Investors, owners of Lot Six (6) of Block Three (3), all in Hastings Industrial Park West in the Southeast Quarter (SE1/4) of Section Fourteen (14), Township Seven (7) North, Range Ten (10) West of the 6th P.M., Adams County, Nebraska.

Tom Lauvetz, owner of Lot One (1) of Block One (1), all in Hastings Industrial Park West in the Southeast Quarter (SE1/4) of Section Fourteen (14), Township Seven (7) North, Range Ten (10) West of the 6th P.M., Adams County, Nebraska.

CERTIFICATION

I, Anita Hawes, the duly elected and acting County Clerk of the County of Adams, State of Nebraska do hereby certify that I am also the Clerk of the County Board of Supervisors and that the within and attached order was duly entered by the said Board at a meeting of the Adams County Board of Supervisors held at 10:00 A.M. on July 7, 1987, in the Boardroom of the Adams County Courthouse, Hastings, Nebraska, by affirmative unanimous vote of all members present. Teller, absent and not voting.

Dated at Hastings, Nebraska this 7th day of July, 1987.



Anita Hawes

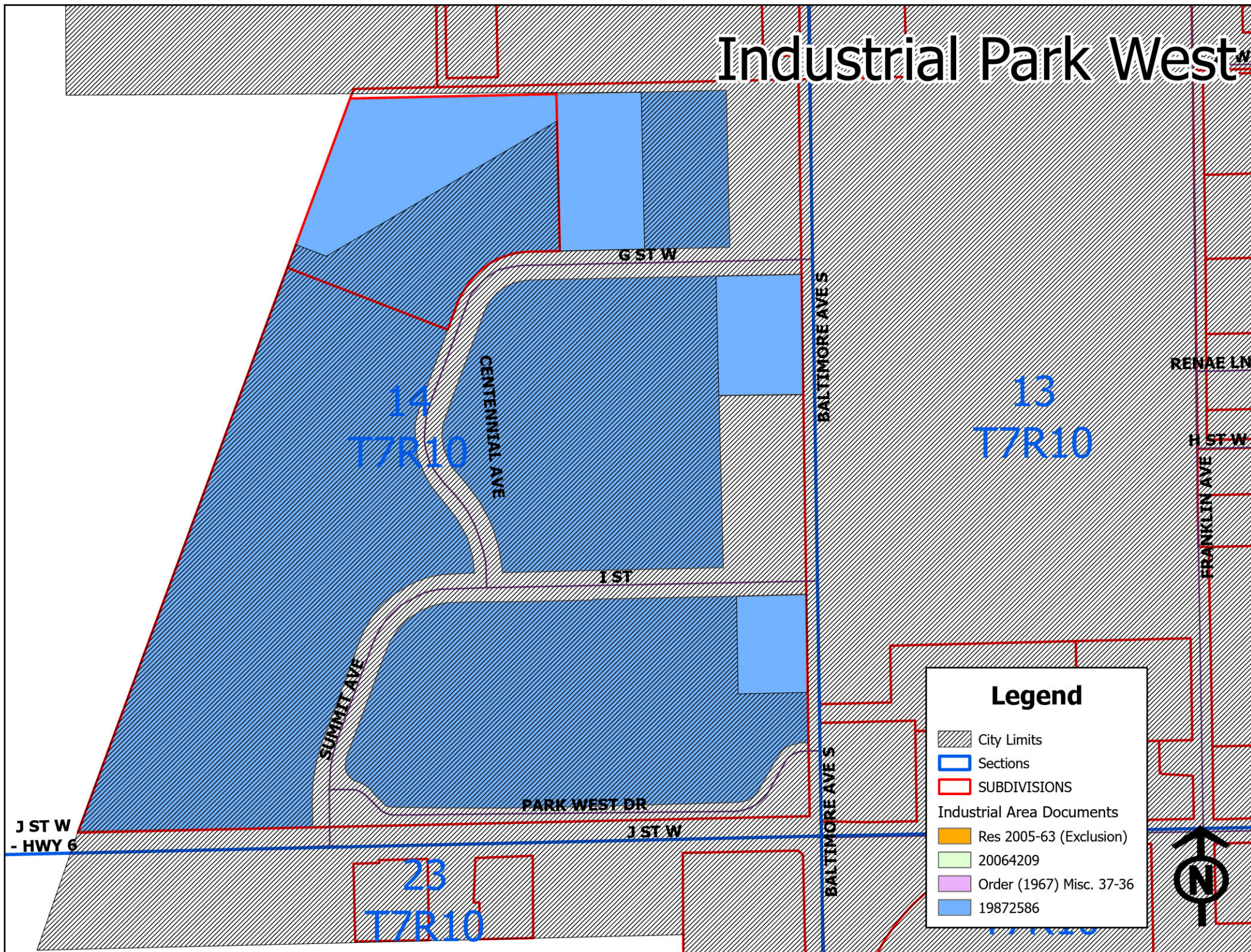
Anita Hawes, Adams County Clerk

Num 0-105 RD Computer ✓
 Comp ✓
 Tax ID — Cad — A.O. ✓

FILED
 INST. NO. 872586
 1987 JUL 15 PM 2:34
Debra Thompson
 REC'D CLERK
 ADAMS COUNTY

*Anita Hawes
 Chg 41.50 - Bd. of Supervisors
 Ret. Adams Co. Clerk*

Industrial Park West



Property Address			PID			
1503 W I STREET			#010003155			
Current Value Information						
Land Value	Dwelling Value	Improvement Value	Total Value	Net Taxable Value		
\$73,382	\$ 707,704.00	\$ -	\$781,086	\$ 781,086.00		
Tax Information		Current Levy	Current Tax	Annexed Levy	Annexed Tax	% Change?
Ag Society		0.017446	\$ 136.27	0.017446	\$ 136.27	0%
CRA		0.000000	\$ -	0.026000	\$ 203.08	100%
City		0.000000	\$ -	0.424342	\$ 3,314.48	100%
Community College		0.090272	\$ 705.10	0.090272	\$ 705.10	0%
County		0.423456	\$ 3,307.56	0.423456	\$ 3,307.56	0%
ESU 9		0.015000	\$ 117.16	0.015000	\$ 117.16	0%
Fire		0.038805	\$ 303.10	0.000000	\$ -	0%
Library		0.008717	\$ 68.09	0.000000	\$ -	0%
NRD 2 Little Blue		0.020621	\$ 161.07	0.020621	\$ 161.07	0%
SID		0.000000	\$ -	0.000000	\$ -	0%
School Bonds		0.075686	\$ 591.17	0.075686	\$ 591.17	0%
School Districts		0.708894	\$ 5,537.07	0.708894	\$ 5,537.07	0%
TIF		0.000000	\$ -	0.000000	\$ -	0%
Townships		0.000000	\$ -	0.000000	\$ -	0%
Totals		1.398897	\$ 10,926.59	1.801717	\$ 14,072.96	28.80%