

HASTINGS PLANNING COMMISSION

A meeting of the Hastings Planning Commission has been scheduled for Monday, October 16, 2017 at 4:00 PM in the City Building, 220 North Hastings Avenue.

AGENDA:

1. Call to Order
2. Roll Call
3. Pledge of Allegiance
4. Motion to adopt the current agenda for the Planning Commission Meeting
5. Public Notice - Official Notice of the Regular Meeting was published in the Hastings Tribune on Friday, October 13, 2017. 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 located at the back of the Council Chambers. Also, a current copy of the Nebraska Open Meetings Act is posted on the south wall of the Council Chambers which is accessible to members of the public.
6. Approval of Minutes
 - a. Meeting of September 18, 2017
7. Special Order of Business
 - a. Waiver of advanced notice and motion to amend the City of Hastings Planning Commission Rules of Procedure.
 - b. Election of Officers; Chair, First Vice-Chair, Second Vice-Chair.
 - c. Review of Resolution No. 2017-045 for a Plan Modification 9.19.17.1 to Redevelopment Area VII for Redline Properties, LLC Phase II Redevelopment project in Lot Two (2) of Redline Properties Subdivision, a replat of Lot Two (2) Garden Subdivision in the City of Hastings, Adams County, Nebraska.
 - d. Review of Resolution 2017-046 at the request of 4G Properties, LLC for Plan Modification No. 9.19.17 to Redevelopment Area VII for a property located in Lots One (1) through Six (6) of Dawes and Foss 1st and 2nd Addition to the City of Hastings, Adams County, Nebraska, commonly known as 806 West 16th Street.
8. Unfinished Business
 - a. Continued Applications - None
 - b. Tabled Applications - None
 - c. Postponed Applications - None
 - d. Unfinished Applications - None
9. Public Hearings.
 - a. **2017-032.** Public hearing at the request of the Community Redevelopment Authority to recommend approval of Resolution No. 2017-044 for a Blight and Substandard Study for Area I as well as a General Plan for the redevelopment of the area.

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- b. **2017-033.** Public hearing at the request of applicant Joan Shaw for Resolution No. 2017-043, a Conditional Use Permit for a Bed and Breakfast use at 827 North Lincoln Avenue, more particularly described as the East 156 feet and South 82 feet of Block 6, Alexander's First Addition to the City of Hastings, Adams County, Nebraska.
 - c. **2017-034.** Public hearing at the request of the City of Hastings Utilities Department for Resolution No. 2017-041, a Conditional Use Permit for Well 30, located in a portion of Well Field Second Addition to the City of Hastings, generally located 119 feet south of 26th Street and 670 feet west of North Baltimore.
 - d. **2017-035.** Public hearing at the request of the City of Hastings Utilities Department for Resolution No. 2017-042, a Conditional Use Permit for Municipal Well 36, located at the Southwest corner of 12th Street and North Baltimore Avenue.
 - e. **2017-036.** Public hearing on the request of the Development Services Department for Ordinance No. 4527 to amend Section 29-106 of the Hastings City Code, clarifying electrical service meter location requirements.
 - f. **2017-037.** Public hearing on the request of Johnson Imperial Homes for Ordinance No. 4528, a change of zoning from "R-3G Garden Apartment Residential" and "C-3 Commercial Business" to "C-O Commercial Office" for Lochland Meadows Subdivision Number 12, a parcel of land located in the Southeast Quarter (SE1/4) of Section 24, Township 8 North, Range 10 West of the 6th P.M. in the City of Hastings, Nebraska, comprising 4.21 acres more or less.
 - g. **2017-039.** A public hearing at the request of the Development Services Department for Ordinance No. 4530, a zoning change of portions of Westbrook Village 16th Addition and Westbrook Village 11th Subdivision, from "A-Agricultural" and "C-1 Local Business" to "R-1 Single-family Residential."
 - h. **2017-040.** Public hearing at the request of the City Engineer for Ordinance No. 4531, adopting the Stormwater Management Plan (SWMP) and amending Sections 42-102, 42-112, 42-114, and 42-117 of Hastings City Code.
 - i. **2017-041.** Public hearing at the request of Brad Beck, regarding Ordinance No. 4532 vacating a 60 foot public use/right-of-way easement located north of Lot 9, south of Lot 10, east of the west subdivision boundary and west of Wendell Drive in Shadow Ridge Subdivision, containing 0.199 acres more or less.
10. Subdivisions
- a. **2017-043.** Consideration of a final plat for Madi-Park Subdivision, a replat of Brad Beck Subdivision, a portion of Shadow Ridge 3rd Subdivision, and a vacated 60-foot Right-of-way and public use easement of the City of Hastings, Nebraska, containing 2.28 acres more or less.
11. Reports
- a. Committee Reports
 - b. Chairman Comments
 - c. Staff Reports

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- i. NPZA District Meeting Nov. 3 at the new Library. 9am - 4pm. Speakers, lunch, and invaluable training.
- ii. South Street East District Rezone update.

Adjourn

CITY OF HASTINGS, NEBRASKA
MINUTES OF PLANNING COMMISSION
Monday, September 18, 2017

Pursuant to due call and notice thereof, a meeting of the Hastings Planning Commission was conducted in the City Building, 220 North Hastings Avenue, on September 18, 2017.

The meeting was called to order at 4:00 p.m. in Regular Session by Chair Napier with the following members present: Chuck Rosenberg, Keith Napier, Lou Kully, Gavin Raitt, Megan Arrington-Williams, Rakesh Srivastava, Dave Johnson, and Jodi Graves. Absent: Dale Hamburger, Marshall Gaines.

The Mayor led the group in recital of the Pledge of Allegiance.

Moved by Lou Kully, seconded by Chuck Rosenberg, to adopt the current agenda for the Planning Commission meeting. Roll Call: Ayes: Keith Napier, Chuck Rosenberg, Lou Kully, Dave Johnson, Gavin Raitt, Jodi Graves, Rakesh Srivastava, Megan Arrington-Williams. Nays: None. The motion carried.

Chair Napier read the Public Notice - Official Notice of the Regular Meeting was published in the Hastings Tribune on Friday, September 15, 2017. 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 located at the back of the Council Chambers. Also, a current copy of the Nebraska Open Meetings Act is posted on the south wall of the Council Chambers which is accessible to members of the public.

Moved by Lou Kully, seconded by Rakesh Srivastava, to approve the minutes of the August 21, 2017, meeting. Roll Call: Ayes: Keith Napier, Chuck Rosenberg, Lou Kully, Dave Johnson, Gavin Raitt, Jodi Graves, Rakesh Srivastava, Megan Arrington-Williams. Nays: None. The motion carried.

9. Public Hearings.

a. 2017-025. Public hearing on a request of the Hastings Community Redevelopment Authority to consider Plan Modification # 08.15.17 to Redevelopment Plan 1 for Lots One (1), Two (2), and Three (3), Davis Addition, City of Hastings, Adams County, Nebraska, according to the recorded plat thereof.

The legal was read into the record.

Chair Napier declared the public hearing open.

Don Threewitt explained approval of this item allows for redevelopment funding to be applied to the property known as The Block 27 Lofts Phase 2. The property includes 5,300 square feet of interior space which will be developed into first floor commercial and six second floor apartments. Façade renovation costs are \$125,000.00 and the CRA intends to provide funds for façade, sidewalk, landscape, public parking lot improvements, and other costs estimated to be \$900,000.00. The effective date of the provision would be January 1, 2018, which would also be the valuation date for TIF monies. Staff recommends approval of Plan Modification #8.15.17 to Redevelopment Plan 1.

Randy Chick representing the Community Redevelopment Authority. He stated total project costs are \$900,000.00 not the cost the CRA will be providing.

Mr. Chick explained that for each area that the CRA and City declares as blighted and substandard, the CRA develops a Blight and Substandard Study and a general redevelopment plan for the area. Each time the CRA has a project, the CRA brings a site specific plan modification to the Planning Commission for review and approval. The Planning Commission forwards the recommendation on to the City Council for approval. Mr. Chick asked for the Planning Commission's support.

Chair Napier declared the public hearing closed.

Moved by Dave Johnson, seconded by Lou Kully, to approve Motion to recommend approval of Plan Modification # 08.15.17 to Redevelopment Plan 1 for Lots One (1), Two (2) and Three (3) of the Davis Addition to the City of Hastings. Roll Call: Ayes: Keith Napier, Chuck Rosenberg, Lou Kully, Dave Johnson, Gavin Raitt, Jodi Graves, Rakesh Srivastava, Megan Arrington-Williams. Nays: None. The motion carried.

b. 2017-026. Public hearing for an update and revisions to Hastings City Code Chapter 29 and adoption of the 2017 National Electrical Code promulgated by the National Fire Protection Association, with local amendments as recommended by the City of Hastings Electrical Licensing Board.

The legal was read into the record.

Chair Napier declared the public hearing open.

Don Threewitt stated this item is required to come before the Planning Commission by state statute. The last update to the Hastings City Code Chapter 29, was to adopt the 2014 NEC along with minor amendments on June 18, 2015. This update moves the City of Hastings to the 2017 NEC in keeping in line with the State of Nebraska. In addition to adopting the 2017 NEC, the proposed ordinance will have changes to six sections of Hastings City Code Chapter 29. Those changes are outlined in the staff report. At the last City of Hastings Examining Board for Electricians meeting on August 9, 2017, the Board considered the recommended changes and voted to recommend adoption as presented. Staff recommends approval as presented.

Chair Napier declared the public hearing closed.

Moved by Jodi Graves, seconded by Rakesh Srivastava, to approve 2017-026. Roll Call: Ayes: Keith Napier, Chuck Rosenberg, Lou Kully, Dave Johnson, Gavin Raitt, Jodi Graves, Rakesh Srivastava, Megan Arrington-Williams. Nays: None. The motion carried.

c. 2017-027. Public hearing on the request of THOAR, LLC, for a zoning change from "I-1 Light Industrial" to "C-2 Central Business District" for Lots One (1), Two (2), and Three (3) of Davis Addition to the City of Hastings, Adams County, Nebraska.

The legal was read into the record.

Chair Napier declared the public hearing open.

Don Threewitt clarified the applicant is THOAR, LLC. This property is the same property that the Commission considered for the Plan Modification, referred to as The Block 27 Lofts Phase 2. The property is pending redevelopment for first floor commercial and upper level residential. The current I-1 Light Industrial zoning does not comport with the intended future uses. There is no residential in I-1 zoning. The C-2 Central Business District zoning is an appropriate district

and conveys uses which are both promoted for the property and in the vicinity. Staff recommends approval.

Chair Napier closed the public hearing.

Moved by Chuck Rosenberg, seconded by Dave Johnson, to approve Motion to recommend a zoning change from "I-1 Light Industrial" to "C-2 Central Business District for Lots One (1), Two (2), and Three (3) of Davis Addition to the City of Hastings. Roll Call: Ayes: Keith Napier, Chuck Rosenberg, Lou Kully, Dave Johnson, Gavin Raitt, Jodi Graves, Rakesh Srivastava, Megan Arrington-Williams. Nays: None. The motion carried.

10. Subdivisions

a. 2017-028. Final plat approval for Lochland Meadows Subdivision Number 12.

Don Threewitt stated this is a final plat from the Lochland Preliminary filed in 1992. The plat contemplated garden-level multi-family development to the west with highway commercial retail uses to the east, adjacent to Osborne Drive West. The developer wishes to continue the commercial office development that began with Lochland Meadows Sub. No. 8 and No. 3. The additional lots will allow for office space which exhibits a higher demand in the area. A future motion to change zoning to C-O Commercial Office insures that commercial uses would be refined to meet the character of the neighborhood and minimize impact of surrounding residences. Staff recommends approval.

Moved by Megan Arrington-Williams, seconded by Lou Kully, to approve Motion to approve the plat for Lochland Meadows Subdivision Number 12. Roll Call: Ayes: Keith Napier, Chuck Rosenberg, Lou Kully, Dave Johnson, Gavin Raitt, Jodi Graves, Rakesh Srivastava, Megan Arrington-Williams. Nays: None. The motion carried.

b. 2017-029. Final plat approval for Tri-K Fourth Subdivision

Don Threewitt stated this is a replat of a portion of Block 1 of Hamsher's South Side Addition, part of the vacated alley and part of vacated Bellevue Avenue. The area is currently developed with a metal building and an enclosed parking area. Staff recommends approval.

Moved by Lou Kully, seconded by Gavin Raitt, to approve Motion to approve the final plat for Tri-K Fourth Subdivision. Roll Call: Ayes: Keith Napier, Chuck Rosenberg, Lou Kully, Dave Johnson, Gavin Raitt, Jodi Graves, Rakesh Srivastava, Megan Arrington-Williams. Nays: None. The motion carried.

11. Reports

a. Committee Reports

Chair Napier reported that the ad hoc committee meets jointly with members of the Adams County Planning Commission. The committee has not met for several months. Mr. Rosenberg will reach out within the next few weeks and get that committee meeting once again. The billboard ordinance is the most prominent product of that committee.

b. Chairman Comments

Chair Napier stated this is his last meeting as a member of the Planning Commission, and has accepted a position at a hospital in Arizona and they will be relocating to Arizona by the end of the year. He stated is has been a great 25+ years on the Planning Commission and has enjoyed working with everyone. It has been great having the opportunity to give back to Hastings, always welcome an opportunity to give back. He thanked everyone.

Chair Napier recognized Chief Gilbert. Chief Gilbert introduced Troy Vorderstrasse. Troy is the new Fire Prevention Officer and will be regularly attending the Planning Commission meetings. Troy is a 23-year veteran of Hastings Fire. He has a background in education and construction.

Don Threewitt added at the September 25th City Council meeting, the Chairman will be recognized by the Mayor and City Council and hopefully everyone that can attend, will attend, to give Chair Napier the recognition he has earned. Mr. Threewitt thanked Chair Napier for helping get settled in the position, and also getting settled into the community.

Adjourn.

Chairman

Department: Development Services
Staff Contact: Donald Threewitt
Planning Commission Meeting Date: 10/16/2017
File No:
Prepared By: Donald Threewitt, Development Services Director

AGENDA ITEM SUMMARY SHEET

Description of Item:

Amend the titles of Commission Officers to reflect consistency among city boards and commissions.

Names of People/Business affected by this action:

The Commission, the people of Hastings, and the City.

Why Planning Commission action is required:

Amendments to the Rules of Practice may be made by the Commission at any regular or special meeting, provided, however, that the proposed amendment shall have been presented in writing at a previous regular meeting of the Commission or the requirement...has been waived by a majority of the Commission.

Type of action requested:

Motion

Suggested motion:

Waiver of advanced written notice for amendments as provided for in the Rules of Procedure, Article X, Section 1.

Motion to amend the Rules of Practice, amending the titles of Commission Officers from "Vice-Chairman" to "First Vice-Chair" and "Member-at-Large" to "Second Vice-Chair."

Deadlines associated with action:

The suggested amendment should be completed prior to the election of officers at the October 16, 2017 Planning Commission meeting.

Department head comments:

This action is suggested to change the title "Member-at-Large" to "Second Vice-Chair" in order to more adequately reflect the duties of the officer, as well as to maintain consistency with other Boards and Commissions.

Prior to a re-election of Officers at this meeting, it would be beneficial to change this title, as well as changing "Vice-Chair" to "First Vice-Chair" in order to clarify the succession. There is no change of duties, terms, or other conditions of the Officers of the Planning Commission.

As the Rules of Practice state that a proposed amendment shall be presented in writing at a previous meeting, the circumstances of the Commission warrant a waiver if the majority of Commissioners affirm the waiver.

Recommendation:

Staff recommends a motion to waive the notice requirement as provided in Article X, Section 1 for this item.

Staff further recommends a separate motion to amend the titles of the Officers from "Vice-Chair" to "First Vice-Chair," and from "Member-at-Large" to "Second Vice-Chair."

CITY OF HASTINGS
PLANNING COMMISSION



RULES OF PROCEDURE

RULES OF PROCEDURE
PLANNING COMMISSION
HASTINGS, NEBRASKA

ARTICLE I - AUTHORITY AND DUTIES

SECTION 1. Authority. The City of Hastings Planning Commission (hereinafter called "Commission") exists as an advisory planning commission under authority of the code of ordinances of the City of Hastings, Nebraska, and any amendments thereto.

SECTION 2. Duties. The duties of the City of Hastings Planning Commission shall be those set forth under Nebraska State Statutes and the Hastings City Code, together with such other responsibilities as may be assigned to it by the City council of the City of Hastings, Nebraska.

SECTION 3. Commission Membership.

a. The Commission shall consist of nine (9) voting members and an alternate member, appointed in accordance with the requirements of Nebraska State Statutes and the Hastings City Code.

b. The members shall ethically serve the public interest by making decisions and taking actions which will enhance the public health, safety and welfare of our community and by promoting public confidence in the integrity, independence, ability and impartiality of the Commission.

c. The AICP/APA "Statement of Ethical Principles in Planning" is hereby incorporated by reference and is attached to this document.

SECTION 4. Rules. In all matters not otherwise provided for by statute, ordinance, or these rules, the 2000 edition of Robert's Rules of Order, as interpreted by the Commission's presiding officer, shall govern the conduct of Commission meetings.

a. Regular Meetings - The Commission shall hold regular monthly meetings on the third Monday of each month at 4:00 o'clock p.m. Whenever the regular monthly meeting date falls on an official holiday of the City of Hastings, another date shall be selected. All regular meetings will be held at the Hastings City Building, unless notice is published as to the holding of a meeting at another location.

b. Special Meetings - Special meetings of the Commission may be called at any time by the Chairman or by a majority of members. Written notice of a special meeting shall not be required if the time, place and purpose of the special

meeting has been fixed in a regular meeting of the Commission, provided that a quorum of members of the Commission shall be present at said regular meeting.

c. Annual Organizational Meeting. At its regular meeting in February each year, the Commission shall hold an annual organizational meeting and elect from its members a chairman and vice-chairman and a member-at-large.

d. Worksessions. The Chairman may call a worksession for the purpose of briefing the Commission or discussion of Commission business. No formal action may be taken at a worksession. Notice of the worksession shall be given to all members and posted on the bulletin board in the City building.

e. Cancellation. Whenever there is a lack of business for Commission consideration, the Chairman may cancel a regular meeting. Notice of such cancellation shall be given to all members, and the news media shall be notified of such cancellation. Whenever it is determined that a quorum is not available for a regular or special meeting, the chairman of the Commission may dispense with such meeting, and all business scheduled for such meeting will be automatically continued to the next regular or special meeting. The chairman of the Commission also may dispense with a scheduled regular or special meeting. The chairman of the Commission also may dispense with a scheduled regular or special meeting in the event of natural disaster, snow emergency or similar causes. In the event of cancellation for any reason, the chairman may require re-notification to interested parties by the Commission as the chairman deems appropriate.

ARTICLE II - OFFICERS AND STAFF

SECTION 1. Commission Officers. At its regular meeting in February each year, the Commission shall hold an annual organizational meeting and elect from its members a chairman and vice-chairman and a member-at-large.

SECTION 2. Duties of Commission Officers.

a. Chairman - The Chairman shall preside over Commission meetings and on behalf of the Commission shall exercise general supervision over the affairs of the Commission, the appointment of committees and representatives, the determination of points of order and procedure, and the signing of all official documents.

b. Vice-chairman - The vice-chairman shall have authority to act as chairman of the Commission during the absence or disability of the chairman.

c. Member-at-large - The member-at-large shall during the absence of both the Chair and Vice-chair or their inability to act, have and exercise all of the

duties and powers of the Chair, and shall perform such other duties as may from time to time be assigned to the Chair by the Commission.

d. Secretary - The Development Services Director of the City appointed by the Mayor or his designee shall act as the commission secretary. The secretary shall certify all official acts of the Commission, including the electronic/roll call votes of the Commission on any and all matters for which such vote is required. In the event of the absence or disability of the secretary, their designee or another individual appointed by the Mayor shall serve secretary protempore.

SECTION 3. Election of Officers.

a. Nomination of officers shall be made from the floor at the annual organizational meeting in February of each year, and the elections of officers shall follow immediately thereafter.

b. A candidate receiving a majority of the vote of the entire membership of the Commission shall be declared elected and shall take office the next regularly scheduled meeting.

c. Vacancies in offices shall be filled immediately by regular election procedures.

ARTICLE III - CONDUCT OF MEETINGS

SECTION 1. Quorum. Five (5) voting members of the Commission shall constitute a quorum. No business shall be transacted nor shall a public hearing be opened at any meeting of the Commission unless a quorum is in attendance.

SECTION 2. Voting.

a. Duty to vote. Every member must vote unless excused by the Chair. No member shall be excused from voting except in cases involving conflict of interest as defined by these rules and law.

b. Majority - No action of the Commission shall be official and effective unless such action is authorized at a regular or special meeting by a majority of the Commission members present and voting at such meeting.

c. Method - All votes of the Commission on matters requiring a public hearing shall be by electronic ballot. Secret ballot votes shall not be permitted except in the election of officers. A voice vote, with record as to the vote cast by each member shall only be allowed when the electronic voting machine is inoperative.

d. Conflict of interest - A Commission member may not participate in a hearing or decision concerning a matter in which he has a personal interest, direct or indirect financial interest. A member shall declare for the record such known conflict of interest. Questions as to whether such conflict exists shall be determined by the chairman or the Hastings City Attorney. When there is uncertainty as to the applicability of this section, the member shall be automatically disqualified. The Commission shall enter in its records the fact that a member has been disqualified. A member who has a conflict of interest shall leave the commission table. Such member may join the audience but may not give testimony on the matter before the Commission. Nothing in this section shall prevent a member of the Commission from presenting an application on his/her own behalf, but members shall not appear before the Commission on behalf of others.

e. Absentee - Absentee or proxy voting shall not be permitted. Members must be present for the hearing in order to be eligible to vote on any matter. In the event that a member is absent for part of a public hearing, such member's eligibility to vote on the matter shall be at the discretion of the presiding officer.

SECTION 3. Order of Business. The order of business of regular meetings of the Commission shall be as listed below, except that said order of business may be changed by the chairman upon the consenting vote of a majority of those members present and voting.

1. Call to order
2. Roll call
3. Pledge of Allegiance
4. Special order of business
5. Communications and appearance request
6. Unfinished business
 - a. Continued applications
 - b. Tabled applications
 - c. Postponed applications
 - d. Unfinished items
7. New applications
 - a. Public hearings
 - b. Subdivisions
 - c. Other items
8.
 - a. Committee Report
 - b. Chairman's Report
 - c. Staff Report
9. Adjournment

SECTION 4. Motions.

a. Action by the Commission. The Commission shall proceed by motion except as otherwise provided for in these Rules. Any member, including the chair, may make a motion

b. Main motions. Any application duly filed shall be brought before the Commission in a main motion. A main motion can only be made when no other motion is pending.

c. Procedural motions. Procedural motions assist the Commission in treating or disposing of the main motion.

1. Withdraw. Any application may be withdrawn provided a written request for withdrawal signed by the applicant or an authorized representative is received by the Commission's staff at least fourteen (14) days before the scheduled hearing. Any request for withdrawal made less than fourteen (14) days before the scheduled hearing may be granted or denied by the Commission. Such request may be in writing or oral and must state the reasons for the request. No application may be withdrawn after a motion has been made and seconded and a vote has been ordered by the presiding officer.

2. Amend. Any member of the commission may offer a motion to modify or amend a main motion on an application.

3. Continuance. Any interested party or Commission member may request a continuance in writing prior to the hearing and/or orally at the beginning of the hearing. The party requesting such continuance shall be required to show good and sufficient cause for such continuance, and it shall be within the discretion of the Commission to grant or deny such request.

ARTICLE IV - PUBLIC HEARINGS

SECTION 1. Procedure.

a. Opening the hearing - The Chairman shall call the number of the item scheduled for public hearing and declare the public hearing open.

b. Order of testimony - The order of testimony shall be as follows:

1. Background and comments by the Development Services Director of the City of Hastings
2. Interested parties

c. Closing the hearing - After all public comments have been heard under the rules of this section, the presiding officer shall declare the hearing closed and shall call for a motion. Additional public comment shall not be permitted after the close of the hearing. Any motion which has been made and seconded is open for discussion by the Commission members, but such motion is closed to discussion by the public unless the presiding officer exercises the authority to limit such discussion by the public or the Commission members.

d. Voting - Each motion on a matter requiring a public hearing shall be by written or electronic ballot to the members, in accordance with the provisions of Article III, Section 2 of these rules. Each ballot shall bear the case number of the application. At the conclusion of the vote, the secretary shall report the recorded vote. The vote of each member shall become a part of the record on the application and the vote of each member shall be disclosed by any Commission officer or the staff to anyone requesting such information.

SECTION 2. Conduct

a. Representation - The applicant may appear in person, by agent, or attorney, and may present any supporting witnesses, evidence, statements and arguments in favor of the request. Those persons in opposition or in favor of the request may appear in person, by agent or by attorney, and may present witnesses, evidence, statements and arguments. Any person interested in any application shall have the right but shall not be required to enter a written appearance in the hearing.

b. Commission participation - The Commission members shall be provided adequate opportunity to examine witnesses and question any evidence, statements and arguments in the interest of a fair hearing.

c. Identification - All persons wishing to be heard on any matter in a public hearing or other hearing must come before the Commission and provide their names and addresses for the record. Statements or comments from the audience shall not be allowed or accepted as part of the record.

d. Commentary addressed to Commission - All commentary at a public hearing or other hearing shall be addressed to the Commission through its presiding officer. Such commentary shall not be permitted between opposing parties without the consent of such officer.

e. Authority of presiding officer - The presiding officer shall have the authority to prohibit repetitious and irrelevant testimony and shall have authority to limit the length of testimony by each speaker deemed appropriate to a fair hearing.

f. Orderly conduct - Every person appearing before the Commission shall abide by the order and direction of the presiding officer. Discourteous, disorderly, or contemptuous conduct shall not be tolerated, and the presiding officer may take such action as is deemed necessary to prevent such conduct or to require the removal from the premises of any disorderly persons by the Hastings Police Department.

ARTICLE V - FILING PROCEDURES

SECTION 1. Application - Each application to the Commission shall be on application forms prescribed by the Development Services Director and shall be accompanied by such information and exhibits as specified on such forms and/or required by City Code. Any communication purporting to be an application not on the prescribed forms or not containing the information required shall be considered incomplete and shall not be scheduled for hearing.

SECTION 2. Eligible Applicants - The owners of property included in any application before the Commission must consent to the filing of the application. Such consent may be evidenced by the owner's signature on said application or by a signature of a person having power of attorney authorizing such signature. In the case of property which is being purchased under a land contract, the signatures of both, the contract purchasers and the contract sellers or their duly authorized agents, shall be required.

ARTICLE VI - NOTICE REQUIREMENTS

SECTION 1. Contents - Any notice of public hearing required by Nebraska State Statute or the Hastings City Code shall contain as a minimum the following information:

- a. Description of the matter to be heard.
- b. General location by address or other description and legal description of the property.
- c. Name of the person or agency initiating the matter to be heard.
- d. Time and place of the hearing.
- e. Statement that interested parties may offer an oral opinion at the hearing.
- f. Any other information which may be required by law to be contained in such notice.

SECTION 2. Publication - When the Commission is required by law to publish in a newspaper of general circulation a notice prior to any hearing of the Commission, the Development Services Director shall cause such notice to be published in accordance with the time periods established by the applicable law. Proof of such publication shall be obtained by the Development Services Director and shall be kept in the application file.

ARTICLE VII - COMMITTEES

SECTION 1. Authority. The presiding officer is hereby authorized to appoint permanent and temporary committees to facilitate the work of or advise the Commission. Such committees may be comprised of Commission members only, or they may include other interested parties. A chairman shall be appointed for each committee, and reports on their assignments shall be made a part of the record. The chairman may be a member or an ex-officio member of any committee so appointed. The Development Services Director shall also be an ex-officio member of each committee.

SECTION 2. Committee Meetings. The Development Services Director shall assist any and all committees established under this section in scheduling the times and places for meetings.

ARTICLE VIII - COMMISSION RECORDS

SECTION 1. Responsibility. It shall be the duty of the Development Services Director or his designee to maintain all Commission files and records, including the official minutes of all meetings.

SECTION 2. Minutes. The Development Services Director shall prepare an accurate record of all hearings, official actions and committee meetings of the Commission, and the minutes representing such record shall be made available within a reasonable time after such hearing or action to all members of the Commission. Upon approval by the Commission, copies of such minutes shall be made available to interested parties.

SECTION 3. Tape Recordings. The Development Services Director may make taped or other mechanical recordings of the Commission's proceedings. Such recording products shall remain on file in the Development Services Director's office for a period not less than one year from the date of the hearing or determination, whichever is later. Such recordings shall not be removed from such office other than by order of a court of competent jurisdiction. Interested parties may listen to such recordings in the planning department office and may copy such recordings, under the supervision of the Development Services Director.

SECTION 4. Commission Case Files. A file shall be maintained for each item placed on the agenda of the Commission. Such files shall contain, as a minimum, the application form and supporting materials and any exhibits pertinent to the decision, conditions, or safeguards or other material related to the binding effects of the Commission's action.

SECTION 5. Public Records. The records and files of the Commission shall be public and shall be made available to the public.

ARTICLE IX - FEES

SECTION 1. Schedule of Fees. The Commission may recommend to the Hastings City Council a uniform schedule of fees to defray the administrative costs connected with processing and hearing applications for rezoning, special uses, and planned developments, for the checking and verifying of proposed subdivision plats, and for other official acts.

SECTION 2. Payment required. In no case shall the Commission take action on any application for which applicable fees have not been paid in full. No part of any fee paid pursuant to this section shall be returnable to the application unless authorized by the Hastings City Council.

SECTION 3. Publicly initiated applications. Nothing herein shall be construed to require a fee for actions initiated in the public interest by the Commission, the Hastings City Council or officials of the City of Hastings.

ARTICLE X - AMENDMENTS AND SUSPENSION

SECTION 1. Amendments. Amendments to the Rules of Procedure may be made by the Commission at any regular or special meeting, provided, however, that the proposed amendment shall have been presented in writing at a previous regular meeting of the Commission or the requirement of this article has been waived by a majority of the Commission as provided in Section 2 of this Article.

SECTION 2. Suspension of Rules. The suspension of any Rule of Procedure herein may be authorized by the Commission at any regular or special meeting upon the affirmative vote of five (5) members, provided, however, that no rule which is required to comply with state or local law may be so suspended.

ARTICLE XI - SEPARABILITY

If any section, clause, provision, or portion of these rules shall be held invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of any other section, clause, provision, or portion of these rules.

ARTICLE XII - CERTIFICATE OF ADOPTION

The foregoing Rules of Procedure of the City of Hastings Planning Commission are hereby adopted by the affirmative vote of the Commission this 15th day of May 2006.

Chairman

Vice-Chairman

Adopted January 19, 1987
Revised March 16, 1992
Re-adopted February 17, 1997
Re-adopted May 15, 2006

Department: Development Services
Staff Contact: Donald Threewitt
Planning Commission Meeting Date: 10/16/2017
File No:
Prepared By: Donald Threewitt, Development Services Director

AGENDA ITEM SUMMARY SHEET

Description of Item:

Election of Officers; Chair, First Vice-Chair, and Second Vice-Chair.

Names of People/Business affected by this action:

The Hastings Planning Commission, the people of Hastings.

Why Planning Commission action is required:

Article II, Section 3 (c) of the Rules of Procedure: "Vacancies in offices shall be filled immediately by regular election procedures."

Type of action requested:

Motion

Suggested motion:

Deadlines associated with action:

New officers should be nominated and elected at this meeting. A new election will be held at the regular interval during the February, 2018 meeting.

Department head comments:

The procedures call for a nomination of officers made from the floor. Elections shall follow immediately after. A candidate receiving a majority of the vote of the entire membership of the Commission shall be declared elected and shall take office the next regularly scheduled meeting.

Recommendation:

Recommendation to nominate and vote on Chair, then nominate and vote on First Vice-Chair (if necessary), then Second Vice-Chair (if necessary).

Department: Development Services
Staff Contact: Randy Chick, Donald Threewitt
Planning Commission Meeting Date: 10/16/2017
File No: 2017-030
Prepared By: Donald Threewitt, Development Services Director

AGENDA ITEM SUMMARY SHEET

Description of Item:

Review of Resolution No. 2017-045 for a Plan Modification 9.19.17.1 to Redevelopment Area VII for Redline Properties, LLC Phase II Redevelopment project in Lot Two (2) of Redline Properties Subdivision, a replat of Lot Two (2) Garden Subdivision in the City of Hastings, Adams County, Nebraska.

Names of People/Business affected by this action:

The applicants, the Community Redevelopment Authority, the people of Hastings, and the City.

Why Planning Commission action is required:

The recommendation of a redevelopment plan by an authority to the governing body shall be accompanied by the recommendations, if any, of the planning commission or board concerning the redevelopment plan (N.R.S. 18-2114). The recommendation should be based on the planning commission's finding "that the plan is feasible and in conformity with the general plan for the development of the city as a whole" (N.R.S. 18-2116).

Type of action requested:

Resolution

Suggested motion:

Motion to recommend approval of Resolution 2017-045 for Plan Modification No. 9.19.17 to Redevelopment Area VII for Redline Properties, LLC Phase II redevelopment project.

Deadlines associated with action:

This resolution is scheduled to be heard at the next regular meeting of the City Council on November 13, 2017.

Department head comments:

The Future Land Use plan designation for the subject property is "Commercial-Retail," and the property is zoned "C-3 Commercial Business."

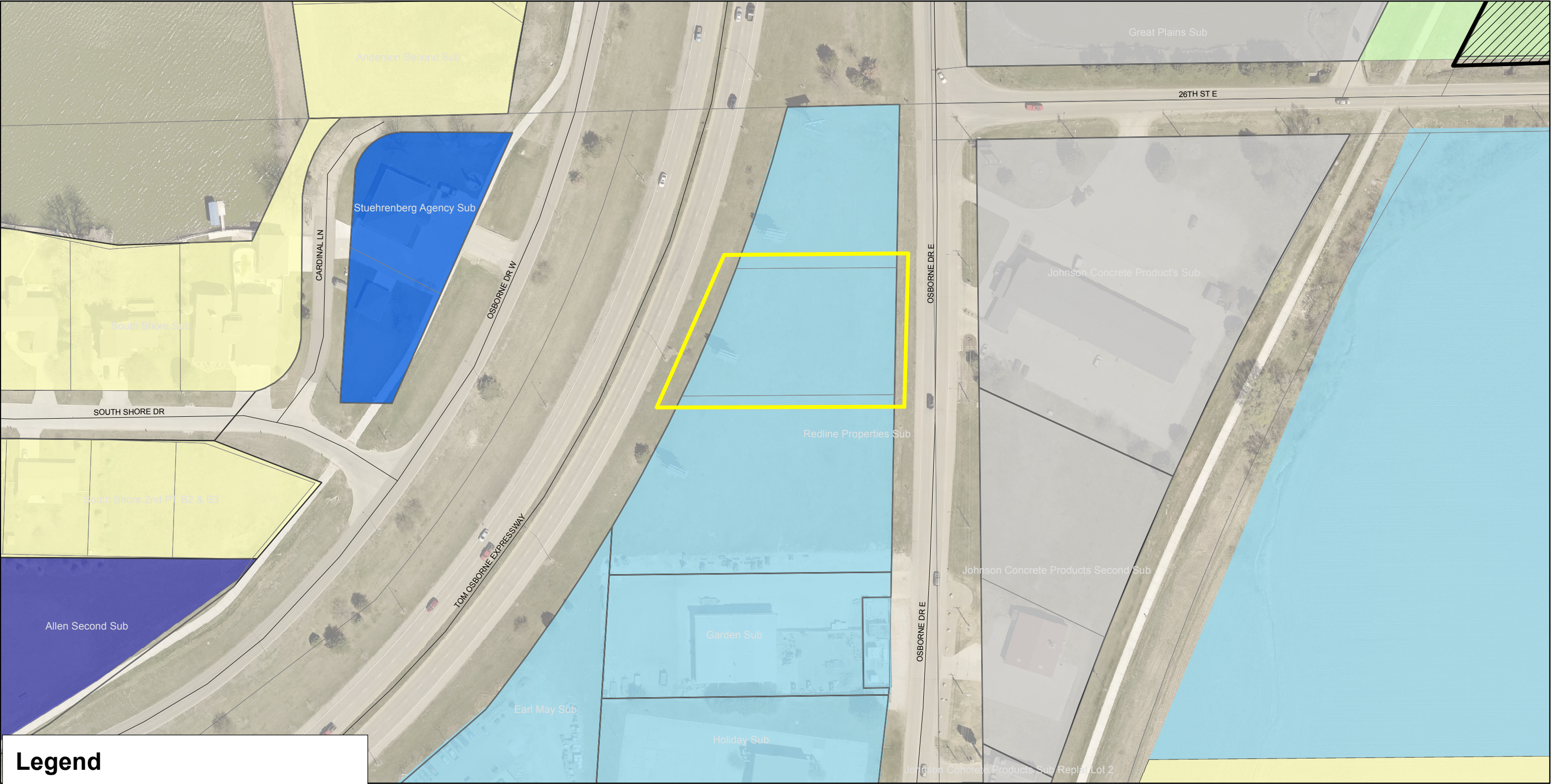
The property is a new construction within Blighted and Substandard Area VII, and the owners

intend to develop additional retail/medical/office space of approximately 8,000 square feet. The addition will be attached to the north of the existing project (phase I) recently completed.

The Community Redevelopment Authority intends to provide Tax Increment Financing funds for a portion of the project costs to include parking, lighting, landscaping, facade improvements, water and sewer assessments. The total project costs is estimated at One Million, Eight Hundred Thousand Dollars (\$1,800,000.00). The Community Redevelopment Authority has committed One Hundred Twenty Thousand Dollars (\$120,000) toward the public improvements.

Recommendation:

Staff supports a recommendation of plan consistency for Resolution 2017-045 for Plan Modification 9.19.17 to Redevelopment Area VII for the property located in Lot Two (2) of Redline Properties Subdivision of the City of Hastings, Adams County, Nebraska.



Legend

City Limits

Zoning

ZONE_

A

AG

C-0

C-1

C-2

C-3

CMP

I-1

I-2

MU

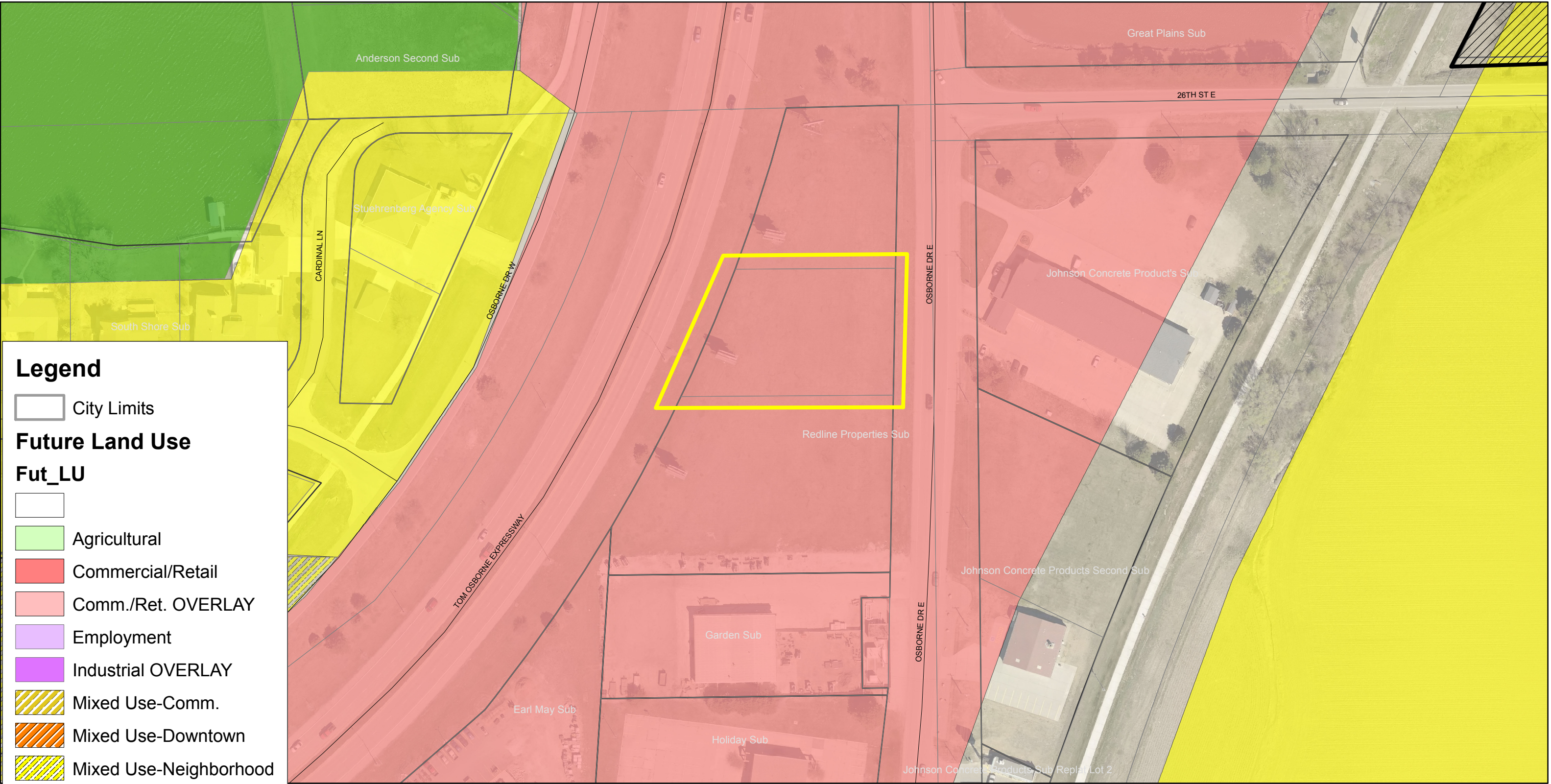
R-1

R-2

R-3

R-5

Lot 2 Redline Properties Subdivision
Zoning Map



Legend

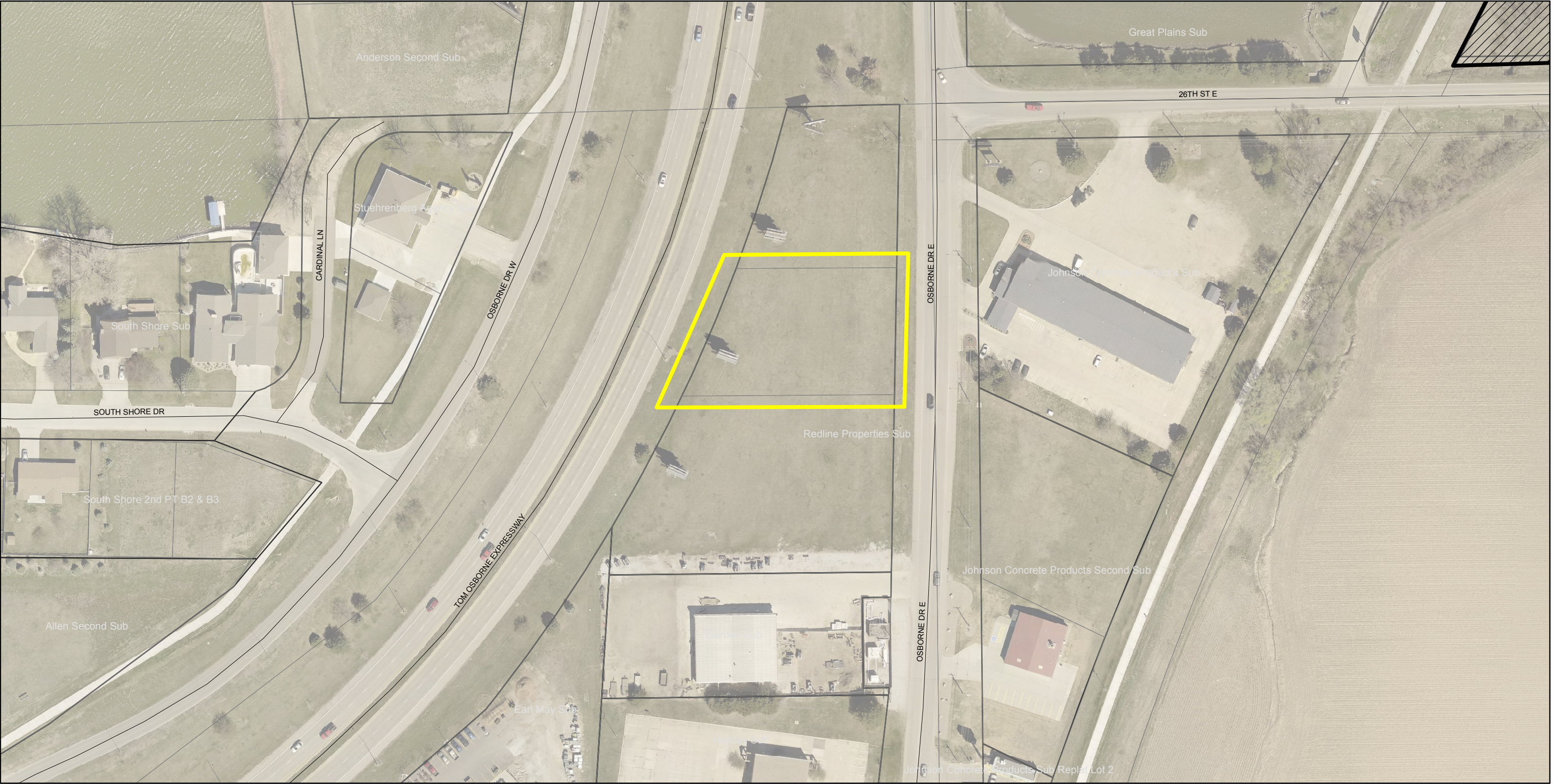
 City Limits

Future Land Use

Fut_LU

- 
-  Agricultural
-  Commercial/Retail
-  Comm./Ret. OVERLAY
-  Employment
-  Industrial OVERLAY
-  Mixed Use-Comm.
-  Mixed Use-Downtown
-  Mixed Use-Neighborhood
-  Parks & Rec
-  Public/Semi-Public
-  Rural Res.
-  Suburban Res.
-  Urban Industrial
-  Urban Res.

