

CITY OF HASTINGS, NEBRASKA
MINUTES OF CITY COUNCIL REGULAR MEETING
Monday, November 27, 2023

Pursuant to due call and notice thereof, a Regular Meeting of the City Council of the City of Hastings, Nebraska was conducted at the Hastings Municipal Airport, 3300 W. 12th Street, on November 27, 2023.

The meeting was called to order at 5:30 p.m. in Regular Session by Mayor Stutte with the following members present: Butch Eley, Jeniffer Beahm, Steve Huntley, Joy Huffaker, Marc Rowan, Shawn Hartmann, Matt Fong, Brad Consbruck. Absent: None.

The following City Officials were present: City Administrator, Shawn Metcalf; City Attorney, Jesse Oswald; Utility Manager, Kevin Johnson; City Clerk, Kimberly Jacobitz; Police Chief, Adam Story; Fire Chief, Brad Starling; Parks & Recreation Director, Jeff Hassenstab; Finance Director, Roger Nash; Information Technology Director, Erik Nielsen; Director of Engineering, Lee Vrooman; Director of Development Services, Chad Bunker; Director of Human Resources, Lori Hartman; Museum Director, Teresa Kreutzer-Hodson; Public Information Manager, Tony Herrman; Safety Director, Trent Clark; Director of Energy Production & Supply, Derek Zeisler.

The Mayor led the group in recital of the Pledge of Allegiance to the United States of America.

Moved by Butch Eley seconded by Shawn Hartmann to adopt current agenda for the November 27, 2023 Regular Meeting. Roll Call: Ayes: Steve Huntley, Jeniffer Beahm, Brad Consbruck, Butch Eley, Joy Huffaker, Marc Rowan, Shawn Hartmann, Matt Fong. Nays: None. Absent: None. The motion carried.

PUBLIC NOTICE - Official Notice of the Regular Meeting was published in the Hastings Tribune on Wednesday, November 22, 2023. Pursuant to Nebraska Revised Statute Section 84-1412, the public is advised that a copy of today's agenda and all reproducible written material which will be discussed at today's meeting is available for public review. Also, a current copy of the Nebraska Open Meetings Act is posted and accessible to members of the public.

COUNCIL COMMUNICATION:

Councilmember Beahm reminded the group of the Ward 1 townhall meeting this Thursday at 7:00 P.M. at the Lincoln Park Fire Station. Councilmember Rowan thanked Lee Vrooman for his work on the traffic light project along Burlington Avenue.

CITIZEN COMMUNICATIONS:

None.

MAYOR'S COMMUNICATIONS:

Thanks for supporting small businesses throughout the holiday season.

CONSENT AGENDA:

1. All Consent Items.

Moved by Matt Fong seconded by Jeniffer Beahm to approve consent items, removing items 1(d) through 1(k). Roll Call: Ayes: Steve Huntley, Jeniffer Beahm, Brad Consbruck, Butch Eley, Joy Huffaker, Marc Rowan, Shawn Hartmann, Matt Fong. Nays: None. Absent: None. The motion carried.

(a) Approval of the minutes of the Council Meeting of November 13, 2023

(b) Approval of claims and payroll

(c) Behind the Scenes monthly Department Head report for October, 2023

(l) Approval of Work Order EL-263, new underground street light circuit and post top street lights in Westbrook area
(m) Approval of Work Order EL-264, installation of a three phase underground electric line and padmount transformer to serve the new building at Hastings Landmark Implement
(n) Approval of Work Order EL-265, installation of a three phase underground electric line and transformer for new shop at 3800 Utecht Avenue
(o) Approval of Work Order EL-266, installation of one phase underground electric lines and transformers south of Avalon Lane from Kingston Drive to Kingston Drive at Kingswood Plaza Trailer Park

(d) Moved by Matt Fong seconded by Shawn Hartmann to approve Invoice No. 1649 in the amount of \$1,775.00 from South Central Economic Development District for grant administrative services for Community Development Block Grant Project 22-ED-003, Pacha Expansion. Chad Bunger explained that these items are related to our contract agreement with South Central Economic Development District (SCEDD). We do not have the staff, resources, or the expertise to handle these grants. We contracted with SCEDD to administer these grants. They submit for payment and the grant covers the cost. Roll Call: Ayes: Steve Huntley, Jeniffer Beahm, Brad Consbruck, Butch Eley, Joy Huffaker, Marc Rowan, Shawn Hartmann, Matt Fong. Nays: None. Absent: None. The motion carried.

