

CITY OF HASTINGS, NEBRASKA
MINUTES OF CITY COUNCIL REGULAR MEETING
Monday, January 22, 2024

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 West 12th Street, on January 22, 2024.

The meeting was called to order at 5:30 p.m. in Regular Session by Mayor Stutte with the following members present: Steve Huntley, Jeniffer Beahm, Brad Consbruck, Joy Huffaker, Marc Rowan, Matt Fong. Absent: Butch Eley, Shawn Hartmann.

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 Bunger; Director of Human Resources, Lori Hartman; Museum Director, Teresa Kreutzer-Hodson; Public Information Manager, Tony Herrman; Safety Director, Trent Clark.

The Pledge of Allegiance to the Flag of the United States of America was recited.

Moved by Matt Fong seconded by Brad Consbruck to adopt current agenda for January 22, 2024 Regular Meeting with the removal of item 7(b) Appointments to Boards and Commissions. Roll Call: Ayes: Steve Huntley, Jeniffer Beahm, Brad Consbruck, Joy Huffaker, Marc Rowan, Matt Fong. Nays: None. Absent: Butch Eley, Shawn Hartmann. The motion carried.

PUBLIC NOTICE - Official Notice of the Special Meeting was published in the Hastings Tribune on Friday, January 19, 2024. 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 and a current copy of the Nebraska Open Meetings Act is posted and accessible to members of the public.

COUNCIL COMMUNICATION:

Councilmember Fong reported that the Hastings Public Library has installed two new 3D printers. Staff is available to help citizens with using the new equipment. Councilmember Rowan received good comments on snow removal by the Street Department.

CITIZEN COMMUNICATIONS:

None.

MAYOR'S COMMUNICATIONS:

Teresa Kreutzer-Hodson, Museum Director, spoke on the City being designated as an American WWII Heritage City.

Mayor Stutte recognized service anniversaries for Andrew Brittain, Street, 20; Amy Dissmeyer, Library Director, 15.

CONSENT AGENDA:

1. All Consent Items.

Moved by Matt Fong seconded by Steve Huntley to approve all consent items, as presented. Roll Call: Ayes: Steve Huntley, Jeniffer Beahm, Brad Consbruck, Joy Huffaker, Marc Rowan, Matt Fong. Nays: None. Absent: Butch Eley, Shawn Hartmann. The motion carried.

(a) Approval of the minutes of the Council Meeting of December 11, 2023

(b) Approval of claims and payroll except the claim of Eldon's Automotive Repair

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

(d) Approval of Work Order EL-268, installation of a 3ph UGD electric line and transformers to serve the new Dollar Tree at 936 S. Burlington Avenue

- (e) Approval of Work Order SW-367, backup generator to serve the Westbrook lift station located near Nalan Drive and 14th Street
- (f) Approval of Work Order WA-121, new backup power generator for Municipal Well 24 located at East 13th Street and North Academy Avenue
- (g) Approval of Work Order WA-383, Municipal Well No. 6 located at North Laird Avenue and West 3rd Street
- (h) Approval of Work Order EL-269, installation of 3ph UGD electric lines, switch and transformers north of Highway 6 and east of Showboat Boulevard for CPI fueling station and sanitary sewer lift station

REGULAR AGENDA:

2. Unfinished Business of Preceding Meeting.

None.

3. Public Hearings.

(a) Public hearing on the application of Sky Bar, LLC dba "Sky Bar" for a Class "C" Liquor License (Beer, Wine, Spirits, On and Off Sale) at 111 N. Lincoln Avenue. No public spoke. No objections were received by the City Clerk. Police Chief Story reported that staff reviewed the application for Sky Bar, and found no disqualifiers.

Moved by Marc Rowan seconded by Matt Fong to approve Resolution No. 2024-01 approving the application of Sky Bar, LLC dba "Sky Bar" for a Class "C" Liquor License at 111 N. Lincoln Avenue. Roll Call: Ayes: Steve Huntley, Jeniffer Beahm, Brad Consbruck, Joy Huffaker, Marc Rowan, Matt Fong. Nays: None. Absent: Butch Eley, Shawn Hartmann. The motion carried.