Lot 2 Redline Properties Subdivision
Future Land Use Map



Lot 2 Redline Properties Subdivision
Aerial Map

Legend

City Limits

HASTINGS
DEVELOPMENT SERVICES

DATE / /

FILE NO.

**PROJECT APPLICATION**

City of Hastings – Development Services
220 N. Hastings Avenue, Hastings, NE 68901
Phone: (402) 461-2302; Fax: (402) 461-2304
www.cityofhastings.org

Please check the appropriate box below to indicate the type of application you are requesting. Contact Development Services for minimum requirements. Incomplete applications will not be processed. All applications must be completed by applicant prior to submission with all of the requested support materials by the last Monday of each month or they will be held until the next deadline to be processed.

- | | | | |
|---|---|---|--|
| ☐ Preliminary Plat | ☐ Final Plat | ☐ Short Plat | ☐ Administrative Plat |
| ☐ Code Amendment | ☐ Zoning Change | ☐ Vacation (Plat / ROW / Easements) | |
| ☐ Conditional Use Permit / Amendment | ☐ Planned District / Amendment | ☒ Plan Modification to Redevelopment Plan | |
| ☐ Comprehensive Plan / Amendment | ☐ Annexation Petition / Addition to the City | | |

PROJECT INFORMATION

Project Name: Redline Properties, LLC Phase II Redevelopment Project

Project Address: 2415 Osborne Drive East Within City Limit ☐ Yes ☐ No

Existing Zoning: C-3 Proposed Zoning / Use: C-3 Retail/medical/office Building

Existing Comprehensive Plan Designation: Commercial/Retail Gross Area: 29,844

Legal Description: Lot 2, Redline Properties Subdivision Number of Lots: 1
a replat of Lot 2, Garden Subdivision in the City of Hastings

APPLICANT INFORMATION

Applicant: Randal Chick Company: Community Redevelopment Authority

Address: 301 S. Burlington Tel: 402-461-8415 Fax: 402-461-8415

City: Hastings State: NE Zip: 68901 Email: bidcra@gmail.com

Property Owner: Redline Properties, LLC Company: Tim & Hilarie Redline

Address: 2415 Osborne Drive East Tel: 402-292-2929 Fax: 402-292-2929

City: Hastings State: NE Zip: 68901 Email: tim@redlinepharmacy.com

Key Contact: Tim Redline Company: Redline Pharmacy

Address: 2415 Osborne Drive East Tel: Same Fax: Same

City: Hastings State: NE Zip: 68901 Email: Same

I hereby acknowledge that all information provided with this application is true to the best of my knowledge.

Property Owner Signature

Date

Applicant Signature

Date

DEPARTMENTAL USE ONLY

Fees: _____

Receipt No. _____

Accepted by Staff: _____

Signature

Case No. _____

COMMUNITY REDEVELOPMENT AUTHORITY
Chamber Development Center
301 South Burlington
Hastings, NE 68901
402-461-8415

APPLICATION FOR ASSISTANCE

1. CORPORATE NAME Redline Properties, LLC
2. TRADE NAME Redline Properties, LLC
3. PRINCIPALS

<u>Hilarie Redline</u>	TITLE	<u>Member</u>
<u>Timothy Redline</u>	TITLE	<u>Manager</u>
	TITLE	
4. PROJECT LOCATION Redline Properties Subdivision, Lot 2, 2415 Osborne Drive East.
5. LEGAL DESCRIPTION 1674.10 LOT 2 REDLINE PROPERTIES SUB-DIV (RE LT 2 GARDEN SUB-DIV) (2100)
.69 AC
6. PROJECT DESCRIPTION Construction of additional retail/medical/office building of approximately
8,000 square feet. This addition will be attached on the north to existing project (phase 1) just completed
with CRA assistance.
7. PROPERTY VALUATION \$58,705
8. PROJECTED COST OF IMPROVEMENTS \$1,800,000.00
9. FINANCIAL PLAN Interest only construction line of credit from a local financial institution.
Permanent term note at 80% loan to value ratio amortized over 25 years with a 5 year balloon from
a local financial institution.
10. DEVELOPMENT TIME SCHEDULE Begin Winter 2017/Spring 2018, Completion Winter 2017
11. PUBLIC IMPROVEMENTS Parking, lighting, landscaping, facade improvement, water and
sewer assessments.
12. PLEASE PROVIDE A PRELIMINARY COMMITMENT FOR FINANCING OR A
DESCRIPTION OF EQUITY See letter from Heartland Bank

I appreciate the CRA's consideration of my request as this project will not proceed without CRA's
TIF assistance. Hilarie Redline





Master Builder
Associates
ARCHITECTS & CONSTRUCTION MANAGERS
TEL: (402) 435-4333 FAX: (402) 435-4338

2415 Osborne Dr. E.
Hastings, Nebraska

Redline Tenant Phase 2

2415 Osborne Dr. E.
Hastings, Nebraska

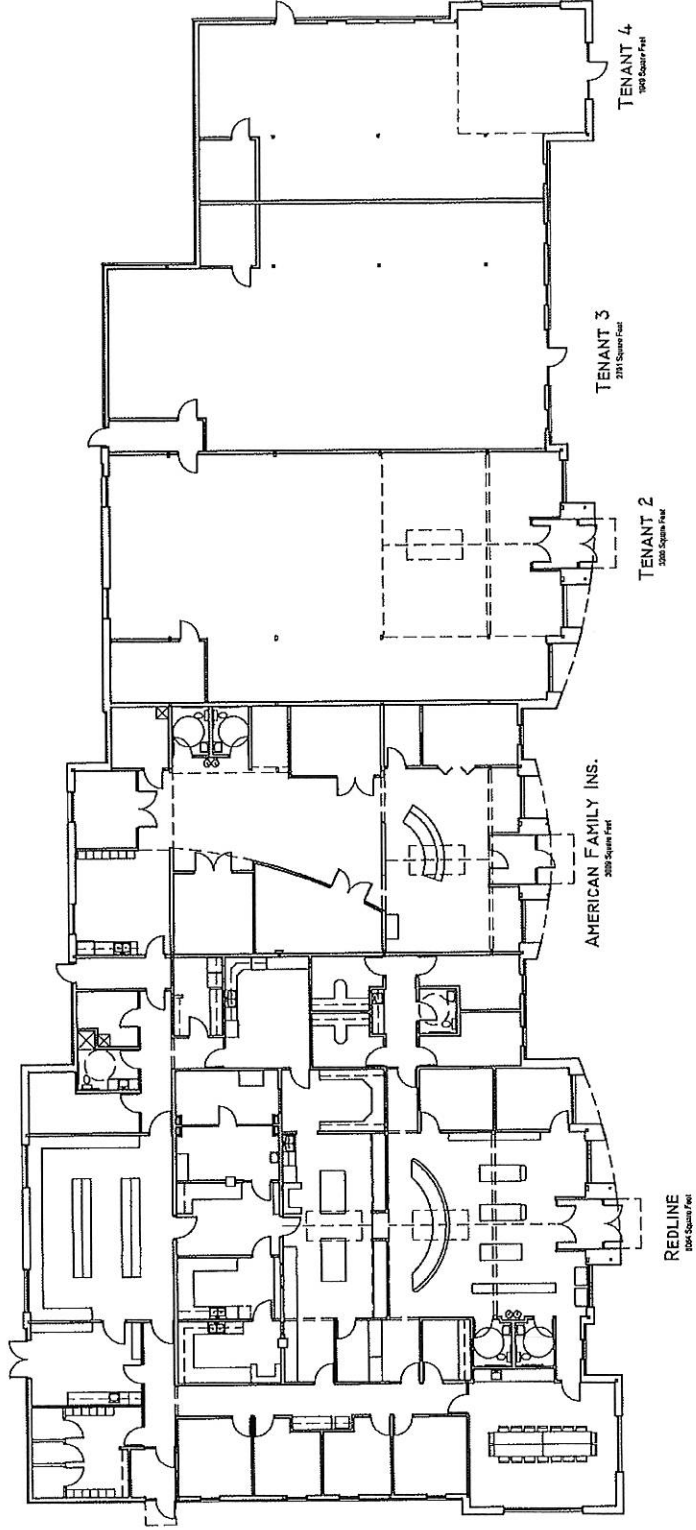
DATE: 6/21/17
REVISIONS:

Scale:

Sheet Title:
TENANT PLAN

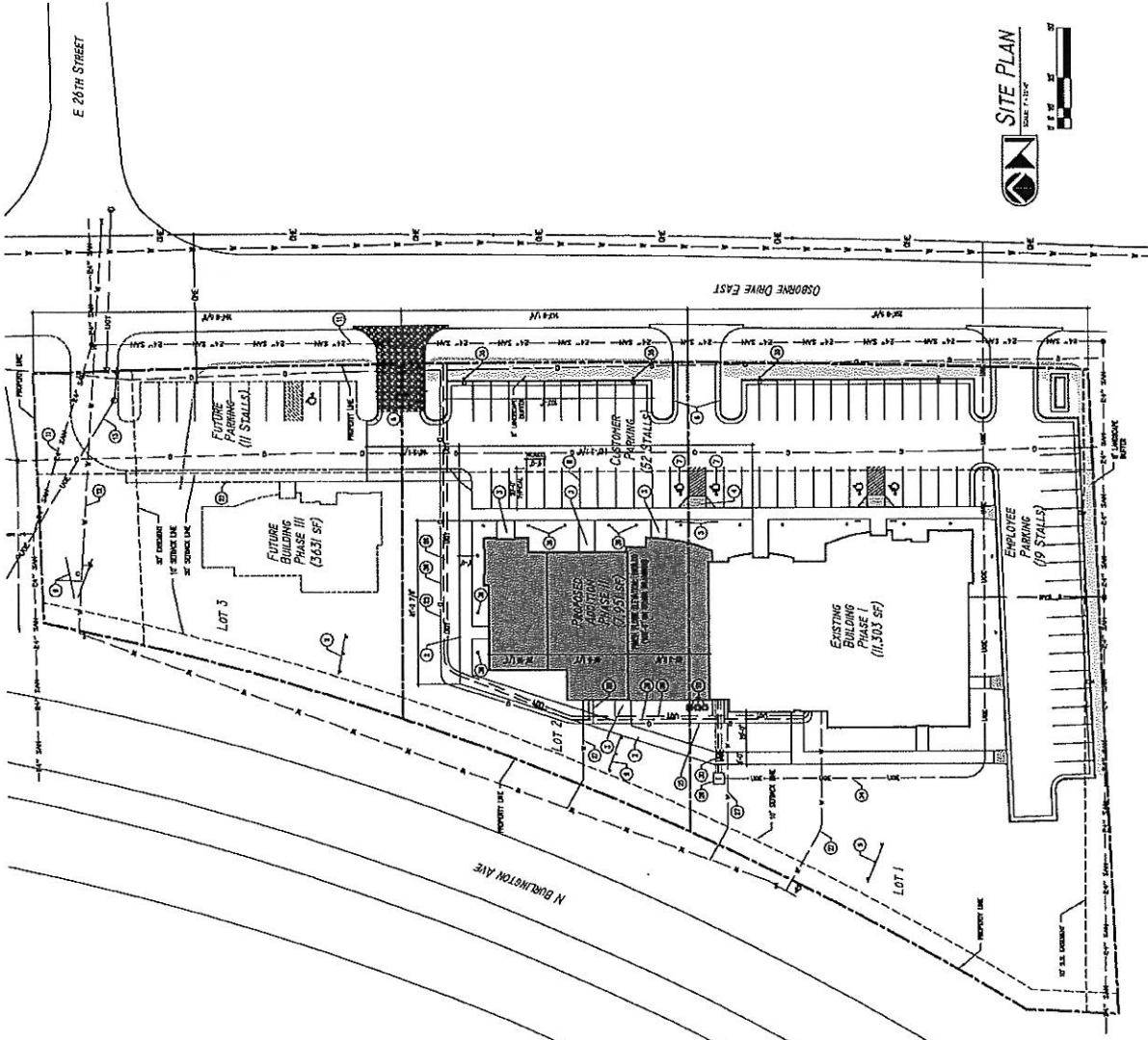
Project Number:
2015RED-020

Sheet Number:
A1.0



FLOOR PLAN
DATE: 6/21/17

- GENERAL NOTES**
1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NEBRASKA BUILDING CODE, NEBRASKA ELECTRICAL CODE, AND NEBRASKA MECHANICAL CODE.
 2. THE OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE APPROPRIATE AGENCIES.
 3. THE SITE PLAN SHALL BE USED IN CONJUNCTION WITH THE OTHER DRAWINGS IN THIS SET.
 4. THE EXISTING BUILDING SHALL BE DEMOLISHED AND REPLACED BY THE NEW BUILDING.
 5. THE NEW BUILDING SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NEBRASKA BUILDING CODE, NEBRASKA ELECTRICAL CODE, AND NEBRASKA MECHANICAL CODE.
 6. THE NEW BUILDING SHALL BE CONSTRUCTED ON LOT 1.
 7. THE NEW BUILDING SHALL BE CONSTRUCTED ON LOT 2.
 8. THE NEW BUILDING SHALL BE CONSTRUCTED ON LOT 3.
 9. THE NEW BUILDING SHALL BE CONSTRUCTED ON LOT 4.
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 102. THE NEW BUILDING SHALL BE CONSTRUCTED ON LOT 97.
 103. THE NEW BUILDING SHALL BE CONSTRUCTED ON LOT 98.
 104. THE NEW BUILDING SHALL BE CONSTRUCTED ON LOT 99.
 105. THE NEW BUILDING SHALL BE CONSTRUCTED ON LOT 100.



SITE PLAN
SCALE: 1" = 40'

HASTINGS REDEVELOPMENT AREA #VII
PLAN MODIFICATION NO. 9.19.17.1
(Redline Properties, LLC Phase II Redevelopment Project)

This Modification No. 9.19.17.1 to Revised Redevelopment Plan VII (the "Plan") modifies and amends the original Revised Plan which was adopted by the Community Redevelopment Authority of the City of Hastings, Nebraska, on the 25th day of August, 1994 and approved by the City Council on the 24th day of October, 1994, as follows:

Section 1. That Paragraph 4, Recommended Redevelopment Activities, subparagraph "District 2," be amended by including the following language after the existing language:

The area legally described as:

Lot Two (2), Redline Properties Subdivision, a replat of Lot Two (2) Garden Subdivision in the City of Hastings, Adams County, Nebraska according to the recorded plat thereof.

will be developed into an 8,000 square foot addition to the north of the existing retail/office building. The construction will be completed by the Redeveloper, Redline Properties, L.L.C. The Authority will provide Tax Increment Financing funds for; site preparation, landscaping, lighting, sanitary sewer lines, and façade improvements. The Authority will pledge for and apply to the payment of the principal, interest, and any premium on such indebtedness, all taxes levied by all taxing bodies, which taxes shall be at such rate for a period not to exceed 15 years, on the assessed valuation of the subject property that is in excess of the assessed valuation of such property for the year prior to its redevelopment.

The Tax Increment Financing will allow the Redeveloper to construct the improvements set forth above. It is believed that said redevelopment will have the effect of removing blight, retention and creation of jobs, and making the above-described land a viable tax-producing property for many years after payment of the indebtedness. The total project costs are estimated to be **One Million Eight Hundred Thousand Dollars and no cents (\$1,800,000.00)**. The combination of the costs of construction and the financing render this redevelopment project financially unrealistic without the assistance of the Authority.

The effective date of the provision authorized in Neb. Rev. Stat. §18-2147 for the Redline Properties, LLC Phase II Redevelopment Project is hereby declared to be the first day of January, 2019. Accordingly, the redevelopment project valuation date, as that term is defined in Neb. Rev. Stat. §18-2103(21) shall be the first day of January, 2018.

Section 2. That a new section be added at the end of the Redevelopment Plan to read as follows:

5. Tax Increment Financing

Any ad valorem tax levied upon real property in a redevelopment project for the benefit of

any public body shall be divided, for a period not to exceed 15 years after the effective date of that provision by the governing body, as follows:

- a) That portion of the ad valorem tax which is produced by the levy at the rate fixed each year by or for each public body upon the redevelopment project valuation shall be paid into the funds of each such public body in the same proportion as are all other taxes collected by or for the body; and
- b) That portion of the ad valorem tax on real property in the redevelopment project in excess of such amount, if any, shall be allocated to, and when collected, paid into a special fund of the Authority to pay any indebtedness owed by the Authority for financing or refinancing, in whole or in part, a redevelopment project. When such indebtedness, including interest and premiums due, have been paid, the Authority shall so notify the County Assessor and County Treasurer, and all ad valorem taxes upon taxable property in such a redevelopment project shall be paid into the funds of the respective public bodies. See Neb. Rev. Stat. §18-2147.

Section 3. That, this Plan Modification No. 9.19.17.1 is found to be reasonable and in conformity with the general plan for the development of the City as a whole, and the Plan, as amended and modified, is in conformity with the legislative declaration and determinations set forth in Neb. Rev. Stat. §§18-2101 et seq., as amended.

Section 4. That the original Plan, except as previously amended and modified herein, shall remain in full force and effect.

This plan modification was adopted by the Community Redevelopment Authority on the 19th day of September, 2017, and approved by the Hastings City Council on the _____ day of _____, 2017, based upon the finding that said plan, as modified, is feasible and in conformity with the general plan for the development of the City as a whole, and in conformity with the legislative declarations and determinations set forth in Neb. Rev. Stat. §§18- 2101et seq., as amended.

RESOLUTION CRA - # 9.19.2017.1

WHEREAS, the Community Redevelopment Authority of the City of Hastings, Nebraska ("CRA") has undertaken certain redevelopment activities under the authority of Neb. Rev. Stat. §18-2101 et seq., described as follows:

1. Redevelopment Area: Hastings Redevelopment Area VII.
2. Project: Redline Properties, LLC Phase II Redevelopment Project.
Legal Description: Lot Two (2), Garden Subdivision in the City of Hastings, Adams County, Nebraska according to the recorded plat thereof.
3. Project Description: will be developed into an 8,000 square foot addition to the north of the existing retail/office building. The construction will be completed by the Redeveloper, Redline Properties, L.L.C. The Authority will provide Tax Increment Financing funds for; site preparation, landscaping, lighting, sanitary sewer lines, and façade improvements.

WHEREAS, it is necessary for the CRA to approve the amendment to Plan VII and recommend the same to the Mayor and City Council:

NOW THEREFORE, BE IT RESOLVED BY THE COMMUNITY REDEVELOPMENT AUTHORITY OF THE CITY OF HASTINGS, NEBRASKA, that:

(1) Redevelopment Plan VII, Modification No. 9.19.17.1, a copy of which is attached hereto, marked Exhibit "A," and incorporated herein by this reference, is hereby adopted and approved;

(2) the Chairman and the Secretary of the CRA be and are hereby authorized to forward said modification onto the Hastings Planning Commission for its recommendations, and then to the Mayor and Hastings City Council for its review and approval, pursuant to Neb. Rev. Stat. §18-2101 et seq.

Dated this 19th day of September, 2017.

COMMUNITY REDEVELOPMENT AUTHORITY
OF THE CITY OF HASTINGS, NEBRASKA

By _____
Chairperson

ATTEST:

Ex Officio Secretary

Department: BID/CRA
Staff Contact: Randy Chick, Donald Threewitt
Planning Commission Meeting Date: 10/16/2017
File No: 2017-031
Prepared By: Donald Threewitt, Development Services Director

AGENDA ITEM SUMMARY SHEET

Description of Item:

Review of Resolution 2017-046 at the request of 4G Properties, LLC for Plan Modification No. 9.19.17 to Redevelopment Area VII for a property located in Lots One (1) through Six (6) of Dawes and Foss 1st and 2nd Addition to the City of Hastings, Adams County, Nebraska, commonly known as 806 West 16th Street.

Names of People/Business affected by this action:

The applicants, the Community Redevelopment Authority, the people of Hastings, and the City.

Why Planning Commission action is required:

The recommendation of a redevelopment plan by an authority to the governing body shall be accompanied by the recommendations, if any, of the planning commission or board concerning the redevelopment plan (N.R.S. 18-2114). The recommendation should be based on the planning commission's finding "that the plan is feasible and in conformity with the general plan for the development of the city as a whole" (N.R.S. 18-2116).

Type of action requested:

Resolution

Suggested motion:

Motion to recommend approval of Resolution 2017-046 for Plan Modification No. 9.19.17 to Redevelopment Area VII for 4G Properties, LLC redevelopment plan.

Deadlines associated with action:

This resolution is scheduled to be heard at the next regular meeting of the City Council on November 13, 2017.

Department head comments:

The Future Land Use plan designation for the subject property is "MU-C Mixed-use Commercial," and the property is zoned "C-3 Commercial Business."

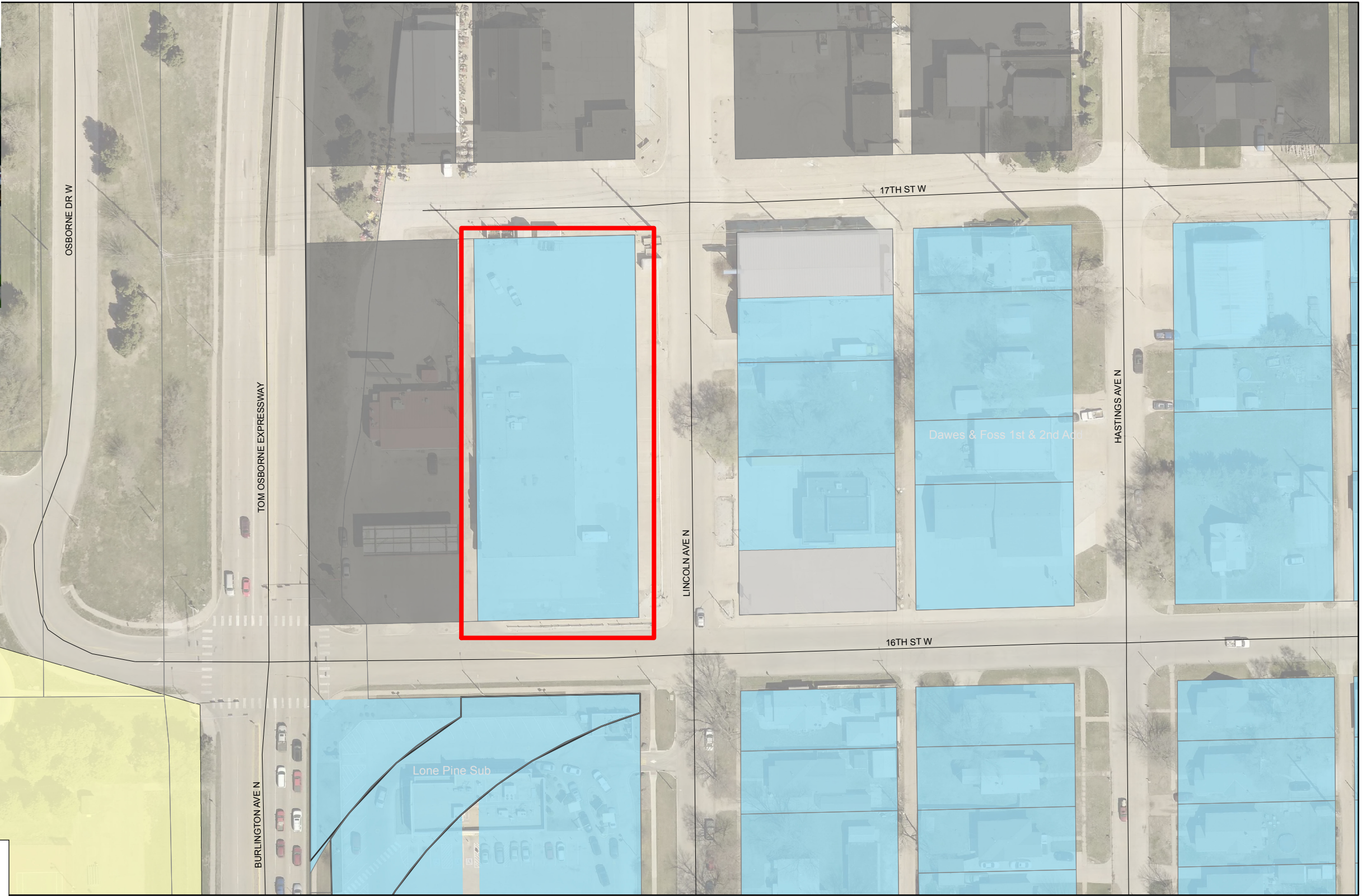
The property is a former restaurant site which has been vacant since July, 2012. The project

proponent intends to redevelop the property for a new restaurant site, reducing the building footprint from 9,600 square feet to approximately 3,000 square feet. Parking, signage, and drive aisle requirements will meet current Hastings City Code upon redevelopment.

The Community Redevelopment Authority intends to provide Tax Increment Financing funds for a portion of the project costs to include demolition and asbestos abatement at \$65,000 and reconstruction of the alley at approximately \$100,000. The total project costs is estimated at One Million, Two Hundred Forty-two Thousand Dollars (\$1,242,000.00).

Recommendation:

Staff supports a recommendation of plan consistency for Resolution 2017-046 for Plan Modification 9.19.17 to Redevelopment Area VII for the property located in Lots One (1) through Six (6) of Dawes and Foss 1st and 2nd Addition to the City of Hastings, Adams County, Nebraska, commonly known as 806 West 16th Street.



Legend


City Limits

C-1

C-2

C-3

CMP

I-1

I-2

MU

R-1

R-2

R-3

R-5

Zoning

ZONE_

A

AG

C-0

C-1

C-2

C-3

CMP

I-1

I-2

MU

R-1

R-2

R-3

R-5

Lots 1-6, Block 2 Dawes and Foss 1st and 2nd Sub.
Zoning Map



City Limits

Future Land Use

Fut_LU

Agricultural

Commercial/Retail

Comm./Ret. OVERLAY

Employment

Industrial OVERLAY

Mixed Use-Comm.

Mixed Use-Downtown

Mixed Use-Neighborhood

Parks & Rec

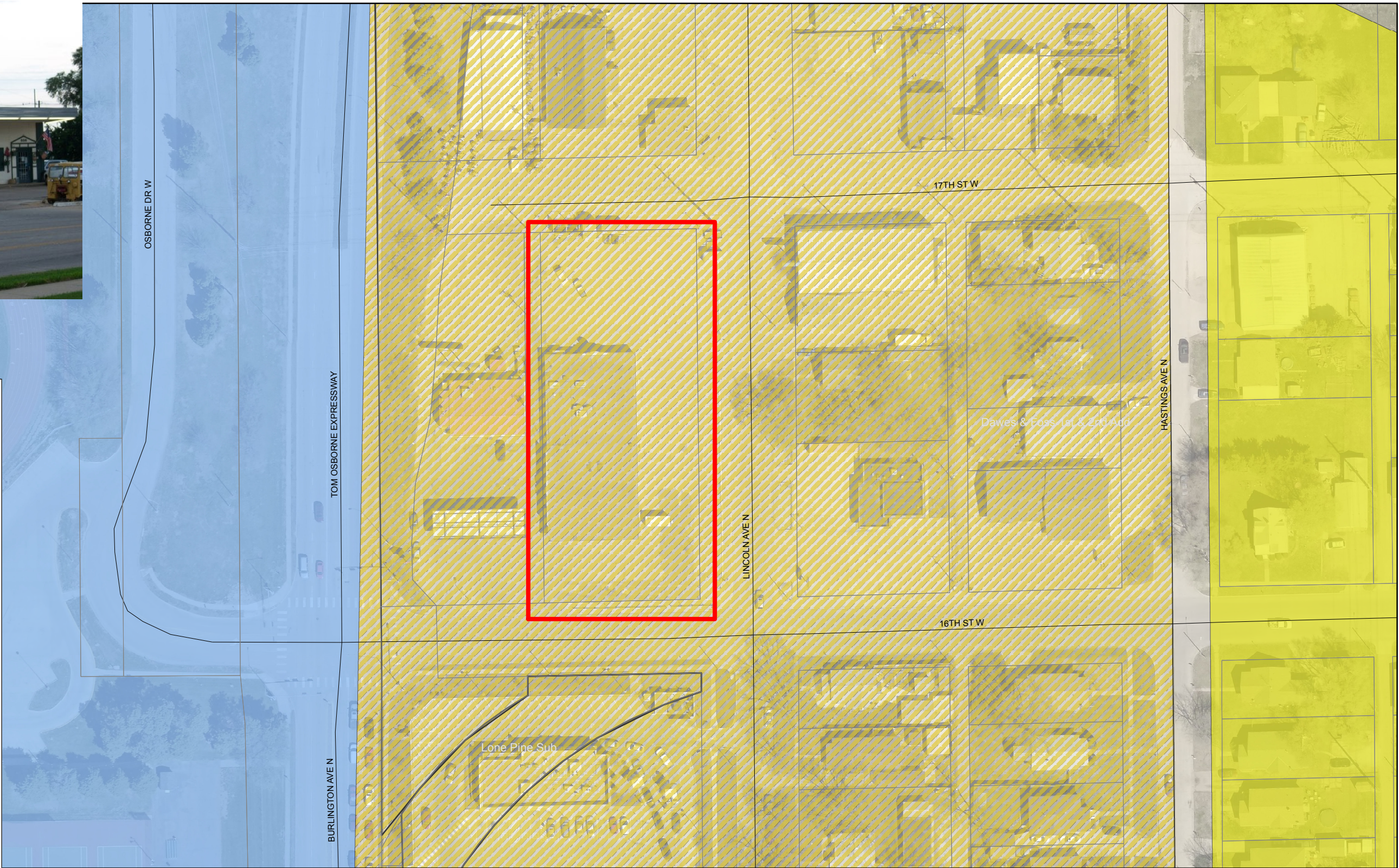
Public/Semi-Public

Rural Res.

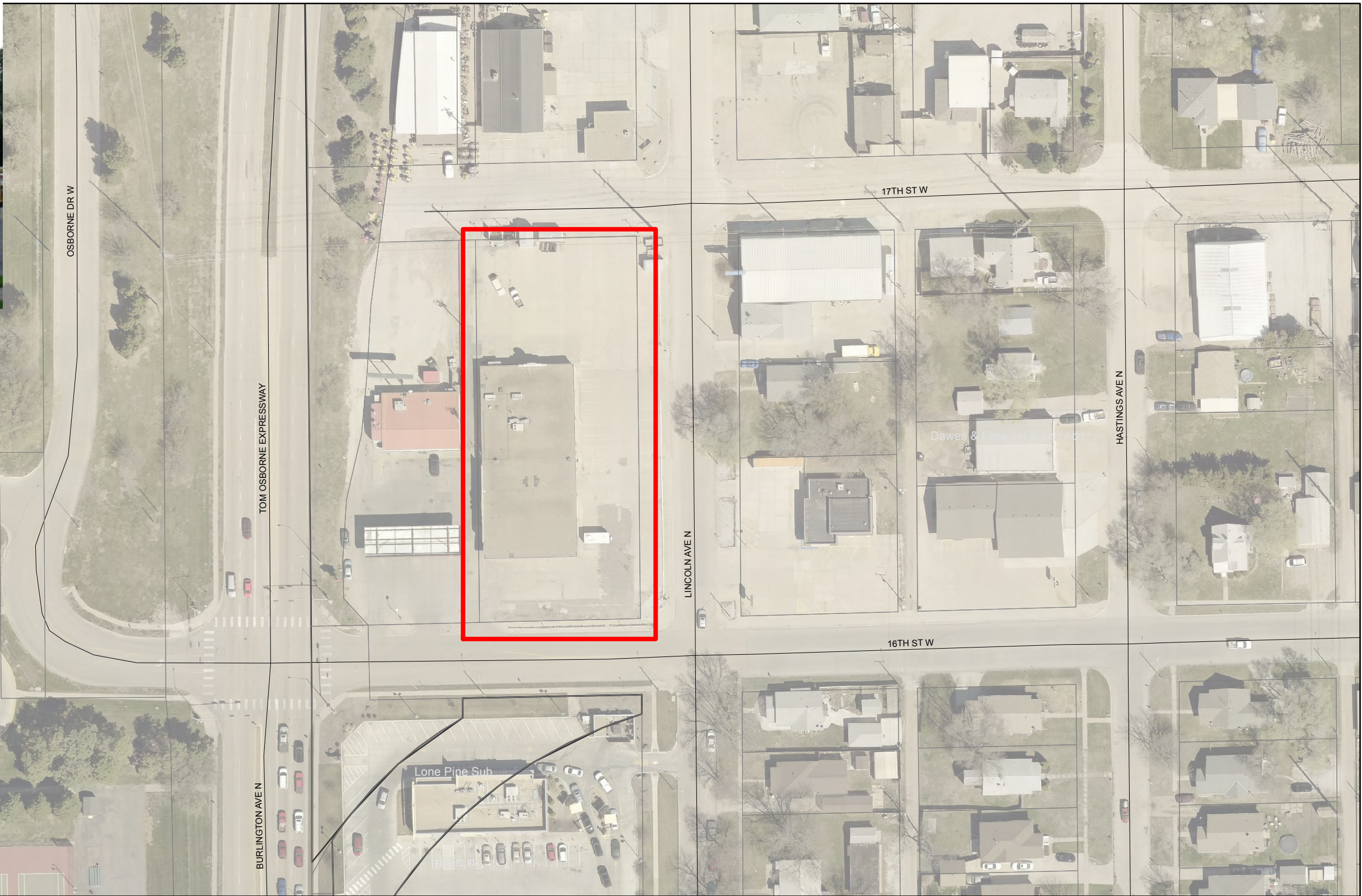
Suburban Res.

Urban Industrial

Urban Res.



Lots 1-6, Block 2 Dawes and Foss 1st and 2nd Sub.
Future Land Use Map



Lots 1-6, Block 2 Dawes and Foss 1st and 2nd Sub.
Aerial Map

Legend

 City Limits


HASTINGS
DEVELOPMENT SERVICES



DATE / /

FILE NO.

**PROJECT APPLICATION**

City of Hastings – Development Services
220 N. Hastings Avenue, Hastings, NE 68901
Phone: (402) 461-2302; Fax: (402) 461-2304
www.cityofhastings.org

Please check the appropriate box below to indicate the type of application you are requesting. Contact Development Services for minimum requirements. Incomplete applications will not be processed. All applications must be completed by applicant prior to submission with all of the requested support materials by the last Monday of each month or they will be held until the next deadline to be processed.

- | | | | |
|---|---|--|--|
| ☐ Preliminary Plat | ☐ Final Plat | ☐ Short Plat | ☐ Administrative Plat |
| ☐ Code Amendment | ☐ Zoning Change | ☐ Vacation (Plat / ROW / Easements) | |
| ☐ Conditional Use Permit / Amendment | ☐ Planned District / Amendment | ☒ <i>PLAN MODIFICATION TO Redevelopment Plan</i> | |
| ☐ Comprehensive Plan / Amendment | ☐ Annexation Petition / Addition to the City | | |

PROJECT INFORMATION

Project Name: 4G Properties, LLC Redevelopment Project

Project Address: 806 West 16th street, Hastings, NE Within City Limit ☒ Yes ☐ No

Existing Zoning: C-3 MU-C Proposed Zoning / Use: C-3 Restaurant

Existing Comprehensive Plan Designation: mixed use-community Gross Area: 37,800

Legal Description: Lots 1-6, Block 2, DAVES + FOSS 1st + 2nd Add Number of Lots: 6

APPLICANT INFORMATION

Applicant: Randal Chick Company: Community Redevelopment Authority

Address: 301 S. Burlington Tel: 402 461-8415 Fax: _____

City: Hastings, NE State: NE Zip: 68901 Email: bidcra@gmail.com

Property Owner: Thomas A. & Joan A. Quinn Company: _____

Address: 2540 W. Lochland Road Tel: 402 462-4103 Fax: _____

City: Hastings State: NE Zip: 68901 Email: _____

Key Contact: SAM Oglesby Company: Westar Foods

Address: 111 S. Whittier Tel: (316) 689-4296 Fax: 316 689-4299

City: Wichita, KS State: KS Zip: 67207 Email: soglesby@westarfoods.com

I hereby acknowledge that all information provided with this application is true to the best of my knowledge.

Property Owner Signature

Date

Applicant Signature

Date

DEPARTMENTAL USE ONLY

Fees: _____

Receipt No. _____

Accepted by Staff: _____

Signature

Case No. _____

HASTINGS REDEVELOPMENT AREA #VII
PLAN MODIFICATION NO. 9.19.17
(4G Properties, LLC Redevelopment Project)

This Modification No. 9.19.17 to Revised Redevelopment Plan VII (the "Plan") modifies and amends the original Revised Plan which was adopted by the Community Redevelopment Authority of the City of Hastings, Nebraska, on the 25th day of August, 1994 and approved by the City Council on the 24th day of October, 1994, as follows:

Section 1. That Paragraph 4, Recommended Redevelopment Activities, subparagraph "District 2," be amended by including the following language after the existing language:

The area legally described as:

Lots One (1) through Six (6), inclusive, Block Two (2), Dawes and Foss First and Second Addition to the City of Hastings, Adams County, Nebraska.

will be developed into a 3,000 square foot restaurant building. The demolition of the existing building and new construction will be completed by the Redeveloper, 4G Properties, L.L.C. The Authority will provide Tax Increment Financing funds for; demolition of the existing building, removal of asbestos, site preparation, the installation or relocation of electric power lines, gas lines, alley improvements and other public improvements. The Authority will pledge for and apply to the payment of the principal, interest, and any premium on such indebtedness, all taxes levied by all taxing bodies, which taxes shall be at such rate for a period not to exceed 15 years, on the assessed valuation of the subject property that is in excess of the assessed valuation of such property for the year prior to its redevelopment.

The Tax Increment Financing will allow the Redeveloper to construct the improvements set forth above. It is believed that said redevelopment will have the effect of removing blight, retention and creation of jobs, and making the above-described land a viable tax-producing property for many years after payment of the indebtedness. The total project costs are estimated to be **One Million Two Hundred Forty Two Thousand Dollars and no cents (\$1,242,000.00)**. The combination of the costs of property acquisition, demolition, asbestos removal and new construction and the financing render this redevelopment project financially unrealistic without the assistance of the Authority.

The effective date of the provision authorized in Neb. Rev. Stat. §18-2147 for the Redline Properties, LLC redevelopment project is hereby declared to be the first day of January, 2019. Accordingly, the redevelopment project valuation date, as that term is defined in Neb. Rev. Stat. §18-2103(21) shall be the first day of January, 2018.

Section 2. That a new section be added at the end of the Redevelopment Plan to read as follows:

5. Tax Increment Financing

Any ad valorem tax levied upon real property in a redevelopment project for the benefit of any public body shall be divided, for a period not to exceed 15 years after the effective date of that provision by the governing body, as follows:

- a) That portion of the ad valorem tax which is produced by the levy at the rate fixed each year by or for each public body upon the redevelopment project valuation shall be paid into the funds of each such public body in the same proportion as are all other taxes collected by or for the body; and
- b) That portion of the ad valorem tax on real property in the redevelopment project in excess of such amount, if any, shall be allocated to, and when collected, paid into a special fund of the Authority to pay any indebtedness owed by the Authority for financing or refinancing, in whole or in part, a redevelopment project. When such indebtedness, including interest and premiums due, have been paid, the Authority shall so notify the County Assessor and County Treasurer, and all ad valorem taxes upon taxable property in such a redevelopment project shall be paid into the funds of the respective public bodies. See Neb. Rev. Stat. §18-2147.

Section 3. That, this Plan Modification No. 9.19.17 to Redevelopment Area VII is found to be reasonable and in conformity with the general plan for the development of the City as a whole, and the Plan, as amended and modified, is in conformity with the legislative declaration and determinations set forth in Neb. Rev. Stat. §§18-2101 et seq., as amended.

Section 4. That the original Plan, except as previously amended and modified herein, shall remain in full force and effect.

This plan modification was adopted by the Community Redevelopment Authority on the 19th day of September, 2017, and approved by the Hastings City Council on the _____ day of _____, 2017, based upon the finding that said plan, as modified, is feasible and in conformity with the general plan for the development of the City as a whole, and in conformity with the legislative declarations and determinations set forth in Neb. Rev. Stat. §§18- 2101et seq., as amended.

RESOLUTION CRA NO. #9.19.17

WHEREAS, the Community Redevelopment Authority of the City of Hastings, Nebraska ("CRA") has undertaken certain redevelopment activities under the authority of Neb. Rev. Stat. §18-2101 et seq., described as follows:

1. Redevelopment Area: Hastings Redevelopment Area VII.
2. Project: 4G Properties, LLC Redevelopment Project.
Legal Description: Lots One (1) through Six (6), inclusive, Block Two (2), Dawes and Foss First and Second Addition to the City of Hastings, Adams County, Nebraska.
3. Project Description: will be developed into a 3,000 square foot restaurant building. The construction will be completed by the Redeveloper, 4G Properties, LLC. The Authority will provide Tax Increment Financing funds for; demolition of the existing building, removal of asbestos, site preparation, the installation or relocation of electric power lines, gas lines, alley improvements and other public improvements.

WHEREAS, it is necessary for the CRA to approve the amendment to Plan VII and recommend the same to the Mayor and City Council:

NOW THEREFORE, BE IT RESOLVED BY THE COMMUNITY REDEVELOPMENT AUTHORITY OF THE CITY OF HASTINGS, NEBRASKA, that:

- (1) Redevelopment Plan VII, Modification No. 9.19.17, a copy of which is attached hereto, marked Exhibit "A," and incorporated herein by this reference, is hereby adopted and approved;
- (2) the Chairman and the Secretary of the CRA be and are hereby authorized to forward said modification onto the Hastings Planning Commission for its recommendations, and then to the Mayor and Hastings City Council for its review and approval, pursuant to Neb. Rev. Stat. §18-2101 et seq.

Dated this 19th day of September, 2017.

COMMUNITY REDEVELOPMENT AUTHORITY
OF THE CITY OF HASTINGS, NEBRASKA

By _____
Chairperson

ATTEST:

Ex Officio Secretary

Department: Development Services
Staff Contact: Randy Chick
Planning Commission Meeting Date: 10/16/2017
File No: 2017-032
Prepared By: Donald Threewitt, Development Services Director

AGENDA ITEM SUMMARY SHEET

Description of Item:

Public hearing at the request of the Community Redevelopment Authority to recommend approval of Resolution No. 2017-044 for a Blight and Substandard Study for Area I as well as a general redevelopment plan for the area.

Names of People/Business affected by this action:

The Community Redevelopment Authority, the people of Hastings, and the City.

Why Planning Commission action is required:

Prior to recommending a redevelopment plan to the governing body for approval, an authority shall submit such plan to the planning commission or board of the city in which the redevelopment project area is located for review and recommendations as to its conformity with the general plan for the development of the city as a whole. The planning commission or board shall submit its written recommendations with respect to the proposed redevelopment plan to the authority within thirty days after receipt of the plan for review. Upon receipt of the recommendations of the planning commission or board or, if no recommendations are received within such thirty days, then without such recommendations, an authority may recommend the redevelopment plan to the governing body of the city for approval.

