

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

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

The following City Officials were present: City Administrator, Shawn Metcalf; 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; 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; Director of Energy Production & Supply, Derek Zeisler.

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 current agenda for April 22, 2024, Regular Council Meeting. 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.

PUBLIC NOTICE - Official Notice of the Regular Meeting was published in the Hastings Tribune on Friday, April 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 Rowan reported on the Arbor Day celebration planned for April 26th. The City of Hastings has been recognized as a Tree City Community for 34 years.

CITIZEN COMMUNICATIONS:

None.

MAYOR'S COMMUNICATIONS:

None.

CONSENT AGENDA:

1. All Consent Items.

Moved by Shawn Hartmann seconded by Steve Huntley to approve all consent items, as presented. 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.

(a) Approval of the minutes of the Council Meeting of April 8, 2024

(b) Approval of claims and payroll

(c) Approval of Work Order PL-626, new fly ash removal system for WEC Unit 1

- (d) Approval of Work Order EL-278, installation of a new three-phase overhead transformer bank for four irrigation wells and two pivots west of Blaine Avenue, south of 82nd Street
- (e) Approval of Work Order GA-380, new 2" medium pressure gas main on Lakeview Avenue - Martin Avenue north to 33rd Street, 31st Street - Lakeview Avenue east to Wendell Drive, and Leisure Lane - Lakeview Avenue west 200'
- (f) Approval of Work Order SW-375, reline 8" sanitary sewer mains on Woodland Avenue - "A" Street to "B" Street and "B" Street - Woodland Avenue to Maple Avenue
- (g) Approval of Work Order SW-376, reline 8" sanitary sewer mains between Emerson Avenue and Sewell Avenue, south of "C" Street to north of "C" Street, Garfield Avenue - "D" Street to "C" Street between Hastings Avenue and Denver Avenue, "F" Street to "E" Street between Sewell Avenue and Baltimore Avenue, "D" Street, "C" Street and on "D" Street from alley between New York Avenue and Boston Avenue
- (h) Approval of the request of Steeple Brewing Co., LLC dba Steeple Brewing for a Special Designated Liquor License for the NDP Street Dance event on First Street between Lincoln Avenue and Hastings Avenue on June 8, 2024
- (i) Approval of the request of Steeple Brewing Co. to utilize city property for the NDP Street Dance on June 8, 2024

REGULAR AGENDA:

2. Unfinished Business of Preceding Meeting.

None.

3. Public Hearings.

(a) Public hearing on the request of the Community Redevelopment Authority to review a Blight and Substandard Study for an area to be known as Area 17 generally bounded by North Cedar Avenue, East 6th Street, North 2nd Avenue, and East 9th Street. Randy Chick (Community Redevelopment Authority), Ember Batelaan (City Planner), and Bobbi Pettit (Consultant - Five Rule Planning) reported on this item. Randy Chick stated that we want to do two things: create new housing opportunities and we need Tax Increment Financing (TIF) in order to entice both local and out of town developers to do housing in our community. The 2021 Housing Needs Assessment identified a severe shortage of housing in our community. One of the recommendations that came out of the study was to expand the Community Redevelopment Authority Activities to new areas. Community Development Law states that cities can declare an area to be substandard and blighted and in need of redevelopment by resolution after a public hearing and notice. He described what needs to happen prior to the declaration and "Next Steps" of a Redevelopment Plan. These steps are similar for both 3(a) and 3(b) on tonight's agenda. We currently have 15 redevelopment areas in our community. Communities can designate up to 35% of the community as blight and substandard. We would still be under 30% if these are both approved tonight. The City was involved in a lawsuit years ago, which included the land in Area #18. Randy explained that under the Community Development Law, land cannot be added to an existing community redevelopment area unless (1) the additional land is declared blighted or substandard in and of itself or (2) the additional land is reasonably necessary to accomplish the implementation of the existing redevelopment plan. There is no negative effect on property owners within the areas. Positive impacts can be Micro-TIF. A city can pass a resolution to add Micro-TIF. At that point, a single-family homeowner could access Tax Increment Financing for eligible projects. Bobbi Pettit, Five Rule Rural Planning, 2123 Central Ave, Suite D, Kearney, Nebraska presented on the overall conclusion on each study. In order to find if the criteria exists, we must find the presence of six subjective factors and one objective factors. There are 10 subjective factors that exist in Area 17, and are able to prove that two objective factors exist. Structures and public improvements were found to be dilapidated or deteriorated within the area, utilizing information from the County Assessor data labeling them as below normal. The County Assessor's data is more reliable than a tour around

