

CITY OF HASTINGS, NEBRASKA
MINUTES OF CITY COUNCIL REGULAR MEETING
Monday, April 8, 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 April 8, 2024.

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

The following City Officials were present: Asst. City Administrator, Mark Funkey; 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; 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; Information Technology, Kirk Layton.

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

Moved by Butch Eley seconded by Shawn Hartmann to adopt the current agenda for the April 8, 2024, 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 Friday, April 5, 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 Beahm reminded everyone of the Open House for the bike trail extension being held April 9th, 6:30-8:00 p.m., at Lincoln Elementary.

CITIZEN COMMUNICATIONS:

None.

MAYOR'S COMMUNICATIONS:

Mayor Stutte reminded the City Council of the Strategic Planning Retreat being held this Saturday, beginning at 8:00 A.M. at the Hastings Municipal Airport.

Mayor Stutte recognized service anniversaries for David Allen, Utility, 15; Christon Naegele, Mechanic, 5; Dominik Milovac, Police, 5; Jason Redding, Utility, 25; Kimberly Shelton, Utility, 10.

CONSENT AGENDA:

1. All Consent Items.

Moved by Matt Fong seconded by Shawn Hartmann to approve all consent items, as presented. 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 March 25, 2024

(b) Approval of the minutes of the Worksession of March 18, 2024

- (c) Approval of claims and payroll
- (d) Approval of Invoice No. 1700 from South Central Economic Development District in the amount of \$1,850.00 for general administrative services for Community Development Block Grant Project 21-DTR-007, Downtown Revitalization
- (e) Approval of the request for Community Development Block Grant funds, Drawdown #7, in the amount of \$1,850.00 for general administration for Community Development Block Grant Project 21-DTR-007, Downtown Revitalization
- (f) Approval of the request of the Hastings Family YMCA to utilize city property for the YMCA Spring Triathlon on May 11, 2024
- (g) Approval of the request of Mary Lanning Healthcare to utilize city property for Mary Lanning Fun Run on June 8, 2024
- (h) Approval of the request of Mary Lanning Healthcare to utilize city streets for the Half Hastings Races on June 1, 2024
- (i) Approval of Invoice No. 1701 from South Central Economic Development District in the amount of \$2,025.00 for administrative services for Community Development Block Grant Project 22-ED-003, Pacha Expansion
- (j) Approval of the request for Community Development Block Grant funds, Drawdown #4, in the amount of \$2,025.00 for general administration services for Community Development Block Grant Project 22-ED-003, Pacha Expansion
- (k) Approval of Work Order EL-274, installation of single-phase underground electric lines and padmount transformers for service to residential lots along West Laux Drive from 31st Street to the Hike and Bike Trail
- (l) Approval of Work Order EL-275, installation of six post top street lights on West Laux from 31st Street to the Hike & Bike Trail
- (m) Approval of Work Order EL-276, new underground power line and padmount switch for the 2nd Solar Farm north of 12th Street, east of Highland Road
- (n) Approval of Work Order SW-372, influent controls upgrade - Pollution Control Facility

REGULAR AGENDA:

2. Unfinished Business of Preceding Meeting.
None.

3. Public Hearings.

(a) Moved by Shawn Hartmann seconded by Brad Consbruck to adjourn as Mayor and City Council and reconvene as Board of Equalization. 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 on the levying of assessments in Water Extension District 2022-1, M Street. Lee Vrooman stated that the City accepted the proposed schedule of assessments for this project at the February 27, 2024 meeting and set a hearing date for levying of special assessments of April 8, 2024. Total assessments to be levied is \$255,106.02. Property owners will have fifty (50) days to pay in full or any amount without interest accruing; property owners have the ability to finance the improvements up to fifteen (15) years at 5.25% interest. No public spoke.

(c) Moved by Matt Fong seconded by Shawn Hartmann to adjourn as Board of Equalization and reconvene as Mayor and City Council. 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.