Type of action requested:

Resolution

Suggested motion:

Motion to recommend approval of Resolution 2017-044 for a Blight and Substandard Study for Area I and a general redevelopment plan for the area.

Deadlines associated with action:

This item is scheduled to be heard at the November 13, 2017 regular meeting of City Council.

Department head comments:

This area was first declared Blighted and Substandard on March 23, 1987 (Resolution No. 1069). No formal study was performed at the time of adoption and statutes do not specifically state that a

study should be performed. However upon programmatic review, the State Auditor recommended that Blight and Substandard studies should be completed. Therefore, the Community Redevelopment Authority is recommending this retroactive study.

The boundary of Area I was adjusted to incorporate full parcels, structures, or businesses where the original boundary had such areas partially included.

The Comprehensive Plan advances that "the prosperity of Downtown is of primary importance," and will remain "a focal point for businesses and activities that strengthen its presence both economically and physically." Overall, the plan advocates for "development and redevelopment opportunities that expand and strengthen the Downtown area as an urban mixed-use center that serves our community and region" .

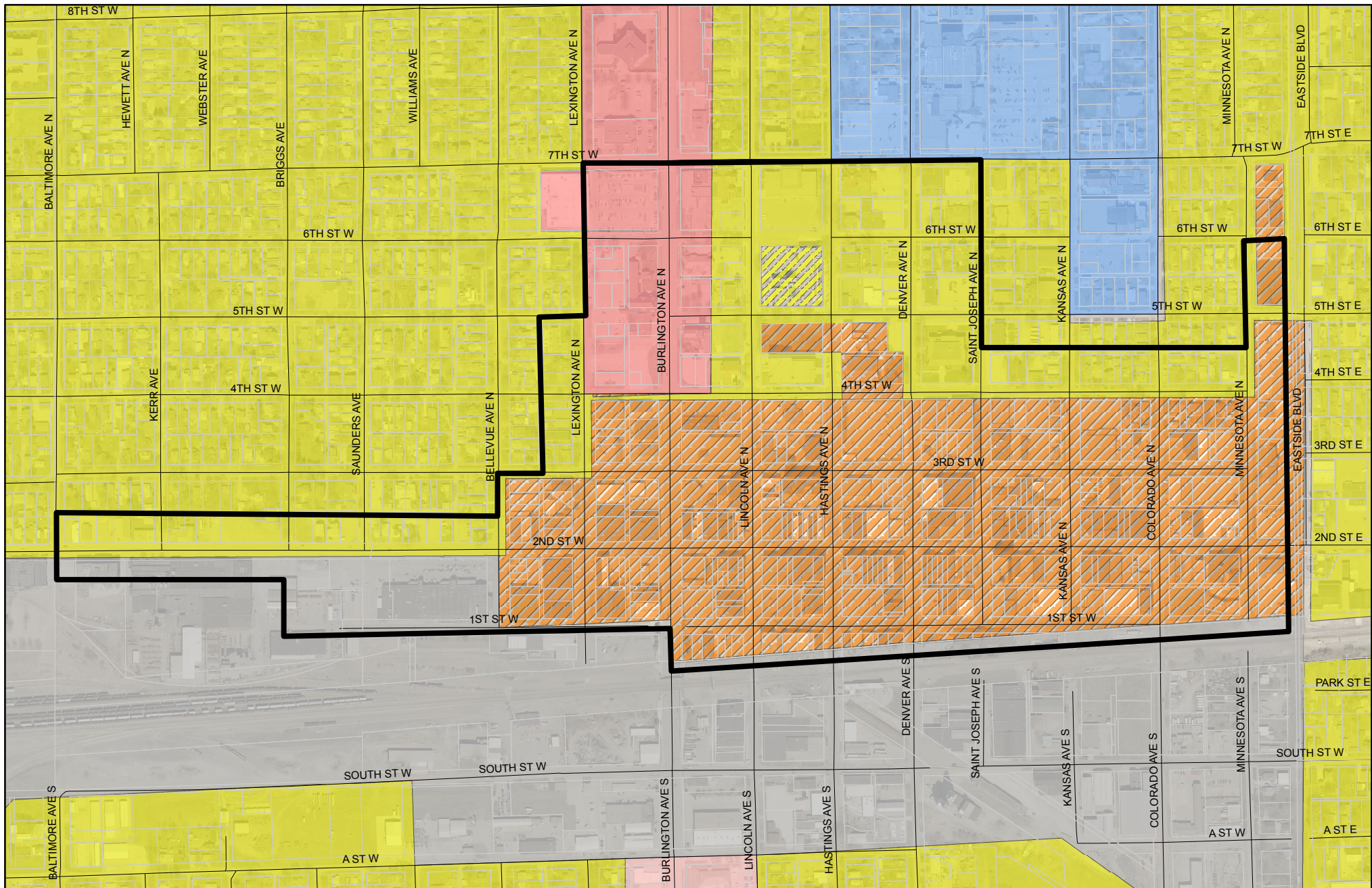
As shown in the attached Future Land Use map, Redevelopment Area I includes Mixed-Use Downtown, Urban Residential, and Urban Industrial as contemplated uses. The attached zoning map shows the area includes the following zone districts: R-1, R-2, and R-3 residential districts, C-O, C-2, and C-3 commercial districts, and I-1 Light Industrial with small portion of I-2 Heavy Industrial. This mix of future land uses and zone districts lends itself to a mixed-use redevelopment strategy, which has been instrumental in successful downtown revitalization across the country.

Of the 386 parcels in the study area, the majority (42.6%) contain commercial structures, and a majority of structures in the area (76%, n=216) are rated in "Average" condition, with 14.2% (n=41) of structures rated as "Fair" or "Poor." The condition of public infrastructure was poor overall, with 48% of sidewalks, 60.1% of streets, 68.3% of curb and gutter receiving a "Poor" rating, and stormwater had been rated overall as "Poor," with pooled and standing water noted throughout the study area. Additional contributing factors are presented in the attached Area I Blight and Substandard Study.

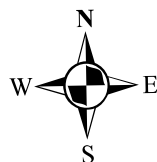
The Redevelopment Plan (attached) is intended as a general guide for the implementation of redevelopment activities. This is a long-range implementation plan, and since market preferences and demands continually shift, it is subject to occasional modification as provided in state statute .

Recommendation:

Staff supports a recommendation of approval for the Blight and Substandard Study and the General Redevelopment Plan for Area I.



Blight and Substandard Study Area 1 Future Land Use



Legend

Redevelopment_Area_1
Future Land Use
Fut_LU

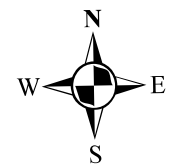
Agricultural
 Commercial/Retail
 Parks & Rec
 Public/Semi-Public
 Rural Res.
 Suburban Res.
 Urban Industrial
 Urban Res.

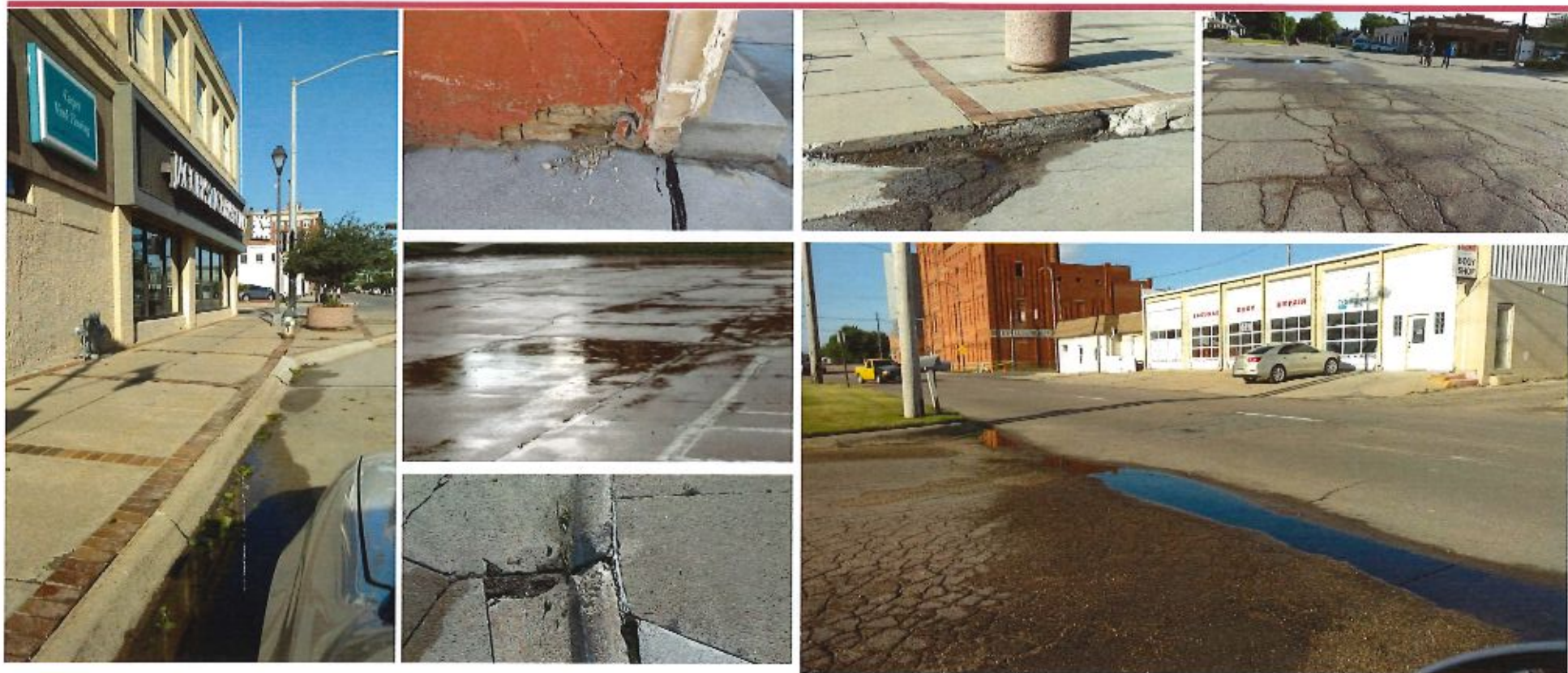
Comm./Ret. OVERLAY
 Employment
 Industrial OVERLAY
 Mixed Use-Comm.
 Mixed Use-Downtown
 Mixed Use-Neighborhood





Blight and Substandard Study Area 1 Zoning Map





Hastings, Nebraska Area 1 Blight and Substandard Study

September 2017

Prepared for: City of Hastings, Nebraska CRA

Prepared by:



PURPOSE OF THE BLIGHT AND SUBSTANDARD STUDY

The purpose of completing this Blight and Substandard study is to examine existing conditions within a specific part of Hastings. This study has been commissioned by Hastings CRA in order to analyze the possibility of declaring the area as blighted and substandard.

The City of Hastings, when considering conditions of Blight and Substandard, will be looking at those issues and definitions provided for in the Nebraska Community Redevelopment Law as found in Chapter 18, Section 2104 of the Revised Nebraska State Statutes, as follows:

"The governing body of a city, to the greatest extent it deems to be feasible in carrying out the provisions of Sections 18-2101 to 18-2144, shall afford maximum opportunity, consistent with sound needs of the city as a whole, to the rehabilitation or redevelopment of the community redevelopment area by private enterprises. The governing body of a city shall give consideration to this objective in exercising its powers under sections 18-2101 to 18-2144, including the formulation of a workable program, the approval of community redevelopment plans consistent with the general plan for the development of the city, the exercise of its zoning powers, the enforcement of other laws, codes, and regulations relating to the use and occupancy of buildings and improvements, the disposition of any property acquired, and providing of necessary public improvements".

The Nebraska Revised Statutes §18-2105 continues by granting authority to the governing body for formulation of a workable program. The statute reads,

"The governing body of a city or an authority at its direction for the purposes of the Community Development Law may formulate for the entire municipality a workable program for utilizing appropriate private and public resources to eliminate or prevent the development or spread of urban blight, to encourage needed urban rehabilitation, to provide for the redevelopment of substandard and blighted areas, or to undertake such of the aforesaid activities or other feasible municipal activities as may be suitably employed to achieve the objectives of such workable program. Such workable program may include, without limitation, provision for the prevention of the spread of blight into areas of the municipality which are free from blight through diligent enforcement of housing, zoning, and occupancy controls and standards; the rehabilitation or conservation of substandard and blighted areas or portions thereof by replanning, removing congestion, providing parks, playgrounds, and other public improvements by encouraging voluntary rehabilitation and by compelling the repair and rehabilitation of deteriorated or deteriorating structures; and the clearance and redevelopment of substandard and blighted areas or portions thereof."

Blight and Substandard are defined as the following:

"Substandard areas means an area in which there is a predominance of buildings or improvements, whether nonresidential or residential in character, which, by reason of dilapidation, deterioration, age or obsolescence, inadequate provision for ventilation, light, air, sanitation, or open spaces, high density of population and overcrowding, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, and crime, (which cannot be remedied through construction of prisons), and is detrimental to the public health, safety, morals, or

welfare;"

"Blighted area means an area, which (a) by reason of the presence of a substantial number of deteriorated or deteriorating structures, existence of defective or inadequate street layout, faulty lot layout in relation to size, adequacy, accessibility, or usefulness, insanitary or unsafe conditions, deterioration of site or other improvements, diversity of ownership, tax or special assessment delinquency exceeding the fair value of the land, defective or unusual conditions of title, improper subdivision or obsolete platting, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, substantially impairs or arrests the sound growth of the community, retards the provision of housing accommodations, or constitutes an economic or social liability and is detrimental to the public health, safety, morals, or welfare in its present condition and use and (b) in which there is at least one of the following conditions: (i) Unemployment in the designated area is at least one hundred twenty percent of the state or national average; (ii) the average age of the residential or commercial units in the area is at least forty years; (iii) more than half of the platted and subdivided property in an area is unimproved land that has been within the city for forty years and has remained unimproved during that time; (iv) the per capita income of the area is lower than the average per capita income of the city or village in which the area is designated; or (v) the area has had either stable or decreasing population based on the last two decennial censuses. In no event shall a city of the metropolitan, primary, or first class designate more than thirty-five percent of the city as blighted, a city of the second class shall not designate an area larger than fifty percent of the city as blighted, and a shall not designate an area larger than one hundred percent of the city as blighted;"

The Study is intended to give the Hastings CRA, Hastings Planning Commission and Hastings City Council the basis for identifying and declaring Blighted and Substandard conditions existing within the City's jurisdiction and as allowed under Chapter 18, Section 2123.01. Through this process, the City and property owners will be attempting to address economic and/or social liabilities which are harmful to the well-being of the entire community.

The study area can be seen in Figure 1 of this report. A Redevelopment Plan to be submitted in the future containing, in accordance with the law, definite local objectives regarding appropriate land uses, improved traffic, public transportation, public utilities and other public improvements, and the proposed land uses and building requirements in the redevelopment area and shall include:

- The boundaries defining the blighted and substandard areas in question (including existing uses and conditions of the property within the area), and
- A list of the conditions present which qualify the area as blighted and substandard.

Study Area

Figure 1: Study Area Map



BLIGHT AND SUBSTANDARD ELIGIBILITY STUDY

This study targets a specific area within an established part of the community for evaluation. The area is indicated in Figure 1 of this report. The existing uses in area include residential uses, commercial uses, industrial uses and public uses including accessory uses within the corporate limits of Hastings.

Through the redevelopment process the City of Hastings can guide future development and redevelopment throughout the area. The use of the Community Redevelopment Act by the City of Hastings is intended to redevelop and improve the area. Using the Community Redevelopment Act, the City can assist in the elimination of negative conditions and implement different programs/projects identified for the City.

The following is the description of the designated area within Hastings.

The study area is defined as follows: the Point of beginning is located at the intersection of the centerlines of 7th Street and North St. Joseph Avenue; thence, southerly along the centerline of North St. Joseph Avenue to the intersection with the centerline of the alley between 5th Street and 4th Street; thence, easterly along said centerline to the intersection with the centerline of North Minnesota Avenue; thence, northerly along said centerline to the extended north property line of a lot referred to Lots 1 and 2 & adjacent 6th Street Block 8 Johnsons Addition; thence, easterly along said property line to the centerline of Eastside Blvd.; thence, southerly along said centerline to the intersection with the northern right-of-way of the Burlington Northern Santa Fe Railroad; thence southwesterly along said northern property line until it intersects with the western right-of-way line of North Burlington Avenue; thence northerly along said right-of-way line until it intersects with the southern right-of-way line of West 1st Street; thence, westerly along said line to intersection with the northeast corner of a lot referred to as Tax Lot 4; thence, southerly along the east property line of Tax Lot 4 to the southeast corner of Tax Lot 4; thence southwesterly along the southern property line of Tax Lot 4 until said property line intersects with a sidetrack; thence, continuing on said sidetrack until intersecting with the east property line of a lot referred to as Tax Lot 11; thence, northerly along said property line and continuing to the centerline of North Ballimore Avenue to the intersection with the north property line of the southern half of the block situated between West 2nd Street and West 3rd Street; thence, easterly along said northern property lines extended northwest corner of Lot 2, Sidlo's Subdivision; thence, continuing along the northern property line of said lot to the intersection with the centerline of North Briggs Avenue; thence southerly along said property line to the extended centerline of an alley contained within McIntyre's Addition; thence easterly along said alley centerline and continuing along the alley centerline between GT Hutchinson's Addition, Birdrup's 2nd Addition and Benjamins Addition to the intersection with the alley centerline west of N Bellevue Avenue; thence, northerly to the intersection with the extended south property line of Lot 1, Block 18 of Moore's Addition; thence, easterly along said south property line to the intersection with the centerline of N. Bellevue Avenue; thence, northerly along said centerline to the intersection with the centerline of W. 3rd Street; thence, easterly along said centerline to the intersection with the extended centerline of the alley between N. Bellevue Avenue and N. Lexington Avenue; thence, northerly along said centerline and extending along alley centerlines to the intersection with the centerline of W. 5th Street; thence, easterly along said centerline to the intersection with the centerline of N. Lexington Avenue; thence, northerly along said centerline to the intersection with the centerline of W. 6th Street; thence, westerly along said centerline to the extended centerline of an alley located between N. Lexington Avenue and N. Bellevue Avenue; thence, northerly along said centerline to the intersection of W. 7th Street; thence, easterly to the point of beginning.

EXISTING LAND USES

The term "Land Use" refers to the developed uses in place within a building or on a specific lot of land. The number and type of uses are constantly changing within a community, and produce a number of impacts either benefitting or detracting from the community. Existing patterns of land use are often fixed in older communities and neighborhoods, while development in newer areas is often reflective of current development practices.

Existing Land Use Analysis within Study Area

As part of the planning process, a survey was conducted through both in-field observations, as well as data collection online using the Adams County Assessors website. This survey noted the use of each lot of land within the study area. These data from the survey are analyzed in the following paragraphs.

TABLE 1: EXISTING LAND USE, HASTINGS - 2017

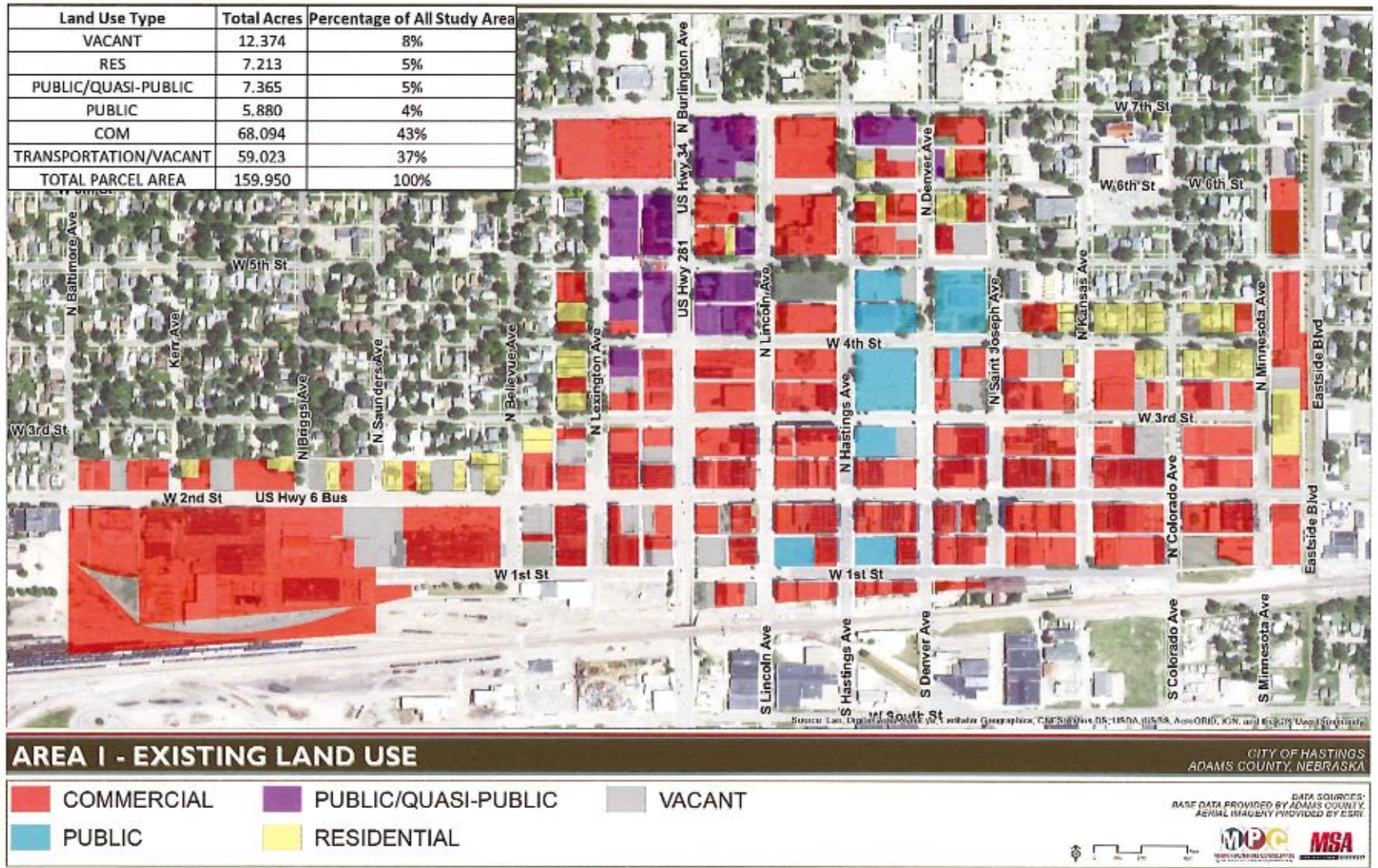
Type of Use	Acres	Percent of Developed land within the Study Area	Percent of Study Area
Residential	7.21	4.9%	4.5%
Commercial	68.10	46.1%	42.6%
Quasi-Public/Public	13.25	9.0%	8.3%
Transportation	59.02	40.0%	36.9%
Total Developed Land	147.58	100.0%	92.3%
Vacant/Agriculture	12.37		7.7%
Total Area	159.95		100.0%

Source: Marvin Planning Consultants 2017

Table 1 includes the existing land uses for the entire study area. The table contains the total acres determined per land use from the survey; next is the percentage of those areas compared to the total developed land; and finally, the third set of data compare the all land uses to the total area within the Study Area. The Study Area is predominately made up of commercial and transportation (including rights-of-way). Commercial uses, according to the Assessor's methods includes all industrial uses. In addition to the Assessor's methods, the definition of Blighted and Substandard only refer to residential and commercial uses. Therefore, 42.6% of the entire area is considered to be commercial uses; while, 36.9% is made up of transportation (streets, alleys, and rights-of-way). Residential uses only make up 4.5% of the entire study area; however, this does not include any above ground level residential dwellings in the downtown area.

Blight and Substandard Study - Hastings, Nebraska Area 1

Figure 2
Existing Land Use Map



FINDINGS OF BLIGHT AND SUBSTANDARD CONDITIONS ELIGIBILITY STUDY

This section of the study examines the conditions found in the study area. The Findings Section will review the conditions based upon the statutory definitions.

CONTRIBUTING FACTORS

There were a number of conditions examined and evaluated in the field and online. There are a number of conditions that will be reviewed in detail, on the following pages, while some of the statutory conditions are not present.

Structural Conditions

Structural conditions were evaluated, structures were either rated as: Excellent, Good, Average, Fair, and Poor. The data and rating system comes from the Adams County Assessor's database and is the same database used to value properties in the area.

Based upon the data provided to the planning team, the following is the breakdown for structures in the study area:

- 2 (0.8%) structures rated as Excellent
- 25 (8.8%) structures rated as Good
- 216 (76.0%) structure rated as Average
- 33 (11.6%) structures rated as Fair
- 8 (2.8%) structure rated as Poor

The different rating terms used in this section are defined as follows:

Excellent: Typically newer construction or property that recently has been completely upgraded.

Good: Typically no major defects or aging conditions showing up in the physical analysis.

Average: Typically minor defects may be showing up, including: degrading roof materials (limited to 25%), masonry joints needing tuckpointed (25% or less), painted surfaces beginning to peel and flake, small cracks in the foundation, broken glass, and other similar conditions.

Fair: Similar to Average but conditions are worsening and covering a greater percentage of the structure.

Poor: Represents structures likely showing several of the conditions mentioned above as well as the extent of the aging and deterioration is at a point where demolition may be necessary to eliminate the conditions.

Based upon these data, an assumption has been made that average condition and less would constitute less than desirable conditions due to age and conditions. It is common for older structures to get more maintenance and upkeep in order to maintain a good or higher condition. Even an average structure will show some signs of deteriorating which in turn can become a dilapidated structure in the future if it is not addressed over time. Overall, 90.4% of the structures in this study area are average condition or worse.

Due to the stated conditions found in the Adams County Assessor's data, the condition of the structure is a contributing factor.



Examples of Structural Conditions within the Study Area



Deterioration of Site or Other Improvements

Sidewalk Conditions

Sidewalks, regardless of the area and uses within a community, should provide a safe means of movement for pedestrians. Sidewalks become increasingly more important along transportation routes considered to be arterials and highways. A sidewalk allows for pedestrian movement while keeping people off of heavily traveled streets.

The sidewalk conditions were analyzed in the Study Area. The sidewalks were rated on four categories; good, average, poor, and missing completely. In most cases, if a few panels were showing signs of deterioration and the remaining sections were not newer, than an entire run was doomed to match the areas of concern. Again, average and lower are considered to be undesirable conditions. As with the structural conditions, once a sidewalk begins to deteriorate they will continue to get worse unless specific maintenance or replacement steps are undertaken.

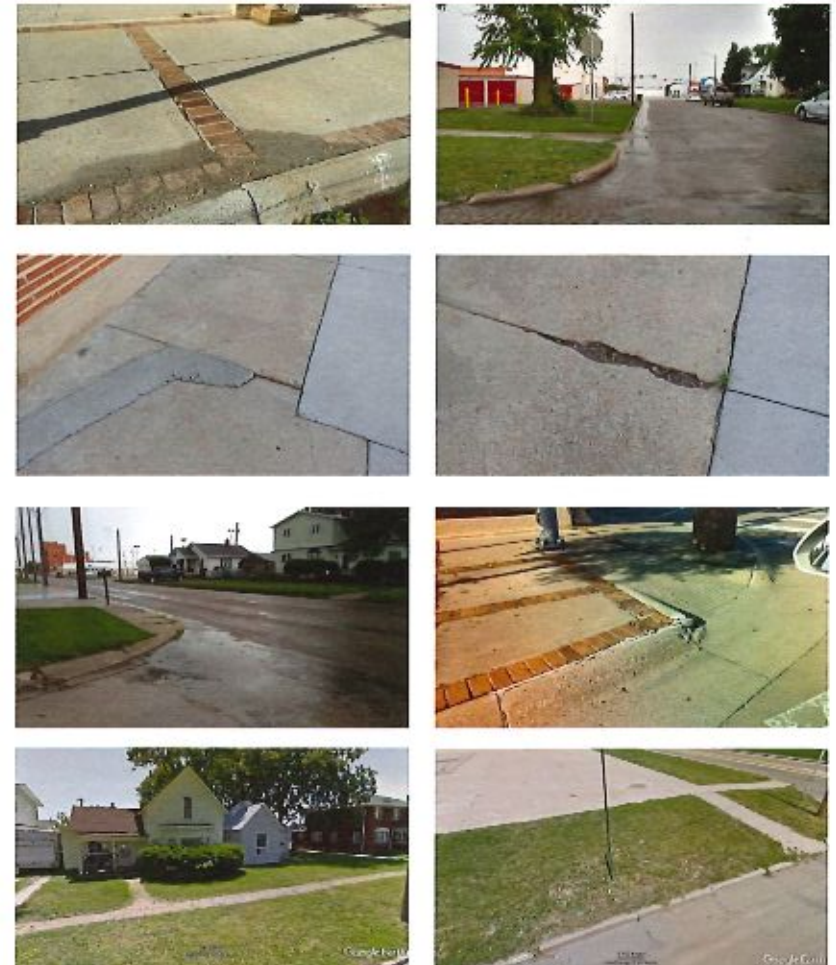
The different rating terms used in this section are defined as follows:

- Good:** Typically no major defects or aging conditions showing up in the physical analysis.
- Average:** Typically minor defects may be showing up, including: stress cracks, slight chipping of concrete edges, small amount of spawling, and slight heaving of a panel.
- Poor:** Represents a sidewalk with considerable issues and is in need of replacement in the near future.
- Missing:** Just as it implies, there is no sidewalk present at that location.

Within the study area there is approximately 56,650 lineal feet of area where sidewalk could or should be located. The lineal feet were determined through some on-site analysis as well as using the 2016 Hastings aerials and Google Earth with Street View. The following is how the sidewalk conditions breakdown within the study area:

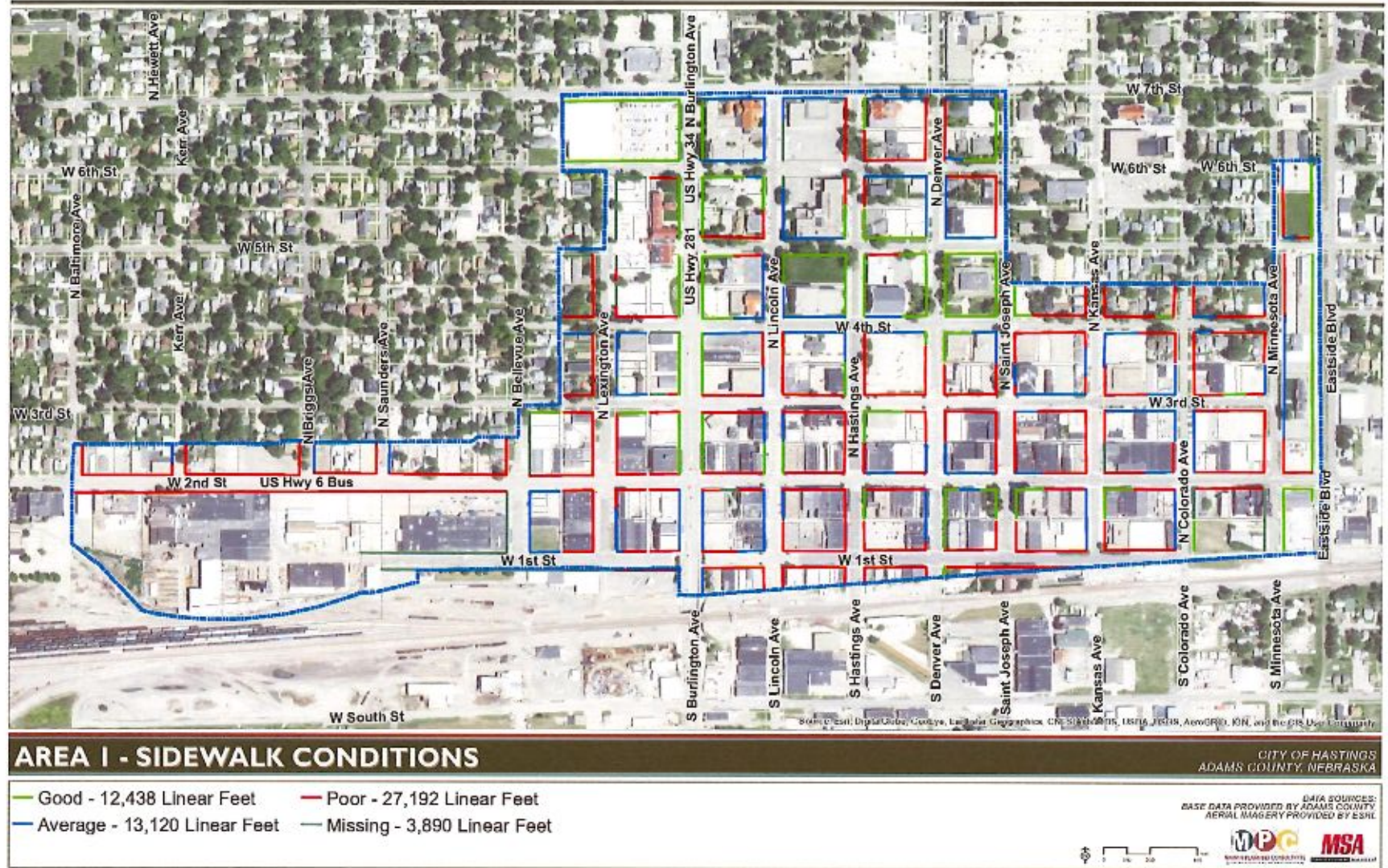
- 12,438 (21.9%) lineal feet of good sidewalk
- 13,120 (23.2%) lineal feet of average sidewalk
- 27,192 (48.0%) lineal feet of poor sidewalk
- 3,890 (6.9%) lineal feet of no sidewalk.

There is only one area which is lacking sidewalk, along 1st Street. Most of the area is directly behind Allen's but continues around the east side of the stores parking lot. Overall, over 78% of the sidewalk in this study area is considered to be average, poor or completely missing. Even if the average sidewalk condition was factored out of the overall calculation, there would be 54.9% of the sidewalk considered poor or missing. Due to this the sidewalk conditions in the Study Area are considered a contributing factor to a condition of Blight.



Examples of Sidewalk Conditions within the Study Area

Figure 4
Sidewalk Conditions



Deterioration of Site or Other Improvements, continued

Street Conditions

Streets are our primary means for getting from place to place, if they are in a bad state then an area is difficult to access. Streets in the Study Area were examined similarly to sidewalks. The streets were graded as either good, average, poor, or closed.

The street conditions, similar to the sidewalks, were analyzed in the Study Area. The streets were rated on four categories: good, average, poor, and closed. In most cases, if a few panels of concrete were showing signs of deterioration and the remaining sections were not newer, than an entire run was deemed to match the areas of concern. In addition, where there were streets with an asphalt overlay, any spawling, breakups, or other noticeable issues, these were rated accordingly. Again, average to lower conditions were considered to be undesirable. As with the sidewalks conditions, once a street begins to deteriorate it will continue to get worse unless specific maintenance or replacement steps are undertaken.

The different rating terms used in this section are defined as follows:

- Good:** Typically no major defects or aging conditions showing up in the physical analysis.
- Average:** Typically minor defects may be showing up, including: stress cracks, slight chipping of concrete edges, small amount of spawling, and slight heaving of a panel.
- Poor:** Represents a streets with considerable issues and is in need of an overlay or complete replacement in the near future.
- Closed:** Just as it implies, there is no street present at that location.

Within the study area there is approximately 50,765 lineal feet or 9.6 miles of streets and alleys possible. After reviewing the conditions in the field, the following is how the street conditions breakdown within the study area:

- 3,308 (6.5%) lineal feet of good street
- 13,934 (27.5%) lineal feet of average street
- 30,514 (60.1%) lineal feet of poor street
- 3,009 (5.9%) of closed streets

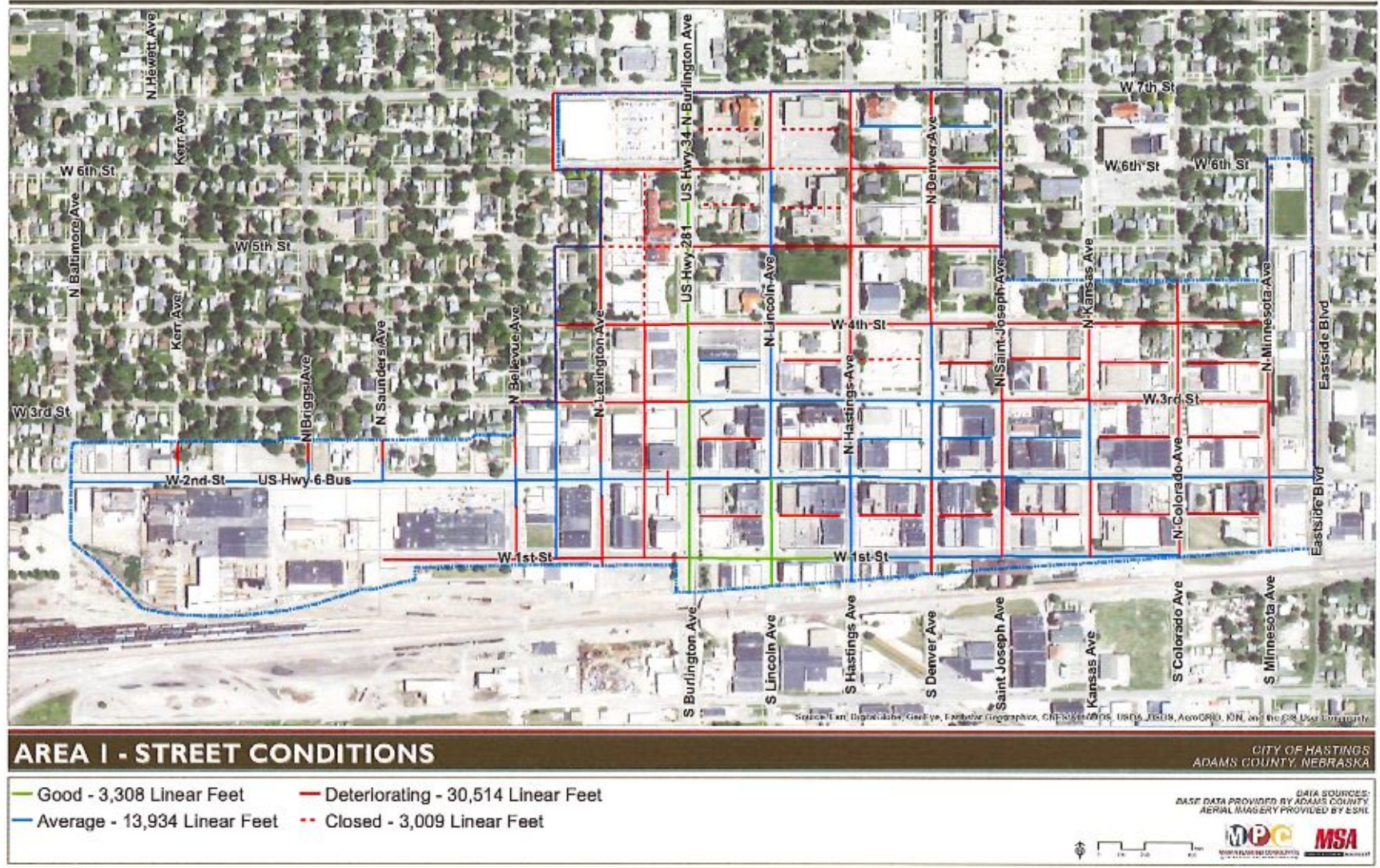
In total, 93.5% of the streets are in a average condition or worse, thus making them in a deteriorating state. However, if you remove the average condition streets from the calculation, Area 1 still has 66.0% of the streets in a state of deterioration. See Figure 5 for the locations of these streets.

Due to the large amount of deteriorating streets, the street conditions would be a direct contributing factor.



Examples of Street Conditions within the Study Area

Figure 5
Street Conditions



Deterioration of Site or Other Improvements, continued

Curb and Gutter

Curb and Gutters have a number of direct and indirect roles in neighborhoods. Their primary functions is to be a barrier and a collection and direction system for moving water to storm drains or other drainage systems so the storm water can be drained away. On a secondary level, they can help define where the streets start and stop, and they act as a physical barrier between pedestrian and vehicular traffic.

The curb and gutter conditions, similar to the others, were analyzed throughout the Study Area. The curb and gutter were rated on the same four categories; good, average, poor, and missing. In most cases, if a few panels/sections of curb and gutter were showing signs of deterioration and if the remaining sections were not newer, than an entire run was doomed to match the areas of concern. In addition, where there were streets and curb and gutter most, any spawling, breakups, or other noticeable issues, these were rated accordingly. Again, average to lower conditions were considered to be undesirable. As with the streets and sidewalks conditions, once a curb and gutter section begins to deteriorate it will continue to get worse unless specific maintenance or replacement steps are undertaken.

The different rating forms used in this section are defined as follows:

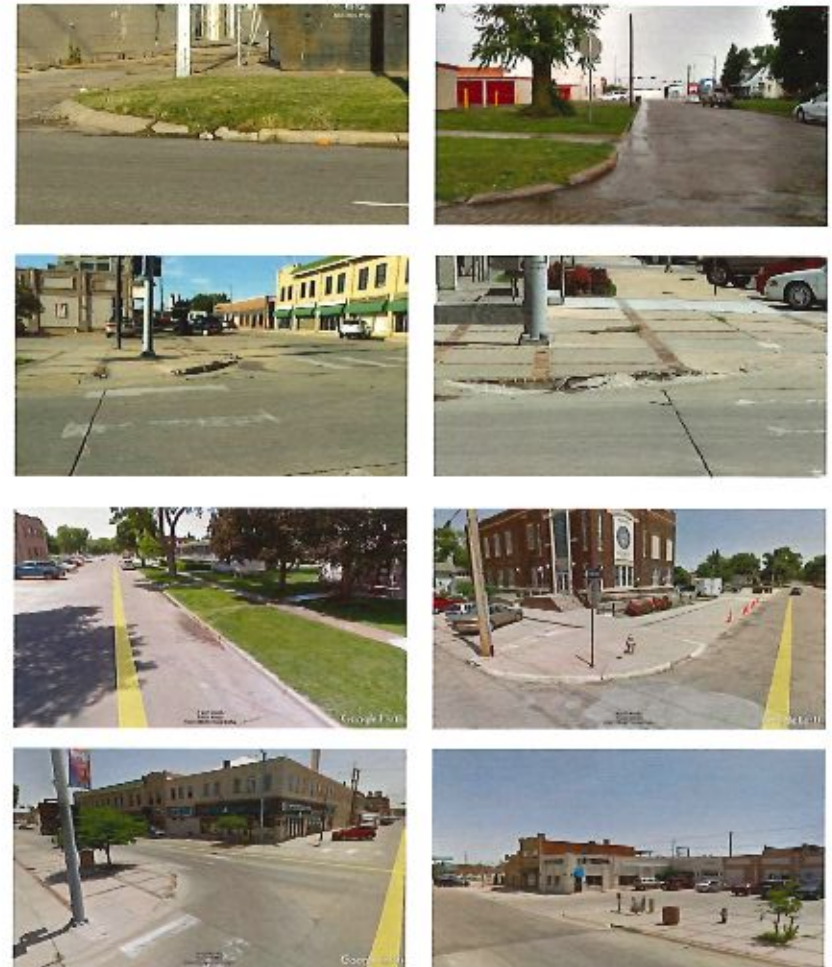
- Good:** Typically no major defects or aging conditions showing up in the physical analysis.
- Average:** Typically minor defects may be showing up, including: stress cracks, slight chipping of concrete edges, small amount of spawling, and slight heaving of a section.
- Poor:** Represents curbs and gutter with considerable issues and is in need of a complete replacement in the future.
- Missing:** Just as it implies, there is no curb and gutter present at that location.

