

CITY OF HASTINGS, NEBRASKA MINUTES
PLANNING COMMISSION
Tuesday, September 19, 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 19, 2023.

1. Call to Order

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

2. Roll Call

Jacque Cranson, Chuck Rosenberg, Lou Kully, Michelle Lewis, Jody Stutzman, Rakesh Srivastava, Greg Sinner Absent: Ann Hinton, Shawn Rossi, Brian Hoffman. Others Present: Shawn Metcalf, City Administrator, Lee Vrooman, Director of Engineering, Chad Bunker, Development Services Director, Kevin Kubo, Chief Building Official, Jesse Oswald, City Attorney, Travis Noden, HFR Fire Inspector, Tony Herrman, Public Information Manager

3. Pledge of Allegiance

The Second Vice Chair Michelle Lewis led the Commission in recital of the Pledge of Allegiance to the United States of America.

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

Moved by Greg Sinner. Seconded by Lou Kully to adopt the current agenda for the Planning Commission Meeting. Voice Vote-Ayes: Greg Sinner, Lou Kully, Michelle Lewis, Chuck Rosenberg, Jody Stutzman, Jacque Cranson, Rakesh Srivastava Nays: None. The motion carried.

5. Approval of Minutes

a. Approval of Planning Commission Minutes of August 15, 2023

Moved by Chuck Rosenberg. Seconded by Rakesh Srivastava to approve the minutes of August 15, 2023. Voice Vote: Ayes: Jacque Cranson, Rakesh Srivastava, Lou Kully, Chuck Rosenberg, Jody Stutzman. Abs: Greg Sinner and Michelle Lewis Nays: 0 The motion carried.

b. Approval of Planning Commission Work Session Minutes September 5, 2023

Moved by Lou Kully. Seconded by Chuck Rosenberg to approve work session minutes of September 5, 2023. Voice Vote Ayes: Rakesh Srivastava, Lou Kully, Chuck Rosenberg, Jody Stutzman, Brian Hoffman Abs: Jacque Cranson Greg Sinner, Michelle Lewis. Nays: None. The motion carried.

(Brian Hoffman arrived at 4:06 pm at the end of the voice vote and voted to pass the minutes 5 Ayes, 2 Abs)

6. Public Notice - Official Notice of the Regular Meeting was published in the Hastings Tribune on Friday, September 8, 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.

7. Work Session

a. Discuss Annexation-West Industrial Park Area and East Industrial Area-

Chad led the discussion. In May, the city had started to discuss areas to be considered, to be reviewed for annexation in the corporate limits of Hastings. We did one of these work sessions a couple weeks ago and tonight will be on Industrial Park North (meant West) and East Industrial area along Highway 6 and Showboat Boulevard. Comments for the East Industrial area are brief. Whittled down to 42 areas, as they started having meetings, property owners gave us information, the county had designated the area in the late 60's as an Industrial County area. The State Statutes at that time, and still today, prohibit a municipality from annexing that area the county designated as an industrial area, unless an agreement between the city and the county was agreed upon and filed before hand. State Statute does not allow the city to annex this area, unless the property owners wish to remove this designation to allow their property to be annexed in or the county would remove the designation and allow the city to annex this area in. So, a great majority of this lot, can't be annexed, unless we as the City, would politic the County to do that, or the property owners, so at this time, staff is recommending this area not be considered for annexation. In the future, we can consider that, if things change, right now we don't have a whole lot of choice. Any questions on the East area before moving onto the North Industrial Park, he apologized, and meant the West Industrial Park.

Brian Hoffman asked was there a reason why the city hasn't pursued the county on removal? This is creating a growth where these properties are on the edge of the city there, the Central Community College is plotted into the city, there are plenty of reasons why this should be plotted into the city?

Chad Bunker said sure, sure, being as he has only been here a few months, can't really respond to that. Except to his knowledge, no one has really pursued that.