(b) Moved by Matt Fong seconded by Jeniffer Beahm to approve the manager application of Jamison Murphy in connection with the Class "C" Liquor License of Sky Bar, LLC dba "Sky Bar" located at 111 N. Lincoln Avenue. Roll Call: Ayes: Steve Huntley, Jeniffer Beahm, Brad Consbruck, Joy Huffaker, Marc Rowan, Matt Fong. Nays: None. Absent: Butch Eley, Shawn Hartmann. The motion carried.

(c) Public hearing on the annexation of the following three areas that are adjacent to the Hastings City Limits: Area #1, East 26th Street and North 2nd Avenue, Area #2, Industrial Park North, Area #3, Industrial Park West. Chad Bunker presented a summary of the staff report for the annexation item. We have been working on this since last summer, meeting with property owners within these areas, and researching the properties. Staff identified areas that potentially should be annexed because of their proximity to or are already surrounded by the city, have utilities, or just clean up issues with confusion on emergency response. The review also identified areas that have the potential for development or redevelopment. Staff narrowed down the property list to 42 properties within the three areas. He spoke to the three areas individually.

Area 1 - East 26th Street and North 2nd Avenue. These properties are mostly large residential lots or have an agricultural use. The property south of the railroad tracks is city property intended for cemetery expansion. Majority of the land is within our jurisdiction and zoned A-Agriculture in the rural county area. There are some floodplain areas on the map. There are ample city utility services to connect to these properties. Planning Commission recommended to annex these properties into the City limits. Staff recommendation to the Planning Commission was not to annex the residential properties.

Area 2 - Industrial Park North. When this area was developed, it was designated a County Industrial Area, per State Statutes. The City and County created an agreement which stated that after 10 years, the city would incrementally annex properties within the area. In 2015, Adams County said incremental annexation goes against State Statutes. Property cannot be partially located in the City limits. Seventeen years after the development, per the agreement, we can annex the entire area. The agreement envisioned that this area would be annexed by 2023. This area is zoned I2 Heavy Industrial. The infrastructure is all there, including emergency protection, per the agreement. The Planning Commission recommended annexing this area into the City limits. Adams County Commissioners removed their designation of industrial area.

Area 3 - Industrial Park West. This area was being incrementally annexed, like Area 2, so the City stopped the process in 2015. The Adams County Commissioners removed this area from the County Industrial Area on December 19, 2023, allowing it to be annexed. All the infrastructure is available to the properties. The Planning Commission recommended annexing this area into the City limits.

Spoke For: None

Spoke Against: Paul Dietze, 1825 W 12th Street (Area 1); Matt Baack, 1606 Highland Drive (Area 1).
The clerk's office received one letter of objection.

ORDINANCE NO. 4752 TO EXTEND THE BOUNDARIES AND INCLUDE WITHIN THE CORPORATE LIMITS OF AND ANNEX TO THE CITY OF HASTINGS, NEBRASKA CERTAIN CONTIGUOUS AND ADJACENT LANDS OUTSIDE OF THE CITY OF HASTINGS (*First Reading*)

Moved by Matt Fong seconded by Steve Huntley to approve Ordinance 4752 annexing area #2-Industrial Park North, Area #3-Industrial Park West and Property 1H-Hastings Cemetery on first reading only. Chad explained that the maps are labeled with individual properties, in case the City Council wants to exclude certain properties from being annexed. There are additional ways of being annexed through different processes, if property owners request to be annexed at a later date. Properties not annexed, but which are surrounded by other properties within the city limits sometimes cause confusion for emergency responses, causing time delays. Roll Call: Ayes: Steve Huntley, Jeniffer Beahm, Brad Consbruck, Joy Huffaker, Marc Rowan, Matt Fong. Nays: None. Absent: Butch Eley, Shawn Hartmann. The motion carried.

4. General Business.

(a) Moved by Matt Fong seconded by Jeniffer Beahm to approve claim of Eldon's Automotive Repair in the amount of \$4,321.05 (City). Roll Call: Ayes: Steve Huntley, Jeniffer Beahm, Brad Consbruck, Marc Rowan, Matt Fong. Nays: None. Absent: Butch Eley, Shawn Hartmann. Abstain: Joy Huffaker. The motion carried. Councilmember Huffaker abstained because of conflict of interest.