Within the study area there is approximately 56,230 lineal feet or 10.6 miles of curb and gutter possible. If comparing the total lineal foot of curb and gutter to streets, the numbers do not match due to the fact alley ways were included in the street section. After reviewing the conditions in the field, the following is how the curb and gutter conditions breakdown within the study area:

- 5,705 (10.1%) lineal feet of good curb and gutter
- 3,762 (6.7%) lineal feet of average curb and gutter
- 38,381 (68.3%) lineal feet of poor curb and gutter
- 8,383 (14.9%) of missing curb and gutter

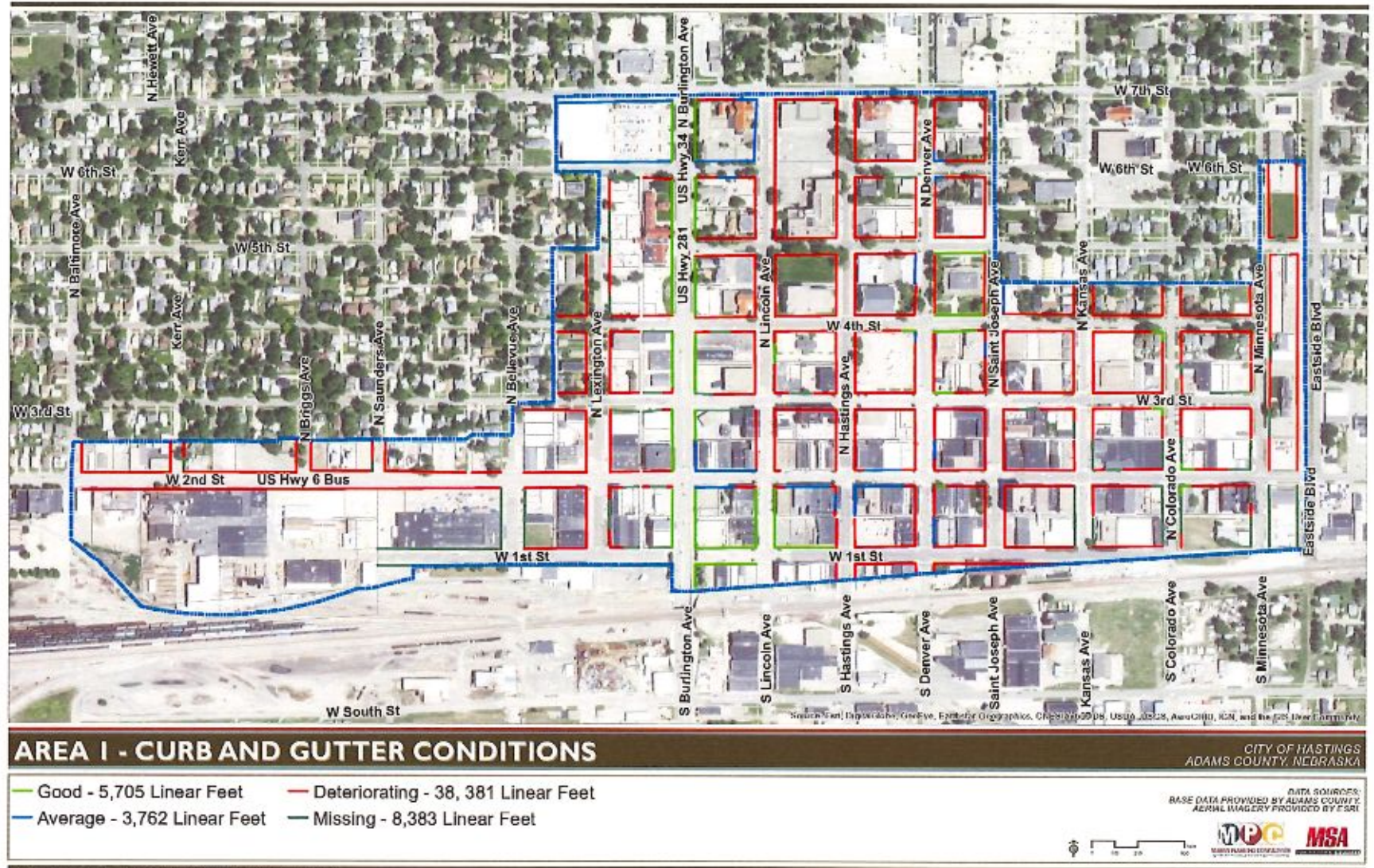
In total, 89.9% of the curb and gutter are in a average condition or worse, thus placing them in a deteriorating state. However, if you remove the average condition curb and gutter from the calculation, Area 1 still has 83.2% of the curb and gutter in a state of deterioration. See Figure 6 for the locations of these curb and gutter.

Due to the large amount of deteriorating curb and gutter, the curb and gutter conditions are a direct contributing factor.



Examples of Curb and Gutter Conditions within the Study Area

Figure 6
Curb and Gutter Conditions



Deterioration of Site or Other Improvements, continued

Drainage Conditions

Hastings, especially in Area 1, is relatively flat. No matter how well the stormwater system is designed there is a point where water will have difficulty draining. The City within the past 30 years has rebuilt key pieces of the downtown infrastructure, including the stormwater system. Typically, the stormwater system will not deteriorate nearly as fast as the streets, curb and gutter, and sidewalks due to a lack of direct exposure.

The study area was observed during an evening thunderstorm on June 13th. The storms that evening allowed a direct observation of how the drainage system handled a larger than normal storm. Due to the above average rainfall, the stormwater system had a short term failure to keep pace with the rain accumulations, resulting in short-term flash flood/urbanized flooding incident.

Observations the next morning indicated a number of areas where standing water was still present in the study area. Most of the standing water was due to deterioration of the curb and gutter system in the area. Over time, several key locations in the actual gutter flowline have settled and created a failure in the ability to drain water completely. Therefore, the drainage conditions in Area 1 is impacted directly by the deteriorating/poor curb and gutters throughout.

The study area drops 20 feet west to east along 2nd and 3rd Streets (approximately 6,470 feet), or approximately a 0.3% slope over the west to east length of the study area. In addition, the basic north to south slope is essentially flat along Burlington Avenue. Standing water within the study area is likely to continue in the future.

Standing water from poor drainage can be a catalyst for health issues like West Nile and other diseases due to the potential mosquito breeding during the summer months. It is important that drainage is adequate to rid the area of standing water, thus eliminating potentials for these diseases.

Due to the drainage issues and in combination with the curb and gutter conditions, drainage issues are a direct contributing factor towards blighting the area.



Examples of Drainage Conditions within the Study Area

AREA I - TOPOGRAPHIC MAP



Deterioration of Site or Other Improvements, continued

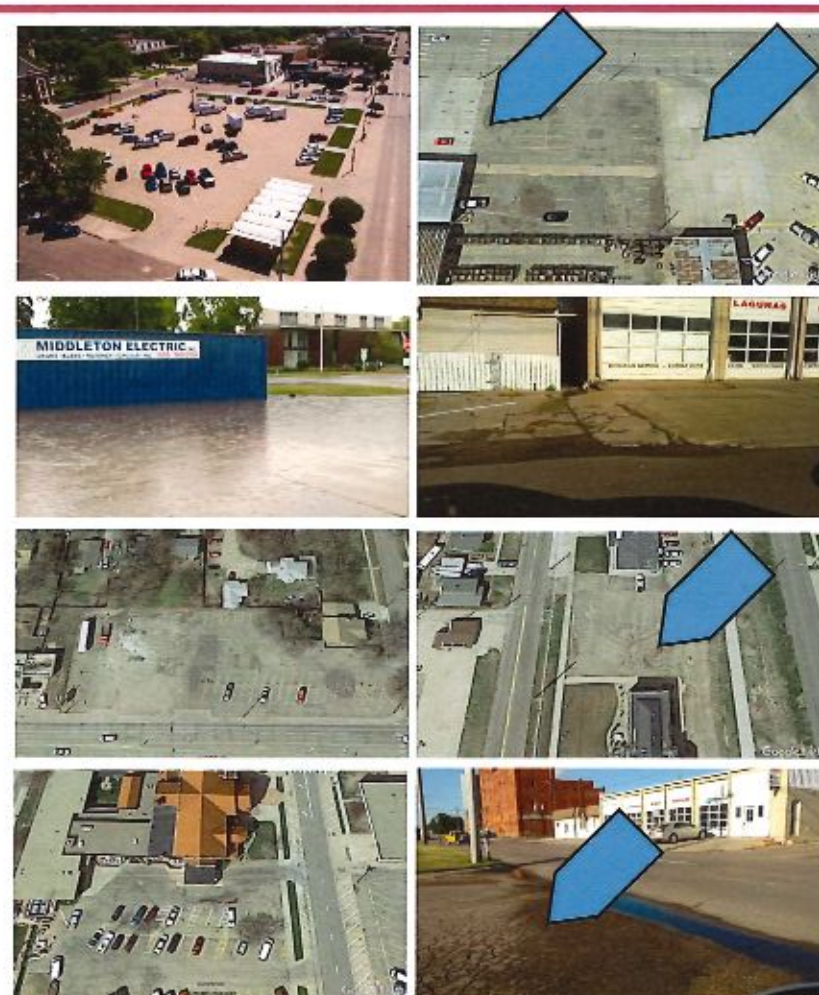
Site Improvement Conditions

Throughout Area 1 there are a number of public parking lots and private parking areas for the various commercial entities in the area. One of the keys to creating a positive image of an area is how well the exterior portions of the lots are maintained. Even a perfectly maintained structure can be seen as a deteriorating part of the community if the exterior or curb appeal is less than desirable.

Part of developing a blight study for any community centers around how well different site improvements are maintained and what type of image these improvements create of the property and study area. Part of this analysis examines the actual condition of the site improvements; plus, the drainage issue if they exist.

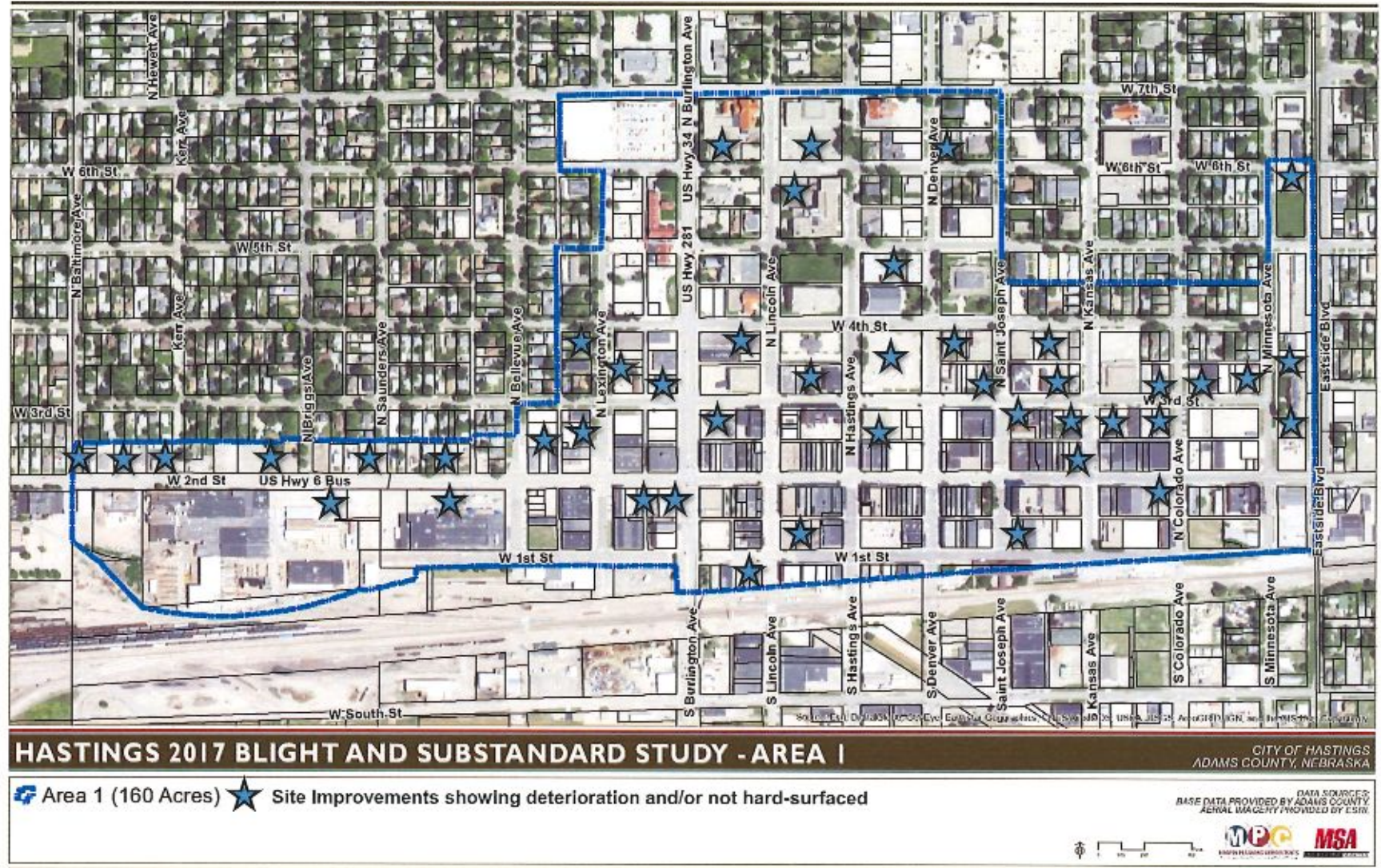
Within Area 1 there are 44 areas where the site improvements were deemed to be in poor condition. Some of these areas are far worse than others and should be improved. One of the most visible locations is the City Parking Area immediately north of City Hall (site of old Adams County Courthouse). The City parking area is seeing surface breakup in places and the photo to the right shows the drainage issues on the site from the June 13th rain event.

Due to the condition of multiple sites and the lack of improvements, specifically the condition and type of the paving, Site Improvements issues are a direct contributing factor towards blighting the area.



Examples of Site Improvement issues within the Study Area

Figure 8
Site Improvements—Deterioration



Faulty Lot Layout

Size of Lot and Configuration

Area 1 contains the heart of Hastings, the downtown area. In most communities, downtowns are comprised of numerous lots with minimal lot frontages; therefore, those items are not the basis for the discussion on Size of Lot and Configuration (Faulty Lot Layout). The issue behind this discussion is the odd configurations which may have been done initially or at some point between the founding of the downtown area and now.

Overall, there have been 37 areas within the study area that have this type of issue. The following listing coordinates with Figure 9 and details specifically what caused the inclusion.

1. Area 1 is on the far west side of the study area and has two lots. This area is substantially narrow and may not be buildable or capable of being redeveloped in future without being part of another lot.
2. Number 2 is similar to 1, but is substantially small in both its width and depth and be difficult to redevelop on its own.
3. Another narrow and shallow lot, but in this case, it is also an odd shaped lot.
4. This area has an extremely small sliver lot cut in between two standard lots; however, the shape of the sliver lot has created two odd shaped lots.
5. Area 5 has allowed two lots to be platted out of one normal lot (it appears). This type of subdivision creates lots that are extremely shallow and difficult to redevelop in the future.
6. Area 6 includes a portion of Allen's and neighboring properties. The overall layout of this area is oddly divided and there are, technically, two landlocked lots/pieces in this configuration.
7. This area is smaller, but one lot is wrapping around the neighboring lot. It appears this can be attributed to the sidetracks from the BNSF Railroad.
8. Area 8 is along W. 2nd Street just west of N. Burlington Avenue. This set of lots appear to be subdivided lots from an older lot configured in an opposite manner than today. These lots are extremely shallow and narrow, even by downtown standards.
9. Area 9 has a number of smaller divisions, as well as one diagonal division.
10. Area 10 also appears to have two narrow and shallow lots divided out of a larger more typical lot in the past.
11. Area 11 is a combination of issues including, smaller lots used as parking and a closed street. This is one large use covering two blocks and a closed street right-of-way. With the smaller lots still in place, it opens up opportunities for these to be sold away; thus, creating potential conflicts.
12. Area 12 is the new Russ' Supermarket site. The primary note here is the street closure which dead ends neighborhood traffic.
13. This area is similar to the other sites, several small, narrow, and shallow lots, creating potential redevelopment issues.
14. Area 14 is similar to Area 12, a closed street which diverts neighborhood traffic.
15. This area contains several narrow, shallow and oddly configured lots.
16. Area contains a shallow and narrow lot.
17. Area contains a shallow and narrow lot.
18. Appears one normal lot divided into two shallow and narrow lots.
19. Appears one normal lot divided into two shallow and narrow lots.
20. Several lots which are very narrow and laid out in an odd configuration
21. Several lots which are very narrow and laid out in an odd configuration

22. Several lots which are very narrow and laid out in an odd configuration. Some lots only have direct access along the alley way.
23. Several lots which are very narrow and laid out in an odd configuration.
24. Several lots which are very narrow and laid out in an odd configuration.
25. Several lots which are very narrow and shallow manner and laid out in an odd configuration.
26. Several lots which are very narrow and laid out in an odd configuration
27. Several lots which are very narrow and laid out in an odd configuration
28. Several lots which are very narrow and laid out in an odd configuration
29. Several lots which are very narrow and laid out in an odd configuration
30. Appears one normal lot divided into two shallow and narrow lots.
31. Appears one normal lot divided into two shallow and narrow lots.
32. Appears one normal lot divided into two shallow and narrow lots.
33. Appears two lots were divided into three smaller narrow and shallow lots.
34. Appears two lots were divided into three smaller narrow and shallow lots.
35. Several lots which are very narrow and shallow manner and laid out in an odd configuration.
36. Area 36 is similar to Area 12 and 14, a closed street which diverts neighborhood traffic.
37. Area 36 is similar to Area 12 and 14, a closed street which diverts neighborhood traffic.

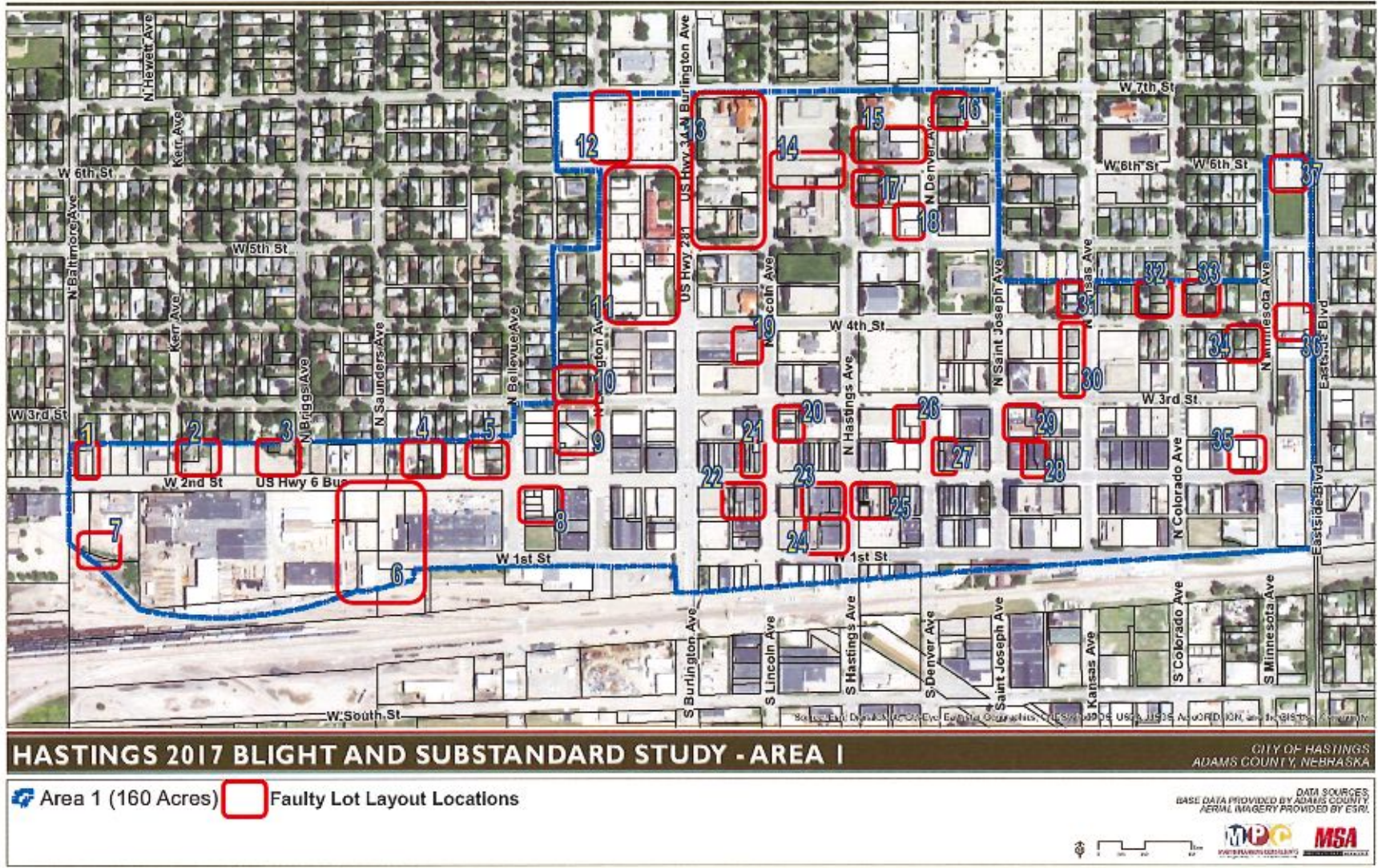
A number of these platted lots have a single use built over the top of the lot lines. However, as long as some of these lot lines continue into the future, there could become a point where someone may attempt to build on these individual lots. Two things of note:

- Where buildings are built over lot lines, these lots could be and should be combined; and
- This practice should be discontinued if it is currently used.

Due to the number of blocks containing different platting conditions, Fault Lot Configuration is a direct contributing factor towards blighting the area.



Figure 9
Faulty Lot Layout



Insanitary and Unsafe Conditions

Standing Water

As discussed in the drainage section, the study area was observed during a major thunderstorm on June 13, 2017. In addition, the area was observed the next morning. The observations during the next morning included numerous areas of standing water within the study area.

The remaining water, in the morning, is a good indicator as to where standing water can be found throughout the spring and summer months. Although it is likely the standing water along the curb and gutters will dry up and disappear in a day or so, this is still a solid indicator of possible areas in the study area which may not dry up and go away. It is important to eliminate standing water since it has a direct bearing on mosquito breeding. Mosquito in this part of the country can carry and transmit West Nile.

Standing water and its ability to attract mosquitoes, which could be carrying known diseases is a direct contributing factor towards Insanitary and Unsafe Conditions of the area.

BNSF Railroad Mainline

The BNSF Railroad's mainline runs the entire southern boundary of Area 1. In a large number of locations, the railroad right-of-way is not separated from the public rights-of-way by any sort of fencing. The lack of fencing and security allows people to gain direct access to the rails in places other than the rail crossings. The lack of security fencing is an unsafe situation. The only security fencing along the railroad R.O.W. is east of the Burlington Depot, some of which is enclosed materials owned by Dutton Lainson.

The BNSF Railroad line is a direct contributing factor towards Insanitary and Unsafe Conditions of the area.

Dutton Lainson Storage Areas

Another issue considered to be Insanitary and Unsafe is the unsecured storage of transformers from Dutton Lainson along 1st Street, east of the BNSF Depot. Transformers when they are ready for use contain numerous chemicals which can be hazardous. The unsafe part of this centers on the need for these to be secured inside an area with a gate. As of the present time, anyone could drive up and begin messing with the transformers.

The Dutton Lainson open transformer storage is a direct contributing factor towards Insanitary and Unsafe Conditions of the area.



Examples of Insanitary and Unsafe Conditions within the Study Area

Diversity of Ownership

Within the Area 1, there are 386 total properties, based upon the Adams County Assessors data. Within the area these properties are owned by a total of 221 different property owners. Included in these property owners, are several public entities, including the City of Hastings and Adams County; plus, several different religious denominations. Completing and continuing with future redevelopment efforts in this study area will require a coordinated effort. It is necessary that some organization similar to the Hastings Community Redevelopment Authority continue to lead efforts in redeveloping the Area 1 within the corporate limits of Hastings.

Based upon the number of different properties and property owners within the study area, it is determined that the Diversity of Ownership within Area 1 is a barrier to redevelopment.

Existence of Conditions endangering life or property due to fire or other causes

Located within the study area there are factors present that are a danger to life or property due to fire or other causes. A number of these factors have been previously discussed in this report.

These factors include:

- Unsecured materials
- The BNSF Railroad corridor is unsecured along most of the study area and enables someone to walk along the tracks of one of the busiest railroad corridors in the United States.
- Standing water

Based upon the review of the study area, there are sufficient elements present to meet the definition of dangerous conditions within the area.

Combination of factors which are impairing and/or arresting sound growth

Impairing and/or arresting sound growth can be an element in the study area that is positive but has a major impact on how uses develop or properties are redeveloped in the future. Within Area 1 there are two factors have a major impact on the development and redevelopment opportunities., thus impairing and/or arresting some growth.

These elements are:

- The BNSF Railroad corridor lies on the southern edge of the study area and acts as a major wall for further growth south from the traditional downtown area.
- In addition to safety concerns, the railroad also produces considerable noise. The noise levels within the corridor can be heard throughout the study area and is a an impairment toward sound growth.
- Even though it is a positive influence on the community, since it pulls the majority of traffic through the community, US Highway 281/Burlington Avenue impairs growth. The primary issue involving sound growth is the number of lanes along the route, the State and Federal regulations for driveways, and the setbacks required from the thoroughfare.

Based upon the review of the study area, there are sufficient elements present to meet the definition of combination of factors which are impairing and/or arresting sound growth within the study area.

Part B of the Blight Definition

Age of Units

Age of units is a contributing factor to the blighted and substandard conditions in an area. The statute allows for a predominance of units 40 years of age or older to be a contributing factor regardless of their condition. The following paragraphs document the structural age of the units within the Study Area. Note the age of units came from the Assessors data within the Adams County website data.

Within the study area, there are 277 units in some form or another. The age of structure has been determined by researching the structural age on the Adams County Assessor's websites and reviewing older documents, as well as, a land survey completed on the entire site.

The following breakdown was determined:

- 253 (91.3%) units were determined to be 40 years of age or older
- 24 (8.7%) units were determined to be less than 40 years of age

Table 1:
Age of Units

	Number of Units	Year Built	Total Age	Total Cumulative Age
	1	1875	142	142
	13	1880	137	1,781
	1	1881	136	136
	1	1883	134	134
	1	1884	133	133
	8	1885	132	1,056
	1	1889	128	128
	17	1890	127	2,159
	1	1895	122	122
	1	1899	118	118
	35	1900	117	4,095
	1	1901	116	116
	1	1903	114	114
	2	1904	113	226
	3	1905	112	336
	2	1906	111	222
	1	1907	110	110
	1	1908	109	109
	15	1910	107	1,605
	1	1911	106	106
	1	1912	105	105
	3	1914	103	309
	12	1915	102	1,224

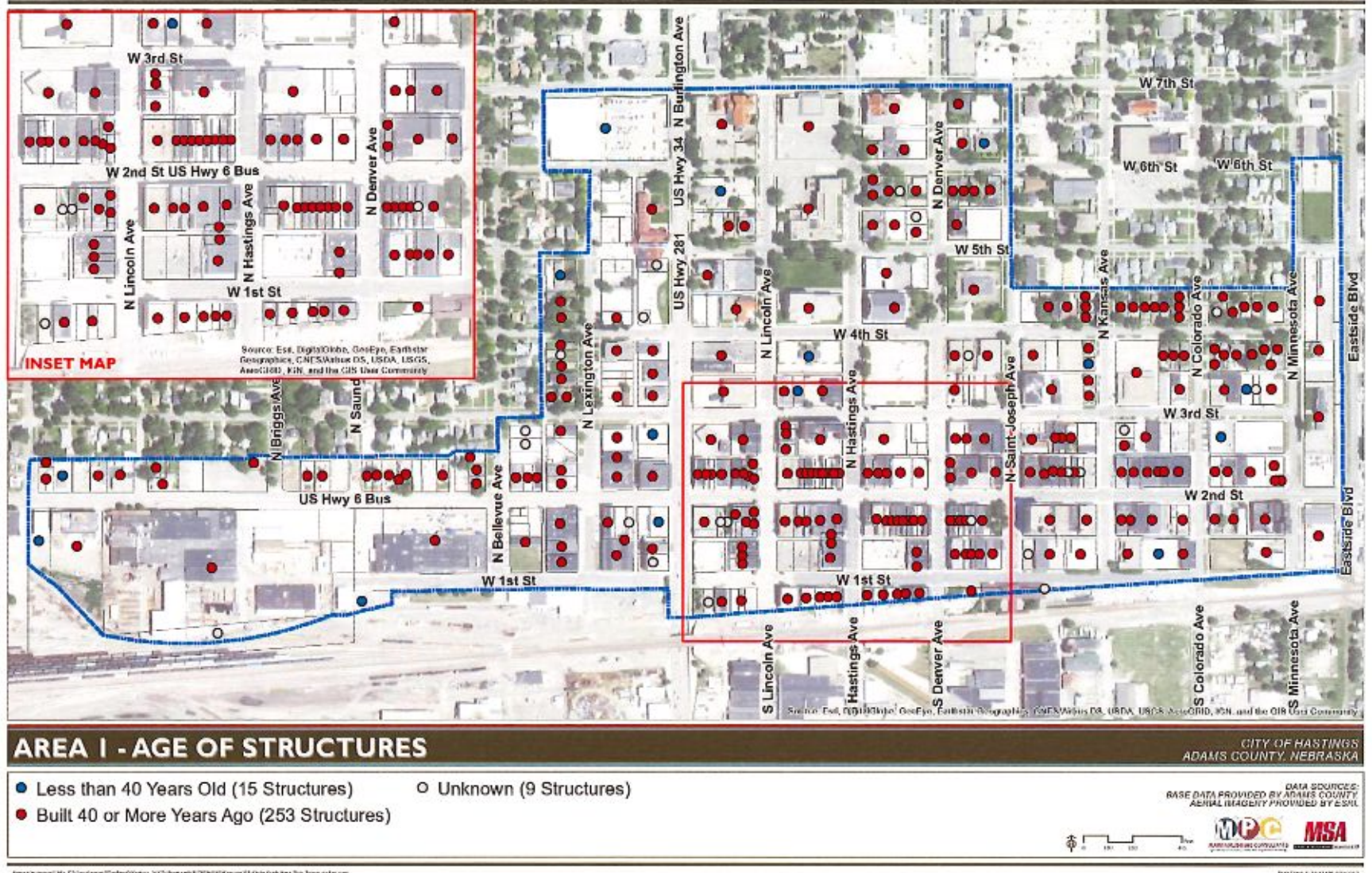
	Number of Units	Year Built	Total Age	Total Cumulative Age
	3	1916	101	303
	1	1917	100	100
	2	1918	99	198
	1	1919	98	98
	21	1920	97	2,037
	1	1921	96	96
	5	1922	95	475
	2	1923	94	188
	11	1925	92	1,012
	3	1926	91	273
	2	1928	89	178
	2	1929	88	176
	10	1930	87	870
	2	1932	85	170
	7	1935	82	574
	1	1936	81	81
	1	1938	79	79
	1	1939	78	78
	4	1940	77	308
	1	1942	75	75
	1	1945	72	72
	3	1946	71	213
	1	1947	70	70
	1	1949	68	68
	9	1950	67	603
	2	1951	66	132
	1	1954	63	63
	4	1955	62	248
	7	1956	61	427
	1	1957	60	60
	1	1958	59	59
	6	1960	57	342
	3	1961	56	168
	5	1962	55	275
	3	1965	52	156
	2	1968	49	98
	1	1969	48	48
	1	1970	47	47
	2	1971	46	92
	1	1972	45	45
	1	1973	44	44

	Number of Units	Year Built	Total Age	Total Cumulative Age
	2	1975	42	84
	1	1977	40	40
	1	1981	36	36
	1	1982	35	35
	1	1984	33	33
	1	1985	32	32
	1	1989	28	28
	1	1990	27	27
	1	1995	22	22
	1	1996	21	21
	1	1999	18	18
	1	2001	16	16
	1	2002	15	15
	1	2003	14	14
	1	2005	12	12
	1	2008	9	9
	1	2010	7	7
	2	2011	6	12
	1	2012	5	5
	1	2013	4	4
	1	2014	3	3
	2	2015	2	4
Total Cumulative	285			25,762
Average Age				90.39

Sources: Adams County Assessor

Also, Table 1, above, examined the units within the study area and calculated a cumulative age and divided by the total number of commercial units to get a mean age. The mean age of all of the commercial units in the study area is 90.39 years.

Figure 9
Faulty Lot Layout



Blighting Summary

These conditions are contributing to the blighted conditions of the study area.

Substantial number of deteriorating structures

- Based upon the review of Adams County Assessor data, field observations, drone observations and other aeriels there are a substantial number of deteriorating structures within the Study Area:
 - 2 (0.8%) structures rated as Excellent.
 - 25 (8.8%) structures rated as Good.
 - 216 (76.0%) structures rated as Average.
 - 33 (11.6%) structures rated as Fair.
 - 8 (2.8%) structures rated as Poor.

Deterioration of site or other improvements

- Large amounts (78%) of sidewalk in an Average to Poor condition; 54.9% in a Fair to Poor condition.
- Large portions (93.5%) of the street network in an average to poor condition; 66% in a Fair to Poor condition.
- Majority (89.9%) of Curb and Gutter is in an Average to Poor condition; 83.2% in a Fair to Poor condition.
- Drainage is an issue during larger spring and summer storm events.
- Standing water remains after storm events occur in certain places throughout the Study Area.
- There are considerable number of private and public parking lots either in a deteriorating state or simply are not hard-surfaced.

Faulty Lot Layout

- There are 38 locations in the Study Area where the lots were originally platted in a faulty manner or have been replatted over time.

Insanitary or Unsafe Conditions

- Standing water in various locations after storm event.
- BNSF Railroad is not secure along most of the southern boundary of the Study Area.
- Dutton Lanson has unsecured storage along the south side of 1st Street including transformers.

Diversity of Ownership

- The Study Area contains 386 different Property Identification Number (PIN) on the Assessor's website; within the 386 different properties there are a total of 221 different property owners including different governmental and religious entities.

Existence of Conditions endangering life or property due to fire or other causes

- Unsecured materials within the Study Area.
- The BNSF Railroad corridor is unsecured along most of the study area.
- Standing water in part of the study area.

Combination of factors which are impairing and/or arresting sound growth

- The BNSF Railroad corridor lies on the southern edge and is a major deterrent to further downtown growth to the south. In addition, the trains create considerable noise when passing through the corridor.

- US Highway 281/Burlington Avenue splits the study area and due to its control by State and Federal departments and the volume of vehicles impairs the development and redevelopment of the area.

Criteria under Part B of the Blight Definition

Average age of units is over 40 years of age

- Within the Study Area 91.3% of the units meet the criteria of 40 years of age or older.
- Based upon the county assessor's assessment records, the average age of the units within the study area is 90.39 years.

Other criteria for Blight not present in the area include:

- Improper Subdivision or Obsolete Platting
- Defective/Inadequate street layouts
- Tax or special assessment delinquency exceeding fair value of the land.
- Defective or unusual condition of title
- Unemployment in the designated area is at least 120% of the state or national average.
- Over one-half of the property is unimproved and has been within the City for over 40 years.
- The per capita income of the area is lower than the average per capita income of the city or village in which the area is designated.

These issues were either not present or were limited enough as to have little impact on the overall condition of the study area.

Substandard Conditions

"Substandard areas means an area in which there is a predominance of buildings or improvements, whether nonresidential or residential in character, which, by reason of dilapidation, deterioration, age or obsolescence, inadequate provision for ventilation, light, air, sanitation, or open spaces, high density of population and overcrowding, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, and crime, (which cannot be remedied through construction of prisons), and is detrimental to the public health, safety, morals, or

Predominance of Deteriorating Buildings or Improvements

Structural conditions were evaluated, structures were either rated as: Excellent, Good, Average, Fair, and Poor. The data and rating system comes from the Adams County Assessor's database and is the same database used to value properties in the area.

Based upon the data provided to the planning team, the following is the breakdown for structures in the study area:

- 2 (0.8%) structures rated as Excellent
- 25 (8.8%) structures rated as Good
- 216 (76.0%) structure rated as Average
- 33 (11.6%) structures rated as Fair
- 8 (2.8%) structure rated as Poor

The different rating terms used in this section are defined as follows:

- Excellent:** Typically newer construction or property that recently has been completely upgraded.
- Good:** Typically no major defects or aging conditions showing up in the physical analysis.
- Average:** Typically minor defects may be showing up, including: degrading roof materials (limited to 25%), masonry joints needing tuckpointed (25% or less), painted surfaces beginning to peel and flake, small cracks in the foundation, broken glass, and other similar conditions.
- Fair:** Similar to Average but conditions are worsening and covering a greater percentage of the structure.
- Poor:** Represents structures likely showing several of the conditions mentioned above as well as the extent of the aging and deterioration is at a point where demolition may be necessary to eliminate the conditions.

Based upon these data, an assumption has been made that average condition and less would constitute less than desirable conditions due to age and conditions. It is common for older structures to get more maintenance and upkeep in order to maintain a good or higher condition. Even an average structure will show some signs of deteriorating which in turn can become a dilapidated structure in the future if it is not addressed over time. Overall, 90.4% of the structures in this study area are average condition or worse.

Due to the stated conditions found in the Adams County Assessor's data, the condition of the structure is a contributing factor.

Age of Units

Age of units is a contributing factor to the blighted and substandard conditions in an area. The statute allows for a predominance of units 40 years of age or older to be a contributing factor regardless of their condition. The following paragraphs document the structural age of the units within the Study Area. Note the age of units came from the Assessors data within the Adams County website data.

Within the study area, there are 277 units in some form or another. The age of structure has been determined by researching the structural age on the Adams County Assessor's websites and reviewing older documents, as well as, a land survey completed on the entire site.

The following breakdown was determined:

- 253 (91.3%) units were determined to be 40 years of age or older
- 24 (8.7%) units were determined to be less than 40 years of age

Table 1:
Age of Units

	Number of Units	Year Built	Total Age	Total Cumulative Age
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	1	1899	118	118
	35	1900	117	4,095
	1	1901	116	116
	1	1903	114	114
	2	1904	113	226
	3	1905	112	336
	2	1906	111	222
	1	1907	110	110
	1	1908	109	109
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	1	1911	106	106
	1	1912	105	105
	3	1914	103	309
	12	1915	102	1,224

Blight and Substandard Study - Hastings, Nebraska Area 1

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	1	1917	100	100
	2	1918	99	198
	1	1919	98	98
	21	1920	97	2,037
	1	1921	96	96
	5	1922	95	475
	2	1923	94	188
	11	1925	92	1,012
	3	1926	91	273
	2	1928	89	178
	2	1929	88	176
	10	1930	87	870
	2	1932	85	170
	7	1935	82	574
	1	1936	81	81
	1	1938	79	79
	1	1939	78	78
	4	1940	77	308
	1	1942	75	75
	1	1945	72	72
	3	1946	71	213
	1	1947	70	70
	1	1949	68	68
	9	1950	67	603
	2	1951	66	132
	1	1954	63	63
	4	1955	62	248
	7	1956	61	427
	1	1957	60	60
	1	1958	59	59
	6	1960	57	342
	3	1961	56	168
	5	1962	55	275
	3	1965	52	156
	2	1968	49	98
	1	1969	48	48
	1	1970	47	47
	2	1971	46	92
	1	1972	45	45
	1	1973	44	44

	Number of Units	Year Built	Total Age	Total Cumulative Age
	2	1975	42	84
	1	1977	40	40
	1	1981	36	36
	1	1982	35	35
	1	1984	33	33
	1	1985	32	32
	1	1989	28	28
	1	1990	27	27
	1	1995	22	22
	1	1996	21	21
	1	1999	18	18
	1	2001	16	16
	1	2002	15	15
	1	2003	14	14
	1	2005	12	12
	1	2008	9	9
	1	2010	7	7
	2	2011	6	12
	1	2012	5	5
	1	2013	4	4
	1	2014	3	3
	2	2015	2	4
Total Cumulative	285			25,762
Average Age				90.39

Source: Adams County Assessor

Also, Table 1, above, examined the units within the study area and calculated a cumulative age and divided by the total number of commercial units to get a mean age. The mean age of all of the commercial units in the study area is 90.39 years.

Substandard Summary

Nebraska State Statute requires that "...an area in which there is a predominance of buildings or improvements, whether nonresidential or residential in character, which, by **reason of dilapidation, deterioration, age** or obsolescence, inadequate provision for ventilation, light, air, sanitation, or open spaces, high density of population and overcrowding, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, and crime, (which cannot be remedied through construction of prisons), and is detrimental to the public health, safety, morals, or welfare;"

This Study Area meets the definition of Substandard as defined in the Revised Nebraska State Statutes.

FINDINGS FOR HASTINGS BLIGHT STUDY AREA #1

Blight Study Area #1 has several items contributing to the Blight and Substandard Conditions. These conditions include:

Blighted Conditions

- Substantial number of deteriorated or deteriorating structures
- Deterioration of site or other improvements
- Faulty Lot Layout
- Insanitary and Unsafe Conditions
- Diversity of Ownership
- Dangerous conditions to life or property due to fire or other causes
- Combination of factors which are impairing and/or arresting sound growth
- Average age of structures is over 40 years of age

Substandard Conditions

- Predominance of structures meeting the dilapidation or deterioration criteria
- Average age of the structures in the area is at least forty years

EXECUTIVE SUMMARY

This Redevelopment Plan (the "Redevelopment Plan" or the "Plan") is intended to provide a guide for the implementation of redevelopment activities within the previously examined Redevelopment Area #1 in Hastings, Nebraska (the "City"), pursuant to the provisions of the Nebraska Community Development Law and sections 18-2145 to 18-2154 (together, the "Act").

The Hastings Redevelopment Authority (the "CRA"), acting as a redevelopment authority pursuant to the Act, intends to undertake or provide for the redevelopment within the study area, as shown on Figure 1 (the "Redevelopment Plan Area") in the Blight and Substandard Study. Redevelopment activities shall be utilized to promote the general welfare, the enhancement of the tax base, the economic and social well-being, the development of any public activities and promotion of public events in the Area, along with all other purposes, as outlined in the Act.

A Community Development Authority Redevelopment Plan must contain the general planning elements set out by section 18-2111 of the Act as items (1) through (6), as follows:

"(1) the boundaries of the redevelopment area with a map showing the existing uses and condition of the real property therein; (2) a land-use plan showing proposed uses of the area; (3) information showing the standards of population densities, land coverage and building intensities in the area after redevelopment; (4) a statement of the proposed changes, if any, in zoning ordinances or maps, street layouts, street levels or grades, or building codes and ordinances; (5) a site plan of the area; and (6) a statement as to the kind and number of additional public facilities or utilities which will be required to support the new land uses in the area after redevelopment.

Section 18-2113 of the Act, provides that a Community Redevelopment Authority must consider certain planning matters prior to recommending a redevelopment plan to the City Council for adoption. These considerations are defined therein, as follows:

"...whether the proposed land uses and building requirements in the redevelopment project area are designed with the general purpose of accomplishing, in conformance with the general plan, a coordinated, adjusted and harmonious development of the City and its environs which will, in accordance with present and future needs, promote health, safety, morals, order, convenience, prosperity, and the general welfare, as well as efficiency and economy in the process of development; including, among other things, adequate provision for traffic, vehicular parking, the promotion of safety from fire, panic, and other dangers, adequate provision for light and air, the promotion of the healthful and convenient distribution of population, the provision of adequate transportation, water, sewage, and other public utilities, schools, parks, recreational and community facilities and other public requirements, the promotion of sound design and arrangement, the wise and efficient expenditure of public funds, and the prevention of the recurrence of insanitary or unsafe dwelling accommodations, or conditions of blight."

CONCLUSION

While this Redevelopment Plan establishes overall policies and intentions toward the comprehensive redevelopment of the Area, additional phases may require subsequent project plans and redevelopment agreements consistent with this Redevelopment Plan

REDEVELOPMENT PLAN

The planning process for the Redevelopment Area has resulted in a listing of general planning and implementation recommendations. As previously discussed in the Blight and Substandard Determination Study, there are several structural and substandard conditions which are detrimental to the health, safety and general welfare of the community and generally obsolete in respect to the development and living environment expectations of Nebraska communities, including the City of Hastings. To eliminate these conditions and enhance private development activities within the Redevelopment Area, the City of Hastings will need to consider the following planning and redevelopment actions:

- rehabilitation of residential, commercial, industrial and public/quasi-public properties;
- maintain and/or replace, as necessary, the current infrastructure in the Area;
- code enforcement program for the clean-up of areas in violation and detrimental to health, safety and general welfare of the community;
- screening and/or buffering of adjacent industrial areas (beyond the Redevelopment Area) from residential uses, including the use of berms and, or, landscaping to partially screen parking or storage areas and enhance vehicular and pedestrian rights-of-way; and,
- condemnation of un-safe structures, acquisition where necessary and demolition of substantially deteriorated structures, and replacement with appropriate residential, commercial or industrial development.