(e) Moved by Shawn Hartmann seconded by Butch Eley to approve the request for Community Development Block Grant funds, Drawdown #3, in the amount of \$1,775.00 for Community Development Block Grant Project 22-ED-003, Economic Development (Pacha Soap Company). Roll Call: Ayes: Steve Huntley, Jeniffer Beahm, Brad Consbruck, Butch Eley, Joy Huffaker, Marc Rowan, Shawn Hartmann, Matt Fong. Nays: None. Absent: None. The motion carried.

(f) Moved by Shawn Hartmann seconded by Butch Eley to approve Invoice No. 1643 in the amount of \$3,750.00 from South Central Economic Development District for general administrative services for Community Development Block Grant Project 20-PW-004, Public Works. Roll Call: Ayes: Steve Huntley, Jeniffer Beahm, Brad Consbruck, Butch Eley, Joy Huffaker, Marc Rowan, Shawn Hartmann, Matt Fong. Nays: None. Absent: None. The motion carried.

(g) Moved by Matt Fong seconded by Shawn Hartmann to approve Invoice #1644 in the amount of \$100.00 from South Central Economic Development District for construction management services for Community Development Block Grant Project #20-PW-004-C Public Works. Roll Call: Ayes: Steve Huntley, Jeniffer Beahm, Brad Consbruck, Butch Eley, Joy Huffaker, Marc Rowan, Shawn Hartmann, Matt Fong. Nays: None. Absent: None. The motion carried.

(h) Moved by Matt Fong seconded by Shawn Hartmann to approve the request for Community Development Block Grant funds, Drawdown #13, in the amount of \$3,850.00 for general administration and construction management for Community Development Block Grant Project 20-PW-004, Public Works. Roll Call: Ayes: Steve Huntley, Jeniffer Beahm, Brad Consbruck, Butch Eley, Joy Huffaker, Marc Rowan, Shawn Hartmann, Matt Fong. Nays: None. Absent: None. The motion carried.

(i) Moved by Butch Eley seconded by Shawn Hartmann to approve Invoice No. 1647 from South Central Economic Development District in the amount of \$2,525.00 for grant administrative services for Community Development Block Grant Project 21-DTR-007, Downtown Revitalization. Roll Call: Ayes: Steve Huntley, Jeniffer Beahm, Brad Consbruck, Butch Eley, Joy Huffaker, Marc Rowan, Shawn Hartmann, Matt Fong. Nays: None. Absent: None. The motion carried.

(j) Moved by Shawn Hartmann seconded by Butch Eley to approve Invoice No. 1648 from South Central Economic Development District in the amount of \$950.00 for construction management services for Community Development Block Grant Project 21-DTR-007, Downtown Revitalization.

Roll Call: Ayes: Steve Huntley, Jeniffer Beahm, Brad Consbruck, Butch Eley, Joy Huffaker, Marc Rowan, Shawn Hartmann, Matt Fong. Nays: None. Absent: None. The motion carried.

(k) Moved by Matt Fong seconded by Shawn Hartmann to approve the request for Community Development Block Grant funds, Drawdown #6, in the amount of \$3,475.00 for construction management and general administration for Community Development Block Grant Project 21-DTR-007, Downtown Revitalization. Roll Call: Ayes: Steve Huntley, Jeniffer Beahm, Brad Consbruck, Butch Eley, Joy Huffaker, Marc Rowan, Shawn Hartmann, Matt Fong. Nays: None. Absent: None. The motion carried.