(d) Moved by Shawn Hartmann seconded by Jeniffer Beahm to approve Resolution No. 2024-21 levying special assessments in Water Extension District 2022-1 M Street. 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) Public hearing on the request of Grace Life Church to change zoning from I-1, Light Industrial District to C-1, Local Business District for property commonly addressed as 1220 W. 18th Street, Hastings, Nebraska. Chad Bunger reported that this property most recently was the temporary home for the YMCA, until Grace Life Church purchased it. Once the YMCA completes renovation to their building, the church would like to establish a private school. A school is not allowed in the current industrial zoning district, so a rezoning is needed. Future land use map in 2009 is shown as an employment and industrial area, but has not been used in that fashion. Adequate public infrastructure is available in the area to serve the development. The zoning, existing and potential uses are in character with the surrounding neighborhood. The proposed rezoning to C1 District is compatible with the zoning and uses of nearby properties. The Hastings Planning Commission held a public hearing on March 19, 2024, and recommended that the City Council approve the rezoning request. Spoke in Support: Pastor Chad Heygood, Grace Life Church. He stated that after the YMCA moves out of the building, the church will do renovations. The projected completion date of the K-12 facility is August 2024. They are working with the local Fire Marshal to make school classrooms up to code. Discussion arose on the effects this might have on the business to the west (bowling alley), holding a liquor license. Mayor Stutte explained the vote is for the zoning, not the use.

Moved by Matt Fong seconded by Butch Eley to approve Ordinance No. 4756. Fong and Eley withdrew their motion and second.

ORDINANCE NO. 4756 AMENDING THE OFFICIAL ZONING DISTRICT MAP TO CHANGE ZONING FROM I-1, LIGHT INDUSTRIAL DISTRICT TO C-1, LOCAL BUSINESS DISTRICT FOR PROPERTY COMMONLY ADDRESSED AS 1220 W. 18TH STREET, HASTINGS, NEBRASKA

Said Ordinance was read by title and thereafter Councilmember Butch Eley moved for passage of the ordinance, subject to not affecting the liquor license of the neighboring business, which motion was seconded by Councilmember Matt Fong. 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.

4. General Business.

(a) Advising of objections to Street Improvement District 2023-1, M Street - Baltimore to 815' East. Lee Vrooman reported that no objections were received. District 2023-1 is valid.

(b) Moved by Shawn Hartmann seconded by Steve Huntley to approve the agreement with Diamond Engineering Co. for Street Improvement District 2023-1 M Street Paving in the amount of \$321,246.90. Lee Vrooman reported that bids were opened on March 20, 2024, and we received four bids with Diamond Engineering Company from Grand Island, NE being the low bid at \$321,246.90 for Street Improvement District 2023-1, M Street. The bid is under both the budgeted amount of \$400,000 and the Engineer's estimate of \$404,800. Construction is to take place this summer. 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) Moved by Matt Fong seconded by Shawn Hartmann to approve the Preliminary Plat for Adam Subdivision. Chad Bunger spoke on this item. The Development Department and Plat Track review teams (to include County officials) have reviewed this subdivision plat and the applicant has incorporated all recommendations found to be relevant with subdivision design standards and

regulations in City Code Section 38-203. All related utility easement locations have been reviewed and approved by the Utilities Coordinator as part of this plat process. The house is served by private water and septic systems. City infrastructure is present, but not utilized. Final plat will be coming if this is approved tonight. There were some items that the Fire Department would have preferred for the house site, but they are not required. The proposed lots have adequate and appropriate access. The design of the public infrastructure is appropriate for current and future developments. Discussion on annexation of the property and fire-flow waivers were discussed. Brad Starling, Fire Chief, stated that waivers are a function of the Board of Appeals, not something at their level. 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.