town from a vehicle. The Planning Commission recommends approval to adopt the Blight and Substandard Study for Area 17. No public spoke.

Moved by Shawn Hartmann seconded by Jeniffer Beahm to approve Resolution No. 2024-24 to adopt the Blight and Substandard Study for Proposed Redevelopment Area 17.

Randy Chick restated that he sees no negatives for adopting this area as Blight and Substandard. Bobbi explained that the area is seen as not meeting its fullest potential. Randy Chick stated there is an opportunity for housing development in this area. We de-blighted an area, anticipating the need for other areas in need of blighting. There is no time horizon with the designation on property. We will be reviewing our older blight studies and redoing them as needed. 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.

(b) Public hearing on the request of the Community Redevelopment Authority to review a Blight and Substandard Study for an area to be known as Area 18 generally bounded by East 26th Street, the Pioneer Spirit Trail, Union Pacific Railroad, and East 13th Street. Bobbi Pettit and Randy Chick reported on this item. Bobbi stated that we must find the same set of criteria for this area. The presence of seven subjective and at least one objective criteria were identified. Staff concurs with the consultant on approval of the study. Planning Commission approved the study. Spoke For: Travis Augustine, 13750 W 70th, Juniata; Terry Anstine, 1011 Loch View; Shannon Landour, Executive Director Hastings Economic Development Corporation and Hastings Chamber of Commerce; David Hughes, 1412 Sheridan Place; Chuck Conrad, 1223 E 7th. Spoke Against: John Northrup, 2430 N Elm; Paul Dietze, 1825 W 12th.

Moved by Butch Eley seconded by Shawn Hartmann to approve Resolution No. 2024-25 to adopt the Blight and Substandard Study for Proposed Redevelopment Area 18. Jesse Oswald, City Attorney, explained the Attorney General's opinion brought up by a citizen. The question was specific as to whether TIF (Tax Increment Financing) may be used in connection with acquisition planning preparation development of undeveloped vacant land under a particular State Statute. It ends with saying that it is questionable whether you can use TIF or not, and you may want to pursue clarifying legislation. It does not say it was not permitted. The lawsuit filed against the City was when the City wanted to amend and add to the existing Area 7. We are now adding a whole new area, not adding to an existing blighted area, so this is different. We have a study saying that area 18 is blighted. Community Development Law states that all grants of power, authority, rights or discretion made to the city are to be construed liberally. Meaning in favor of the City. State Statutes do not specify the extent to what blighted means, or the extent of the total area that needs to be blighted. It must be present before declaring the area blighted. In 1990's the City tried to extend into Area 7, but it was determined to be arbitrary adding that area alone into the existing area. Jesse Oswald stated that he has reviewed the court case and is very familiar with it. He is confident that we are not going against what the Supreme Court laid out in their ruling in 1998. Randy Chick explained Tax Increment Financing. Chad Bunger explained that the next step would be bringing a general redevelopment plan to the Community Redevelopment Authority, Planning Commission, and then the City Council outlining general goals, suggestions, and potential projects for the area. Roll Call: Ayes: Jeniffer Beahm, Butch Eley, Joy Huffaker, Shawn Hartmann, Matt Fong. Nays: Brad Consbruck, Marc Rowan. Abstain: Steve Huntley. Absent: None. The motion carried.