Chuck Rosenberg said so the property owners are requesting not to be in the city I take it from the way you are talking.

Chad Bunker replied Yes, important information they provided to point out when we came to annex them, so they are not asking to be annexed. Moving on to Industrial Park West. This area, four different properties, three of which are in the Industrial Park West, that was subdivided in the late 70's and early 80's. This area here, was also designated as a County Industrial area, however, the difference is, there was an agreement, that was created, and agreed on by the owners at that time, and was part of the application of the county, to designate this area could and should be annexed. That period of time was 10 years after development. There was a formula, 20 % of that property could be incrementally annexed. If you look at the property in the NW corner of that industrial park, that odd, shaped part of the property was annexed in the city, part is not, that occurred through the early twenty ten's then it was determined that it shouldn't be done. That again was some state and county standards. They basically just stopped annexing some of these properties, but the majority of the Industrial Park was annexed, except for these three parcels. Then the property South of J Street, that is a storage area for Municipal Supply. That was not part of any designated Industrial area, that was just industrial use. The parent track, if you will, is to the North, they own both sites, this one was just not annexed, as it was County Agricultural. We can proceed with considering this area for annexation. The zoning for the area is largely industrial, some commercial properties zoned across Baltimore, and then the storage yard off L Street, they are associated with Municipal Supply, it is mostly zoned County Agriculture. There is about 20% of it that is zoned industrial, the majority is zoned county ag. We also look at property evaluation, with bringing property in, kind of an average, bringing in dollars \$150.00 up to some of the others about \$3,000 a year. Thermo King, the property to the NW, because it's half in and half out, the county is according to the assessor's office and the Treasurer's office, is assessing them as though they are entirely in the city. No property tax implications for those owners. Terms of utilities, all of them are getting City utilities, except for the storage yard, adequate utilities throughout the whole area If you read the agreement, created with the Industrial Park, the City was to provide Police Services. In talking with Chief Story, because those properties are outside the city limits, technically, it creates a real problem for them providing police protection on the property. If a crime was committed on the back half, they technically cannot respond, the State must investigate. It does leave a significant issue win terms of Police response. Fire Department, they do respond to fires. Due to the unique situations created with the Industrial area, and they are largely getting services, they are complete donut holed, in the city, the city is recommending that this area be annexed. Chad encouraged the Planning Commission to gather the property owners' feedback and is happy to answer any questions they may have.

Greg Sinner asked today is informational?

Chad Bunker Yes

Greg Sinner, so what I heard you say is that the city is going to move forward with a possible annexation? So, then there will be a public hearing, and then at that time the owner will be able to come to the podium and speak their cases, is that correct?

Chad Bunker said Yes, that is correct.

Greg Sinner said if the Chairwoman would allow, I would sure like to hear from Mr. Mertens if he would like to talk. I see him in the audience. Obviously, you have some interest and some numbers to share with us as well, so, if you don't mind.

Michelle Lewis asked Mr. Mertens to state his name and address:

Pat Mertens from Centennial Plastics, 504 South Shore Drive.

Chad Bunker apologized for talking about the wrong property.

Pat Mertens said, he was surprised receiving the letter, his understanding, all their property was annexed, and we assumed we were already annexed previously. He thought it had already been done. He has no dispute against it. As Chad stated, they are already getting taxed at the city rates. Just to give them a little background, when Dee Haussler developed this Industrial Park, there was this county procedure where the annexation wasn't going to happen. The state came on and questioned the whole process, so the whole timetable got accelerated. We weren't supposed to be annexed until about right now, but then notified that whole process had to get moved accelerated. That is why he thought they were already in the city limits. Has no dispute against it. Agrees with the Police Service situation and needing to be in the city.

Greg Sinner thanked Pat Mertens for the background information.

Chuck Rosenberg asked the City to reach out to the property owners to see if they want to be annexed.

Chad Bunker asked are you talking this area, or the East side?

