

CITY OF HASTINGS, NEBRASKA
MINUTES OF CITY COUNCIL REGULAR MEETING
Monday, July 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 July 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, Brad Consbruck, Butch Eley, Joy Huffaker, Marc Rowan, Shawn Hartmann, Matt Fong. Absent: Jeniffer Beahm.

The following City Officials were present: City Administrator, Shawn Metcalf; Asst. City Administrator, Mark Funkey; City Attorney, Jesse Oswald; Utility Manager, Derek Zeisler; City Clerk, Kimberly Jacobitz; Police Chief, Adam Story; Assistant Fire Chief, Troy Vorderstrasse; 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; Library Director, Amy Dissmeyer; Environmental Engineer, Marina Richards; Police Captain, Jason Haase.

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 July 22, 2024, Regular Meeting. Roll Call: Ayes: Steve Huntley, Brad Consbruck, Butch Eley, Joy Huffaker, Marc Rowan, Shawn Hartmann, Matt Fong. Nays: None. Absent: Jeniffer Beahm. The motion carried.

PUBLIC NOTICE - Official Notice of the Regular Meeting was published in the Hastings Tribune on Friday, July 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 Eley announced that he dropped out of the election for the Ward 2 City Council seat this afternoon. He thanked City Attorney, Jesse Oswald, for his successful argument at the Nebraska Supreme Court. Mayor Stutte thanked Councilmember Eley for his service on the City Council.

Councilmember Fong reported that the Hastings Public Library's Summer Reading Program has been a success, with over 347,000 minutes of reading logged since June 1st. There are two weeks left for the program. He congratulated those kids and adults for participating in the program and surpassing the goal.

CITIZEN COMMUNICATIONS:

Ordinance 4767: Roger Coffman, 849 N Burlington; Peg Wallace, 2825 N Columbine; Mike Anderson, 1405 S Baltimore.

MAYOR'S COMMUNICATIONS:

Mayor Stutte followed up on what Councilmember Eley said and thanked staff for all their hard work over the last five years as we fought through a lot of misinformation out there and a lot of hours spent by staff trying to deal with this. There was a sizable amount of taxpayer money spent trying to deal with these legal issues, taking this all the way to the Nebraska Supreme Court. It is time to move on and happy we are able to do so.

CONSENT AGENDA:

1. All Consent Items.

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

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

(b) Approval of claims and payroll

(c) Approval of the request of First Street Brewing Company to utilize city property for the Do The 'Que BBQ Fest on August 24, 2024

(d) Approval of the request of No Coast Brewing, LLC dba First Street Brewing Company for a Special Designated Liquor License for the Do The 'Que BBQ Fest on North St. Joseph Avenue between 1st Street and 2nd Street and on a portion of First Street on August 24, 2024

(e) Approval of the request of the Nebraska Chapter of the Antique Airplane Association to utilize city property for the Nebraska Chapter Antique Airplane Annual Fly In event at the Hastings Municipal Airport on August 23-27, 2024

(f) Approval of the request of 201 N. Lincoln Enterprises, LLC dba Paul's Cigar Bar for a Special Designated Liquor License for the Nebraska Chapter Antique Airplane Annual Fly In event at the Hastings Municipal Airport on August 24-26, 2024

(g) Approval of the request of Hastings College to utilize city property for the Melody Round-up Parade on September 28, 2024

(h) Approval of the request of Dutton-Lainson Company to utilize city property for the Dutton-Lainson Surplus Auction on August 23, 2024

(i) Approval of Invoice No. 1788 from South Central Economic Development in the amount of \$1,750.00 for general administrative services for Community Development Block Grant Project 21-DTR-007, Downtown Revitalization

(j) Approval of the request for Community Development Block Grant funds, Drawdown #8, in the amount of \$1,750.00 for general administration services for Community Development Block Grant Project 21-DTR-007, Downtown Revitalization

(k) Approval of Invoice No. 1789 from the South Central Economic Development District in the amount of \$575.00 for general administrative services for Community Development Block Grant Project 22-ED-003, Pacha Expansion

(l) Approval of the request for Community Development Block Grant funds, Drawdown #5, in the amount of \$575.00 for general administration services for Community Development Block Grant Project 22-ED-003, Pacha Expansion

(m) Approval of Work Order EL-284, installation and removal of temporary 120/280Y three-phase construction trailer power to Heartwell Renewables

REGULAR AGENDA:

2. Unfinished Business of Preceding Meeting.

None.

3. Public Hearings.

None.

4. General Business.

(a) Moved by Shawn Hartmann seconded by Steve Huntley to approve the application of Heidy Behrens and Scot DeWitt for Community Development Block Grant Downtown Revitalization Facade Program forgivable loan funding in the amount of \$425,000.00 for a facade renovation project at 706 West 2nd Street. Randy Chick, Community Redevelopment Authority (CRA), reported that this is the fourth Community Development Block Grant (CDBG) program that we have applied for through the City to the Department of Economic Development. The local match over the last nine years is \$468,000 and has generated funds from the Department of Economic Development (DED) in the amount of \$1.4 million. That has created private investment downtown in the amount of approximately \$13 million. This application is for the 2021 grant. The application was submitted by the owners of the fire-damaged building at 706 West 2nd Street. They are proposing to renovate the

south and east facades and build out the main floor and second floor for commercial and residential occupancies. Total project cost for commercial and residential space is approximately \$1.7 million. Our program is due to end mid-December 2024. If we don't spend the money, it goes back to the DED. The project would include expanding the building an estimated ten feet to the east. There are two potential main floor commercial spaces and the second floor is proposed to be two residential apartment spaces. New facades for the south and east sides will be designed to fit in with the existing Historic District. Materials, styles and proportions will be contextual to the existing historical structures. The \$425,000 facade loan will be forgiven if the facade improvements are kept in place for a 5-year term. They will request Tax Increment Financing at a later date. The application was reviewed by the Downtown Revitalization Committee and they are recommending approval of this application. The application process and funding was discussed. Randy Chick explained that we have worked with Development Services on this project. The developers have received a letter from the City about taking the building down or repairing it. The problem is that a significant crack is located in the east exterior wall. The obvious concern is if this one is taken down, the next building has a crack also and might end up in the same situation. Roll Call: Ayes: Steve Huntley, Brad Consbruck, Butch Eley, Joy Huffaker, Marc Rowan, Shawn Hartmann, Matt Fong. Nays: None. Absent: Jeniffer Beahm. The motion carried.