REGULAR AGENDA:

2. Unfinished Business of Preceding Meeting.

None.

3. Public Hearings.

(a) Public Hearing on the adoption of the City of Hastings Engineering Department 2024-2029 One and Six Year Street Improvement Plan. Lee Vrooman presented the One and Six Year Street Improvement Plan. He started with those projects in progress or completed this past construction season: Laird Avenue, 33rd Street, Lakeview Avenue, and downtown sidewalk and curb ramp improvements. This year resurfacing projects were split into concrete and asphalt projects. The concrete intersections and curb and gutter included portions of 7th Street, 3rd Street, 4th Street, Turner Avenue, and 5th Street. Upcoming projects for the next year in the one year plan, which were approved in September with the budget include portions of 7th Street, Crane Avenue, 3rd/4th Streets, Turner Avenue, Lexington Avenue, West 5th Street, and 14th Street. The two through six years are long-range planning, so those are likely to change. Other projects included in the plan: Quiet Crossings, traffic signals along Burlington Avenue (2nd Street to North Shore); M Street, 12th Street Corridor Study and Downtown Streets One-way to Two-way Conversion Study. Future large projects include: Hastings Southeast and 12th Street Corridor Improvements. Lee Vrooman stated they are working on updates to crossings along 12th Street. Some of those could be completed prior to the 12th Street corridor study.

Moved by Shawn Hartmann seconded by Matt Fong to approve Resolution No. 2023-32 adopting the City of Hastings Engineering Department 2024-2029 One and Six Year Street Improvement Plan. Concern was voiced about not having time to review the plan prior to the meeting.

Moved by Steve Huntley seconded by Brad Consbruck to table. Jesse Oswald asked for clarification on what was being tabled.

Motion was withdrawn by Steve Huntley, the second was withdrawn by Brad Consbruck.

Moved by Steve Huntley seconded by Brad Consbruck to table Resolution No. 2023-32 adopting the City of Hastings Engineering Department 2024-2029 One and Six Year Street Improvement Plan to the next meeting. Roll Call: Ayes: Steve Huntley, Jeniffer Beahm, Brad Consbruck, Butch Eley, Joy Huffaker, Marc Rowan, Shawn Hartmann, Matt Fong. Nays: None. Absent: None. The motion carried.

(b) Public hearing regarding an application to the Nebraska Department of Economic Development for a Community Development Block Grant in the amount of \$1,010,000.00 for the Noah's Ark Processors d/b/a WR Reserve for expansion. Development Block Grant funds in the amount of \$1,010,000.00 for Noah's Ark Processors d/b/a WR Reserve for expansion. Lori Ferguson, South Central Economic Development District (SCEDD), stood to speak in support. The City of Hastings is applying for CDBG Economic Development funding in the amount of \$1,010,000.00. The requested funds will be utilized to provide economic development assistance to Noah's Ark Processors d/b/a WR Reserve for expansion. The business is matching the grant application with \$1.2 million. This

will fund working capital for the related expansion equipment purchases at the existing facility. The city is required to hold a public hearing on the Community Development Block Grant (CDBG) application to obtain comments from the residents of Hastings and others who are interested in the project. If awarded the grant, the company is required to create 30 jobs, of which 51% must be held by or made available to individuals who meet the criteria of low to moderate income. They must also maintain those jobs as well as their baseline employment numbers for one year. It is a grant made to the city, and a loan made available to the business through Hastings Economic Development District (HEDC). Half of that loan will be forgiven, and the other half will be a paid back loan at 0% interest. The company has a \$43 million dollar planned expansion that is not a part of this grant.

Spoke against: Mike Anderson, 1405 South Baltimore. No comments were received by the City Clerk.