Chuck Rosenberg said this area the buildings that are not in currently.

Chad Bunker explained that we have reached out to them, with a couple of neighborhood meetings, spoke with a couple of property owners, so trying to gain that feedback. This was one other opportunity to get the feedback of where to go, but like he said, we had a neighborhood meeting, the end of August for this area, there was more folks invited. Twenty-Five percent turned out, and then spoke with another property owner and did not factor their part in this. They didn't have any real dispute. They recognized the situation. They are a donut hole, surrounded by city, getting all the utilities, we were still doing research on the agreements, but provided that to them. Chad said still doing research, thinks it should be cut and dried why bringing this area into the city makes sense.

Michelle Lewis asked if there was anything else?

Greg Sinner asked Chad, what is your timetable in bringing this forward?

Chad Bunker said, if this needs to go to the county, that process with them, will pose a wrinkle if we need to finalize. We have a meeting with staff, to iron out what that timeline looks like. We were hoping to get this buttoned up by the end of this year, first of next, to hit our February timeline spelled out of City Ordinance to get it to the City Council. The schedule created originally, had a lot of flexibility, in that we should be able to hit that timeline. First meeting in February, more like January, for the formal recommendation. The Statute is a little weird, City Council has to provide a 60-day window, from the time they have the resolution so the process will be, you will provide a formal recommendation to them, they will need to create a resolution, to pass a resolution, with the properties to hold a public hearing, that they intend to annex, so based off your recommendation, they will say fine, we intend to have a public hearing on these properties, and that resolution needs to be in place no more than 60 days. So in that 60 day window, we are looking at that resolution being created in December, would have to hold their public hearing. we are looking at that resolution being created in December and having it wrapped up in January. That's the timeline now, the county process may present a wrinkle. We will try to get it done as expediate as possible.

8. Reports

a. Committee Reports

None

b. Chairman Comments

Michelle Lewis said she would like to say it's nice to have Greg Sinner back.

Greg Sinner thanked everyone on the Commission for being patient the last seven months, but his health is getting better, where he can now start to attend meetings and get out in the public. He thanked Ann Hinton, Michelle Lewis for chairing the meetings in his absence. He thanked everyone for their thoughts, prayers, calls, texts, e-mails, cards, and stopping, and it really does help when a person is down to hear from everybody with a lot of encouragement. I would tell you where do we go from here? Well, I am here today, and Michelle is chairing, I plan on getting back into the chair next month and work closely with Chad to hit the ground running and come back that way. Told everyone it's nice to see you all.

a. Staff Reports:

Chad Bunger had a few things. One was staff working with the Plumbing and Licensing Board doing amendments Code of Ordinances that governs that board. Wants to streamline the licensing process for plumbers, HVAC folks, and mechanical folks. The proposal that is drafted now to get to the city council for consideration is to no longer be an examining board and will be an advisory board, where they will advise the Planning Commission and the City Council on changes to the City Code, as well as the adoption of any codes necessary in the future. Right now, required to go through a test with us, and we only test so often, we don't have many plumbers and the plumbers we have are really pretty good here, as are the mechanical people. We really don't have the numbers here, for larger projects, like Heartwell Renewables, they bring their own tradespersons in. Along with the Advisory Board, we will accept any plumber or mechanical tradesperson that has passed an ICC test or has an equivalent license from a 1st Class City in the state. We are not dumbing down any of the requirements, or saying you can have less experience, just looking to be more efficient and effective in bringing licensed contractors into the city to meet that need.

The Plumbing and Mechanical Board last week, recommended these changes. We are going to take that to a work session, in November, to Council, for adoption towards that. Additionally, we are adding on continuing education requirements with the license, a simple process, anyone that's a good contractor should easily hit the needed 6 hours, to assure the people working on our homes and businesses are good. Next month, excited to be making an announcement, but it's too early, on staffing, so will save that.