5. Ordinances and Resolutions.

(a) Moved by Matt Fong seconded by Shawn Hartmann to approve Resolution No. 2024-44 authorizing South Central Economic Development District, Inc. to provide grant application assistance for a Community Development Block Grant for downtown revitalization.

Randy Chick reported that the Community Redevelopment Authority is asking the City of Hastings to submit an application to the Nebraska Department of Economic Development for 2024 Community Development Block Grant funding for downtown revitalization. A resolution is required to authorize South Central Economic Development District (SCEDD) to proceed on the City's behalf for the application. Roll Call: Ayes: Steve Huntley, Brad Consbruck, Butch Eley, Joy Huffaker, Marc Rowan, Shawn Hartmann, Matt Fong. Nays: None. Absent: Jeniffer Beahm. The motion carried.

(b) ORDINANCE NO. 4766 AMENDING SECTION 12-107 OF THE OFFICIAL HASTINGS CITY CODE REGARDING DISPOSAL OF UNCLAIMED PROPERTY

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. Jesse Oswald reported that this section of City code has not been revised since 1973 and is outdated and needlessly burdensome to the police department in tracking and disposing of unclaimed property that the department comes into possession of. We want to streamline the process while also allowing for rightful property owners to reclaim their property. The current process requires us to hold property for six months and makes for a lot of accumulated property. This makes it a quicker process rather than holding onto it. Upon roll call vote the following Councilmembers voted Ayes: Steve Huntley, Brad Consbruck, Butch Eley, Joy Huffaker, Marc Rowan, Shawn Hartmann, Matt Fong. Nays: None. Absent: Jeniffer Beahm. 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, Brad Consbruck, Butch Eley, Joy Huffaker, Marc Rowan, Shawn Hartmann, Matt Fong. Nays: None. Absent: Jeniffer Beahm. 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) ORDINANCE NO. 4767 AMENDING SECTIONS 28-304, 29-203, 30-102 AND 30-1204 OF THE OFFICIAL HASTINGS CITY CODE CHANGING THE FINE FOR NOT OBTAINING A PERMIT FROM DOUBLE TO TRIPLE THE SET FEE

Said Ordinance was read by title and thereafter Councilmember Butch Eley moved for passage of the ordinance, which motion was seconded by Councilmember Shawn Hartmann. Jesse Oswald reported that the current City Council previously approved in the fee resolution a fine of triple the permit fee for failure to pull a permit prior to commencing work; however, it was recently noticed that this was never updated in City Code. Therefore, this is merely to update the city code to reflect the fee resolution. This has been an issue for those contractors who blatantly disregard City code. There is a homeowner exception. Most generally, it is the contractors who refuse to comply with City code. Chad Bunker stated that Development Services works with property owners. This is for safety reasons and to protect homeowners from fly-by-night contractors. We have a Board of Appeals with an appeal process, which is the due process in place. Chad Bunker gave some examples of repairs that do not need permits. He encouraged citizens to call Development Services if they are unsure if a permit is required. Upon roll call vote the following Councilmembers voted Ayes: Steve Huntley, Brad Consbruck, Butch Eley, Joy Huffaker, Marc Rowan, Shawn Hartmann, Matt Fong. Nays: None. Absent: Jeniffer Beahm. 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, Brad Consbruck, Butch Eley, Joy Huffaker, Marc Rowan, Shawn Hartmann, Matt Fong. Nays: None. Absent: Jeniffer Beahm. 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.

(d) ORDINANCE NO. 4768 AMENDING SECTION 29-101 AND 29-201 OF THE OFFICIAL HASTINGS CITY CODE REGARDING ADOPTION OF THE 2023 NATIONAL ELECTRIC CODE

Said Ordinance was read by title and thereafter Councilmember Butch Eley moved for passage of the ordinance, which motion was seconded by Councilmember Shawn Hartmann. Jesse Oswald reported that the City is required by state law to regularly update local building or construction codes to be in compliance with state code. The state just adopted the 2023 code which is set to go into effect in August. This is the city's attempt to stay in compliance with the State regulations. Upon roll call vote the following Councilmembers voted Ayes: Steve Huntley, Brad Consbruck, Butch Eley, Joy Huffaker, Marc Rowan, Shawn Hartmann, Matt Fong. Nays: None. Absent: Jeniffer Beahm. 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, Brad Consbruck, Butch Eley, Joy Huffaker, Marc Rowan, Shawn Hartmann, Matt Fong. Nays: None. Absent: Jeniffer Beahm. 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.
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 6:13 P.M. Roll Call: Ayes: Steve Huntley, Brad Consbruck, Butch Eley, Joy Huffaker, Marc Rowan, Shawn Hartmann, Matt Fong. Nays: None. Absent: Jeniffer Beahm. The motion carried.

APPROVED:

Corey Stutte, Mayor

ATTEST:

Kimberly S. Jacobitz, City Clerk

(S E A L)