5. Ordinances and Resolutions.

(a) Moved by Shawn Hartmann seconded by Matt Fong to approve Resolution No. 2024-14 accepting the work and the Certificate of the City Engineer in Street Improvement District 2022-3 Laird Avenue. Lee Vrooman spoke on this item. This action formally accepts the work and finalizes the cost of the Street Improvement District. The total cost of Street Improvement District 2022-3 Laird Avenue is \$416,943.83. Of this total cost, \$98,704.65 is General Obligation that will be paid by the City of Hastings, \$315,021.68 will be assessed to the adjacent property owners included in the district, and \$3,217.50 will be assessed as a special benefit (sidewalk) to the specific property it is benefiting. General Obligation for this project is the portions of the street that is in the intersections and also the additional 2 inches of street thickness greater than 6 inches street thickness that City Code allows for assessing to adjacent properties. Property owners with homes already built at the intersections along Laird Avenue were given the opportunity to have our contractor install a sidewalk along their property and include the cost of the sidewalk in the property's assessment. The special benefit listed above is for sidewalk for one of these properties. Lee Vrooman explained that with this gap paving project, the City looks at the potential for additional houses to be built on empty lots and also a few dead-end streets that give the Fire Department access. We look at the benefits and put it through the process. Jesse Oswald explained that with a regular (non-gap) paving district, State Law provides that owners of record title representing more than 50% of the front footage of the property abutting or adjoining the street to be improved within any district can file with the City Clerk written objections to the district invalidating the district. Lee Vrooman stated that gap paving, water and sewer extension districts cannot be protested. 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) Moved by Shawn Hartmann seconded by Matt Fong to approve Resolution No. 2024-15 accepting the schedule of assessments as prepared by the City Engineer for special assessments proposed to be levied in Street Improvement District 2022-3 Laird Avenue and setting a hearing date relative to the levy of said special assessments. Lee Vrooman reported that this action accepts the schedule of assessments for Street Improvement District 2022-3, Laird Avenue, and sets up the hearing date for the Board of Equalization for May 13, 2024. Attachments detail the assessment for each property in the district. Subsequent action will be required at the May 13th meeting to finalize the assessments. Notices will be sent to each property owner in the district informing them of the date of the public hearing for the Board of Equalization. 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) Moved by Shawn Hartmann seconded by Butch Eley to approve Resolution No. 2024-16 accepting the work and the Certificate of the City Engineer in Street Improvement District 2022-1 Trail Ridge Subdivision. Lee Vrooman reported that this action formally accepts the work and finalizes the cost of the Street Improvement District. The total cost of Street Improvement District 2022-1 is \$449,757.44. Of this total cost, \$63,996.27 is General Obligation that will be paid by the City of Hastings and \$385,761.17 will be assessed to the adjacent property owners included in the district. General Obligation for this project is the portion of the street that is in the intersections.

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.

(d) Moved by Matt Fong seconded by Shawn Hartmann to approve Resolution No. 2024-17 accepting the schedule of assessments as prepared by the City Engineer for special assessments proposed to be levied in Street Improvement District 2022-1 Trail Ridge Subdivision and setting a hearing date relative to the levy of said special assessments. Lee Vrooman reported that this action accepts the schedule of assessments for Street Improvement District 2022-1, Trail Ridge Subdivision, and sets up the hearing date for the Board of Equalization for May 13, 2024. Attachments detail the assessment for each property in the district. Subsequent action will be required at the May 13th meeting to finalize the assessments. Notices will be sent to each property owner in the district informing them of the date of the public hearing for the Board of Equalization. Hastings Economic Development Corporation will be paying for these assessments.

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 Butch Eley seconded by Brad Consbruck to approve Resolution No. 2024-22 giving advance notice to the Nebraska Department of Transportation that the City of Hastings intends to conduct a special event, the Half Hastings Races, requiring the closing of a portion of the State Highway System on June 1, 2024. Lee Vrooman spoke on this item. Nebraska Department of Transportation requests notification 30 days prior to the Half Hastings Race due to the closure of a portion of US Hwy 281. This is required for the event to take place. Mayor Stutte thanked all volunteers who help with the event. 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 Butch Eley there being no further business to come before the council to adjourn at 6:22 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)