Both a timeline and budget should be developed for the Redevelopment Plan. Each of these processes should be designed in conformance with the resources and time available to the CRA and the City. A reasonable timeline to complete the redevelopment activities identified in the Redevelopment Plan would be 10 to 15 years.

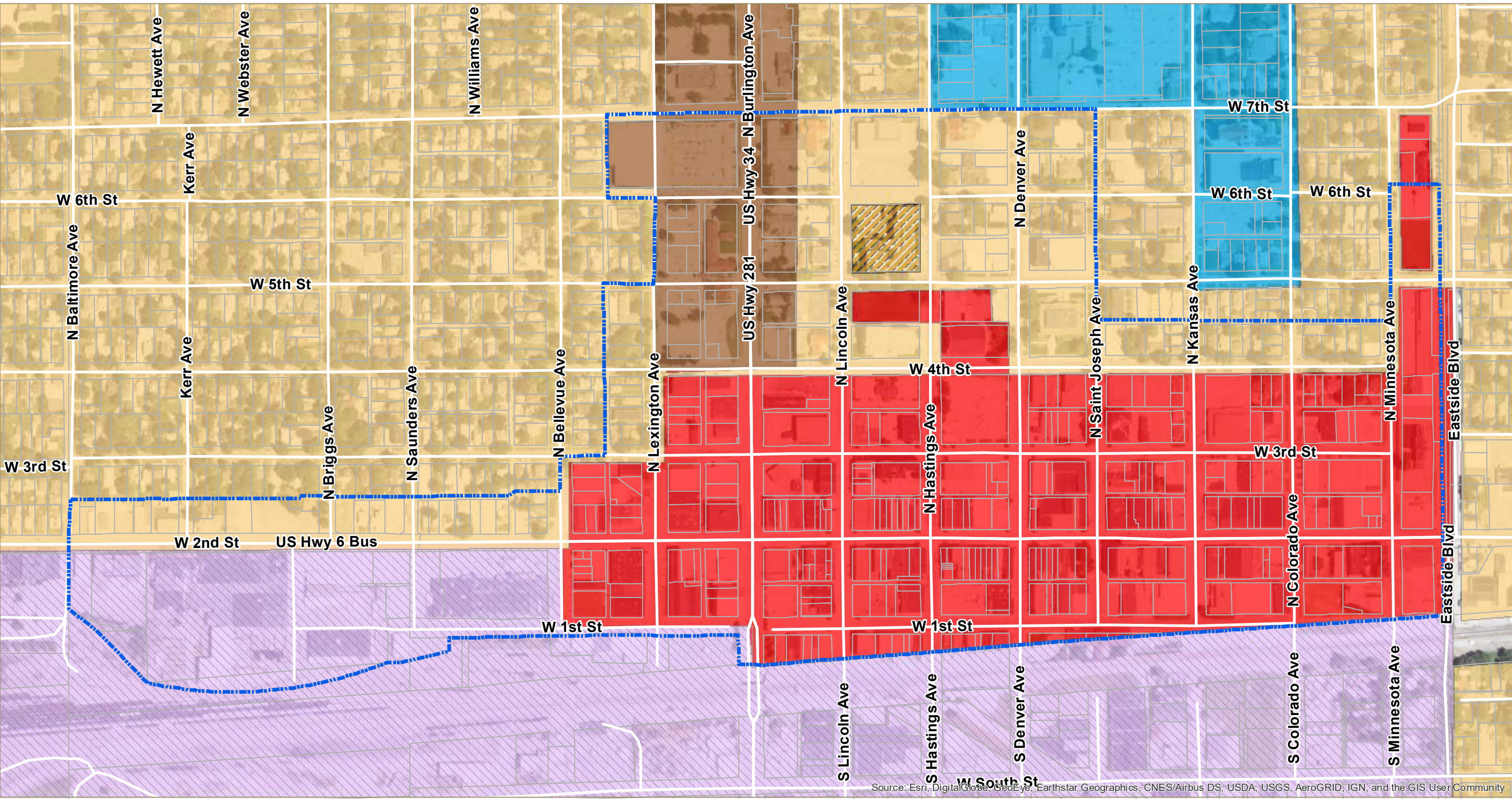
Various funding sources exist for the preparation and implementation of a capital improvement budget designed to meet the funding needs of proposed redevelopment activities. These include, in addition to city and federal funds commonly utilized, Community Development Block Grant funding, HOME funding, special assessments, general obligation bonds, redevelopment bonds, occupation taxes and tax increment financing.

Future Land Use Pattern

The existing land use patterns within Redevelopment Area were described in the Blight and Substandard Determination Study portion of this document. In general, the Redevelopment Area contains four distinct land uses. The primary developed uses include commercial, single-family residential, public and quasi-public use.

Future land uses recommended for Redevelopment Area are planned to be in general conformance with the current zoning patterns for the community. However, continued redevelopment of the commercial uses within the study area is recommended, including the redevelopment single-family residential on the north and east sides of the study area.

Infill development in conformance with the associated future land use and zoning criteria are advocated throughout Redevelopment Area for vacant parcels. These lots, or parcels, are cost effective to develop as all required infrastructure is present.



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

AREA I - FUTURE LAND USE

CITY OF HASTINGS
ADAMS COUNTY, NEBRASKA

 Commercial/Retail	 Mixed-Use Neighborhood	 Urban Industrial Overlay	 Employment/Industrial
 Mixed-Use Downtown	 Public/Semi-Public	 Urban Residential	

DATA SOURCES:
BASE DATA PROVIDED BY ADAMS COUNTY.
AERIAL IMAGERY PROVIDED BY ESRI.

0 100 200 400 Feet

- Central Buisness Avenue

Central Business Avenue

Central Business District

Central business district

Commercial Business

Commercial Business District

Commercial Office District

Commercial Office Non-Retail District

Commercial Planned business district

Commercial business district
- Commercial office non-retail district

Heavy industrial district

Light Industrial

Light industrial district

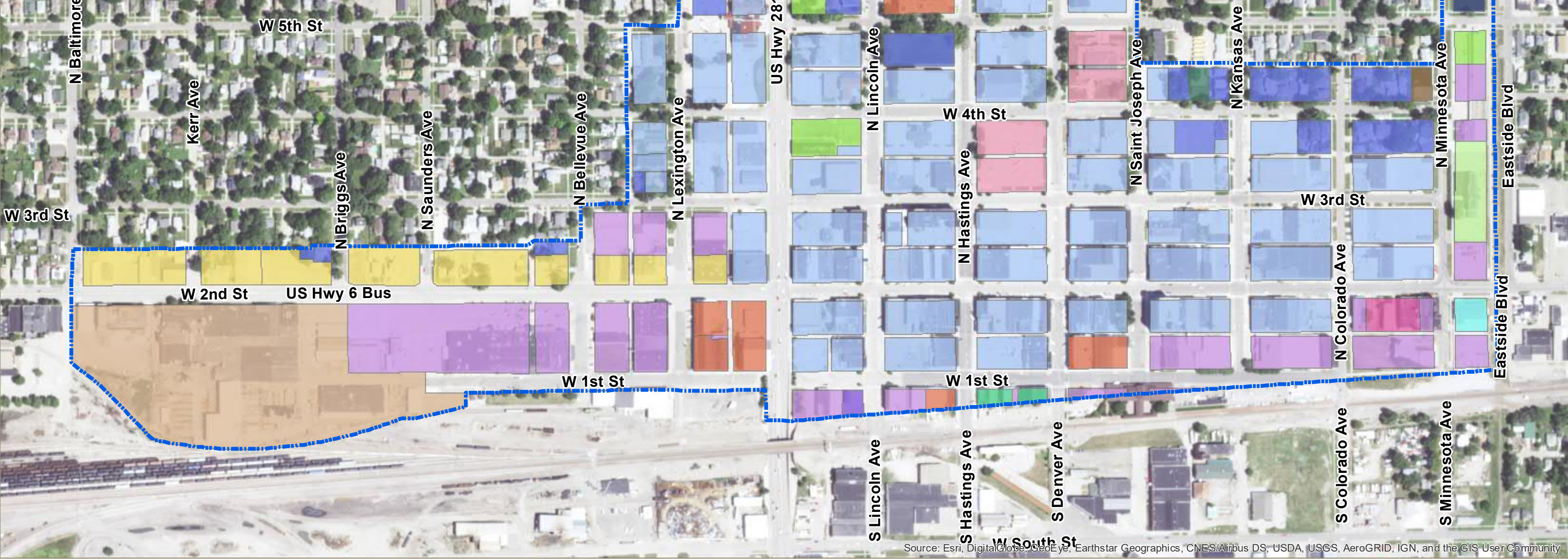
Local Business District

Local business district

Multiple Family Residential

Multiple family residential district

Urban single family residential district



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

AREA I - ZONING MAP

CITY OF HASTINGS
ADAMS COUNTY, NEBRASKA

DATA SOURCES:
BASE DATA PROVIDED BY ADAMS COUNTY.
AERIAL IMAGERY PROVIDED BY ESRI.



Future Zoning Districts

A future zoning plan for Redevelopment Area is reflected in the existing zoning map contained in the Blight and Substandard Study. The map illustrates the future zoning classifications are in conformance with the City's Comprehensive Plan and current zoning classifications. However, as stated above, expansion of the industrial and commercial uses within the area is recommended, including the expansion of current industrial uses into other non-residential districts within the Redevelopment Area.

Recommended Public Improvements

Streets: Although sufficient infrastructure generally exists in the Redevelopment Area the installation and upgrading of streets and sidewalks is ongoing by the City through its various programs. The Blight and Substandard Study identified deteriorating, dilapidated and rural section curb and gutter, as well as sidewalks, as a major contributing substandard condition. An upgrade of these improvements is a primary and first step in the redevelopment of the Area. Gravel streets, which are to remain public streets, in the area should be improved to City standards.

Storm Water: Although sufficient infrastructure generally exists in the Redevelopment Area the installation and upgrading of storm sewer lines and facilities is ongoing by the City through its various programs.

Potable Water and Gas: Although sufficient infrastructure generally exists in the Redevelopment Area the installation and upgrading of water and gas lines is ongoing.

Sanitary Sewer: Although sufficient infrastructure generally exists in the Redevelopment Area the installation and upgrading of sanitary sewer lines and facilities is ongoing by the City through its various programs.

Electrical Power: Although sufficient infrastructure generally exists in the Redevelopment Area the installation and upgrading of electrical power lines and facilities is ongoing by the City through its various programs.

Residential District

Primary redevelopment focus should concentrate on housing rehabilitation and overall site condition improvements. Additionally, the City or CRA may improve certain lots by demolishing deteriorated structures on those lots. The City or CRA will market the acquired and improved lots to allow for the private construction of the replacement residential units. The lots selected to be acquired as part of an initial project, and each future project, need not be contiguous, but shall be selected on availability, funding and likelihood of successful development. The CRA may also develop a residential revolving fund to provide funding to owners to upgrade their property. Initial and on-going funding is discussed below.

Commercial District

Overall upgrade of site conditions and structures are a primary focus. Expansion of such uses as well as a combination of properties is necessary for the redevelopment of the Area. Various public financing tools, as described in this Redevelopment Plan, may be made available for such commercial and industrial redevelopment. Public streets, where appropriate, may be vacated to encourage contiguous commercial or industrial redevelopment. Traffic patterns for commercial/industrial truck traffic should be studied to minimize the effect on the adjacent residential area.

Financing

Redevelopment Bonds

The Plan proposes the CRA issue a series of redevelopment bonds (the "Bonds") to be repaid from several sources as set out in each particular issuance. These sources include all or a portion of the excess *ad valorem* real estate taxes generated by a series of redevelopment projects pursuant to §18-2147 of the Nebraska Revised Statutes ("Tax Increment Financing" or "TIF") for a period of 15 years from the respective project effective dates, special assessments, *ad valorem* real estate taxes from the special redevelopment levy, grants and other income from the Redevelopment Area. The proceeds of the Bonds to assist in payment of project costs, as further defined in a subsequent redevelopment contract or contracts. The costs of adequate redevelopment of the Area is too great to be absorbed by either the Developer or public without the assistance of Tax Increment Financing, as further described in the cost benefit analysis to be provided with each project.

The Bonds issued for the commercial/industrial redevelopment would generally be purchased by the developer using such funds granted to it by the CRA. In addition to necessary public improvements, the Bond proceeds would be used to provide funding for allowable expenses incurred by the Developer.

Each of these subsequent redevelopment project plans may contain a provision for the division of *ad valorem* taxes for each respective project, thereby allowing the excess *ad valorem* taxes that are collected from each project to be available and pledged to the outstanding Bonds for the full statutory period. The effective date of each pledge, as described above, shall be the date determined either by contract or by modification of the outstanding Bond terms.

Any use of this financing source, including TIF, will require a project specific Redevelopment

Loan/Grant Programs

The CRA and the City of Hastings should seek funding sources to create a revolving loan and/or grant program for the rehabilitation and improvement of buildings and public uses in Redevelopment Area. The rehabilitation of residential, commercial and industrial buildings would prolong the life of the structures, create safe and decent living and shopping environments and enhance the pride of the community. As discussed above, funding may be available through the CRA levy or from the excess *ad valorem* taxes from each project as it develops.

Façade Improvement Program

This citywide program used in blighted and substandard areas is appropriate for this Area. The program provides funding assistance to commercial properties to rehabilitate building frontages.

The purpose of the Façade Grant Program is to restore, improve or create historic architectural features to facades of commercial buildings anywhere within the downtown Central Business District. Applicants may be awarded up to \$7,500 for facades, storefronts and awnings or up to \$1,000 for signage with a matching dollar for dollar expenditure by the owner/tenant.

SUMMARY

The recommendations listed above are to grant authority to the City of Hastings and the CRA in creating a viable and sustainable living environment in Hastings, through the full use of the Community Development Law.

RESOLUTION 2017-44

WHEREAS, the City Council of the City of Hastings, Nebraska desires to further stimulate redevelopment of the downtown area, known as Redevelopment Area I, by use of tax increment financing as described and set forth in Neb. Rev. Stat. §§18-2101 et seq. (Reissue 2012) and any amendments thereto; and

WHEREAS, the designation of a certain area as substandard or blighted is a prerequisite to the use of such financing and

WHEREAS, the Mayor and City Council previously declared Redevelopment Area I as substandard and blighted by the adoption of Resolution 1069 which was passed and approved on March 23, 1987; and

WHEREAS, a Blight Study has been subsequently done after the passage of the foregoing Resolution, and has been reviewed by the Community Redevelopment Authority of the City of Hastings and the Hastings City Planning Commission, both of whom have recommended approval of said study; and

WHEREAS, a public hearing has been held before the Mayor and City Council on November 13, 2017, regarding said Blight Study; and

WHEREAS, the Mayor and City Council find and determine that the area described in Redevelopment Area I is substandard and/or blighted as defined in Neb. Rev. Stat. §18-2103 (10) and (11);

NOW THEREFORE, in consideration of the foregoing recitals, the Mayor and City Council of the City of Hastings, Nebraska, hereby adopt the following Resolution:

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF HASTINGS, NEBRASKA, that:

The Hastings downtown area, known as Redevelopment Area I, which specifically includes the lots, lands and tracts described in Exhibit "A" attached hereto, be and is hereby declared to be a substandard and blighted area in need of redevelopment pursuant to the Nebraska Community Development Law.

PASSED AND APPROVED this _____ day of _____, 2017.

Mayor

ATTEST:

City Clerk

(S E A L)

Approved as to form: _____
City Attorney

Exhibit "A"

Redevelopment Area #1 consists of: The Point of beginning is located at the intersection of the centerlines of 7th Street and North St. Joseph Avenue; thence, southerly along the centerline of North St. Joseph Avenue to the intersection with the centerline of the alley between 5th Street and 4th Street; thence, easterly along said centerline to the intersection with the centerline of North Minnesota Avenue; thence, northerly along said centerline to the extended north property line of a lot referred to as Lots 1 and 2 & adjacent 6th Street Block 8, Johnson's Addition; thence, easterly along said property line to the centerline of Eastside Blvd; thence, southerly along said centerline to the intersection with the northern right-of-way of the Burlington Northern Santa Fe Railroad; thence southwesterly along said northern property line until it intersects with the western right-of-way line of North Burlington Avenue; thence northerly along said right-of-way line until it intersects with the southern right-of-way line of West 1st Street; thence, westerly along said line to intersection with the northeast corner of a lot referred to as Tax Lot 4; thence; southerly along the east property line of Tax Lot 4 to the southeast corner of Tax Lot 4; thence southwesterly along the southern property line of Tax Lot 4 until said property line intersects with a sidetrack; thence, continuing on said sidetrack until intersecting with the east property line of a lot referred to as Tax Lot 11; thence, northerly along said property line and continuing to the centerline of North Baltimore Avenue to the intersection with the north property line of the southern half of the block situated between West 2nd Street and West 3rd Street; thence, easterly along said northern property lines extended northwest corner of Lot 2, Sidlo's Subdivision; thence, continuing along the northern property line of said lot to the intersection with the centerline of North Briggs Avenue; thence southerly along said property line to the extended centerline of an alley contained within McIntyre's Addition; thence easterly along said alley centerline and continuing along the alley centerline between GT Hutchinson's Addition, Binderup's 2nd Addition and Benjamin's Addition to the intersection with the alley centerline west of N Bellevue Avenue; thence; northerly to the intersection with the extended south property line of Lot 1, Block 18 of Moore's Addition; thence, easterly along said south property line to the intersection with the centerline of N. Bellevue Avenue; thence northerly along said centerline to the intersection with the centerline of W. 3rd Street; thence, easterly along said centerline to the intersection with the extended centerline of the alley between N. Bellevue Avenue and N. Lexington Avenue, thence; northerly along said centerline and extending along alley centerlines to the intersection with the centerline of W. 5th Street; thence, easterly along said centerline to the intersection with the centerline of N. Lexington Avenue; thence, northerly along said centerline to the intersection with the centerline of W. 6th Street; thence, westerly along said centerline to the extended centerline of an alley located between N. Lexington Avenue and N. Bellevue Avenue; thence, northerly along said centerline to the intersection of W. 7th Street; thence, easterly to the point of beginning.

Department: Development Services
Staff Contact: Donald Threewitt
Planning Commission Meeting Date: 10/16/2017
File No: 2017-033
Prepared By: Donald Threewitt, Development Services Director

AGENDA ITEM SUMMARY SHEET

Description of Item:

Public hearing at the request of applicant Joan Shaw for Resolution No. 2017-043, a Conditional Use Permit for a Bed and Breakfast use at 827 North Lincoln Avenue, more particularly described as the East 156 feet and South 82 feet of Block 6, Alexander's First Addition to the City of Hastings, Adams County, Nebraska.

Names of People/Business affected by this action:

The applicant, the neighbors, the people of Hastings and the City.

Why Planning Commission action is required:

The Planning Commission shall hold a public hearing to review the required submission documents of each application for a conditional use to assure that the proposed development will integrate compatibility with existing land uses and with permitted uses that may be established within any area to be affected by the proposed development.

Type of action requested:

Resolution

Suggested motion:

Motion to approve a Conditional Use Permit for a Bed and Breakfast use at 827 North Lincoln Ave subject to the following conditions: 1. The bed and breakfast shall be operated and maintained in a manner that preserves the character and integrity of the neighborhood; 2. The bed and breakfast shall be occupied by the owner as his or her principal residence; 3. The home shall not be used by the public or paying guests for the hosting of receptions, private parties, or the like; 4. Any meals provided and any amenities connected with the guest rooms shall be solely for the use of the owner, the owner's immediate family and the owner's registered guests; 5. There shall be no separate kitchen facilities for guests; 6. A person who does not reside at the home shall not be employed to assist in the conduct of the bed and breakfast except for such assistance as a maid, housekeeper, etc.; 7. The bed and breakfast shall comply with all other provisions of the zoning district in which it is located; 8. Only two (2) rooms within the dwelling unit, as designated on the plans provided to the City, shall be used for guest rooms; 9. No more than three (3) guests shall be allowed per room; 10. Smoke detectors and carbon monoxide detectors shall be located as required by the building code in effect at the time of adoption of this resolution; 11. A fire escape plan shall

be developed and displayed for and in each guest room; 12. Four (4) off-street parking spaces shall be provided on site. A cross-access agreement shall be completed with the abutting property owners to the north, and filed with the Register of Deeds of Adams County; 13. The owner shall keep a register in which the names and addresses of every person to whom a room is let, the date on which the room was let, the correct designation of the room let, and the number of occupants assigned to the room. No page shall be disposed of until two years after the date of the most recent entry recorded on it in the register. The register shall be available for inspection by the Development Services Department upon request; 14. One (1) non-illuminated wall mounted sign not to exceed 6 square feet in area shall be allowed; 15. The Owner shall contact the Development Services Department annually to confirm continued use of the property as a Bed and Breakfast.

Deadlines associated with action:

This item is scheduled to be heard at the next regular meeting of the City Council on November 13, 2017.

Department head comments:

The subject property is zoned "R-1 Single-family Residential," and the future land use plan calls for Urban Residential in the area.

The Commission shall require the applicant to produce satisfactory evidence of compliance with both the general and applicable specific standards set forth for this conditional use. The Commission may recommend and the Council may impose any conditions they deem reasonable and necessary to protect the health, safety and welfare, and to meet the planning goals set forth in the City's Comprehensive Plan.

In order to permit the use, the applicant shall show that the general impacts for a conditional use, and the specific impacts for a Bed and Breakfast use are adequately mitigated.

Generally a use may not exceed the impacts anticipated in the base zone district regarding:

A. Pedestrian and vehicular traffic circulation and safety. The site provides for four (4) total off-street parking spaces, which satisfies the minimum requirement for a two-room bed and breakfast. There are an additional three (3) on-street spaces adjacent to the property frontage, but parking on Lincoln Ave. is restricted to the west side of the street. The sidewalk is a chevron-patterned brick, which shows signs of heaving and may be a concern for pedestrian circulation over time. Ultimately, the site adequately addresses concerns related to traffic and pedestrian circulation.

B. Reasonable and economic extension of public utilities and facilities. The site is fully developed with no new utility extensions planned or contemplated. The service to the property is adequate for the additional proposed activity.

C. Noise, fumes, dust or other environmental pollution. No pollutants, noise, or other

environmental impacts are expected or generally associated with the proposed use.

D. The maintenance of logical and efficient development patterns and land use mixtures. This is a mixed-use residential area with Single-family, Multi-family and some home occupation uses. An additional compatible use would not negatively impact the character of the neighborhood.

E. The maintenance of property values in accordance with established and permitted land uses. The proposed use is not anticipated to affect property values--positively or negatively, in the vicinity.

Staff has reviewed the application and it generally complies with the specific conditions listed for a Bed and Breakfast under Hastings City Code 34-404(14). The specific criteria listed in Section 34-404(14) are recommended as conditions to the permit, which may be inspected during annual re-validation.

In April 2017, the City Council approved Resolution No. 2017-12, a Conditional Use Permit for a Bed and Breakfast use for the same applicant at 751 North Lincoln Avenue. The permits are attached to the property, not the owner or applicant. However, the property owners at 751 N. Lincoln are willing to request the former permit be rescinded if necessary.

Recommendation:

Staff supports a recommendation to approve Resolution 2017-043 for a Bed and Breakfast use at 827 N. Lincoln Avenue, subject to the conditions outlined above.

DATE 09/26/17

FILE NO.

**PROJECT APPLICATION**

City of Hastings - Development Services
220 N. Hastings Avenue, Hastings, NE 68901
Phone: (402) 461-2302; Fax: (402) 461-2304
www.cityofhastings.org

Please check the appropriate box below to indicate the type of application you are requesting. Contact Development Services for minimum requirements. Incomplete applications will not be processed. All applications must be completed by applicant prior to submission with all of the requested support materials by the last Monday of each month or they will be held until the next deadline to be processed.

- | | | | |
|--|---|--|--|
| ☐ Preliminary Plat | ☐ Final Plat | ☐ Short Plat | ☐ Administrative Plat |
| ☐ Code Amendment | ☐ Zoning Change | ☐ Vacation (Plat / ROW / Easements) | |
| ☒ Conditional Use Permit / Amendment | ☐ Planned District / Amendment | | |
| ☐ Comprehensive Plan / Amendment | ☐ Annexation Petition / Addition to the City | | |

PROJECT INFORMATION

Project Name: Bed and Breakfast

Project Address: 827 North Lincoln, Hastings NE Within City Limit ☒ Yes ☐ No

Existing Zoning: R-1 Proposed Zoning / Use: Bed and Breakfast

Existing Comprehensive Plan Designation: Urban Residential Gross Area: 12,792 sq ft

Legal Description: E 156' S 82' Block 6 Alexanders First Addition Number of Lots: 1

APPLICANT INFORMATION

Applicant: Jean Shaw Company: _____

Address: 12204 West Alexander Tel: 402-460-8815 Fax: _____

City: Roseland State: NE Zip: 68973 Email: jshaw@jse.com

Property Owner: Daniel & Rebecca Finkenbinder Company: _____

Address: 5423 Enchanted Mist Drive Tel: (402) 460-8564 Fax: _____

City: Humble State: TX Zip: 77346 Email: Dan.Finkenbinder@gmail.com

Key Contact: _____ Company: _____

Address: _____ Tel: _____ Fax: _____

City: _____ State: _____ Zip: _____ Email: _____

I hereby acknowledge that all information provided with this application is true to the best of my knowledge.

Daniel A Finkenbinder 9/26/17
Property Owner Signature Date

Jean Shaw 9/26/17
Applicant Signature Date

DEPARTMENTAL USE ONLY

Fees: \$300.00 Receipt No. _____

Accepted by Staff: Mark W. Case No. _____
Signature

PAID

DATE 09/26/17

FILE NO.

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City of Hastings – Development Services
220 N. Hastings Avenue, Hastings, NE 68901
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APPLICANT INFORMATION

Applicant: Joan Shaw Company: _____

Address: 12204 West Alexander Tel: 402-460-8815 Fax: _____

City: Roseland State: NE Zip: 68973 Email: jshaw58@gmail.com

Property Owner: Daniel & Rebecca Finkenbinder Company: _____

Address: _____ Tel: _____ Fax: _____

City: _____ State: _____ Zip: _____ Email: _____

Key Contact: _____ Company: _____

Address: _____ Tel: _____ Fax: _____

City: _____ State: _____ Zip: _____ Email: _____

I hereby acknowledge that all information provided with this application is true to the best of my knowledge.

Property Owner Signature

Date

Applicant Signature

Date

DEPARTMENTAL USE ONLYFees: \$300.00

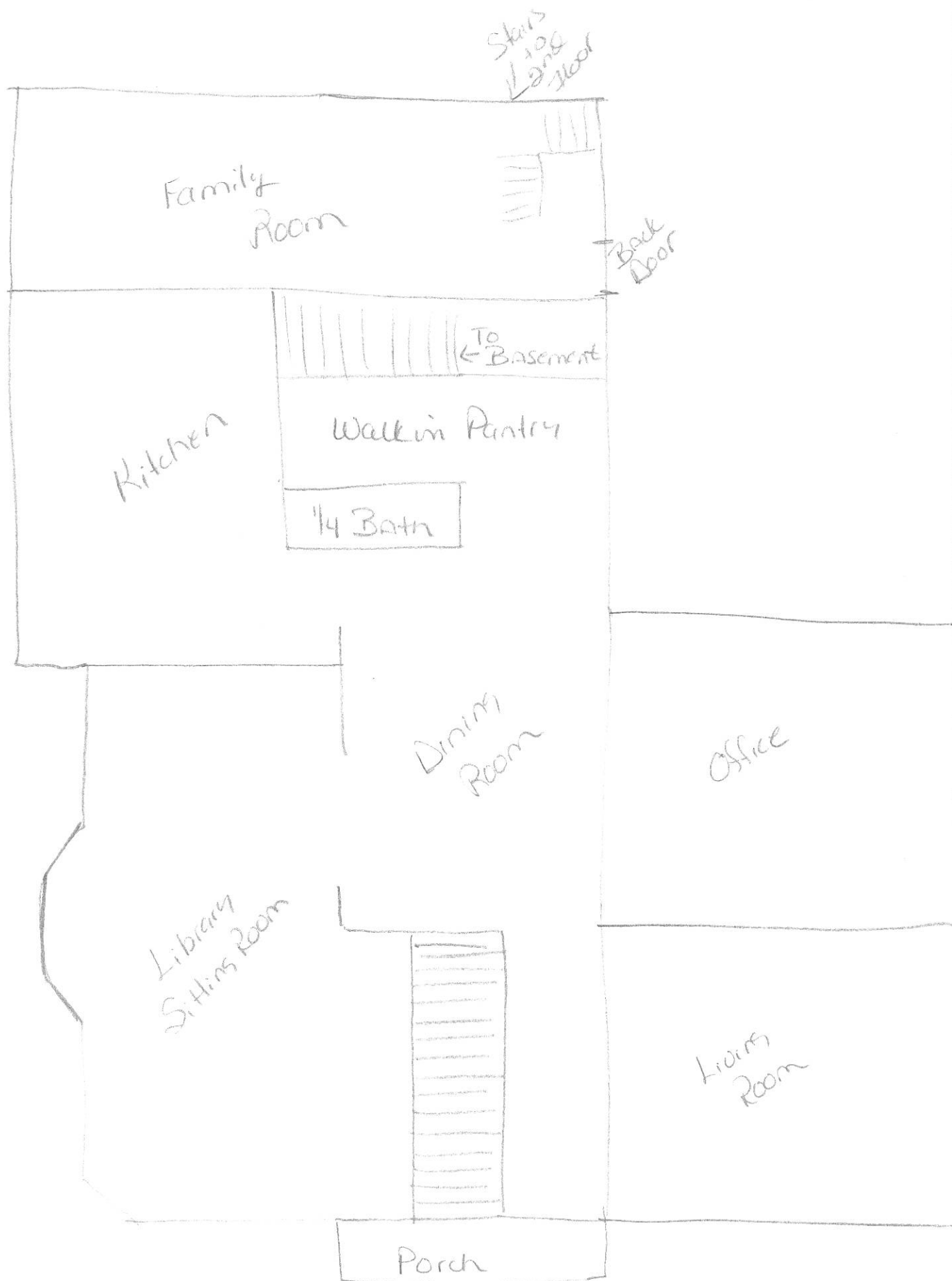
Receipt No. _____

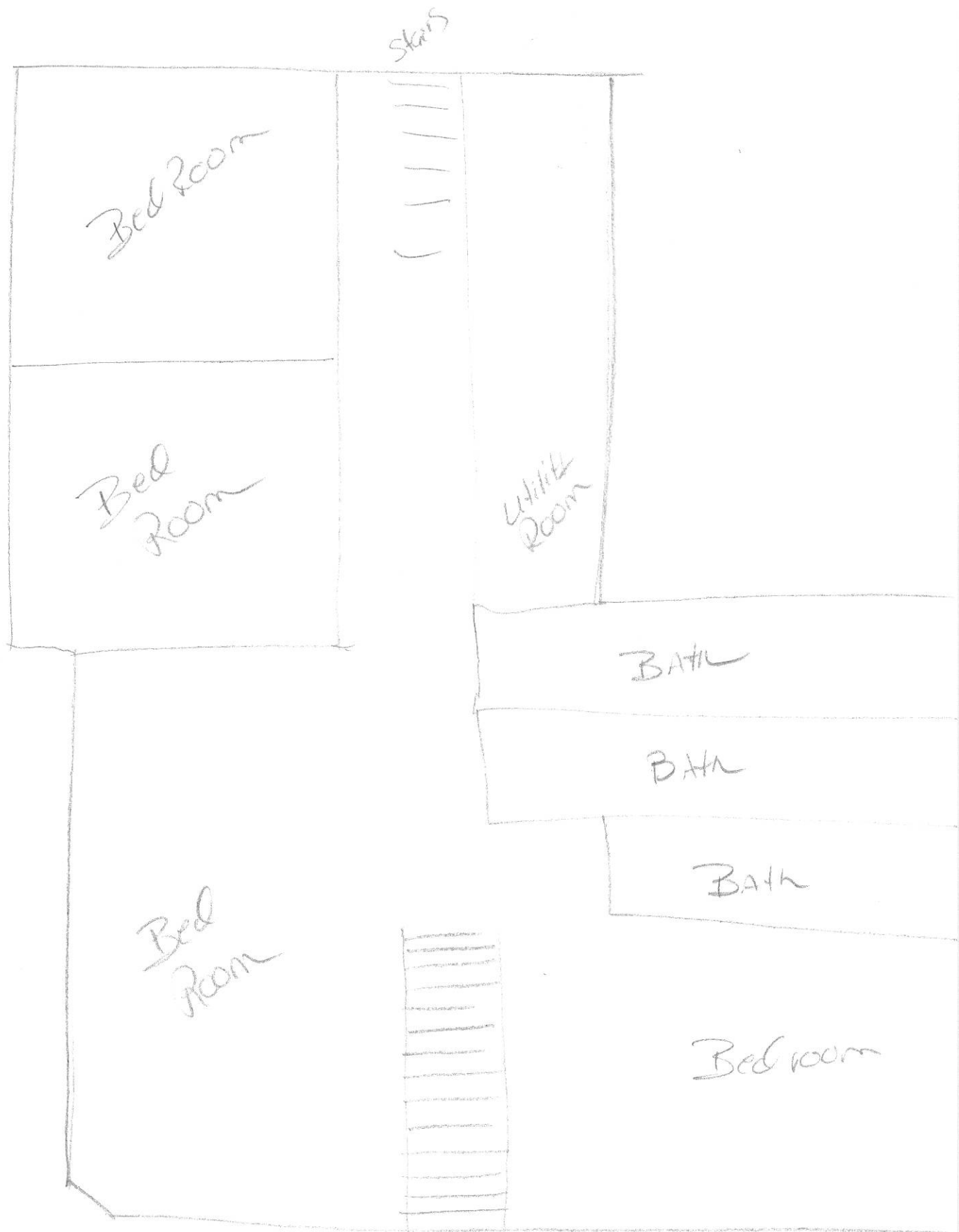
Accepted by Staff: Mark W.

Signature

Case No. _____

PAID





I am proposing to establish a Bed and Breakfast at 827 North Lincoln in Hastings, Ne. This is a lovely Victorian home perfectly suited for a B&B. It is located in a historic part of Hastings known as the fisher fountain tour. There would be two bedrooms, each with their own bath. Also available, a sitting room with TV, a coffee bar and a game room with exercise equipment. I think this would be a great compliment to Hastings.

Joan Shaw

I have visited with the property owner to the north and I have their approval to put a B+B in the property.

THIS IS A LEGALLY BINDING AGREEMENT. IF NOT UNDERSTOOD, SEEK LEGAL ADVICE.
The REALTOR® negotiating this Agreement is a member of the Nebraska REALTORS® Association
and as such is governed by its Code of Ethics and Rules and Regulations.



RESIDENTIAL
PURCHASE AGREEMENT

Real Estate Group of Hastings 2215 W 12th Street, Hastings, NE 68901 September 26, 2017
(Firm and address) (date)

Agency Confirmation: The following agency relationship(s) are hereby confirmed for this transaction.

Agent (and license number): Jeanne Rewerts 20030216
of Real Estate Group of Hastings (company)
(license number of designated broker) (402) 984-9217 (agent's cell)

Is the agent of: ☐ Seller exclusively ☒ Buyer exclusively ☐ both the Buyer and Seller (Limited Dual Agent)

Agent (and license number): Darla Bruna
of Home Real Estate (company)
(license number of designated broker) (agent's cell)

Is the agent of: ☒ Seller exclusively ☐ Buyer exclusively ☐ both the Buyer and Seller (Limited Dual Agent)

The undersigned, as Buyer, agrees to purchase the following property on the following terms:

1. Address: 827 N Lincoln Ave, Hastings, NE 68901
2. Legal Description: E 156' of the S 82', block 6 Alexanders first addition, Adams Co. NE

3. Personal Property. The purchase price includes all fixtures permanently attached to the real estate. The personal property to be included is as follows: refrigerator, dishwasher, garbage disposal, oven/range, microwave oven, ceiling fans, garage door opener and remotes, hot tub

4. Price and Financial Terms. Buyer agrees to pay \$ 190,000.00, on the following terms: an earnest money deposit of \$ 500.00 to be applied to the purchase price is paid herewith as shown by the receipt herein. If paid by check, it will be cashed upon acceptance. The earnest money will be transferred to: ☐ escrow agent or ☒ listing broker. Balance to be paid per the following paragraph(s): B

☐ A. Cash at Closing - No Financing Being Required: Balance of \$ shall be paid in cash, or by certified or cashier's check at time of closing. Buyer to provide Seller a letter from a government regulated depository showing evidence of said funds within 7 calendar days of acceptance of this offer or this offer shall be null and void with the earnest money forfeited to the Seller.

☒ B. Contingent Upon Loan: Balance of \$ 189,500.00 shall be paid in cash, or by certified or cashier's check at time of closing, contingent upon Buyer's ability to obtain a loan, to be secured by deed of trust, on above described Property in the amount of \$ TBD. The loan shall be ☐ VA, ☐ FHA, ☒ CONVENTIONAL, ☐ P.M.I., ☐ N.I.F.A., ☐ RURAL DEVELOPMENT OR with terms providing for an initial interest rate not to exceed 6.000 % per annum, plus mortgage insurance, if required, with a term of no less than 30 years. Buyer agrees to make application for the loan within 7 calendar days of acceptance of this offer, sign all papers, pay all costs, except as provided herein, and to establish escrow reserves for taxes and insurance if required by Lender. Buyer agrees to pay all loan fees, closing costs and prepaid items required by Lender (subject to paragraph 4C). If the original loan application is denied, the Buyer authorizes and shall instruct the Lender to immediately notify in writing all real estate licensees involved in the transaction. Upon written notice of denial by the lender, this Purchase Agreement shall be void and the earnest money will be refunded to Buyer (subject to paragraph 25) unless Seller and Buyer mutually agree in writing within five (5) calendar days from receipt of notification of loan denial that an additional loan application will be made or that additional loan information will be submitted to the original Lender. Seller shall have

Seller: [Signature] Buyer: [Signature]
Date: 9/26/17 Date: 09-26-17

the right to cancel this after 60 calendar days from the acceptance of this Agreement, unless they have received either a non-contingent loan commitment or a loan commitment with all contingencies satisfied. In the event of Seller's cancellation, the earnest money (subject to paragraph 25) shall be returned to the Buyer.

☐ C. **Seller Contribution:** At closing, Seller shall pay or reimburse Buyer for the payment of Buyer's loan fees, closing costs, inspection fees and/or prepaid items as allowed by lender up to \$ _____ or _____ % of purchase price.

☐ D. **Contingent Upon Closing:** This offer is Contingent upon Buyer first obtaining the proceeds from the closing of the Buyer's Property located at _____, scheduled to close on _____. If such closing does not occur on or before such date, this offer shall be null and void and the earnest money shall be returned to the Buyer (subject to paragraph 25).

☒ E. **Contingent Upon Sale and Closing:** This offer is contingent upon the sale and closing of Buyer's property located at 12204 W Alexander St. Roseland NE

(See attached _____ Addendum).

☐ F. **Assumption of Existing Loan, Seller Financing or Other Financing Terms.** (See attached _____ Addendum).

5. **Other Provisions.** _____

6. **Title.** Seller agrees to convey marketable title to Buyer by warranty deed or Equal free and clear of all liens, encumbrances, special assessments levied or assessed and subject to all easements and restrictions or covenants now of record. Buyer shall be furnished a current title insurance commitment before closing and a title insurance policy insuring good and marketable title.

Title policy shall be: ☒ ALTA basic owner's policy ☐ ALTA expanded coverage

The cost of the title insurance shall be paid as follows:

☒ Title Insurance policy paid by: (select one)	☐ Seller	☐ Buyer	☒ Divided equally
☒ Lenders Policy paid by: (select one)	☐ Seller	☐ Buyer	☒ Divided equally
☒ Endorsements paid by: (select one)	☐ Seller	☐ Buyer	☒ Divided equally

Buyer selects Prairie Title as the title insurance company.

Buyer agrees that should a valid title defect exist, Seller has a reasonable time to correct said defect, not to exceed 30 calendar days from the date of the title commitment. If the title defects are not cured within such time frame, the Buyer may declare this Agreement null and void, and be entitled to full return of the earnest money (subject to paragraph 25). Seller agrees to pay any assessments for items such as paving, curbing, sidewalk or utilities previously constructed, now under construction, or ordered to be constructed by public authority not yet assessed. The documentary stamp tax shall be paid by the Seller.

7. **SID Disclosure.** ☐ If checked, the property is located in a Sanitary Improvement District. Buyer understands: i) sanitary and improvement districts are located outside the corporate limits of any municipality; ii) residents of sanitary and improvement districts are not eligible to vote in municipal elections; and, iii) owners of property located within sanitary and improvement districts have limited access to services provided by nearby municipalities until and unless the property is annexed by the municipality. Further disclosures are attached. [] [] (Buyers initial if checked)

8. **Condominium Disclosure.** ☐ If checked, the property is a condominium unit. Buyer acknowledges receipt of the public offering statement or the declaration, the bylaws, the rules or regulations of the association and information required by 76-884 NRS unless such transfer is exempt under 76-878 NRS.

9. **Lead-Based Paint Disclosure.** ☒ If checked, the house upon the property was built prior to 1978. Attached hereto is a statement, disclosure and acknowledgement regarding lead based paint which is incorporated herein by this reference.

10. **Seller Property Condition Disclosure.** Buyer acknowledges receipt of the Seller Property Condition Disclosure Statement dated August 31, 2017.

11. **Condition of Property.** This Agreement is based upon Buyer's personal inspection or investigation of Property and not upon any representation or warranties of condition by Seller or any Agent involved in this transaction. If finished square footage, location of property lines, age, school district, lot size, condition of improvements or any other factor is important to Buyer's decision to purchase, Buyer acknowledges he has been advised to make independent investigation. Buyer agrees to accept Property in its present condition, except as provided in this Agreement.

12. **Inspections.** (check one)

☐ **Buyer Waives All Inspections:** Buyer accepts the property "AS IS". However, Buyer does not waive, release or relinquish any right or claim Buyer may have by reason of any misrepresentation or fraudulent concealment by Seller.

OR

☒ **Contingent Upon Inspection:** This offer is Contingent upon Buyer obtaining proof of insurability and any inspections of the real estate and personal property to be sold. All inspections are at Buyer's expense unless contrary to Paragraph 4C. All requested inspections must be completed by the inspection deadline. Buyer shall have ten (10) calendar days from date of acceptance to complete inspections (inspection deadline). Buyer shall have three (3) calendar days after the inspection deadline, to give written notice to the Seller of any unsatisfactory conditions of the property (notice deadline). Buyer and Seller shall have five (5) calendar days from the notice deadline to resolve any unsatisfactory condition(s) in writing (resolution deadline). If the Buyer fails to give notice by the notice deadline then the Buyer agrees to accept the property "AS IS". However, Buyer does not waive, release or relinquish any right or claim Buyer may have by reason of any misrepresentation or fraudulent concealment by Seller. If Buyer gives notice of unsatisfactory conditions by the notice deadline and Buyer and Seller fail to resolve the unsatisfactory conditions in writing by the resolution deadline then this agreement is null and void.

Inspections may include, but are not limited to, the following: Home, Radon, Well & Septic, Survey, Roof, HVAC, Electrical, Plumbing, Structural, Mold, Flood Plain, Insurability/CLUE, Sex Offender Registry

☒ If checked, Buyer requests a termite and wood destroying insect inspection of the property and all buildings thereon at Buyer's expense. Cost of said inspection to be paid by Seller in the event of a VA Loan. Should evidence of termites or wood destroying insects be found, the property shall be treated at Seller's expense by a commercially licensed applicator who has met the certification requirement of the Nebraska Pesticide Act for treatment of termites and wood destroying insects. If visible evidence of previously treated infestation, which is now inactive, is found, treatment shall not be required. Should damage from such insects be found, the damage shall be corrected at Seller's expense. However, if the cost required for repairs exceeds 1% of the purchase price, either Seller or Buyer may rescind this agreement.

13. **Utilities.** Seller agrees to have the following utilities turned on, if not currently on, for inspections and/or appraisal.

☒ Electric

☒ Gas

☒ Water

☐ Other _____

14. **Access to Property.** Seller shall provide reasonable access to Buyer, Buyer's inspectors or agents to timely fulfill this Agreement and to representatives of Buyer's lender to accommodate financing.

15. **Compliance with Law.** Seller shall comply with all federal, state and local laws applicable to the sale or transfer of the property, including but not limited to installing smoke detectors.