Moved by Butch Eley seconded by Matt Fong to approve Resolution No. 2023-37 authorizing Chief Elected Official to sign contract and project associated documents for Community Development Block Grant Funds in the amount of \$1,010,000.00 for Noah's Ark Processors d/b/a WR Reserve expansion project. Lori Ferguson stated that the jobs are guaranteed to start at \$16/hour plus fringe benefits. They are entry level and have on-the-job training. The income range varies per county and is set by Housing and Urban Development (Federal entity). There is a Memorandum of Understanding between the entities involved with the grant.

Councilmember Beahm asked about the process for citizen concerns on environmental impacts. Lori Ferguson stated the company will be at or reducing any environmental issues such as odors or dust with the expansion. Joel Framen, Engineer for WR Reserve, stated they are not doing further processing. They are improving their waste treatment facility, but that is not part of the grant. They currently have 380 employees and anticipate 44 new jobs. Councilmember Beahm commented that we need to make sure that this community has housing that meets the wages they are making.

Roll Call: Ayes: Steve Huntley, Jeniffer Beahm, Brad Consbruck, Butch Eley, Joy Huffaker, Marc Rowan, Shawn Hartmann, Matt Fong. Nays: None. Absent: None. The motion carried.

(c) Public hearing on the Community Development Block Grant Project 22-ED-003, Pacha Soap Co. expansion project. Lori Ferguson, South Central Economic Development District (SCEDD), spoke in support of the item. The City of Hastings is the grantee for this project. Per grant and contract requirements, the City is required to conduct a second public hearing during the implementation of the project to receive citizen and public comments on the project. Once the funds are received, the City will make funds available to the Hastings Economic Development Corporation (HEDC) to use as two different loans. One will be a forgivable loan, and the other half will be paid back over seven years. The loan papers will outline any default on payment.

4. General Business.

(a) Moved by Matt Fong seconded by Shawn Hartmann to approve the agreement with Ziemba Roofing Company for Community Center roof replacement CH 2023-27 in the amount of \$145,642.00. Jeff Hassenstab spoke on this item. The community center building, located at 2015 West 3rd Street, that houses the Park & Rec offices and the Golden Friendship Group has two sections of roof. The upper roof that is over the gym was replaced in 2016 and it is now time to do the lower roof. The lower section of the roof is over the Parks & Rec offices, garage, Golden Friendship lunchroom & meeting space, fitness area, and offices. Bids were opened on October 18th. Two bids were received with the low bid coming from Ziemba Roofing Company in the amount of \$145,642.00. This project was budgeted at \$85,000.00 using ARPA funds. The remaining balance of the project (\$60,642.00) will be paid for using interest earned on ARPA funding. The project would start in April and take around a month to complete. Roll Call: Ayes: Steve Huntley, Jeniffer Beahm, Brad Consbruck, Butch Eley, Joy Huffaker, Shawn Hartmann, Matt Fong. Nays: Marc Rowan. Absent: None. The motion carried.

5. Ordinances and Resolutions.

(a) ORDINANCE NO. 4747 CONVEYING OWNERSHIP OF PROPERTY NEAR MINNESOTA AVENUE AND "B" STREET

Jesse Oswald reported that the City currently owns property located in the middle of property owned by LS Kully Enterprises Inc. This piece of property was conveyed to the City by a former railroad. While this property is owned by the City the property is being used by Kully and has a crane located on it. The City has no use for this property. If conveyed, the property would be put back on the tax roll, which helps the City's tax base. Kully has paid us for using the property. We alleviate a liability by conveying the property to Kully. We are conveying for the cost of advertising and filing fees. That is consistent with previous right-of-way conveyances. If the land was buildable, we would sell it.

Jeff Kully, 6002 Mallard Way, Kully Steel stood to speak in support of the conveyance.

Said Ordinance was read by title and thereafter Councilmember Shawn Hartmann moved for passage of the ordinance, which motion was seconded by Councilmember Butch Eley. Upon roll call vote the following Councilmembers voted Ayes: Steve Huntley, Jeniffer Beahm, Brad Consbruck, Butch Eley, Joy Huffaker, Marc Rowan, Shawn Hartmann, Matt Fong. Nays: None. Absent: None. The motion carried.