(b) Moved by Jeniffer Beahm seconded by Steve Huntley to approve the Disadvantaged Business Enterprise (DBE) program policy and attachment for the Hastings Municipal Airport and authorize the mayor and city clerk to execute the agreements. Matt Kuhr, Airport Manager, reported that since the City receives Federal Funding in excess of \$250,000, a Disadvantaged Business Enterprise (DBE) policy is required from the Federal Aviation Administration (FAA). This action is necessary to continue our funding source for the airport. This policy will be for 2022, 2023, and 2024. Roll Call: Ayes: Steve Huntley, Jeniffer Beahm, Brad Consbruck, Joy Huffaker, Marc Rowan, Matt Fong. Nays: None. Absent: Butch Eley, Shawn Hartmann. The motion carried.

The Hastings Municipal Airport is being named 'Airport of the Year' by the Nebraska Department of Transportation and the Nebraska Department of Aeronautics. They will receive the award on Thursday at the annual airport symposium.

(c) Discussion of Interlocal Agreement with the Board of Regents of the University of Nebraska and Nebraska Forest Service. Fire Chief Starling reported that this agreement with the Board of Regents places Hastings Fire & Rescue (HFR) in a cooperator arrangement with the Nebraska Forest Service. This agreement would allow HFR to deploy its resources on federal incidents, similar to the way we deploy now on a mutual aid request, only on a larger scale. HFR would be reimbursed for the use of these resources from the time they leave to the time they return, and it allows for not only full cost recuperation of personnel but for wear and tear on equipment as well. This agreement also gives HFR access to free training from the Nebraska Forest Service, as well as access to purchase equipment at a discounted rate, benefits that are currently only available to volunteer departments. Other benefits include extensive opportunities for our personnel to gain experience on incidents at a national level, which can affect recruitment and retention.

5. Ordinances and Resolutions.

(a) ORDINANCE NO. 4753 AMENDING SECTION 30-712 OF THE HASTINGS CITY CODE UPDATING THE USE OF THE PUBLIC AND PRIVATE SEWERS AND DRAINS

Marty Stange reported that this ordinance update was initiated to correct an error in the allowable chloride concentration. The previous ordinance stated a maximum level of 20 mg/l, but should have read 250mg/l.

The ordinance has also been updated to reflect changes in reference to the Board of Public Works (now Utility Advisory Board) and the Nebraska Department of Environmental Quality (now Nebraska Department of Environment and Energy). Other minor corrections were made regarding outdated references.

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

Councilmember Matt Fong moved that the statutory rule requiring reading on three different days be suspended; Councilmember Jeniffer Beahm seconded the motion to suspend the rules and upon roll call vote the following Councilmembers voted Ayes: Steve Huntley, Jeniffer Beahm, Brad Consbruck, Joy Huffaker, Marc Rowan, Matt Fong. Nays: None. Absent: Butch Eley, Shawn Hartmann. 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.

6. Final Passage of Ordinances.
None.

7. Appointments.
(a) Moved by Jeniffer Beahm seconded by Brad Consbruck to appoint Lee Vrooman as the City of Hastings' Street Superintendent. Lee Vrooman reported that this appointment will be attached to the paperwork filled out in December 2024 showing that the City had an appointed Street Superintendent and thus is eligible to receive the \$7,500 incentive payment. This appointment is required annually by the Nebraska Department of Transportation (NDOT). Roll Call: Ayes: Steve Huntley, Jeniffer Beahm, Brad Consbruck, Joy Huffaker, Marc Rowan, Matt Fong. Nays: None. Absent: Butch Eley, Shawn Hartmann. The motion carried.

8. Miscellaneous and Other Business.
None.

Moved by Steve Huntley seconded by Jeniffer Beahm there being no further business to come before the council to adjourn at 6:28 P.M. Roll Call: Ayes: Steve Huntley, Jeniffer Beahm, Brad Consbruck, Joy Huffaker, Marc Rowan, Matt Fong. Nays: None. Absent: Butch Eley, Shawn Hartmann. The motion carried.

APPROVED:

Corey Stutte, Mayor

ATTEST:

Kimberly S. Jacobitz, City Clerk

(S E A L)