16. **Maintenance/Repairs/Replacements, Cost to Seller.** Seller agrees to maintain the property in its condition on the date hereof until initial delivery of possession which maintenance shall include, but not be limited to: the building, heating, air conditioning, water heater, sewer, plumbing, electrical system, underground sprinkler system, personal property, lawn care and snow removal.

17. **Final Walk Through.** Buyer shall have the right to make a final inspection of the property prior to closing to assure that all conditions of this Agreement have been met.

18. **Responsibility of Insurance and Risk of Loss.** Seller shall insure the property for fire, wind, hail, explosion, water or any other cause at no less than purchase price until closing. Risk of loss or damage to Property, prior to closing, shall be the responsibility of Seller. If prior to closing the structure on the Property is materially damaged, Seller shall immediately notify the Buyer in writing of the damage. Buyer, at Buyer's choice, may: 1) Rescind this Agreement OR 2) Take the property subject to the damage with the Seller paying to the Buyer the insurance proceeds and deductible for the restoration of the property or at a price discounted by the cost of restoration of the premises.

Page 3 of 7

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Seller: DK / RJ Buyer: JS
Date: 9/26/17 Date: 09-26-17

Produced with: zipForm® by zipLogix 18070 Fifteen Mile Road, Fraser, Michigan 48026 www.zipLogix.com

J Shaw

19. Home Warranty Acknowledgement: Buyer has been advised of the availability of a Home Warranty, and selects the following:

☐ Home warranty accepted and paid by _____
Plan Selected _____; Cost is \$ _____

☒ Home warranty coverage declined by Buyer.

New Construction: New construction shall have the warranties implied by law, specifically made by suppliers of materials/appliances, or specifically tendered by the contractor. The BROKER and its AGENTS make no warranties as to the quality of construction or materials.

20. **Real Estate Taxes and Prorations.** Seller shall pay all taxes for the years prior to the year of closing. Taxes for the year of closing together with interest, rents and homeowners' association dues, prepaid utilities and heating fuel, if any, shall be prorated to the date of closing. Taxes shall be prorated based upon the county assessor's valuation at the date of closing and the most recently certified mill levy.

21. **Closing and Possession.** The closing of the sale shall be on the 30th day of October 2017. Possession of Property shall be given upon closing. This Agreement shall in no manner be construed to convey the Property or to give any right of possession.

22. **Escrow Closing.** Buyer and Seller agree that the closing of the sale may be handled by an escrow agent. If so, any broker holding the earnest money or other trust funds is authorized to transfer such items to the escrow agent. All documents and other items received by any broker in connection with the sale shall also be transferred to the escrow agent. After the transfer, a broker shall have no further responsibility or liability to Buyer or Seller to account for funds or preparation of documents in connection with the closing of the sale. Escrow agent will not be required to disburse funds, deliver or record any documents until it has received sufficient certified funds or equivalent and all terms of this Agreement have been satisfied.

Escrow closing charges shall be equally divided between Buyer and Seller. If Buyer's loan is a government-regulated loan, which prohibits Buyer from paying such fees, they shall be paid by Seller.

23. **Compensation.** Buyer agrees to pay selling broker compensation of \$ NA at closing. The compensation will be collected in all cases except (a) if Buyer secures a loan to purchase the Property that does not allow Buyer to pay such compensation or (b) buyer has previously agreed to pay selling broker fixed compensation pursuant an agreement entered into with selling broker. If this compensation is paid by Buyer to selling broker, Seller and Buyer agree that selling broker, which may be the same as the listing broker, may collect compensation from both Seller and Buyer.

24. **Counterparts, E-Mail, and Fax Transmission.** This Agreement may be executed in one or more counterparts, each of which is deemed to be an original hereof, and all of which shall together constitute one and the same instrument. The facsimile or e-mail transmission of a signed copy hereof or any counter offer to the other party or their agent with confirmation of transmission shall constitute delivery. The parties agree to confirm delivery by mail or personal delivery of a signed copy to the other party or their agent.

25. **Default, Rescission, Failure of Contingency or Termination.** If Buyer defaults on the performance of this Agreement, Seller may, at Seller's option, retain the earnest money as liquidated damages for such failure, or utilize such other legal remedies as are available to Seller by reason of such failure. If this Agreement is void by failure of contingency or is rescinded or terminated by either party without fault as allowed hereby, each party shall bear their costs and the earnest money shall be refunded to the Buyer.

26. **Do Not Call Provision.** Seller and Buyer authorize telephone, facsimile and other electronic means of contact by individuals on behalf of the Seller's broker and Buyer's broker, if different, as well as other service providers in the transaction.

27. **Addenda.** The attached addenda shall be made a part of the Purchase Agreement. (List Addenda) Contingency
Clauses

(Seller _____ / Buyer JS 10-26-17)

28. **Acceptance Date.** This offer shall expire on September 28, 2017 (date) at 5 o'clock pm, (hour in the time zone of the office of the Seller's agent) and be automatically null and void unless prior to the time of expiration, Seller's written acceptance is delivered to the Buyer's limited agent or their Broker's office or the Buyer.

29. Mediation and Arbitration. ☐ [If checked]

- (a) **Disputes.** The term "Dispute" shall include, without limitation, any controversy, complaint, dispute, claim or disagreement relating to or arising out of the brokerage relationship or the construction, interpretation, enforcement, or breach of the terms of this Agreement.
- (b) **Mediation.** In the event of any Dispute, any party to the Dispute may seek non-binding mediation in an attempt to resolve the Dispute by giving 15 days written notice of a request for such mediation to all other parties to the Dispute. The request for mediation must be made within 360 days after the party making the request knew, or exercising reasonable diligence and care, should have known, of the Dispute. In no case shall such request be made after the statute of limitations on a civil suit based on the Dispute would have run. Such mediation shall be held in Nebraska. Such mediation may be administered by the American Arbitration Association and shall be conducted according to the American Arbitration Association's Commercial Rules-Real Estate Industry Arbitration Rules (Including a Mediation Alternative) or such other mediation service versed in real estate practices of the locality.
- (c) **Arbitration.** Any Dispute that is not resolved by informal settlement or mediation shall be resolved exclusively by binding arbitration. Such arbitration shall be held in Nebraska. Such arbitration shall be administered by the American Arbitration Association and shall be conducted according to the American Arbitration Association's Commercial Rules-Real Estate Industry Arbitration Rules (Including a Mediation Alternative). The arbitrator(s) shall apply Nebraska substantive and procedural law to the arbitration proceeding. Arbitration shall be commenced by written demand made by any one or more of the parties to the Dispute given to all other parties to the Dispute. The demand for arbitration must be in writing and must be given by personal delivery or certified mail, return receipt requested, within 360 days after the party making the demand knew, or exercising reasonable diligence and care, should have known, of the Dispute. Notwithstanding the previous sentence, in the case that the parties unsuccessfully attempt mediation to resolve a Dispute, the demand for arbitration shall be made within 60 days of the final mediation session. However, in no case shall such demand be made after the statute of limitations on a civil suit based on the Dispute would have run. The prevailing party shall be entitled to costs and fees of the arbitration and, in the discretion of the arbitrator who shall take into account the relative merits of the opponent's case, the arbitrator may award attorney's fees to the prevailing party.
- (d) **Provisional Remedies.** The filing of a judicial action to enable the reporting of a notice of pending action, for order of attachment, receivership, injunction, or other like provisional remedies, shall not constitute a waiver of mediation or arbitration under this provision, nor shall it constitute a breach of the duty to arbitrate.
- (e) **Exclusions.** The terms of paragraph 29 shall not apply to:
- (1) Any complaint of violation of the Code of Ethics of the National Association of REALTORS®;
 - (2) Foreclosure or other action or proceeding to enforce a deed of trust, mortgage or land contract; or
 - (3) The filing or enforcement of a construction or similar lien.
 - (4) An action filed and held in "Small Claims Court" as defined in Neb. Rev. Stat. 25-2801 to 25-2804, provided, however, any attempt to transfer a matter filed in small claims court to county court shall be subject to paragraph 30.
- (f) **Waiver.** BY SIGNING THIS PURCHASE AGREEMENT, THE PARTIES AGREE THAT EVERY DISPUTE DESCRIBED ABOVE THAT IS NOT RESOLVED BY INFORMAL SETTLEMENT OR MEDIATION WILL BE DECIDED EXCLUSIVELY BY ARBITRATION AND THAT ANY ARBITRATION DECISION WILL BE FINAL AND BINDING. THE PARTIES AGREE THAT THEY WILL RECEIVE ALL THE RIGHTS AND BENEFITS OF ARBITRATION, BUT ARE GIVING UP RIGHTS THEY MIGHT HAVE TO LITIGATE THOSE CLAIMS AND DISPUTES IN A COURT OR JURY TRIAL, OR TO PARTICIPATE AS A REPRESENTATIVE OR MEMBER OF ANY CLASS OF CLAIMANTS IN CONNECTION WITH ANY SUCH DISPUTES. NO PARTY TO THIS AGREEMENT SHALL BE ENTITLED TO JOIN OR CONSOLIDATE DISPUTES BY OR AGAINST OTHERS IN ANY ARBITRATION, OR TO INCLUDE IN ANY ARBITRATION ANY DISPUTE AS A REPRESENTATIVE OR MEMBER OF A CLASS, OR TO ACT IN ANY ARBITRATION IN THE INTEREST OF THE GENERAL PUBLIC OR IN ANY PRIVATE ATTORNEY GENERAL CAPACITY.

30. Entire Agreement. This document contains the entire Agreement of the parties and supersedes all prior Agreements or representations oral or written with respect to the Property which are not expressly set forth herein or incorporated herein by reference. This Agreement may be modified only in writing, signed and dated by both parties. All express representations and warranties shall survive closing. Both parties acknowledge that they have not relied on any statements of the real estate agent or broker which are not herein expressed. "Buyer" shall be one or more. "Seller" shall be one or more. Whenever required by context, singular shall include the plural, the plural the singular, and one gender shall include all genders. Time is of the essence in this Agreement.

This Counter Offer shall expire _____ (date), at _____ o'clock _____ (hour in the time zone of the office of the Seller's agent) and be automatically null and void unless, prior to the time of expiration, Buyer's written acceptance is delivered to the Seller's Limited Agent or their Broker's office or the Seller.

If this Counter Offer is accepted, the Purchase Agreement as amended by this Counter Offer shall become a contract between the parties.

Seller reserves the right to withdraw this Counter Offer prior to acceptance. Withdrawal shall be complete if verbal notification of withdrawal is made to the Buyer's Agent or Broker of the Buyer's Agent or Buyer before the delivery of Buyer's written acceptance.

Seller _____ Date _____ Seller _____ Date _____

☐ accept ☐ reject this Counter Offer _____ (date), at _____ o'clock _____

Buyer _____ Date _____ Buyer _____ Date _____

C: Rejection: The foregoing offer is rejected.

Seller _____ Date _____ Seller _____ Date _____

RECEIPTS FOR FULLY EXECUTED PURCHASE AGREEMENT

Buyer acknowledges receipt of executed copy of this Agreement.

(Buyer) _____ Date _____ (Buyer) _____ Date _____

Seller acknowledges receipt of executed copy of this Agreement.

X David A. Feltner 9/26/17 X Rebecca Hinkelman 9-26-17
(Seller) Date (Seller) Date

842

838

836

827

823

837

82

109.6

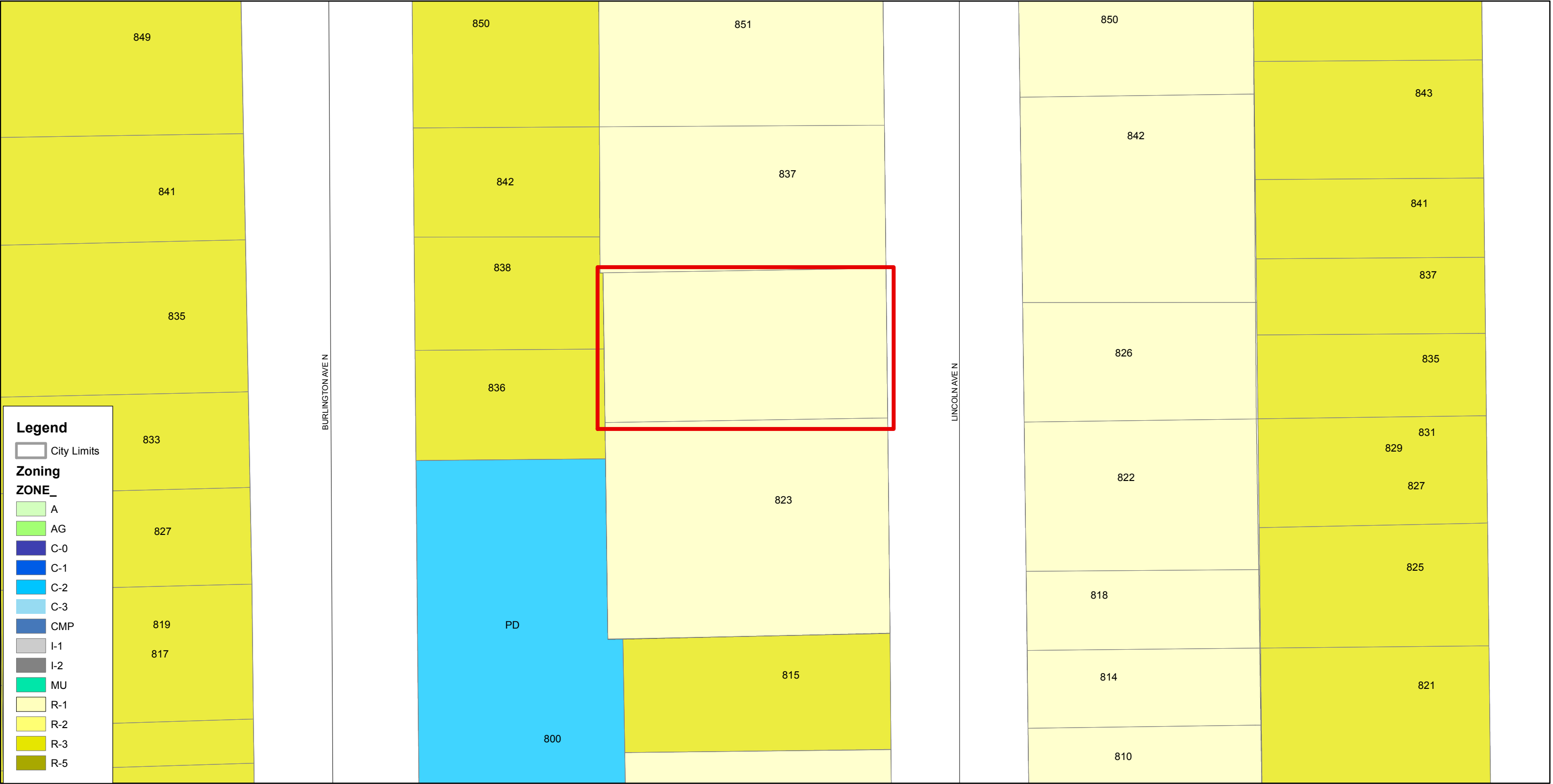
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Alexandres Add

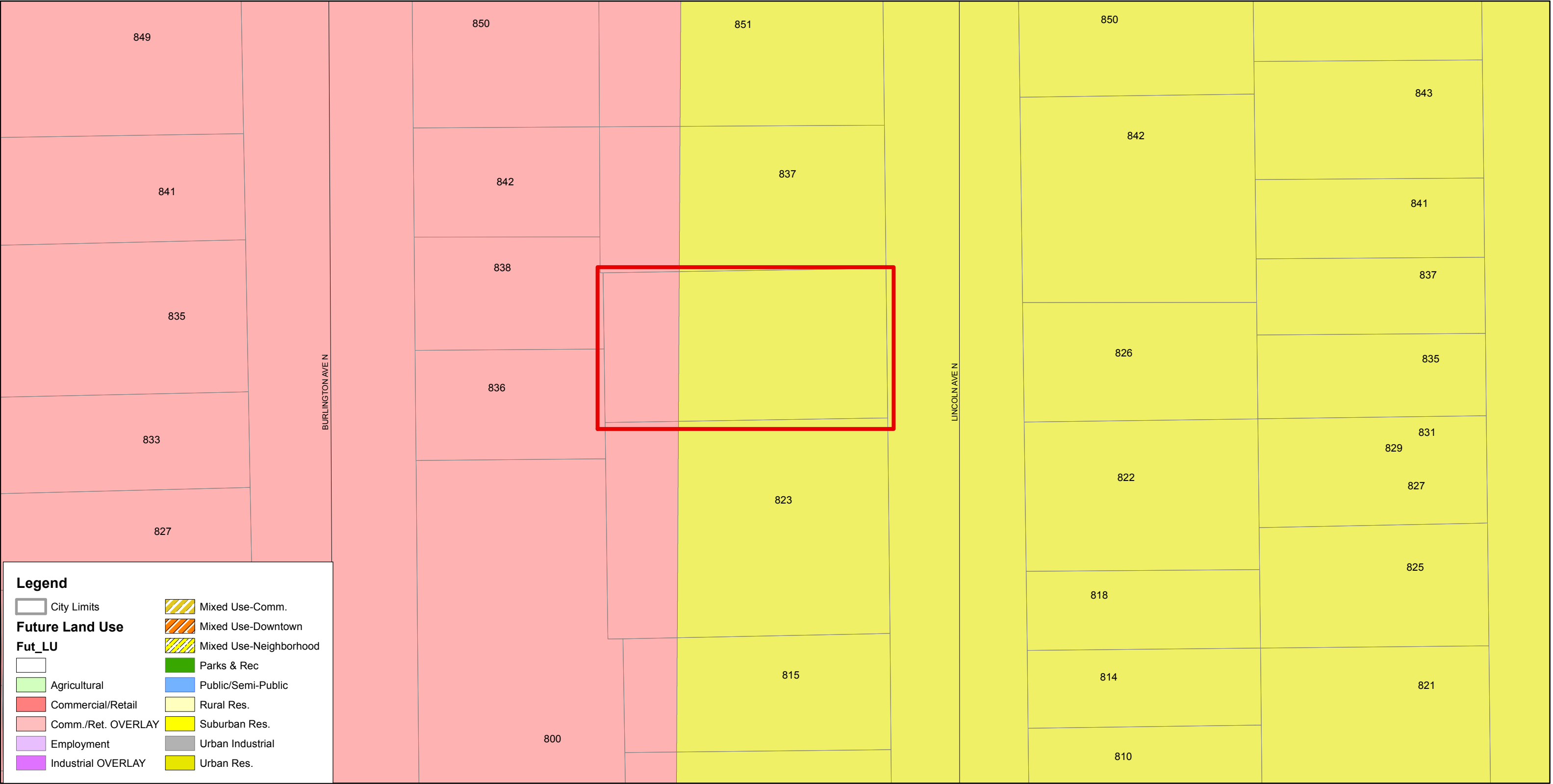
Burlington North Second Sub

- Adams County, City of Hastings & Hastings Utilities GIS Mapping



827 Lincoln Zoning Map





827 Lincoln Future Land Use Map



827 Lincoln Aerial Map













City of Hastings
Development Services Department
Real Estate Inspection - Building Findings

Date: 10/02/2017

Reference No.:

REI-B-0000016

Location of Inspection:

827 N. Lincoln

10/02/2017

ME

Real Estate Agent:

Jeanne Rewerts
Real Estate Group
Hastings, NE 68901

Phone Number:

402.984.9217

E-mail:

Owner:

Phone Number:

E-mail:

Building Inspectors Findings:

Install a smoke detector in each bedroom.

Install a smoke detector immediately outside sleeping areas.

Install a smoke detector one on each floor level.

Install a carbon monoxide detector immediately outside of sleeping areas.

Install a carbon monoxide detector on each habitable level.

Bathroom shall have natural (window) or mechanical (fan) ventilation.

Hot water heater pressure relief piping on shall be metal pipe, terminating within 6 inches of the floor.

Window above whirlpool bath shall be safety glass or tempered glass. An approved safety film may be used.

Water heater is older and may be undersized for use as a bed and breakfast.

Post an approved exit plan for each room of the bed and breakfast.

Window at bottom of stair to be safety glass or tempered glass. An approved safety film may be used.

Building Inspectors Signature:

Mark W. Evans

10/02/2017



City of Hastings
Development Services Department
Real Estate Inspection - Electrical Findings

Page 1

Date: 10/02/2017

Reference No.: 17

Location of Inspection:	827 North Lincoln		
Real Estate Agent:	Jeannie	Phone Number:	
		E-mail:	jrewerts52@gmail.com
Owner:		Phone Number:	
		E-mail:	

Electrical Inspectors Findings:

Location:	Issue:	Notes:
Front Entry	Loose Device	Recep on North wall.
Dining Room	Broken Wall Plate	Recep on South wall.
Kitchen	Missing Wall Plate	Screws missing in plate under microwave
Kitchen	GFCI Needed	Within 6' of sink.
Main Floor Bath	Open Wiring Terminations	Open box above counter.
2nd Floor Kitchen	GFCI Needed	Within 6' of sink.
2nd SW Bed	Loose Device	2 Recepts on West wall.
Garage	Wiring Needs Support	Wire needs to be stapled and supported.
Garage	GFCI Needed	1 Recep on South wall is not GFCI protected.
Garage	Wiring Needs Proper Protection	Staples are needed.
Back Porch		GFCI needs replacement WP Cover.
Back Porch	Open Wiring Terminations	By North door for light.
Basement	Ground to Water Service	
Basement	Wiring Needs Support	Need staples throughout
Basement		Recep for water softener not working
Basement	Loose Device	Switch and Recep in West Room
Basement	GFCI Needed	In unfinished areas.
Basement	GFCI Needed	Within 6' of sink.

City of Hastings
Development Services Department
Real Estate Inspection - Electrical Findings

Page 2

Date: 10/02/2017

Reference No.:

Invalid Entry

[illegible]

There are a number of 3 wire receptacles in the house with no ground.

[illegible]

Electrical Inspectors Signature:

-----eSigned via SeamlessDocs.com-----
William L. Mooney
 -----Key: 17d2d22c0bb26a479c0c0ac26c3e-----

10/02/2017

Department: Utilities
Staff Contact: Donald Threewitt
Planning Commission Meeting Date: 10/16/2017
File No: 2017-034
Prepared By: Donald Threewitt, Development Services Director

AGENDA ITEM SUMMARY SHEET

Description of Item:

Public hearing at the request of the City of Hastings Utilities Department for Resolution No. 2017-041, a Conditional Use Permit for Well 30, generally located 119 feet south of 26th Street and 670 feet west of North Baltimore, within a portion of Well Field Second Addition, an Addition to the City of Hastings located in the Northeast Quarter of Section 2, Township 7 North, Range 10 West of the 6th P.M. containing 25.40 acres more or less.

Names of People/Business affected by this action:

The people of Hastings and the City of Hastings, applicant.

Why Planning Commission action is required:

A public utility plant is designated a Conditional Use in agricultural and industrial zone districts only. The Planning Commission shall hold a public hearing to review applications for conditional uses to assure that the proposed development will integrate compatibility with existing land uses and with permitted uses that may be established. No conditional use may be approved which will have a permanent negative impact substantially greater than anticipated from development permitted without a conditional use. The Planning Commission recommendation shall be forwarded to City Council, which will have final authority in the matter.

Type of action requested:

Resolution

Suggested motion:

Motion to recommend approval of Resolution 2017-041, a Conditional Use Permit for Well 30 located in a portion of Well Field Second Addition.

Deadlines associated with action:

This item is scheduled to be heard at the regular meeting of City Council on November 13, 2017.

Department head comments:

The future land use designation for this parcel is "Public," and it is zoned "A-Agricultural." Surrounding uses are as follows:

North: A-Agricultural zone, agricultural use

South: Railroad right-of-way, A-Agricultural zone, public use

East: R-1 Single-family Residential zone, undeveloped

West: A-Agricultural zone, agricultural use

The applicant has detailed the proposed use in the attached application. This is a water extraction well to be constructed as a portion of the larger Aquifer Storage and Restoration (ASR) project.

In order to compel an affirmative recommendation, a conditional use may not exceed the impacts of a by-right use in any of the following criteria:

a. Pedestrian and vehicular traffic circulation and safety: As outlined in the application, the proposed use will generate minimal traffic impacts once constructed (at or below 4 ADT), and peak construction traffic should be within a normal range. Site access will be from 26th, a gravel county road, and will not impact traffic on North Baltimore Street. Overall traffic impacts should be at or below what is normal for agricultural districts.

b. Reasonable and economic extension of public utilities and facilities: The proposed action is itself a utility enhancement, and therefore the extension and utilization of public facilities is not applicable.

c. Noise, fumes, dust, or other environmental pollution: The application describes the noise generated from the proposed use, but does not quantify proposed levels. However, as the site is located in an agricultural district, is situated over 700 feet from existing residential structures, and is approximately 240 feet from the rear lot line of potential future residential properties, staff is confident that the noise impacts of the proposed use would not exceed that of other agricultural uses. The application further details any possible chemicals or environmental contaminants anticipated to be utilized on-site, all of which are within normal range for an agricultural operation.

d. The maintenance of logical and efficient development patterns and land use mixtures: The site is utilized for water development activities which is consistent with the future land use plan. The resulting ASR project will positively impact the potential for growth in the city with the provision of water quality enhancements.

e. The maintenance of property values in accordance with established and permitted land uses: the valuation impact of municipal water wells on neighboring property values is not widely studied. Such impacts, if any, are not anticipated to exceed the impacts of neighboring agricultural uses.

Recommendation:

All remaining submittal requirements have been met by the applicant, and staff supports a recommendation to approve Resolution 2017-041 as submitted.



Date: September 22, 2017

Mr. Donald Threewitt
City Planning Director
City of Hastings, Development Services
220 North Hastings Avenue
Hastings, NE 68901

Re: Request Conditional Use Permit for the Construction of Extraction Well 30
Located west of 26th and North Baltimore Avenue within the
North Baltimore Water Treatment Plant located in the
N½ of the NE ¼, Section 2, T-7-N, R-10-W
Hastings Utilities Aquifer Storage and Restoration Project

Dear Mr. Threewitt:

Hastings Utilities is requesting a Conditional Use Permit be approved for the above noted Well 30 to be located west of 26th and North Baltimore at the Hastings Water Treatment Facility. Please find attached a project narrative, project application, and project site plan with building elevation views.

The proposed improvement is a single 25'-0" by 20'-4" Brick/Concrete Block Building to house extraction Well 30. This includes discharge piping, metering, and motor controls. The well will be similar to a municipal well except the water produced by this well will be sent to the Water Treatment Facility for processing and ultimately for injection back into the aquifer.

Well 30 is part of the on-going development of the Hastings Aquifer Storage and Restoration (ASR) Project by Hastings Utilities. This ASR Project is being completed to address the nitrate contamination of our drinking water supply. An ASR project summary is attached for your review. The proposed extraction well is an integral part of this entire project.

Please see attached drawings showing the exterior view of the well house. Also please see attached drawing showing the location of the well within the Water Treatment Plant Facility.

Well 30 is an unmanned facility with remote operations from the Reverse Osmosis Treatment Facility located west of proposed Well 30. During start up, routine maintenance, daily inspections, cleaning and emergency conditions the facility may be manned. The adjacent Reverse Osmosis Treatment Facility will be used to provide sanitary facilities as needed.

The equipment and process is designed to meet or exceed the Recommended Standards for Water Works (10 State Standards), the Nebraska Department Health and Human Services regulations and guidelines established by the American Water Works Association.

The following is a site analysis and operational considerations that may be relevant to the approval of the conditional use permit.

1. **Project Schedule** The construction of the casing and screen for Well 30 is expected to be completed before the end of 2017. Testing of Well 27 is on-going and the results of this test will allow for the completion of the pump design. Construction of the pumps, controls, piping, and well house is not expected to occur until the summer of 2018.
2. **Geological and Site Investigations** With regards to the preparation of the plans and specification a geological investigation was completed by Geotechnical Services Inc. The site has been found to be acceptable for standard foundation construction practice.

The site will sustain a well pumping capacity of 1800 gpm.

3. **Environmental Site Evaluation** A site Environmental Audit was completed by Geotechnical Services Inc. and found the site not to have any environmental issues less the under lying nitrate contamination for which this project is being considered.
4. **Vehicle Access and Traffic Impacts** The site is accessed via 26th street county roadway. The west end of 26th street is closed as this railroad crossing was moved to the North Baltimore Avenue crossing. The plan is for Hastings Utilities to continue maintaining this portion of 26th street as an access road to the North Baltimore Water Treatment Plant.

Plans are being considered for the paving of this roadway. Initially the roadway will remain a rock surface until construction is completed and heavy truck traffic is reduced.

Additional traffic will be realized with the operation of the water treatment equipment. This is estimated at one to two additional pickup trucks or 1-ton trucks accessing the site on a daily basis.

Chemical supplies are not required except for periodic cleaning and maintenance.

During the project construction, traffic will increase to allow for delivery of construction materials, labor and construction equipment.

At times emergencies or unforeseen equipment malfunctions may necessitate work to be done during weekends, night time or holidays. With good maintenance and operation of the equipment this should be kept to a minimum.

5. **Construction Activities** The project specifications require that construction be limited to normal day time hours of 6:00 am to 7:00 pm. It also restricts construction activities to Monday through Saturday. No work will be permitted on Holidays unless it is an emergency. However, during the well drilling the construction will need to be non-stop until the well is secured. This typically takes 24 to 48 hours.

Architecture The building will be constructed of brick and concrete block. The brick color and style will match Well 26 located at the northeast corner of North Baltimore Avenue and the UPRRR crossing. The following photo is of Well 26. This is also the same brick style and color as found at Well 27, Water Treatment Facility, Well 33 and other wells recently constructed by Hastings Utilities. The building has been designed to fit with the potential residential use of the area.

Due to past maintenance concerns with asphalt shingles the mansard roof is proposed to be constructed of pre-coated standing seam metal roofing material. Color to match the bronze/dark brown color scheme.



6. **Landscaping** No additional tree or shrub plants at this time is proposed as the building will be located south of the existing tree line bordering the south side of 26th street.
7. **Noise** The well and pumping equipment as noted above is located inside of a brick / concrete block building. Some exterior noise will be heard as it relates to exhaust fan. The noise level of the exhaust fan will be similar to that found at our municipal wells. This well is being fitted with submersible pump(s) which will significantly reduce motor noise.

The exhaust fan will run intermittently. Currently no houses or other residential structures are located within 700 feet of this site.

8. **Lighting** Some exterior building lighting is provided to allow for night time work. All exterior lighting has been designed to comply with Dark Sky Standards. Security lighting will be kept to a minimum.
9. **Security** As noted above security lighting is being kept to a minimum. Other security measures will be taken to protect the water treatment facilities. This includes door locks, window screens, and alarms if needed.
10. **Storage and Lay down areas** Construction of the well has sufficient space for construction equipment and storage of building materials.
11. **Storm Water Protection** A storm water protection plan will be prepared and enforced. The plan as proposed provides for silt fence to capture runoff from the project site. The project being located at the top of the hill will require encircling most of the site with silt fence. This will be included in the plans and specification for the building construction.
12. **Well Flushing:** To insure the well is clean after performing maintenance the well must be flushed. Water from the flushing activities will be directed away from the well. This flushing water will flow south to the drainage way that feeds into Lake Hastings. This activity may take several hours to preform and may occur several times for each maintenance event.

During the development of the well an 8 hour pump test will be required.

13. **Chemical Storage and Handling** Chemical usage is not planned for normal operations.

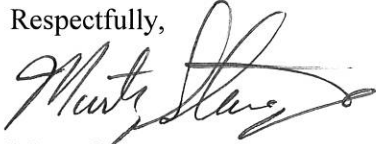
During cleaning of the well chlorine, acid, and surfactants may be used. Chlorine will be provided by the use of sodium hypochlorite solution. This is similar to chlorine bleach. Chlorine bleach has a chlorine content of 5.5%. The chlorine solution to be used is industrial strength at 12%. Sulfuric acid solution may be used to assist in the removal of calcium precipitation (water hardness). This will be an acid strength similar to muriatic acid used to clean concrete surfaces. Surfactants are soap like products used to clean the screen. The surfactants are food grade mixtures that contain phosphates.

All wastewater generated by cleaning operations will be disposed in the sanitary sewer.

The water treatment chemicals will consist of 55 gallon drums of each solution. Total chemical storage for these items is less than 150 gallons (3 drums). The chemicals will be stored and secured within the building when not being used. Spill prevention procedures and equipment will be utilized to prevent and contain any spills. This facility will be included in the Hastings Utilities Spill Prevention and Countermeasure Plan.

Please contact me if you have any questions and to set up a joint meeting with Adams County. I will be available to review this Conditional Use Permit request at your convenience.

Respectfully,

A handwritten signature in black ink, appearing to read "Marty Stange", with a stylized flourish at the end.

Marty Stange,
Environmental Supervisor

File: mstange/msword/ASR Project 2017/Well 30 Design and Permitting/Well 30 Wellhouse Conditional Use Permit 170822.docx



Hastings Utilities

Hastings ASR Project Summary

The City of Hastings, NE is currently experiencing an increase in nitrate contamination of its water supply. Nitrate contamination has been found throughout the local aquifer extending as far west as the Platte River. The local groundwater aquifer is recharged from Platte River flows and from infiltration of lands located between the Platte River and the City of Hastings. To provide for a long term reliable supply of potable water for the City of Hastings and its wholesale customers, Hastings Utilities is developing an Aquifer Storage and Restoration Project. This project combines several water management options which include Dual Pumping, Focused Water Treatment, Irrigation Reuse and Management, Aquifer Storage and Restoration, and Blending and Storage.

- I. The dual pumping operation will separate nitrate contaminated water within an operating well. This is accomplished by installing two or more pumps in a well and skimming the top water off the aquifer which has the higher levels of nitrates. Currently a triplex pump configuration is being developed to improve recovery efficiency.

These wells will serve as groundwater containment wells. The operation of the containment well will reduce the movement of nitrates into the existing municipal water supply wells.

- II. The water treatment will be limited to the high nitrate waters removed from the containment wells. This limits the amount of treatment required thus significantly reducing capital and operating expenses.
- III. Wastewater generated by the water treatment system and high nitrate water captured by the dual / triplex pumping wells will be used for agricultural and park

irrigation. This is being done to beneficially reuse the high nitrate waters in lieu of discharge to the stream. This provides for conservation of our water supply.

- IV. Aquifer Storage and Restoration is the process of injecting clean water into the aquifer. The water used for this process will consist of clean water from the containment wells and treated water from the water treatment system. This water is injected into the aquifer up gradient of the municipal water supply wells. This clean water provides for dilution of the existing nitrates found in the capture zone of these wells. This process allows the existing municipal water supply wells to continue functioning thus reducing the need to replace existing infrastructure.
- V. If necessary blending of water from the municipal water supply wells will be used to insure the water provided by the municipal water system meets potable standards. Blending will be coupled with above ground water storage and a pump station to meet daily demands of the city.

The estimated cost for water treatment is \$75,000,000. The Aquifer Storage and Restoration Project is estimated to cost \$46,000,000. A \$29,000,000 savings is estimated by using the Aquifer Storage and Restoration project in lieu of conventional water treatment.

Please refer to the attached drawing for the location of the various Aquifer Storage and Restoration components.

**Office Use Only**

Building Permit # _____

Received By _____

Individual Lot**Notice of Intent (NOI)****For Coverage under the Federal Clean Water Act**

For Construction Activity that is Part of a Larger Common Plan of Development or Sale

Submission of this form supersedes any prior Notice of Intent (NOI) and Stormwater Pollution Prevention Plan (SWPPP) for the lot indicated in the application and fulfills the notification and discharge authorization procedures for individual lots, as required by Hastings Municipal Code, Chapter 42 – Storm Water Management, Construction Site Discharges for Erosion and Sediment Control. The applicant assumes sole responsibility for the building phase of development for this lot.

At the time of application, 2 copies of this form are required:

One copy will be retained by the City of Hastings; One copy will be retained by the Applicant

I. Applicant InformationName of Applicant: Hastings Utilities/City of Hastings, NE Legal Interest in the Land: OwnerCompany Name: Hastings Utilites/ City of Hastings, NE24-hour Contact Person: Marty Stange Phone: 402-831-1399Mailing Address: 1228 N Denver AveCity: Hastings State: NE Zip Code: 68901**Lot Owner (if different from Applicant)**Name: same as above Phone: _____

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

II. Legal Description 02-07-10-619.20-PT N1/2; PTNE1/4 NW1/4 2-7-10Name of Subdivision: Well Field 2nd Add Lot No.: 1 Block No: 1Construction Site Address: 1605 W 26th StCity: Hastings State: NE Zip Code: 68901**III. Construction Activity Information**

Estimated Start Date

October 1, 2017

Estimated Completion Date

December 30, 2018

Estimated Disturbed Acreage

0.9 AC 200' x 200' est.**IV. Certification**

I certify under penalty of law, that I am familiar with and agree to comply with the terms and conditions provided in this Notice of Intent (NOI) and Stormwater Pollution Prevention Plan (SWPPP) and that I am solely responsible for the individual lot covered by this NOI and SWPPP. I understand that the City of Hastings is authorized to inspect the site at reasonable times pursuant to Hastings Municipal Code, Chapter 42.

Signature: _____ Date: _____

Individual Lot SWPPP

(Stormwater Pollution Prevention Plan)

For Coverage under the Federal Clean Water Act

For Construction Activity that is Part of a Larger Common Plan of Development or Sale



Initial on each line to indicate that you have read and understand the following:

1. MAS Select one A, B, C or Own Site Plan, annotated as needed, in order to fulfill the SWPPP requirements set forth in Hastings Municipal Code, Chapter 42.
☐ Site Plan A
☐ Site Plan B
☐ Site Plan C
☒ Own Site Plan (provide with permit application)
2. MAS All BMPs will be constructed, installed, and maintained according to the minimum standards and specifications set forth in the NPDES States General Permit, or otherwise approved by the City Engineer, and will be in place and in working order prior to any construction activity.
3. MAS BMPs will be installed, operated and maintained to protect lakes, rivers, streams, ponds, and wetlands from sedimentation and a spill prevention plan will be followed for any spills or illicit discharges that may leave the site.
4. MAS Proposed BMPs are shown on the attached Site Plan. The construction details, application schedule, procedures, operations, and maintenance of the proposed BMPs are in conformance with the NPDES States General Permit.
5. MAS If applicable, any features of the site that are vulnerable to erosion, as well as BMPs implemented for these features are shown on the attached Site Plan.
6. MAS All BMPs will be inspected by qualified personnel at least once every fourteen calendar days during active construction and within twenty-four hours after any storm event greater than 0.5 inches during a 24-hour period. Any necessary repairs or clean-up to maintain the effectiveness of the BMPs shall be made prior to the next storm event whenever practicable. If implementation before the next storm event is impracticable, the situation will be documented in the Site Plan and alternative BMPs will be implemented as soon as possible.
7. MAS Sediment deposited into or upon any street, alley, sidewalk, public way, storm drainage system, or public ground will be removed within 48 hrs. A contingency plan will be implemented for unforeseen erosion or sediment problems, including emergency situations caused by storms.
8. MAS Following any construction activity, final or temporary stabilization shall be completed as soon as practicable, but in no case more than fourteen days, to the surface of all perimeter controls, topsoil stockpiles, and any other disturbed or graded areas on the project site which are not being used for material storage, or on which actual construction activity is not being performed.
9. MAS Either the lot will be stabilized by the builder at the end of construction, or the homeowner will be informed of the need for final stabilization.
10. MAS This form will either be posted at the construction site or made available upon request within a reasonable time.

**PROJECT APPLICATION**

City of Hastings – Development Services
220 N. Hastings Avenue, Hastings, NE 68901
Phone: (402) 461-2302; Fax: (402) 461-2304
www.cityofhastings.org

Please check the appropriate box below to indicate the type of application you are requesting. Contact Development Services for minimum requirements. Incomplete applications will not be processed. All applications must be completed by applicant prior to submission with all of the requested support materials by the last Monday of each month or they will be held until the next deadline to be processed.

- | | | | |
|--|---|--|--|
| ☐ Preliminary Plat | ☐ Final Plat | ☐ Short Plat | ☐ Administrative Plat |
| ☐ Code Amendment | ☐ Zoning Change | ☐ Vacation (Plat / ROW / Easements) | |
| ☒ Conditional Use Permit / Amendment | ☐ Planned District / Amendment | | |
| ☐ Comprehensive Plan / Amendment | ☐ Annexation Petition / Addition to the City | | |

PROJECT INFORMATIONProject Name: Hastings Utilities Extraction Well 30Project Address: Approx 1/8 mile west of 26th & N Baltimore Ave Within City Limit ☒ Yes ☐ NoExisting Zoning: Institutional Proposed Zoning / Use: _____Existing Comprehensive Plan Designation: Water Treatment Plant Gross Area: _____Legal Description: 02-07-10-619.20-PT N1/2 NE1/4; PT NE1/4 NW1/4 Number of Lots: 1
2-7-10 Known as Well Field 2nd ADD Denver TWP**APPLICANT INFORMATION**Applicant: Hastings Utilities/ City of Hastings, NE Company: _____Address: 1228 N Denver Ave Tel: 402-463-1371 Fax: 402-462-3666City: Hastings State: NE Zip: 68901 Email: mstange@hastingsutilities.comProperty Owner: Hastings Utilities/ City of Hastings, NE Company: _____Address: 1228 N Denver Ave Tel: 402-463-1371 Fax: 402-462-3666City: Hastings State: NE Zip: 68901 Email: mstange@hastingsutilities.comKey Contact: Marty Stange Company: _____Address: 1228 N Denver Ave Tel: 402-462-3651 Fax: 402-462-3666City: Hastings State: NE Zip: 68901 Email: mstange@hastingsutilities.com

I hereby acknowledge that all information provided with this application is true to the best of my knowledge.