Councilmember Matt Fong moved that the statutory rule requiring reading on three different days be suspended; Councilmember Shawn Hartmann seconded the motion to suspend the rules and upon roll call vote the following Councilmembers voted Ayes: Steve Huntley, Jeniffer Beahm, Brad Consbruck, Butch Eley, Joy Huffaker, Marc Rowan, Shawn Hartmann, Matt Fong. Nays: None. Absent: None. The motion to suspend the rules was adopted by three fourths vote of the Council and the statutory rule was declared suspended for consideration of said ordinance. The ordinance is declared to be lawfully adopted upon publication as required by law.

(b) ORDINANCE NO. 4749 REPEALING SECTION 18-135 OF THE HASTINGS CITY CODE REGARDING POLITICAL SIGNS; REMOVAL

Jesse Oswald reported that there is no need for the City to regulate signs based on the content of the sign (i.e. political). The City currently has a robust sign code that covers all signs based on the sign's physical characteristics and not the content and this is how the City currently enforces all sign issues. The City cannot legally regulate these signs based on the message (content) placed on them. We do regulate physical characteristics of signage. There was a 2015 case which says that you cannot regulate the content of the signage, so we have enforced through other city code regulations.

Said Ordinance was read by title and thereafter Councilmember Shawn Hartmann moved for passage of the ordinance, which motion was seconded by Councilmember Butch Eley. Upon roll call vote the following Councilmembers voted Ayes: Steve Huntley, Jeniffer Beahm, Brad Consbruck, Butch Eley, Joy Huffaker, Marc Rowan, Shawn Hartmann, Matt Fong. Nays: None. Absent: None. The motion carried.

Councilmember Shawn Hartmann moved that the statutory rule requiring reading on three different days be suspended; Councilmember Butch Eley seconded the motion to suspend the rules and upon roll call vote the following Councilmembers voted Ayes: Steve Huntley, Jeniffer Beahm, Brad Consbruck, Butch Eley, Joy Huffaker, Marc Rowan, Shawn Hartmann, Matt Fong. Nays: None. Absent: None. The motion to suspend the rules was adopted by three fourths vote of the Council and the statutory rule was declared suspended for consideration of said ordinance. The ordinance is declared to be lawfully adopted upon publication as required by law.

(c) Moved by Shawn Hartmann seconded by Matt Fong to approve Resolution No. 2023-38 approval of Year-End Certification of the City Street Superintendent for calendar year 2023 with the Nebraska Department of Transportation (NDOT). Lee Vrooman reported that the State of Nebraska Department of Transportation (NDOT) requires that each incorporated municipality must annually certify the appointment of the Street Superintendent to the NDOT using the Year-End Certification of City Street Superintendent form. The City of Hastings receives an incentive payment of \$7,500 for having a certified Street Superintendent. Lee Vrooman was appointed by City Council in January as the Street Superintendent. Roll Call: Ayes: Steve Huntley, Jeniffer Beahm, Brad Consbruck, Butch Eley, Joy Huffaker, Marc Rowan, Shawn Hartmann, Matt Fong. Nays: None. Absent: None. The motion carried.

6. Final Passage of Ordinances.

None.

7. Appointments.

None.

8. Miscellaneous and Other Business.

None.

Moved by Steve Huntley seconded by Matt Fong there being no further business to come before the council to adjourn at 6:36 P.M. Roll Call: Ayes: Steve Huntley, Jeniffer Beahm, Brad Consbruck, Butch Eley, Joy Huffaker, Marc Rowan, Shawn Hartmann, Matt Fong. Nays: None. Absent: None. The motion carried.

APPROVED:

Corey Stutte, Mayor

ATTEST:

Kimberly S. Jacobitz, City Clerk

(S E A L)