(c) Moved by Shawn Hartmann seconded by Butch Eley 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, Shawn Hartmann, Matt Fong. Nays: Marc Rowan. Absent: None. The motion carried.

(d) Public hearing on the levying of assessments in Water Extension District No. 2022-2 Lakeview 10th Addition. Lee Vrooman reported that the City Council accepted the proposed schedule of assessments for this project at the March 11, 2024 meeting and set a hearing date for levying of special assessments of April 22, 2024. Total assessments to be levied is \$172,289.95. After adjourning as the Board of Equalization, the City Council will consider passage of Resolution 2024-18 levying special assessments. Property owners will have fifty (50) days to pay the assessment in full or any amount without interest accruing. Property owners will have the ability to finance the improvements up to fifteen (15) years at 5.25% interest. No public spoke.

(e) Public Hearing on the levying of assessments in Sewer Extension District No. 2022-1 Lakeview 10th Addition. Lee Vrooman reported that the City Council accepted the proposed schedule of assessments for this project at the March 11, 2024 meeting and set a hearing date for levying of special assessments of April 22, 2024. Total assessments to be levied is \$135,333.20. After adjourning as the Board of Equalization, the City Council will consider passage of Resolution 2024-19 levying special assessments. Property owners will have fifty (50) days to pay the assessment in full or any amount without interest accruing. Property owners will have the ability to finance the improvements up to fifteen (15) years at 5.25% interest. No public spoke.

(f) Public hearing on the levying of assessments in Street Improvement District No. 2022-2 Lakeview 10th Addition. Lee Vrooman reported that the City Council accepted the proposed schedule of assessments for this project at the March 11, 2024 meeting and set a hearing date for levying of special assessments of April 22, 2024. Total assessments to be levied is \$363,673.30. After adjourning as the Board of Equalization, the City Council will consider passage of Resolution 2024-20 levying special assessments. Property owners will have fifty (50) days to pay the assessment in full or any amount without interest accruing. Property owners will have the ability to finance the improvements up to fifteen (15) years at 5.25% interest. No public spoke.

(g) Public hearing on the levying of a special assessment for non-payment of costs associated with mowing, trimming, tree removal, demolition and/or general property clean-up on properties. Jesse Oswald reported that the City incurred costs for mowing and general clean-up of these properties in the summer and fall of 2023. The City after multiple attempts was unable to collect payment for these expenses. No public spoke.

(h) Moved by Shawn Hartmann seconded by Steve Huntley 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, Shawn Hartmann, Matt Fong. Nays: Marc Rowan. Absent: None. The motion carried.

(i) Moved by Shawn Hartmann seconded by Steve Huntley to approve Resolution 2024-18. Motion and second was withdrawn.

Moved by Shawn Hartmann seconded by Steve Huntley to approve all special assessments on the agenda as follows:

(i) Resolution No. 2024-18 making assessments in Water Extension District No. 2022-2 Lakeview 10th Addition.

(j) Resolution No. 2024-19 making assessments in Sewer Extension District No. 2022-1 Lakeview 10th Addition

(k) Resolution No. 2024-20 making assessments in Street Improvement District No. 2022-2 Lakeview 10th Addition

(I) Resolution No. 2024-23 making a special assessment for non-payment of costs associated with mowing, trimming, tree removal, demolition and/or general property clean-up on property.

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.

4. General Business.

(a) Moved by Butch Eley seconded by Jeniffer Beahm to approve moving Monday, July 15, 2024 City Council Worksession to Monday, July 29, 2024 at 5:30 P.M. at the Hastings Municipal Airport for staff presentation of the First Draft of the FY 2024-25 budget. Shawn Metcalf stated that the purpose is to give council a few extra weeks to review the budget.

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.

None.

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 group to adjourn at 6:55 P.M. 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.

APPROVED:

Corey Stutte, Mayor

ATTEST:

Kimberly S. Jacobitz, City Clerk

(S E A L)