Michelle Lewis asked Kevin Kubo to give an update on the projects around town.

Kevin Kubo, Building Official, updated on projects: Dinsdale's, still working on interior of their service bays, offices are about 90 % complete. Mary Lanning, Temporary Final for one and two, some minor things to do with the core of the building that need done, the old elevators must be hooked up to new elevators, so if the fire alarm goes down, they can both be used as an egress component. They are working on the link between the old MOB building and the hospital, and it should take another six months. They are reducing the slope, that connects those two buildings. We did issue the Landmark Implement permit. They are going to build a big new building on Highway 6, so we have that project started. Issued Heartwell's new administration building, footings only, working on the blueprints of the interior, still some code questions on the interior, that the Fire Marshall is asking for, so we haven't completed our review on that. That will be a 14-15,000 sq ft building that will have some storage in it, some business offices and some testing. Jail is getting closer and closer every day. YMCA it's 60% there, they did get most of the pool poured last week, so they can move forward with getting everything else in that area opened back up and it's a little behind their deadline. We did do all the plumbing and the gas in the YMCA it's all operational there. All the things they installed passed codes. St. Cecelia are open for School. Portions of the school were ok which is a good thing, still working on front half of the building and some of the outside areas. They are cordoned off, students aren't allowed in that area, so it's all protected from the students and inside the building there is a one-hour fire break between occupied classrooms and the construction areas, so there are no communications, they are protected that way. Lots of houses going in and basements, hopefully more coming in, as we are getting some streets paved, some new areas will be opening. We should see a continued inflow of 5-6 houses a month. We have Jacque's project here; she's probably waiting on us. It will be a huge project downtown, another project down the street from her, is 80 % complete. Ridgeline is almost there too. Doing a lot of finish work inside.

Jacque Cranson asked about the Scott Dewitt's building that had the fire damage.

Kevin Kubo said regarding Scott Dewitt's building, he had contacted the insurance company, they had hired an Engineer to do a full review of the structure, as of last Friday, they hadn't received it yet, so once they review it, they will send it on to Kevin. They were given a timeline of when they should start to do something, if not, we will nudge them as much as we can.

Chuck Rosenberg asked Kevin Kubo to tell them about the Theatre District.

Kevin Kubo said it's a big project. Plex building is the new building. We have three tenant spaces they are working on, Hair Salon, Coffee House, and a Business Office. Plumbing and electrical have been okayed. 78 Plex Apartments, just the second floor Fire Inspection, and as soon as they fix the twenty holes we found, second floor will be to insulate sheet rock. First floor, they got a little way to go on that, third floor is complete. Kmart building, we're still waiting on electrical plans, once we get those, we will issue the permit for the KMART interior and start doing the remodel for that. Sunmart building apparently has two tenants for that lined up to go in there. So that's good.

Jody asked about the Housing Development behind Menards, saw the street is being extended, is that for more housing?

Kevin Kubo stated no, that was on our one and six.

Lee Vrooman said that was the extension of 33rd Street, at Utecht Avenue, there has been development on Utecht Avenue, increasing Commercial Development.

Kevin Kubo said most of that at the end of 33rd is Industrial Tract, they are in the process of trying to develop a lot more of that, so that will get accessibility from 2 directions.

Greg Sinner asked Lee, can you give us a quick update us on the quiet crossings?

Lee Vrooman said waiting on the railroad. Hastings Avenue is complete except for the crossing, waiting for them to install the concrete pad. Pine Avenue, is the same, don't know if we will get started on Lincoln, Denver or California, before winter comes. Werner has other work for us to do. Don't want to get it opened, then be in a situation like now, waiting on pads to be put in. So hopefully those and the next ones we be done in 2024.

9. Adjourn

Moved by Jacque Cranson. Seconded by Lou Kully to Adjourn the meeting of September 19, 2023. The motion carried.

Adjourned

CHAIRMAN