Property Owner Signature

9/22/2017
Date

Applicant Signature

9/22/2017
Date
DEPARTMENTAL USE ONLY

Fees: _____

Receipt No. _____

Accepted by Staff: _____ Case No. _____

Signature



Adams County Nebraska

500 W 4th, Hastings, NE



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[News](#)

[FAQ](#)

[Searches](#)

- [Property Identification #](#)
- [Owner Name](#)
- [Street Address](#)
- [Advanced Search](#)

[Property Data](#)

- [Detail Sheet](#)
- [Datasheet](#)

[Other](#)

- [Neighborhoods](#)
- [Transfer search](#)
- [Adams County Website](#)
- [Nebraska Taxes Online](#)
- [GIS Mapping](#)
- [City of Hastings](#)
- [Hastings Utilities](#)
- [NE Dept of Revenue](#)
- [T.E.R.C.](#)
- [Valuation Protest Form](#)
- [Personal Property](#)
- [Sales Review Questions](#)

[Property Detail Sheet \(R16042\)](#)

[GIS Map](#)



[Datasheet](#)



[View Images](#)

Owner Information

Owner Name: **HASTINGS UTILITIES**
 Owner Address: **% MARVIN H SCHULTES 1228 N DENVER AVE
 HASTINGS, NE 68901**
 Property Address:

Parcel Information

Legal Description: **02-07-10-619.20-PT N1/2 NE1/4; PT NE1/4 NW1/4 2-7-10 KNOWN
 AS WELL FIELD 2ND ADD DENVER TWP**
 Property ID: **010016025**
 Exemption Codes: **Exempt (Permissive Exemption not otherwise classified)**
 Primary Class: **9000(9000 Exempt State & Governmental)**
 Primary Use: **11(11 Exempt)**
 Zoning: **05(05 Agricultural)**
 Neighborhood: **4000(4000 - ALL AG LAND)**
 Year Built: **N/A**
 No of Buildings: **N/A**
 Total Living Area: **N/A**

Sales History

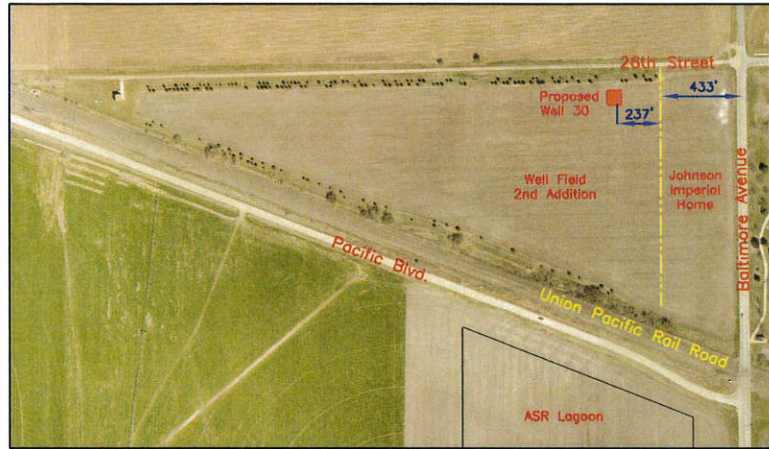
	Book	Page	Sale Date
Values Breakdown	2017 Actual Value		
Total Ag Appraised:			\$78,665

	2016 Actual Value
Tax Information	1.166715
Consolidated Rate:	\$0
Total Taxes Due:	

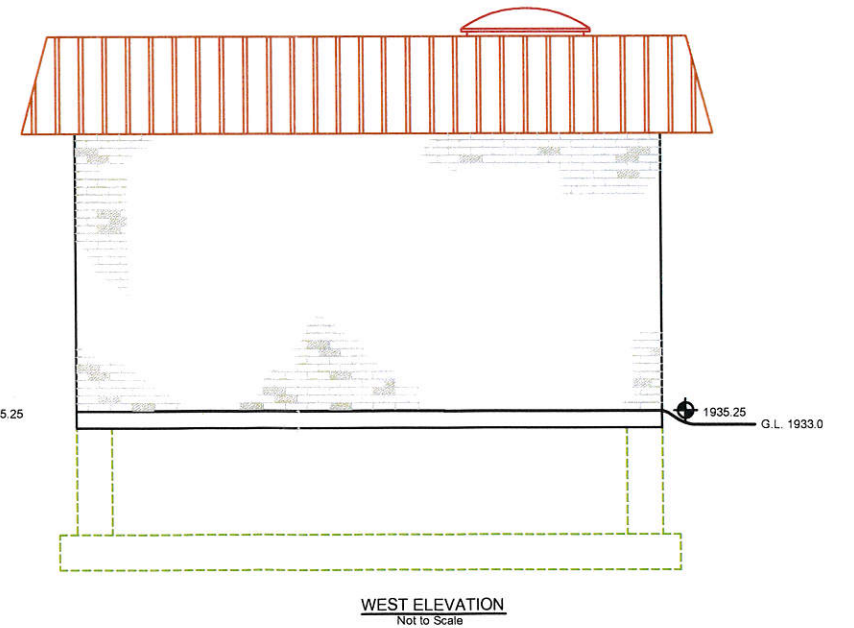
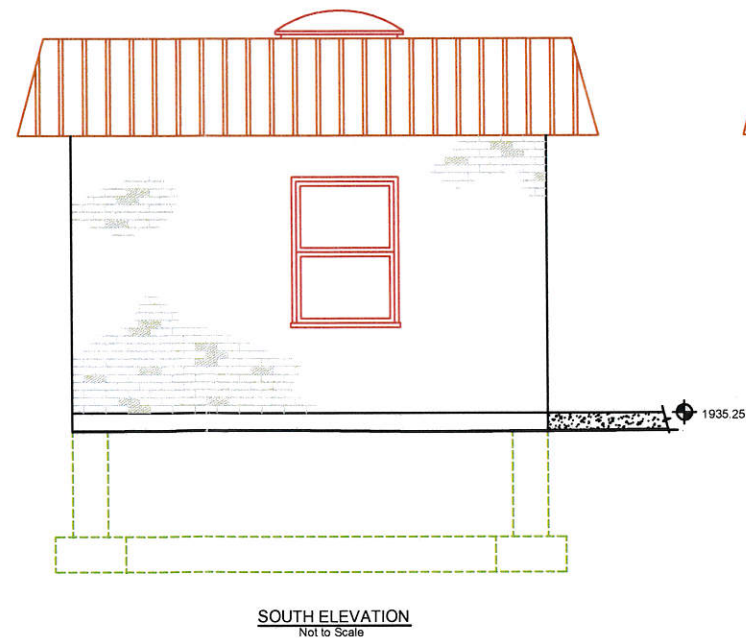
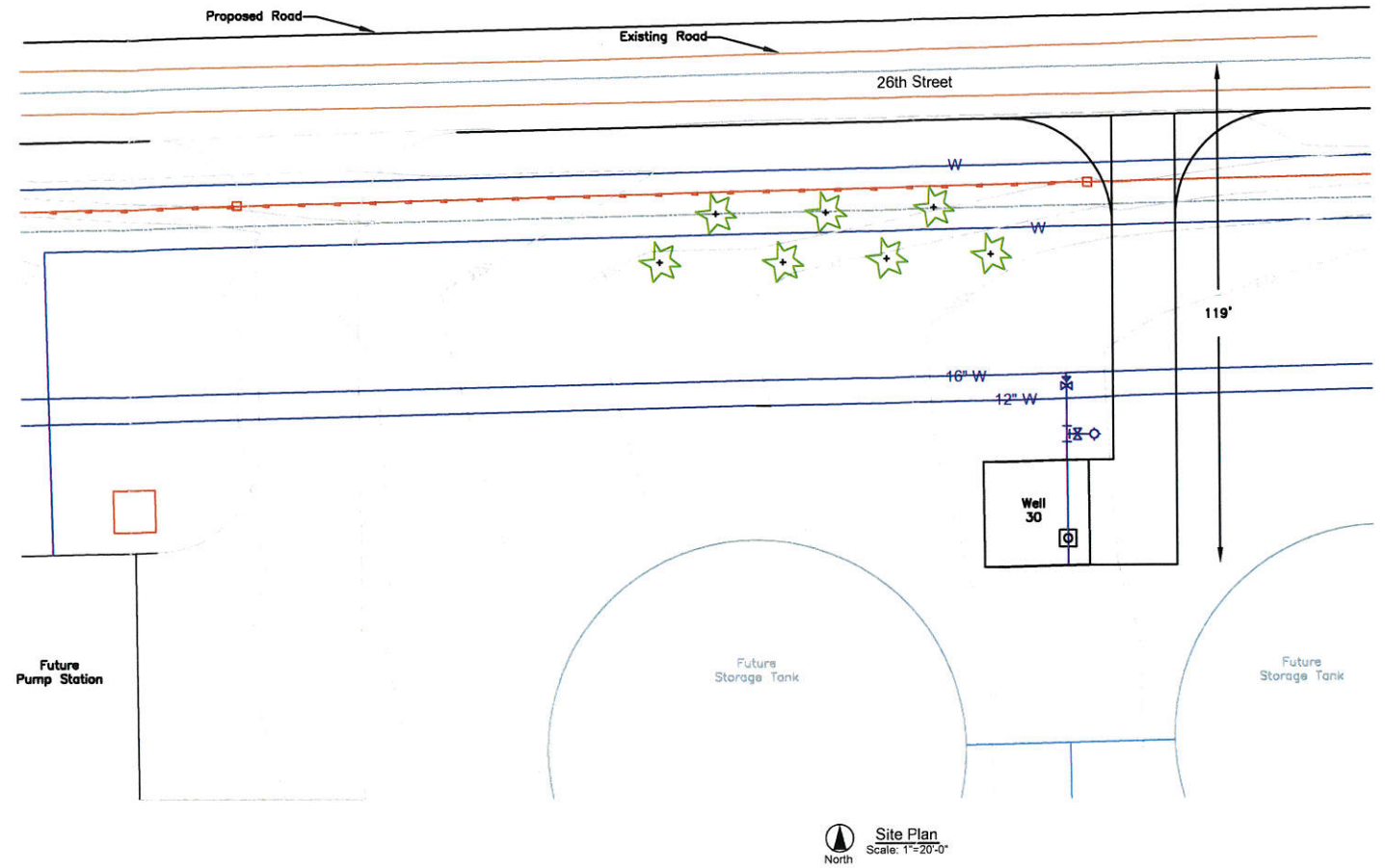
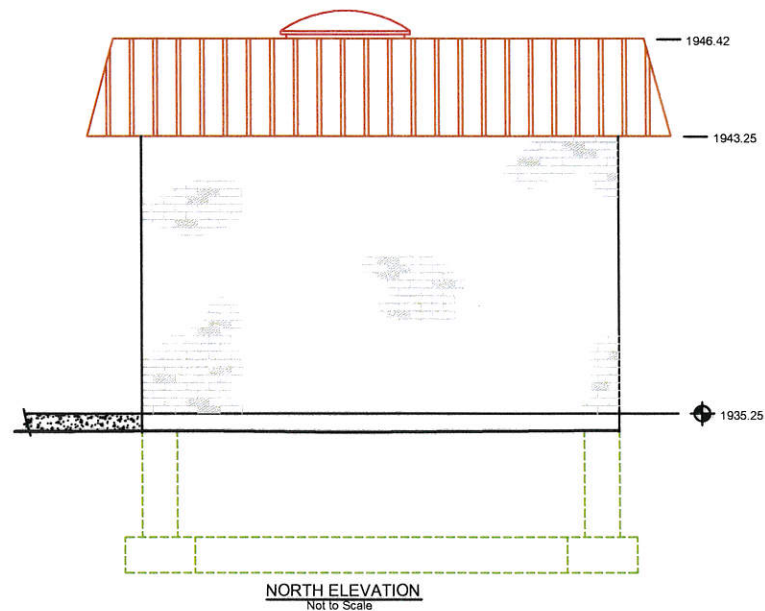
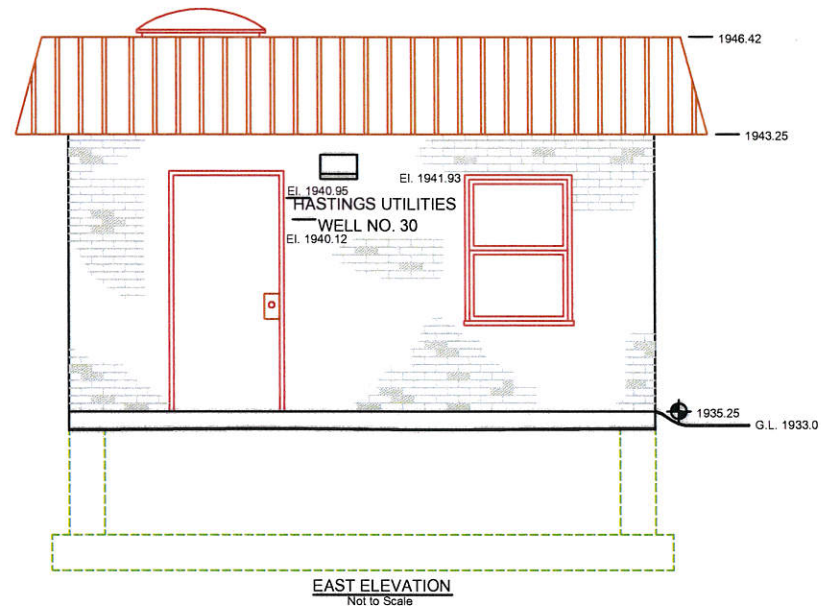
The tax information contained herein is the most current information available and is the amount of tax due for the assessment year indicated. To verify payment of tax, please contact the county treasurer's office.

Tax Entities

Code	Description
0100	COUNTY
2000	COUNTY LIBRARY
6109	ADAMS CENTRAL 90 (01-0090)
6209	ADAMS CENTRAL BOND
6901	ESU 9
7100	CCC GENERAL
7302	NRD 2 LITTLE BLUE
7703	HASTINGS RFD
8807	DENVER TOWNSHIP
9200	AG SOCIETY



North
Aerial Site Plan
Not to Scale



CALL BEFORE YOU DIG
DIGGERS
HOTLINE
OF NEBRASKA
1-800-331-5666

Update						No.			W-107		
No.	Revision	By	Date	Old	App	Den	Sup	W.O.No.	W.A.	Rel'mt No.	App
		JES	8/31/17			Den	M. Stange	Sup	M. Hemberger	Old	
						Den	S. Struss	W.O.No.	WA-	Old	
						Date	3-30-98	Rel'mt No.		App	



No. 30 Wellhouse
Conditional Use Plan

Hastings, Nebraska

\\C:\Water\W-101-300\W-107-ss.dwg

Department: Development Services

Staff Contact:

Planning Commission Meeting Date: 10/16/2017

File No: 2017-035

Prepared By: Donald Threewitt, Development Services Director

AGENDA ITEM SUMMARY SHEET

Description of Item:

Public hearing at the request of the City of Hastings Utilities Department for Resolution No. 2017-042, a Conditional Use Permit for Well 36, generally located at the Southwest corner of 12th Street and North Baltimore, within Tax Lot 12 of the Northeast Quarter (NE4) of the Northeast Quarter (NE4) of Section 11, Township 7 North, Range 10 West of the 6th P.M. containing 0.226 acres more or less.

Names of People/Business affected by this action:

The applicant-Hastings Utilities, the people of Hastings, and the City.

Why Planning Commission action is required:

In section 34-202 of Hastings City Code, "Structures and uses required to serve governmental...and other needs of such areas are permitted within such districts or are permissible as conditional uses subject to restrictions intended to preserve and protect their single-family residential character."

The Planning Commission shall hold a public hearing to review applications for conditional uses to assure that the proposed development will integrate compatibility with existing land uses and with permitted uses that may be established. No conditional use may be approved which will have a permanent negative impact substantially greater than anticipated from development permitted without a conditional use. The Planning Commission recommendation shall be forwarded to City Council, which will have final authority in the matter.

Type of action requested:

Resolution

Suggested motion:

Motion to recommend approval of Resolution No. 2017-042, a Conditional Use Permit for Municipal Well 36 located in Tax Lot 12 of the Northeast Quarter (NE4) of the Northeast Quarter (NE4) of Section 11, Township 7 North, Range 10 West of the 6th P.M.

Deadlines associated with action:

This item is scheduled to be heard at the regular meeting of City Council on November 13, 2017.

Department head comments:

The future land use designation for this parcel is "Suburban Residential," and it is zoned "R-1 Single-family Residential." Surrounding uses are as follows:

North: R-1 Single-family Residential zone, residential use

South: R-1 Single-family Residential zone, residential use

East: R-1 Single-family Residential zone, residential use

West: R-1 Single-family Residential zone, residential use

The applicant has detailed the proposed Public Utility Sub-station use in the attached application. This is a water well to be constructed to enhance municipal water delivery to the area, and is located within the City of Hastings Wellhead Protection Area.

In order to compel an affirmative recommendation, a conditional use may not exceed the impacts of a by-right use in any of the following criteria:

a. Pedestrian and vehicular traffic circulation and safety: As outlined in the application, the proposed use will generate minimal traffic impacts once constructed (at or below 4 ADT), and peak construction traffic should be within a normal range. Planned roadway encroachments and associated mitigation measures during construction are discussed in the application. Site access will be from the adjacent alley and will not impact traffic on 12th Street or North Baltimore Street. Overall traffic impacts should be at or below what is normal for residential districts.

b. Reasonable and economic extension of public utilities and facilities: The proposed action is itself a utility enhancement, and therefore the extension and utilization of public facilities is not applicable.

c. Noise, fumes, dust, or other environmental pollution: The application describes the noise generated from a proposed exhaust fan, but does not quantify proposed levels. However, as the site is located in a residential district, staff believes that the noise impacts of the proposed use would not exceed that of other residential uses. The application further details any possible chemicals or environmental contaminants anticipated to be utilized on-site, all of which are within normal range for this use.

d. The maintenance of logical and efficient development patterns and land use mixtures: The site is a narrow lot adjacent to a collector street, and residential development is unlikely. The future land use plan calls for residential, but does not designate areas for necessary municipal service delivery in residential districts, such as the proposed use.

e. The maintenance of property values in accordance with established and permitted land uses: the valuation impact of municipal water wells on neighboring property values is not widely studied.

Such impacts, if any, are not anticipated to exceed the impacts of neighboring residential uses.

Recommendation:

All remaining submittal requirements have been met by the applicant, and staff supports a recommendation to approve Resolution 2017-042 as submitted.



Date: September 22, 2017

Mr. Donald Threewitt
City Planning Director
City of Hastings, Development Services
220 North Hastings Avenue
Hastings, NE 68901

Re: Request Conditional Use Permit for the Construction of
Hastings Utilities Municipal Well 36 located in the southwest
corner of 12th and North Baltimore Avenue

Dear Mr. Threewitt:

Hastings Utilities is requesting a Conditional Use Permit be approved for the above noted
Municipal Well 36.

This well is proposed to be located near the southwest corner of 12th and North Baltimore Avenue.
The well will be located on the existing City of Hastings property. Please find attached a project
narrative, project application, and project site plan with building elevation views.

The proposed improvement is a single 21'-8" by 13'-8" Brick/Concrete Block Building to house
Municipal Well 36. This includes discharge piping, metering, and motor controls. The well will be
similar to other municipal wells recently constructed by Hastings Utilities. To provide electrical
service to this well a pad mounted transformer and switch will be installed south easterly of the well
house. See attached drawings for size and location.

The construction of Well 36 is essential as it replaces water pumping capacity lost due to nitrates as
found in our aquifer. The proposed location of Well 36 is strategic with regards to the development
of the Hastings Aquifer Storage and Restoration (ASR) Project. Well 36 will be located
downstream of the potable water injected into the aquifer.

Please see attached drawings showing the exterior view of the well house. Also please see attached
drawing showing the location of the well as it will be located on the lot.

Municipal Well 36 like the other municipal wells is an unmanned facility with remote operations
from the North Denver Station. During startup, routine maintenance, daily inspections, cleaning
and emergency conditions the facility may be manned. No specific sanitary facilities are needed for
this facility.

The equipment and process is designed to meet or exceed the Recommended Standards for Water Works (10 State Standards), the Nebraska Department Health and Human Services regulations and guidelines established by the American Water Works Association.

The following is a site analysis and operational considerations that may be relevant to the approval of the conditional use permit.

1. **Project Schedule** The construction of Municipal Well 36 is expected to begin this fall and be completed by mid-year 2018. The well is planned to be operational in conjunction with the startup of the ASR Water Treatment Facilities.
2. **Geological and Site Investigations** With regards to the preparation of the plans and specification a bore hole was completed to evaluate the geological conditions to develop a well. The site will sustain a well pumping capacity of 1500 gpm.

The site has been found to be acceptable for standard foundation construction practice.

3. **Environmental Site Evaluation** A site Environmental Audit has not been completed as the site is already owned by the City of Hastings.
4. **Traffic Impacts** The site will be accessed via 12th Street. It is expected that normal operational checks of the well will be via the alley located along the west side of the lot. This access is preferred as it postpones the construction of a driveway on 12th Street until construction can be coordinated with future 12th Street improvements.

During the project construction traffic will increase to allow for delivery of construction materials, labor and construction equipment. During the actual drilling of the well a portion of 12th will need to be blocked off. It is not expected to have traffic diverted. A traffic barricade plan will be developed in conjunction with the street department.

At times; emergencies or unforeseen equipment malfunctions may necessitate work to be done during weekends, night time or holidays. With good maintenance and operation of the equipment this should be kept to a minimum.

5. **Construction Activities** The project specification requires that construction be limited to normal day time hours of 6:00 am to 7:00 pm. It also restricts construction activities to Monday through Saturday. No work will be permitted on Holidays unless it is an emergency. However, during the well drilling the construction will need to be non-stop until the well is secured. This typically takes 24 to 48 hours.

Architecture The building will be constructed of brick and concrete block. The brick color and style will match Well 26 located at the northeast corner of North Baltimore Avenue and the UPRRR crossing. The following photo is of Well 26. This is also the same brick style and color as found at Well 27, Water Treatment Facility, Well 33 and other wells recently constructed by Hastings Utilities. The building has been designed to fit with the residential use of the area.

Due to past maintenance concerns with asphalt shingles the mansard roof is proposed to be constructed of pre-coated standing seam metal roofing material. Color to match the bronze/dark brown color scheme.



6. **Landscaping** No additional tree or shrub plants are proposed as the building is being located on a narrow lot. Traffic site distance for the intersection would best be served limiting trees and other plantings to the south of the well house.
7. **Noise** The well and pumping equipment as noted above is located inside of a brick / concrete block building. Some exterior noise will be heard as it relates to exhaust fan. The noise level of the exhaust fan will be similar to that found at other municipal wells. The exhaust fan will run intermittently. This well is being fitted with a submersible pump which significantly reduces motor noise.

The nearest occupied house is located to the southeast of the proposed well location

8. **Lighting** Some exterior building lighting is provided to allow for night time work. All exterior lighting has been designed to comply with Dark Sky Standards. Specific security lighting is not planned as 12th Street has sufficient lighting.

9. **Security** Other security measures will be taken to protect the well. This includes door locks and protective screens on the windows.
10. **Storage and Lay down areas** Construction of the well has sufficient space for construction equipment and storage of building materials. Please note during the actual drilling a portion of 12th Street will need to be closed.
11. **Storm Water Protection** A storm water protection plan will be prepared and enforced. The plan as proposed provides for silt fence to capture runoff from the project site. The project being located at the high point of the lot it will require encircling most of the site with silt fence. This will be included in the plans and specification for the building construction.
12. **Well Flushing:** To insure the well is clean after performing maintenance the well must be flushed. Water from the flushing activities will be directed to the storm sewer system. This activity may take several hours to preform and may occur several times for each maintenance event.

During the development of the well an 8 hour pump test will be required. Traffic may need to be diverted during this test due to the volume of water discharged.

13. **Chemical Storage and Handling** Chemicals usage is not planned for normal operations.

During cleaning of the well chlorine, acid, and surfactants may be used. Chlorine will be provided by the use of sodium hypochlorite solution. This is similar to chlorine bleach. Chlorine bleach has a chlorine content of 5.5%. The chlorine solution to be used is industrial strength at 12%. Sulfuric acid solution may be used to assist in the removal of calcium precipitation (water hardness). This will be an acid strength similar to muriatic acid used to clean concrete surfaces. Surfactants are soap like products used to clean the screen. The surfactants are food grade mixtures that contain phosphates.

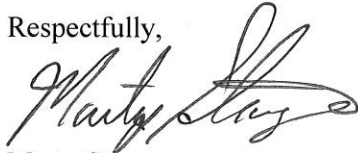
All wastewater generated by the cleaning operations will be disposed in the sanitary sewer.

The water treatment chemicals will consist of 55 gallon drums of each solution.

Total chemical storage for these items is less than 150 gallons (3 drums). The chemicals will be stored and secured within the building when not being used. Spill prevention procedures and equipment will be utilized to prevent and contain any spills. This facility will be included in the Hastings Utilities Spill Prevention and Countermeasure Plan.

Please contact me if you have any questions. I will be available to review this Conditional Use Permit request at your convenience.

Respectfully,

A handwritten signature in black ink, appearing to read "Marty Stange", with a stylized flourish at the end.

Marty Stange,
Environmental Supervisor

File: mstange/msword/ASR Project 2017/Well 36 Design and Permitting/Well 36 Wellhouse Conditional Use Permit 170823.docx

**Office Use Only**

Building Permit # _____

Received By _____

**Individual Lot
Notice of Intent (NOI)****For Coverage under the Federal Clean Water Act**

For Construction Activity that is Part of a Larger Common Plan of Development or Sale

Submission of this form supersedes any prior Notice of Intent (NOI) and Stormwater Pollution Prevention Plan (SWPPP) for the lot indicated in the application and fulfills the notification and discharge authorization procedures for individual lots, as required by Hastings Municipal Code, Chapter 42 – Storm Water Management, Construction Site Discharges for Erosion and Sediment Control. The applicant assumes sole responsibility for the building phase of development for this lot.

At the time of application, 2 copies of this form are required:

One copy will be retained by the City of Hastings; One copy will be retained by the Applicant

I. Applicant InformationName of Applicant: Hastings Utilities/City of Hastings, NE Legal Interest in the Land: OwnerCompany Name: Hastings Utilites/ City of Hastings, NE24-hour Contact Person: Marty Stange Phone: 402-462-3651Mailing Address: 1228 N Denver AveCity: Hastings State: NE Zip Code: 68901**Lot Owner (if different from Applicant)**Name: same as above Phone: _____

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

II. Legal Description 11-07-10-1390.00-PT NE1/4 NE 1/4 Tax Lot 12Name of Subdivision: City Extension Sec 11-7-10 Lot No.: _____ Block No.: _____Construction Site Address: To be assignedCity: Hastings State: NE Zip Code: 68901**III. Construction Activity Information**

Estimated Start Date

October 1, 2017

Estimated Completion Date

October 1, 2018

Estimated Disturbed Acreage

IV. Certification

I certify under penalty of law, that I am familiar with and agree to comply with the terms and conditions provided in this Notice of Intent (NOI) and Stormwater Pollution Prevention Plan (SWPPP) and that I am solely responsible for the individual lot covered by this NOI and SWPPP. I understand that the City of Hastings is authorized to inspect the site at reasonable times pursuant to Hastings Municipal Code, Chapter 42.

Signature: _____ Date: _____

Individual Lot SWPPP
(Stormwater Pollution Prevention Plan)
For Coverage under the Federal Clean Water Act
For Construction Activity that is Part of a Larger Common Plan of Development or Sale



Initial on each line to indicate that you have read and understand the following:

1. MAS Select one A, B, C or Own Site Plan, annotated as needed, in order to fulfill the SWPPP requirements set forth in Hastings Municipal Code, Chapter 42.
☐ Site Plan A
☐ Site Plan B
☐ Site Plan C
☒ Own Site Plan (provide with permit application)
2. MAS All BMPs will be constructed, installed, and maintained according to the minimum standards and specifications set forth in the NPDES States General Permit, or otherwise approved by the City Engineer, and will be in place and in working order prior to any construction activity.
3. MAS BMPs will be installed, operated and maintained to protect lakes, rivers, streams, ponds, and wetlands from sedimentation and a spill prevention plan will be followed for any spills or illicit discharges that may leave the site.
4. MAS Proposed BMPs are shown on the attached Site Plan. The construction details, application schedule, procedures, operations, and maintenance of the proposed BMPs are in conformance with the NPDES States General Permit.
5. MAS If applicable, any features of the site that are vulnerable to erosion, as well as BMPs implemented for these features are shown on the attached Site Plan.
6. MAS All BMPs will be inspected by qualified personnel at least once every fourteen calendar days during active construction and within twenty-four hours after any storm event greater than 0.5 inches during a 24-hour period. Any necessary repairs or clean-up to maintain the effectiveness of the BMPs shall be made prior to the next storm event whenever practicable. If implementation before the next storm event is impracticable, the situation will be documented in the Site Plan and alternative BMPs will be implemented as soon as possible.
7. MAS Sediment deposited into or upon any street, alley, sidewalk, public way, storm drainage system, or public ground will be removed within 48 hrs. A contingency plan will be implemented for unforeseen erosion or sediment problems, including emergency situations caused by storms.
8. MAS Following any construction activity, final or temporary stabilization shall be completed as soon as practicable, but in no case more than fourteen days, to the surface of all perimeter controls, topsoil stockpiles, and any other disturbed or graded areas on the project site which are not being used for material storage, or on which actual construction activity is not being performed.
9. MAS Either the lot will be stabilized by the builder at the end of construction, or the homeowner will be informed of the need for final stabilization.
10. MAS This form will either be posted at the construction site or made available upon request within a reasonable time.



PROJECT APPLICATION

City of Hastings – Development Services
220 N. Hastings Avenue, Hastings, NE 68901
Phone: (402) 461-2302; Fax: (402) 461-2304
www.cityofhastings.org

Please check the appropriate box below to indicate the type of application you are requesting. Contact Development Services for minimum requirements. Incomplete applications will not be processed. All applications must be completed by applicant prior to submission with all of the requested support materials by the last Monday of each month or they will be held until the next deadline to be processed.

- | | | | |
|--|---|--|--|
| ☐ Preliminary Plat | ☐ Final Plat | ☐ Short Plat | ☐ Administrative Plat |
| ☐ Code Amendment | ☐ Zoning Change | ☐ Vacation (Plat / ROW / Easements) | |
| ☒ Conditional Use Permit / Amendment | ☐ Planned District / Amendment | | |
| ☐ Comprehensive Plan / Amendment | ☐ Annexation Petition / Addition to the City | | |

PROJECT INFORMATION

Project Name: Hastings Utilities Municipal Well 36

Project Address: 12th & N Baltimore Ave Within City Limit ☒ Yes ☐ No

Existing Zoning: Residential R-1 Proposed Zoning / Use: _____

Existing Comprehensive Plan Designation: Residential Gross Area: _____

Legal Description: 11-07-10-1390.00-PT NE1/4 NE1/4 Tax Lot 12 Number of Lots: 1
City Extension SEC 11-7-10

APPLICANT INFORMATION

Applicant: Hastings Utilities/ City of Hastings, NE Company: _____

Address: 1228 N Denver Ave Tel: 402-463-1371 Fax: 402-462-3666

City: Hastings State: NE Zip: 68901 Email: mstange@hastingsutilities.com

Property Owner: Hastings Utilities/ City of Hastings, NE Company: _____

Address: 1228 N Denver Ave Tel: 402-463-1371 Fax: 402-462-3666

City: Hastings State: NE Zip: 68901 Email: mstange@hastingsutilities.com

Key Contact: Marty Stange Company: _____

Address: 1228 N Denver Ave Tel: 402-462-3651 Fax: 402-462-3666

City: Hastings State: NE Zip: 68901 Email: mstange@hastingsutilities.com

I hereby acknowledge that all information provided with this application is true to the best of my knowledge.

Property Owner Signature

9/22/2017
Date

Applicant Signature

9/22/2017
Date

DEPARTMENTAL USE ONLY

Fees: _____

Receipt No. _____

Accepted by Staff: _____

Signature

Case No. _____



Adams County Nebraska

500 W 4th, Hastings, NE



[Home](#)

[General Information](#)

[News](#)

[FAQ](#)

[Searches](#)

- [Property Identification #](#)
- [Owner Name](#)
- [Street Address](#)
- [Advanced Search](#)

[Property Data](#)

- [Detail Sheet](#)
- [Datasheet](#)

[Other](#)

- [Neighborhoods](#)
- [Transfer search](#)
- [Adams County Website](#)
- [Nebraska Taxes Online](#)
- [GIS Mapping](#)
- [City of Hastings](#)
- [Hastings Utilities](#)
- [NE Dept of Revenue](#)
- [T.E.R.C.](#)
- [Valuation Protest Form](#)
- [Personal Property](#)
- [Sales Review Questions](#)

Property Detail Sheet (R17017)

[GIS Map](#)



[Datasheet](#)



[View Images](#)

Owner Information

Owner Name: **CITY OF HASTINGS**
 Owner Address: **220 N HASTINGS AVE**
HASTINGS, NE 68901
 Property Address:

Parcel Information

Legal Description: **11-07-10-1390.00-PT NE1/4 NE1/4 TAX LOT 12 CITY EXTENSIONS SEC 11-7-10**
 Property ID: **010017000**
 Exemption Codes: **Exempt (Permissive Exemption not otherwise classified)**
 Primary Class: **9000(9000 Exempt State & Governmental)**
 Primary Use: **11(11 Exempt)**
 Zoning: **01(01 Single Family)**
 Neighborhood: **9006(9006 EXEMPT-NO APPLICATION REQUIRED)**
 Year Built: **N/A**
 No of Buildings: **N/A**
 Total Living Area: **N/A**

Sales History

	Book	Page	Sale Date
Values Breakdown 2017 Actual Value			
Total Non-Ag			\$0
Appraised:			
Total Ag Appraised:			\$0

Tax Information	2016 Actual Value
Consolidated Rate:	2.234294
Total Taxes Due:	\$0

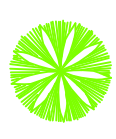
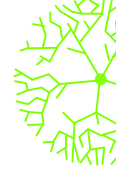
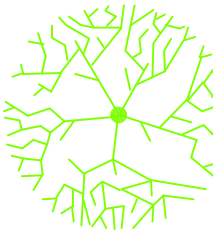
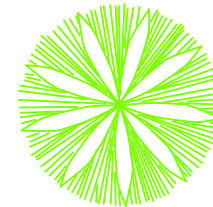
The tax information contained herein is the most current information available and is the amount of tax due for the assessment year indicated. To verify payment of tax, please contact the county treasurer's office.

Tax Entities

Tax District: 284-ES9 NR2 SD18 CRA HASTINGS 01-018	
Code	Description
0100	COUNTY
6118	HASTINGS 18 (01-0018)
6218	HASTINGS 18 (01-0018)BOND FUND
6901	ESU 9
7100	CCC GENERAL
7302	NRD 2 LITTLE BLUE
8601	HASTINGS
8611	HASTINGS C.R.A.
9200	AG SOCIETY

General Legend

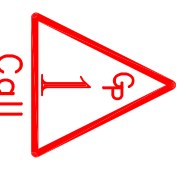
	Gas Main		Existing Reducer
	Gas Service		New Reducer
	Water Main		Existing Valve
	Water Service		New Valve
	Sanitary Sewer Main		Stop Box
	Sanitary Sewer Service		Existing Fire Hydrant
	Underground Telephone Cable		New Fire Hydrant
	Underground Telephone Service		Meter Pit
	Underground Electrical Cable		Existing Manhole
	Underground Electrical Service		New Manhole
	Overhead Electrical Cable		Utility Pole
	Overhead Electrical Service		Property Pin
	Underground Cable TV		Poured Thrust Block
	Underground Cable TV Service		Gas Meter
	Existing Storm Sewer		Telephone Pedestal
			Tracer Wire Riser

Deciduous Trees	Trunk Dia.	Evergreen Trees
	under 12"	
	12" to 24"	
	above 24"	

General Notes

- 1
- The Contractor will be responsible for notifying the City Street Department Office at 461 -2341 and the Communications Center at 461-2364 for all temporary street closings prior to construction.
- 2
- The Contractor will be responsible for calling "Diggers Hotline" for locations of all underground facilities.
- 3
- Concrete blocking is to be formed and placed with all bolts exposed. All fittings are to be covered with kraft paper or equivalent before placing concrete.
- 4
- The Contractor will be responsible for re-sodding of yards in this area, unless otherwise noted.
- 5
- The Contractor will be responsible for replacement of gravel on driveways or streets in this area.
- 6
- Service locations are approximations only and will be located in the field prior to any construction.
- 7
- All barricades and barricading shall comply with the latest edition of Part VI of the manual on "Uniform Traffic Control Devices."
- 8
- All compact filling weights will be measured by AWWA C110 and C152 for base weights.

CALL BEFORE YOU DIG



DIGGERS
HOTLINE
OF NEBRASKA

1-800-331-5666

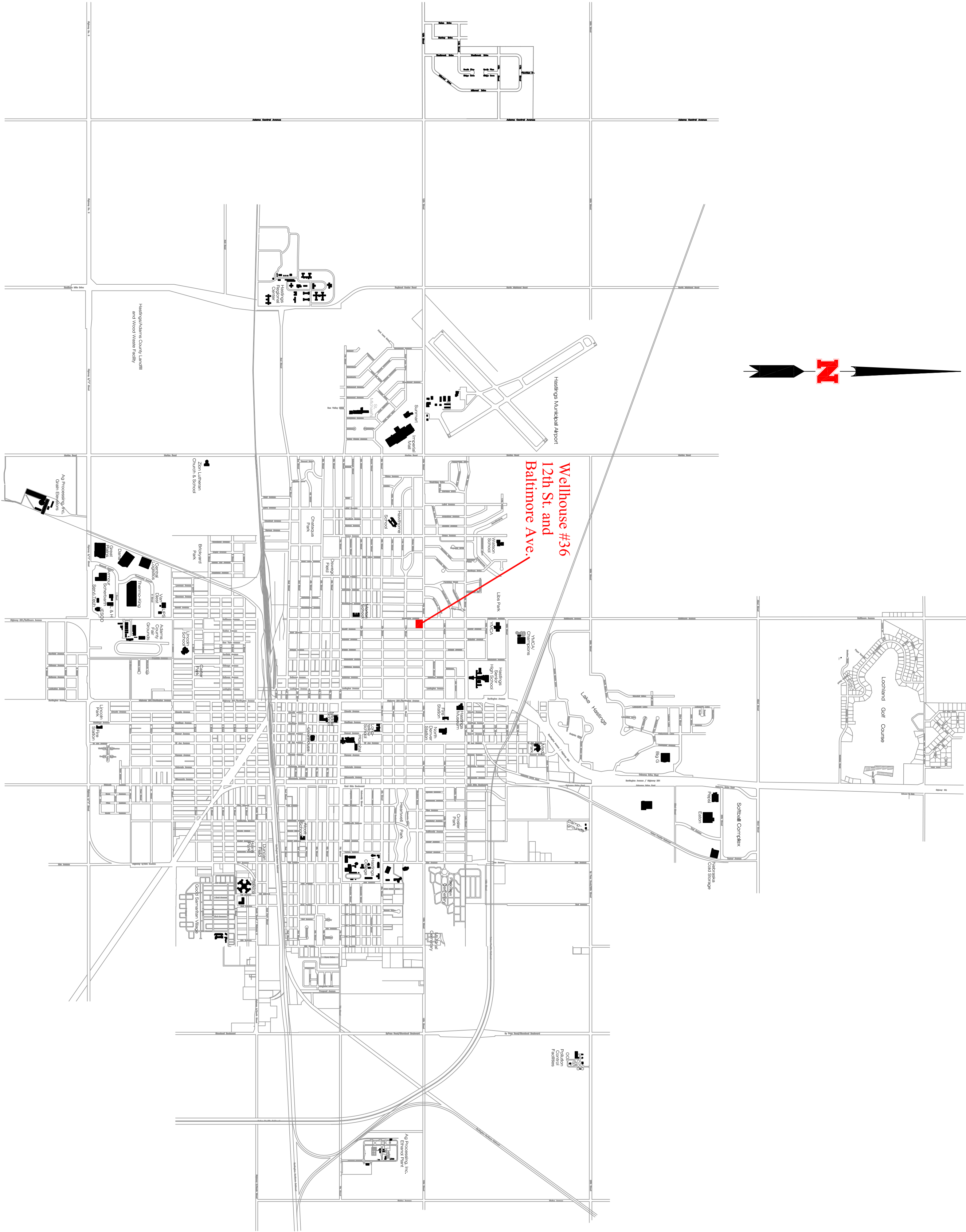


Hastings Utilities

2017

New Municipal Wellhouse No. 36

WA-319



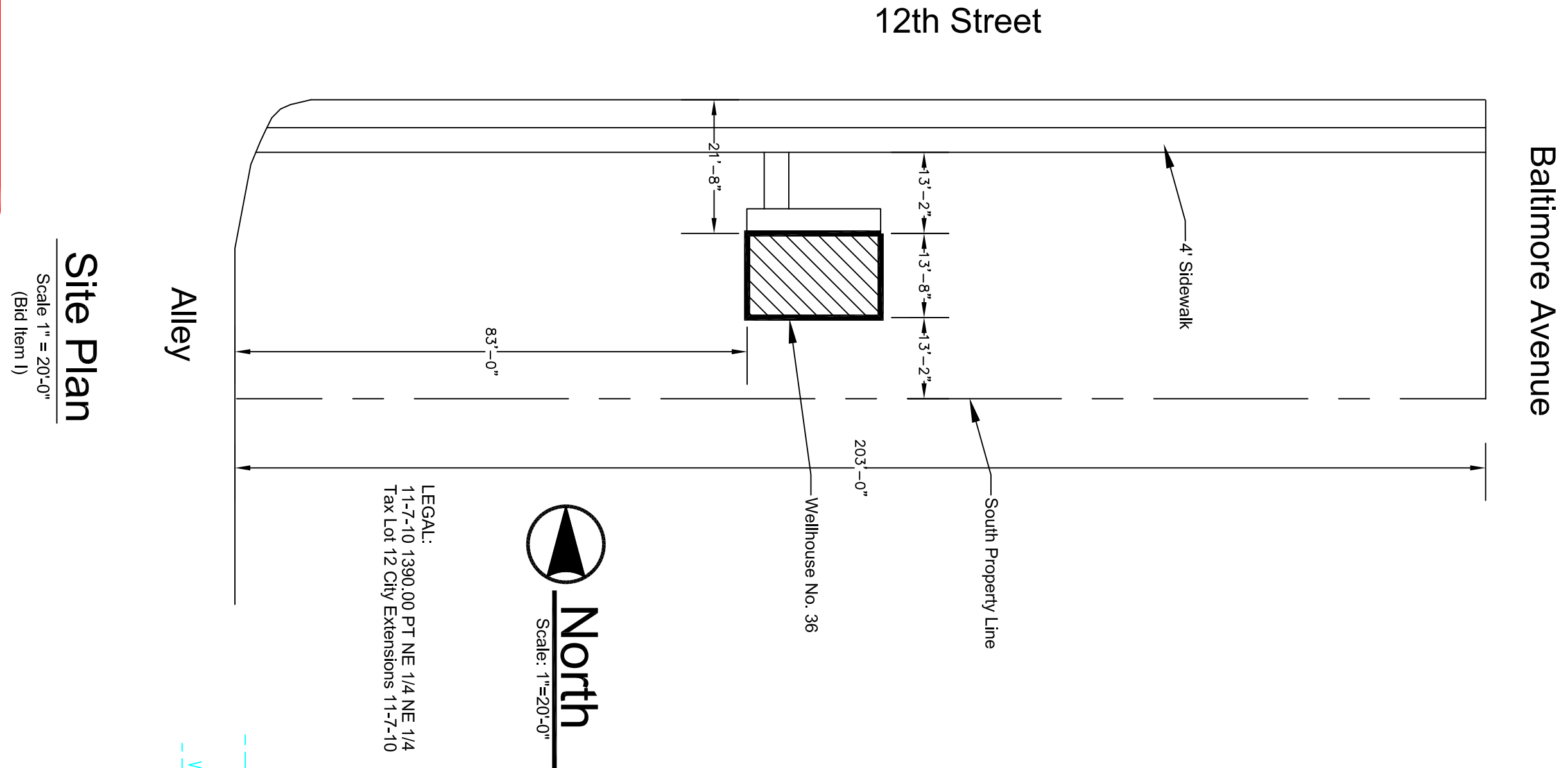
CALL BEFORE YOU DIG

1

CALL

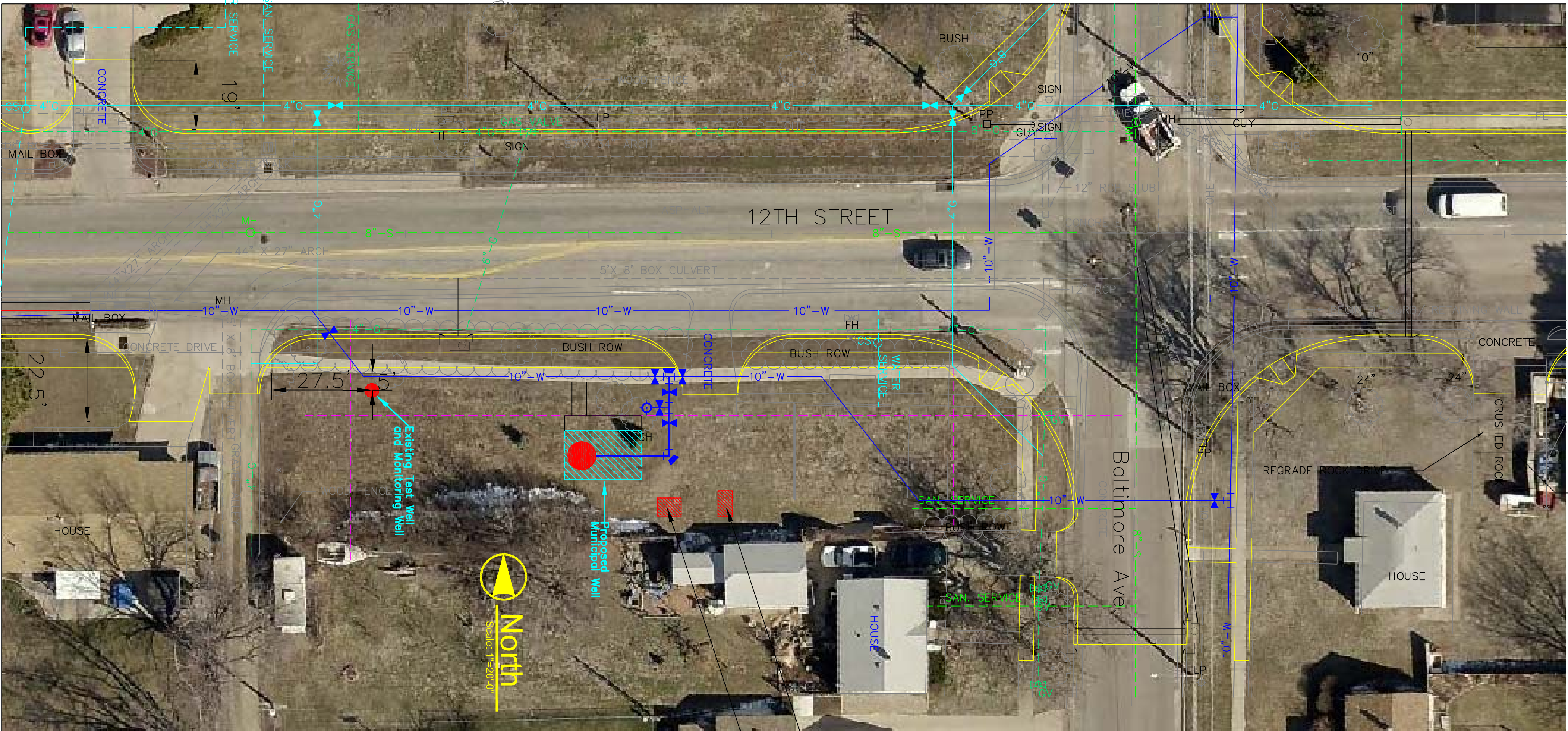
DIGGERS
HOTLINE
OF NEBRASKA

1-800-331-5666



Site Plan

Scale 1" = 20'-0"
(Bid Item I)

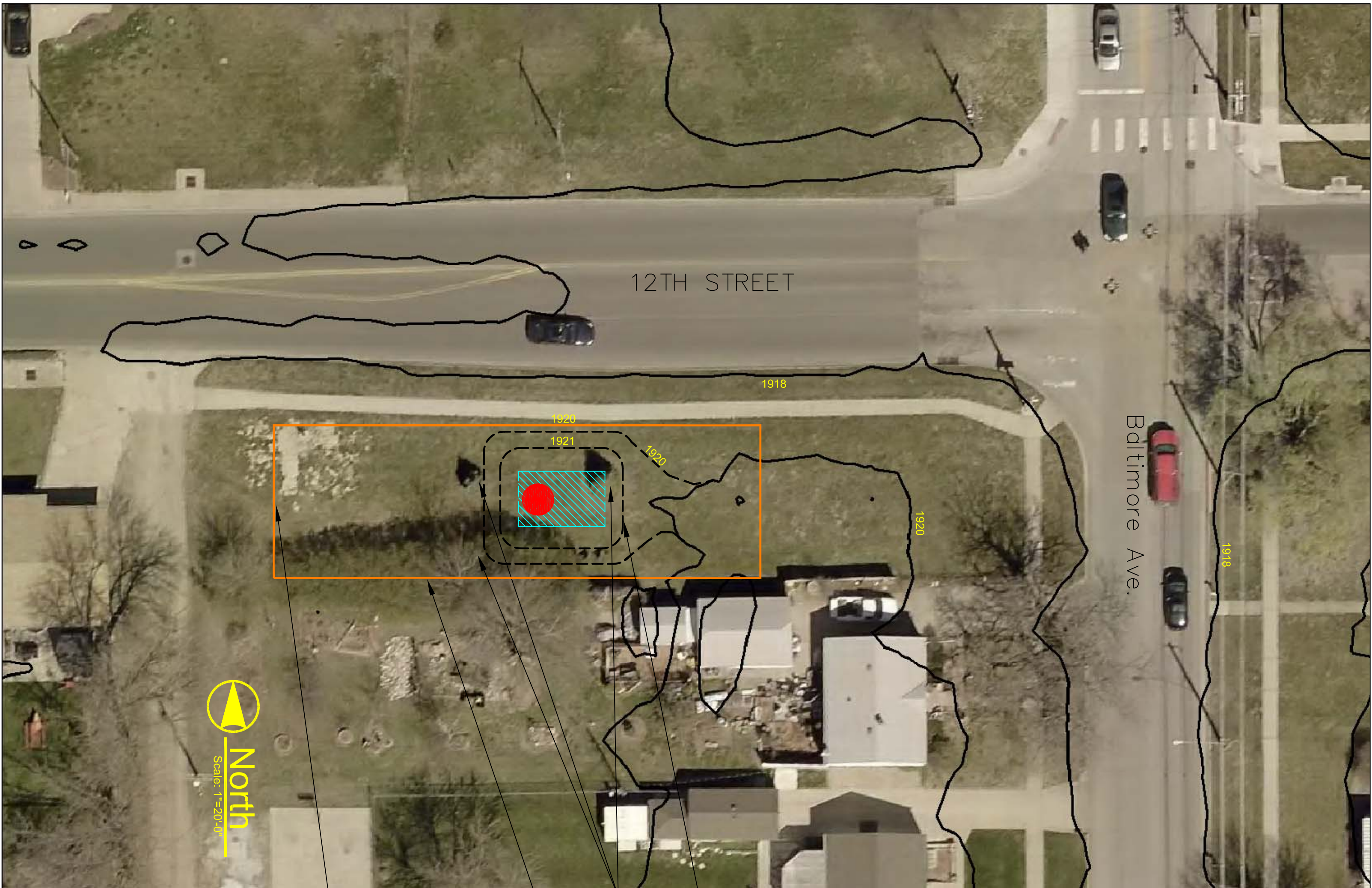


Switch Gear
Transformer Pad and Disconnect

Aerial Site Plan

Scale 1" = 20'-0"
(Bid Item I)

NOTE:
Bid Item II: Due to drilling operations needing to block the site walk and roadway, silt barrier to be erected after well casing is installed and pump testing is completed.
Bid Item I: During drilling operations care shall be taken to avoid soil to enter storm sewer system. Discharge of pump test water shall be directed to storm sewer inlets at 12th Street and Baltimore Avenue. Provide traffic barricades to protect traffic from street flooding.



Proposed entrance to site. At end of each work day, close fence to prohibit public access. Monitor area for unoff potential until area is reseeded.
Trees to be Removed or Trimmed by HU Forces Prior to Construction
Bid Section I Provide Silt Fence and Orange Safety Fence around work area

Storm Water Management Plan

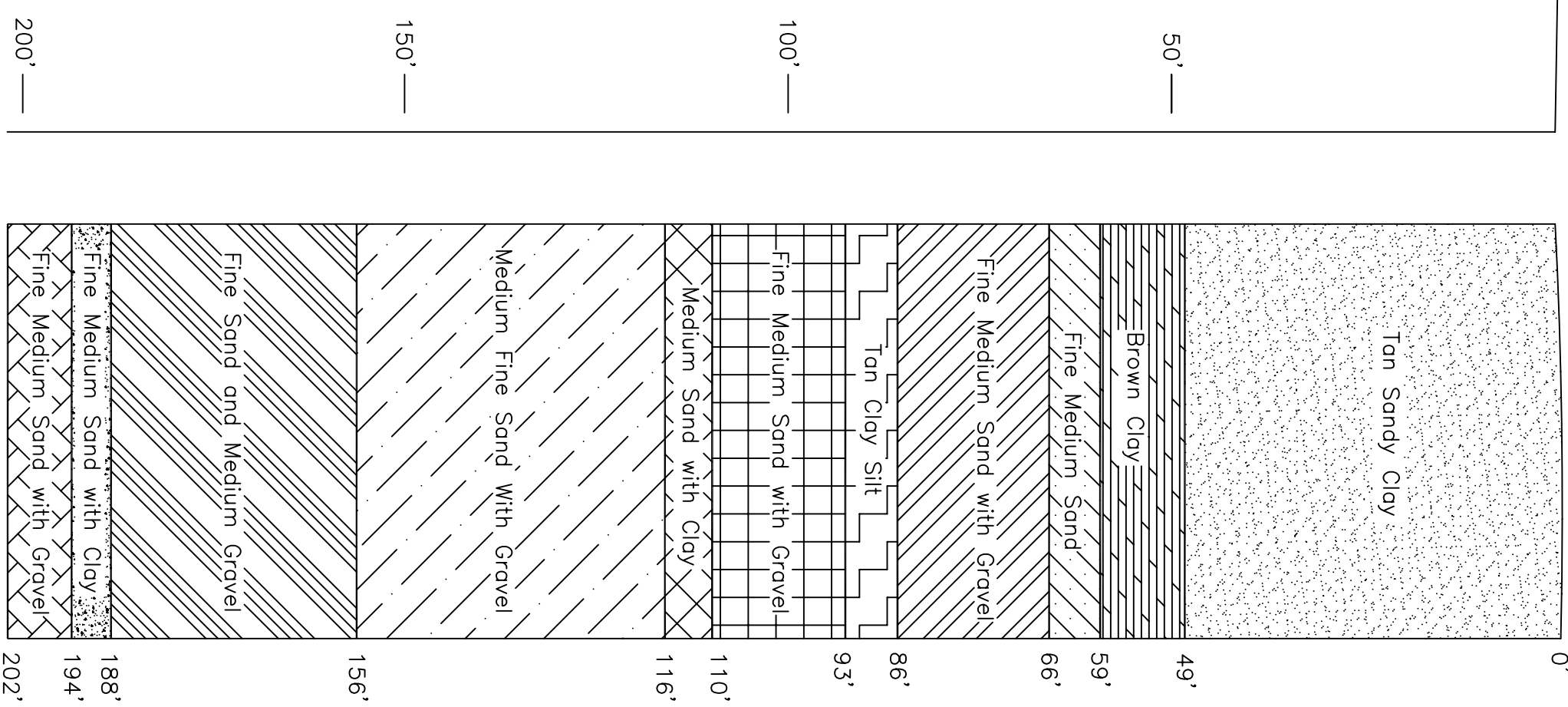
Scale 1" = 20'-0"
(Bid Item II)

NOTE:
Re seeding to be completed by HU Forces once site construction is substantially complete to begin landscaping.

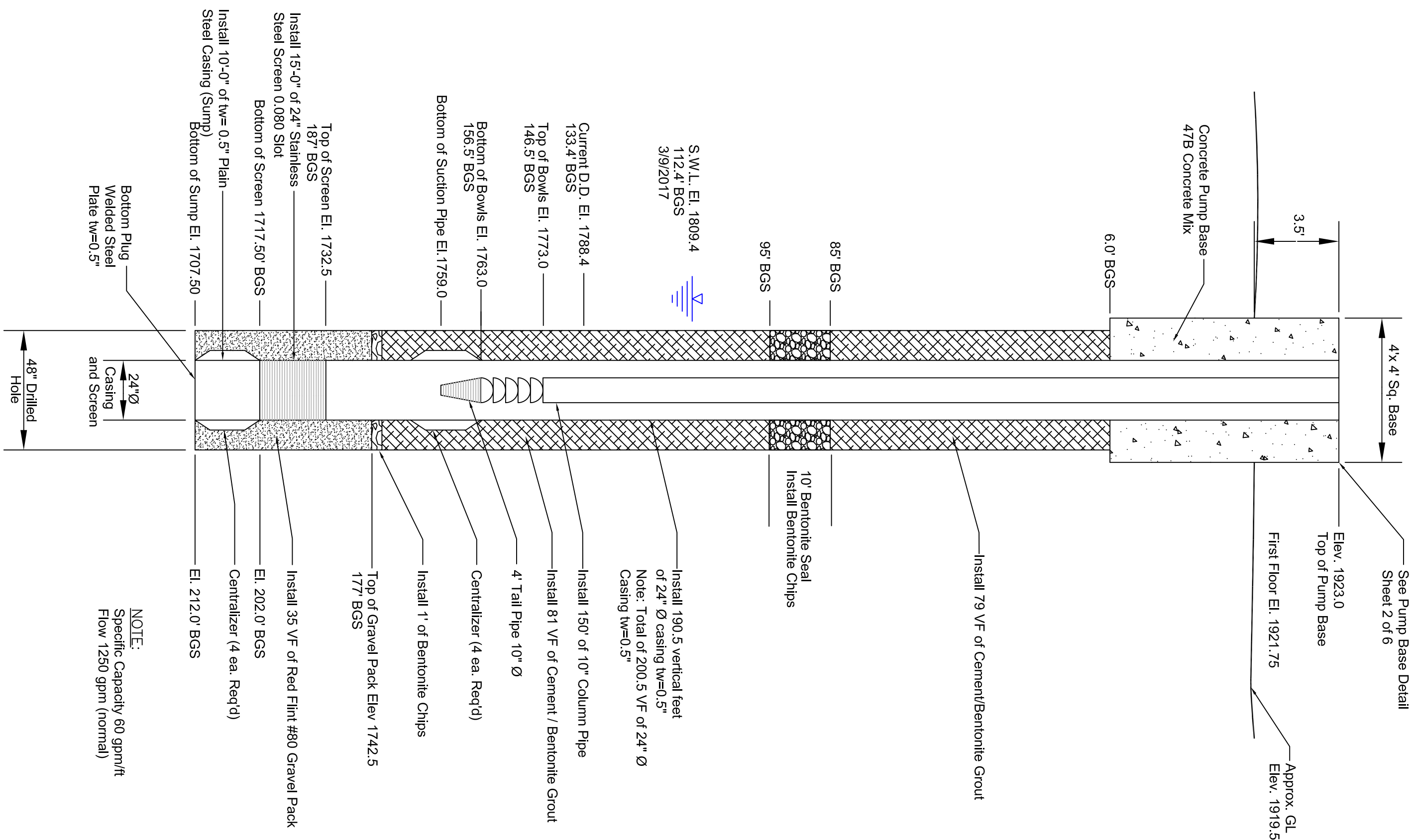
Hastings, Nebraska									
1800 West 16th Street, Suite 100, Hastings, NE 68901									
No. 36 Wellhouse Site Plan and Well Detail									
W-131									
Sheet 1 of 6									
No.	Revision	By	Date	Ctd	App	Sup't M. Hembarger	Ckd	No.	
						Drawn J. Redding	W.O. No. WA-319		
						Date 9-1-2017	Ref. Int. No.	App	

**DIGGERS
HOTLINE
OF NEBRASKA**

OF NEBRASKA



Not to Scale
(Bid Item 1)



Not to Scale
(Bid Item 1)

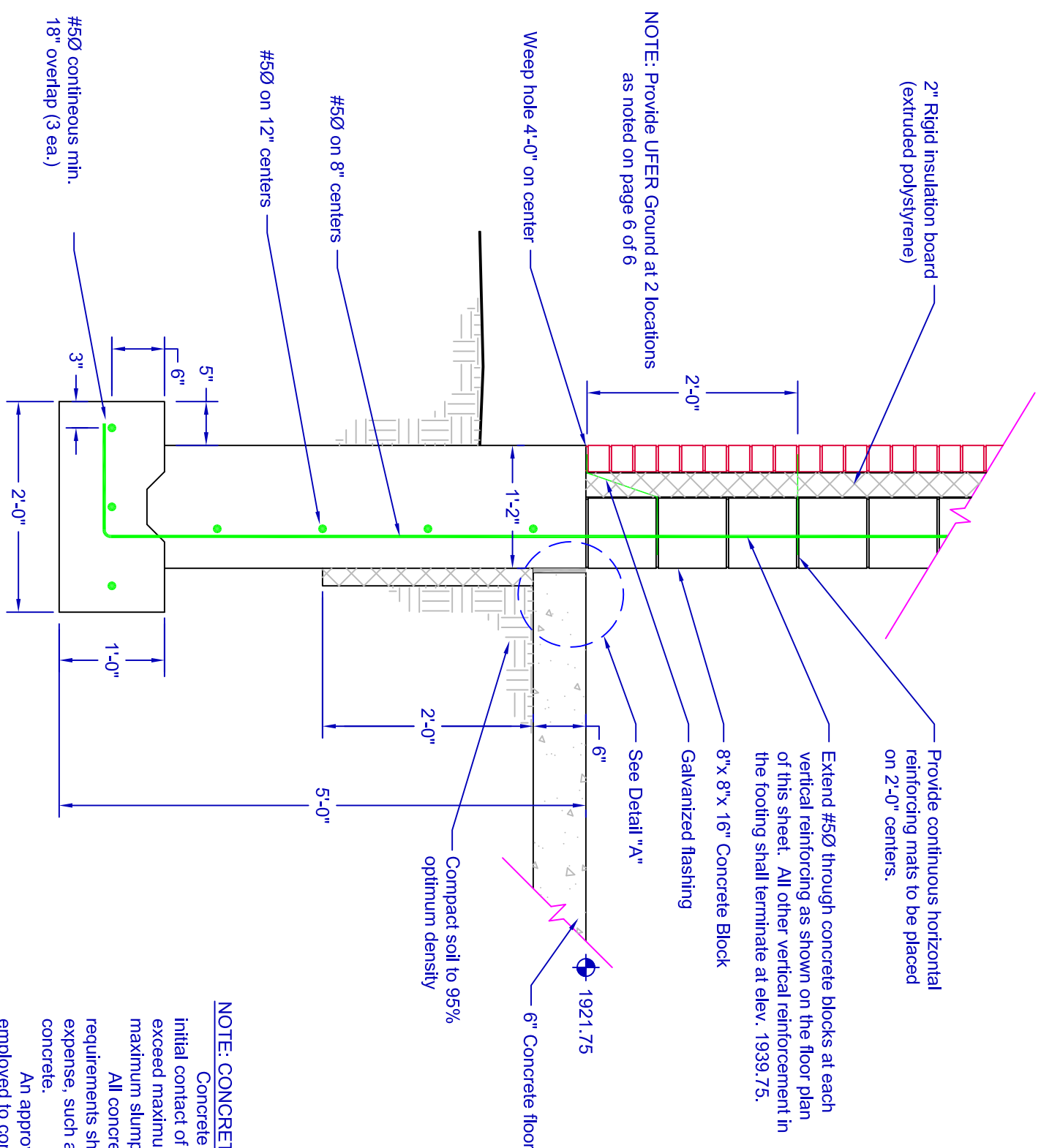
D.D. - Drawdown

Bid Section I-Municipal water supply well and discharge piping
Bid Section II-Municipal wellhouse and landscaping.

Bid Section I-Municipal water supply well and discharge piping
Bid Section II-Municipal wellhouse and landscaping.

Not to Scale
(Bid Item 1 unless otherwise noted)

Sheet 2 of 6



NOTE:
Contractor to submit type of insulation to be used in block area and perimeter for approval by Hastings Utilities.

FOOTING DETAIL
Scale: $\frac{3}{4}"=1'-0"$

Scale: $\frac{3}{4}"=1'-0"$

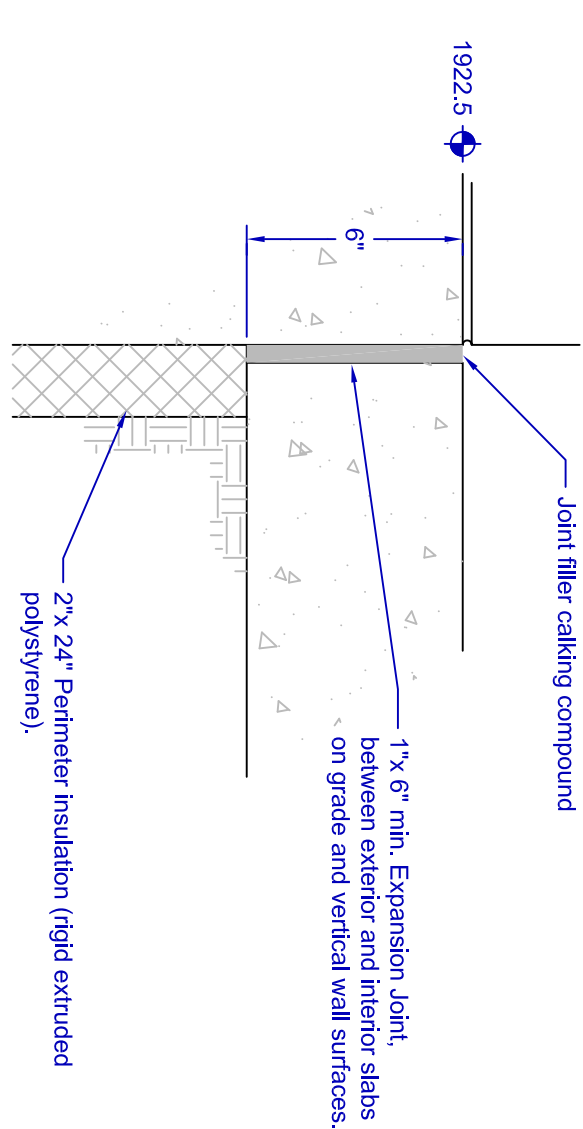
NOTE: CONCRETE WORK

Concrete not placed within one and one-half hr. of initial contact of cement and water shall be rejected. Do not exceed maximum permissible water/cement ratio or maximum slump.

All concrete work which does not conform to specified requirements shall be corrected or removed at contractor's expense, such as strength, tolerances and finishes of said concrete.

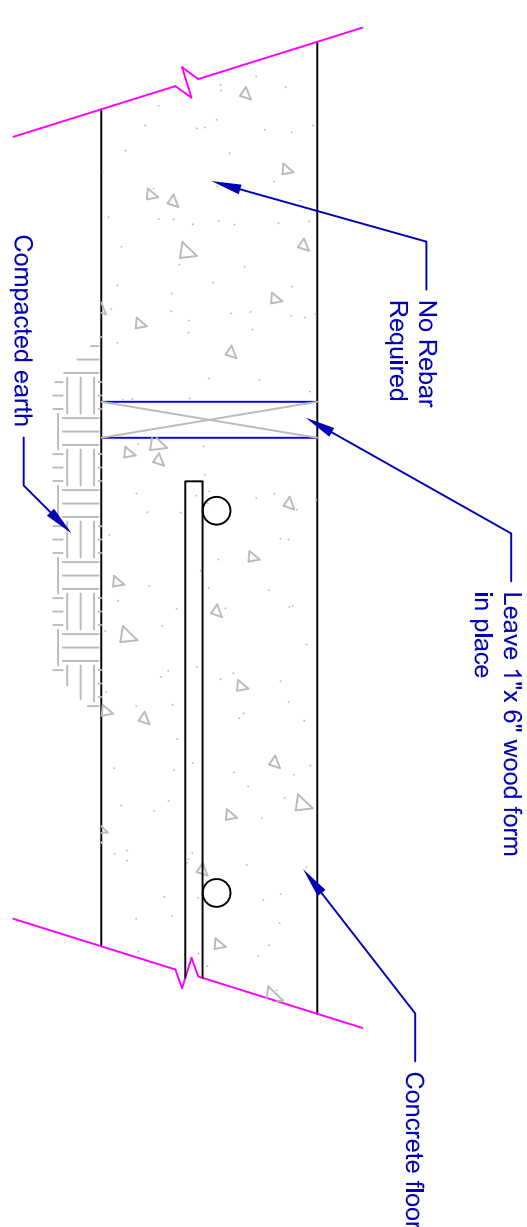
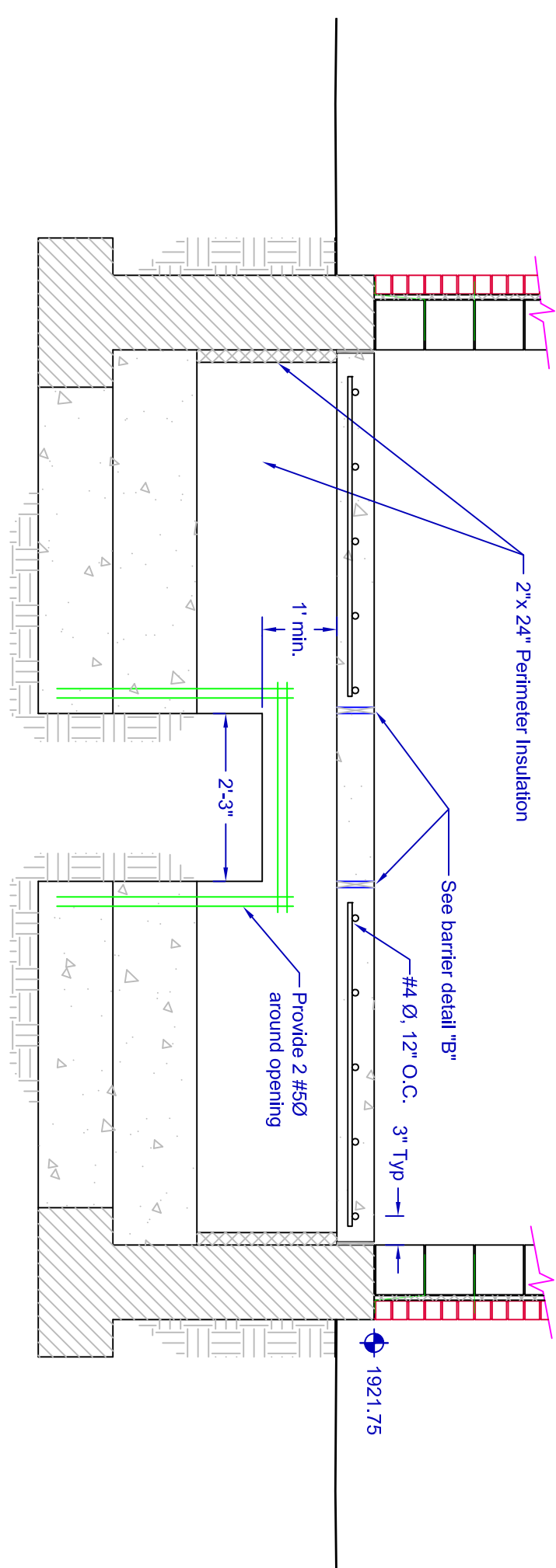
An approved concrete testing laboratory may be employed to conduct concrete testing by Hastings Utilities (H.U.). H.U. is to be notified at least 24 hrs. prior to starting any work that might require concrete testing or inspection.

All structural concrete shall be 47-BM 6 ½ sack ABX mix with a 28 day compressive strength of 3000 psi.



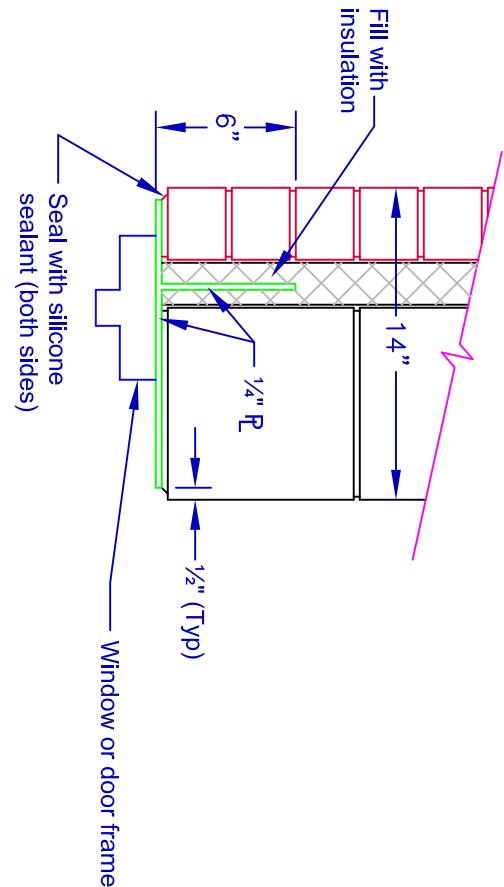
DETAIL "A"
Scale: $\frac{3}{16}'' = 1''$

Scale: $\frac{3}{16}$ " = 1'



DETAIL "B"
Scale: $\frac{3}{4}'' = 1'$

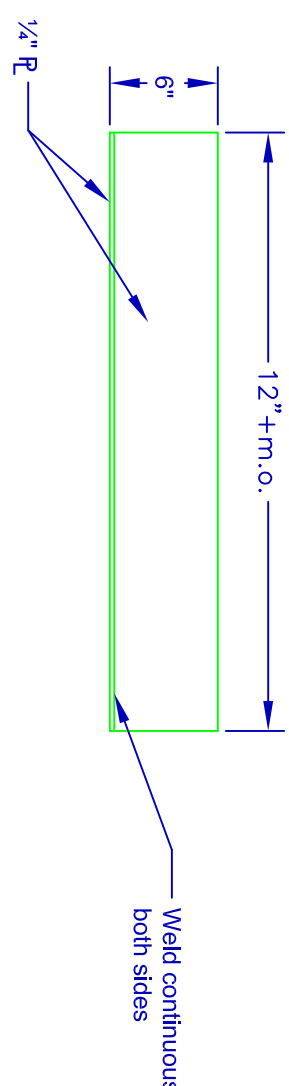
Scale: $\frac{3}{16}'' = 1'$



NOTE: Provide lintal above all wall openings including doors, windows and future chlorinator 4 - total lintels required.

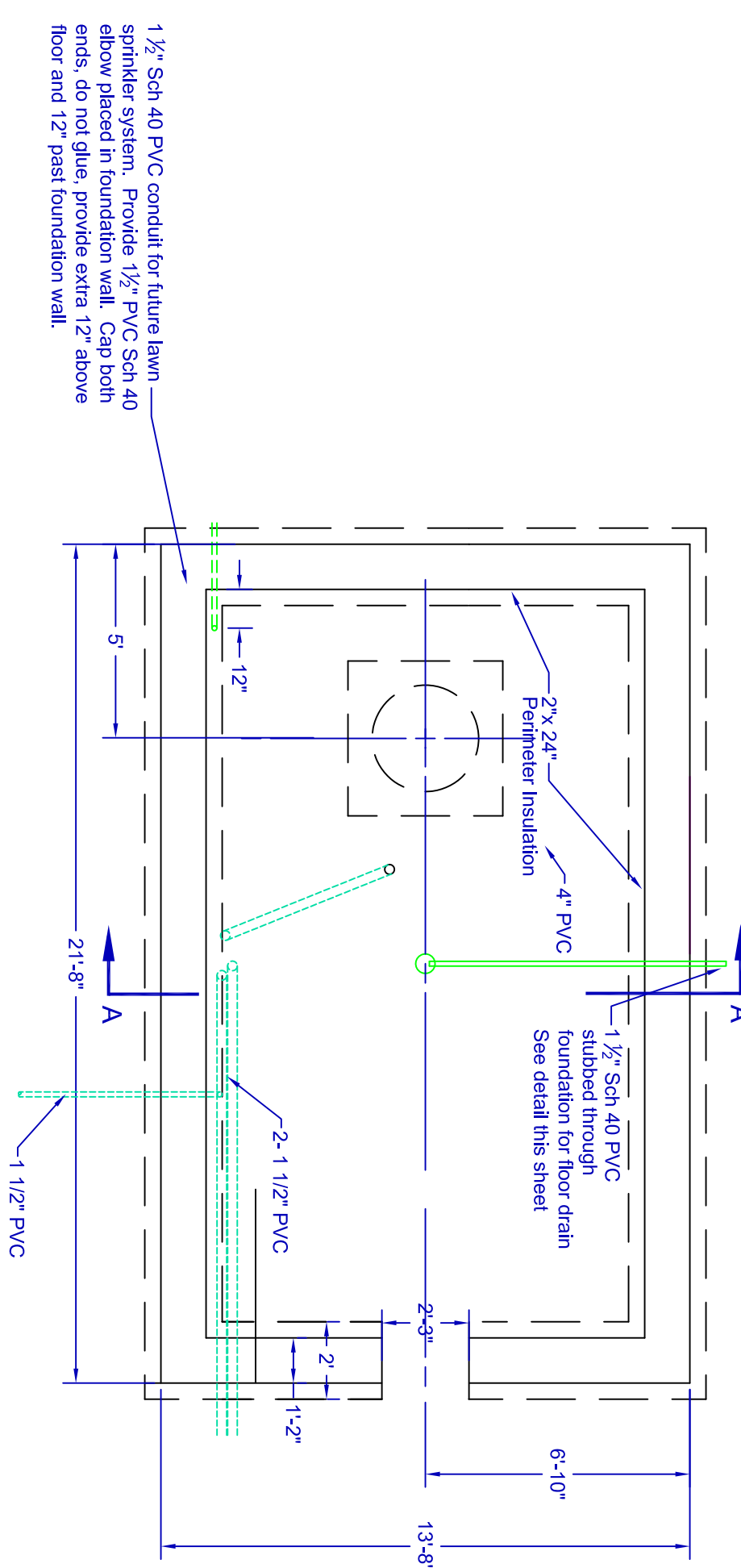
LINTEL DETAIL
Not-to-Scale

cale



Lintel Schedule

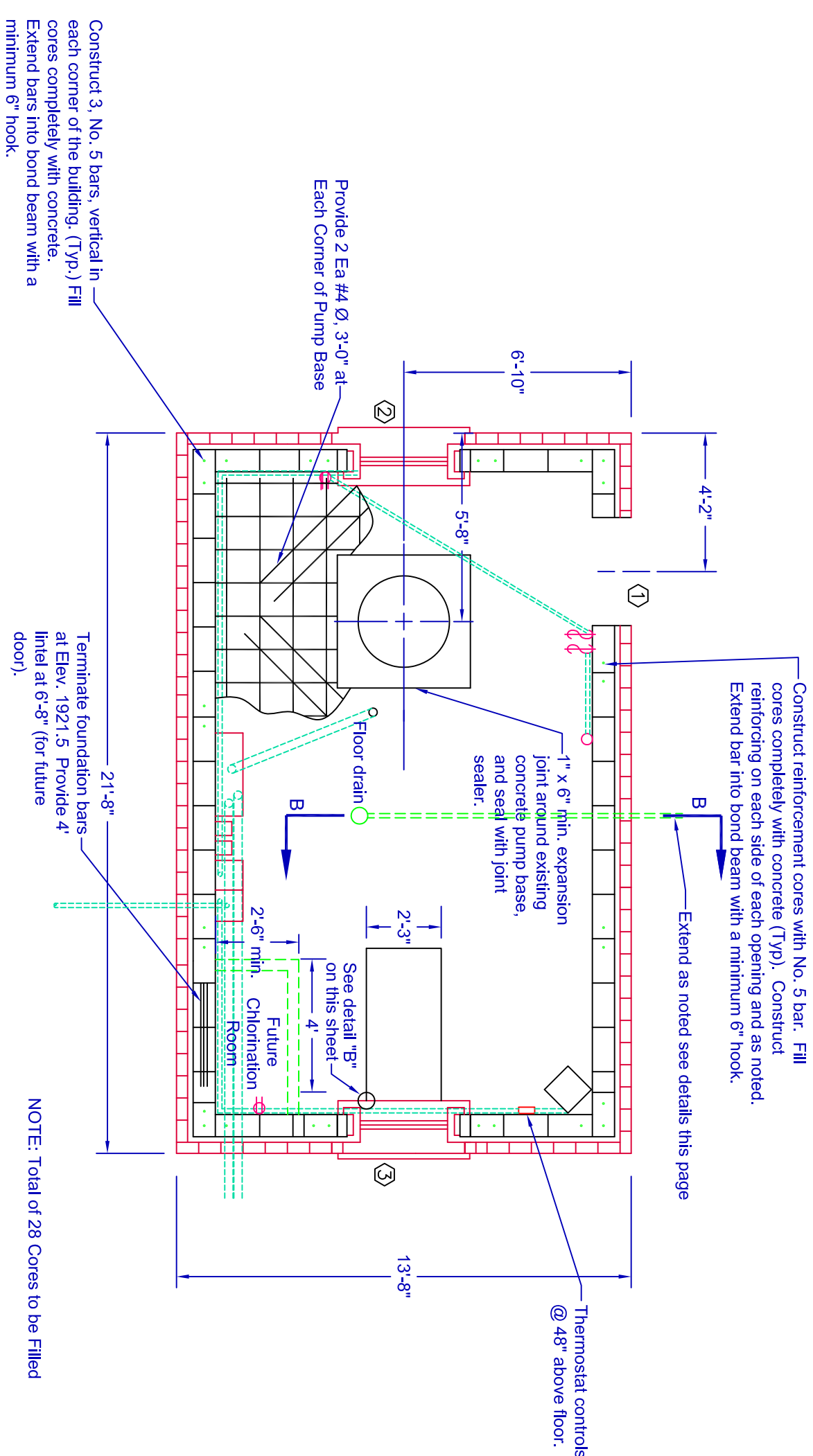
Location	Length
① North Doorway	4'-0"
② West Window	4'-3"
③ East Window	4'-3"



Note:
See sheet 6 of 6 for conduit layout and detail.

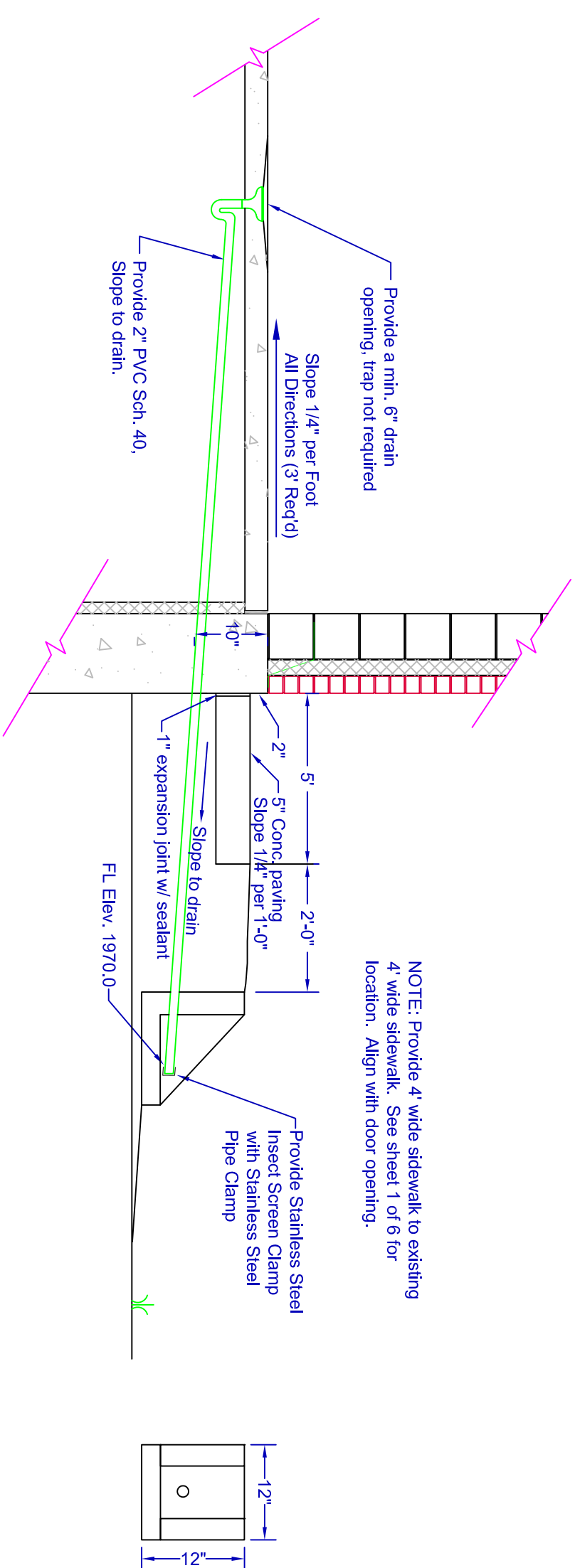
FOUNDATION & FOOTING PLAN

Scale: $\frac{1}{4}" = 1'-0"$



FLOOR PLAN
Scale: 1/4" = 1'-0"

Scale: 1/4" = 1'-0"



SECTION BE

Scale: $\frac{1}{2}'' = 1'$

	Heslopia, Necrisika				\Code\Waren\WA-101-200 WA-131-3	No.
					Dan M. Stange Sup'LM Hemberger Ckd	
					Dann J. Redding WOLNo. WA-319 Ckd	
					Date g_18-17 Refert No. App	
Revision	By	Date	Ckd	App	W-131	
						Sheet 3 of 4

Department: Development Services
Staff Contact: Mark Evans
Planning Commission Meeting Date: 10/16/2017
File No: 2017-036
Prepared By: Donald Threewitt, Development Services Director

AGENDA ITEM SUMMARY SHEET

Description of Item:

Recommendation to approve Ordinance No. 4527 amending Section 29-106 of Hastings City Code, to clarify provisions on electrical meter location and accessibility.

Names of People/Business affected by this action:

The City of Hastings, its residents, and contractors.

Why Planning Commission action is required:

Amendments to building and construction safety codes require review and recommendation by the Planning Commission.

Type of action requested:

Ordinance

Suggested motion:

Motion to recommend approval of Ordinance 4527, approving the change to Section 29-106 of Hastings City Code.

Deadlines associated with action:

None.

Department head comments:

Hastings City Code Section 29-106 is being amended to clarify that electric meters must not be placed inside of buildings, unless it is in an approved meter room. This change has special clarity for single family homes, as a meter fault could lead to a fire since the incoming wires from the utility does not have any over current protection. This added statement also clarifies that the utility and emergency first responders must have access to the meter at all times even in the case that the meter is located in an interior meter room.

Recommendation:

Staff recommends approval of this amendment.

29-106. Installation of electric meters.

Electric meters shall be installed as near as practicable to the point where the service enters the building and should be so located as to be readily accessible for examination, reading and replacement. An electric meter shall not be placed where it will be subject to damage. It shall be located at a minimum of fifty-four inches to a maximum of seventy-five inches above grade. The measurements are to be made to the center of the meter. Meters for single family homes shall be located outside of the building. Meters for other buildings shall be located outside of the building or in an approved meter room to which the utility and emergency first responders have 24/7 access.

(Code 1973, 12-6; Ord. No. 1896, 4441-6/2015)

ORDINANCE NO. 4527

AN ORDINANCE OF THE CITY OF HASTINGS, NEBRASKA, TO AMEND SECTION 29-106 OF THE OFFICIAL CITY CODE OF THE CITY OF HASTINGS REGARDING THE INSTALLATION AND LOCATION OF ELECTRIC METERS; TO REPEAL ANY ORDINANCE IN CONFLICT HERewith; TO PROVIDE WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT; AND TO PROVIDE FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF HASTINGS, NEBRASKA:

SECTION 1. That Section 29-106 of Hastings City Code is amended to read as follows:

29-106. Installation of electric meters.

Electric meters shall be installed as near as practicable to the point where the service enters the building and should be so located as to be readily accessible for examination, reading and replacement. An electric meter shall not be placed where it will be subject to damage. It shall be located at a minimum of fifty-four inches to a maximum of seventy-five inches above grade. The measurements are to be made to the center of the meter. Meters for single family homes shall be located outside of the building. Meters for other buildings shall be located outside of the building or in an approved meter room to which the utility and emergency first responders have 24/7 access.

SECTION 2. That any ordinance passed and approved prior to the passage, approval and publication or posting of this ordinance, and in conflict with its provisions, is hereby repealed.

SECTION 3. Nothing in this ordinance shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 3 in this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired, or affected by this ordinance.

SECTION 4. The provisions of this ordinance are separable and the invalidity of any phrase, clause or part of this ordinance shall not affect the validity or effectiveness of the remainder of this ordinance.

SECTION 5. This ordinance shall take effect and be in full force from and after its passage, approval and publication in pamphlet form, said effective date being the ____ day of

_____, 20____, and this ordinance shall be included in the Hastings City Code Book.

PASSED AND APPROVED by the Mayor and City Council of the City of Hastings, Nebraska, this _____ day of _____, 20____.

ATTEST:

Mayor

City Clerk

(S E A L)

APPROVED TO FORM:

City Attorney

Department: Development Services
Staff Contact: Donald Threewitt
Planning Commission Meeting Date: 10/16/2017
File No: 2017-037
Prepared By: Donald Threewitt, Development Services Director

AGENDA ITEM SUMMARY SHEET

Description of Item:

Public hearing on the request of Johnson Imperial Homes for Ordinance No. 4528, a change of zoning from "R-3G Garden Apartment Residential" and "C-3 Commercial Business" to "C-O Commercial Office" for Lochland Meadows Subdivision Number 12, a parcel of land located in the Southeast Quarter (SE1/4) of Section 24, Township 8 North, Range 10 West of the 6th P.M. in the City of Hastings, Nebraska, comprising 4.21 acres more or less.

Names of People/Business affected by this action:

The applicant, the people of Hastings, and the City.

Why Planning Commission action is required:

A change of zoning requires a public hearing by the Planning Commission, to make a recommendation to the City Council.

Type of action requested:

Ordinance

Suggested motion:

Motion to approve a change of zoning from "R-3G Garden Apartment Residential" and "C-3 Commercial Business" to "C-O Commercial Office" for Lochland Meadows Number 12.

Deadlines associated with action:

This item is scheduled to be heard at the next regular meeting of City Council on November 13, 2017.

Department head comments:

This change of zoning request accompanies the final plat for Lochland Meadows Number 12. The lot configuration and proposed use has changed from the original preliminary plat filed in 1992 (#92-009), as the subject parcel was originally contemplated for garden apartments and highway commercial.

However, the proposed change is consistent with the character of development in the vicinity. The

commercial office to the south and paired home residential to the west are more amenable to refined commercial uses, and the proposed Class 'A' office space is an appropriate use.

A change of zoning to "C-O" in lieu of "C-3" is consistent with the future land use contemplated in the area. Adjacent zoning is

North: "C-3 Commercial Business," current use is agricultural

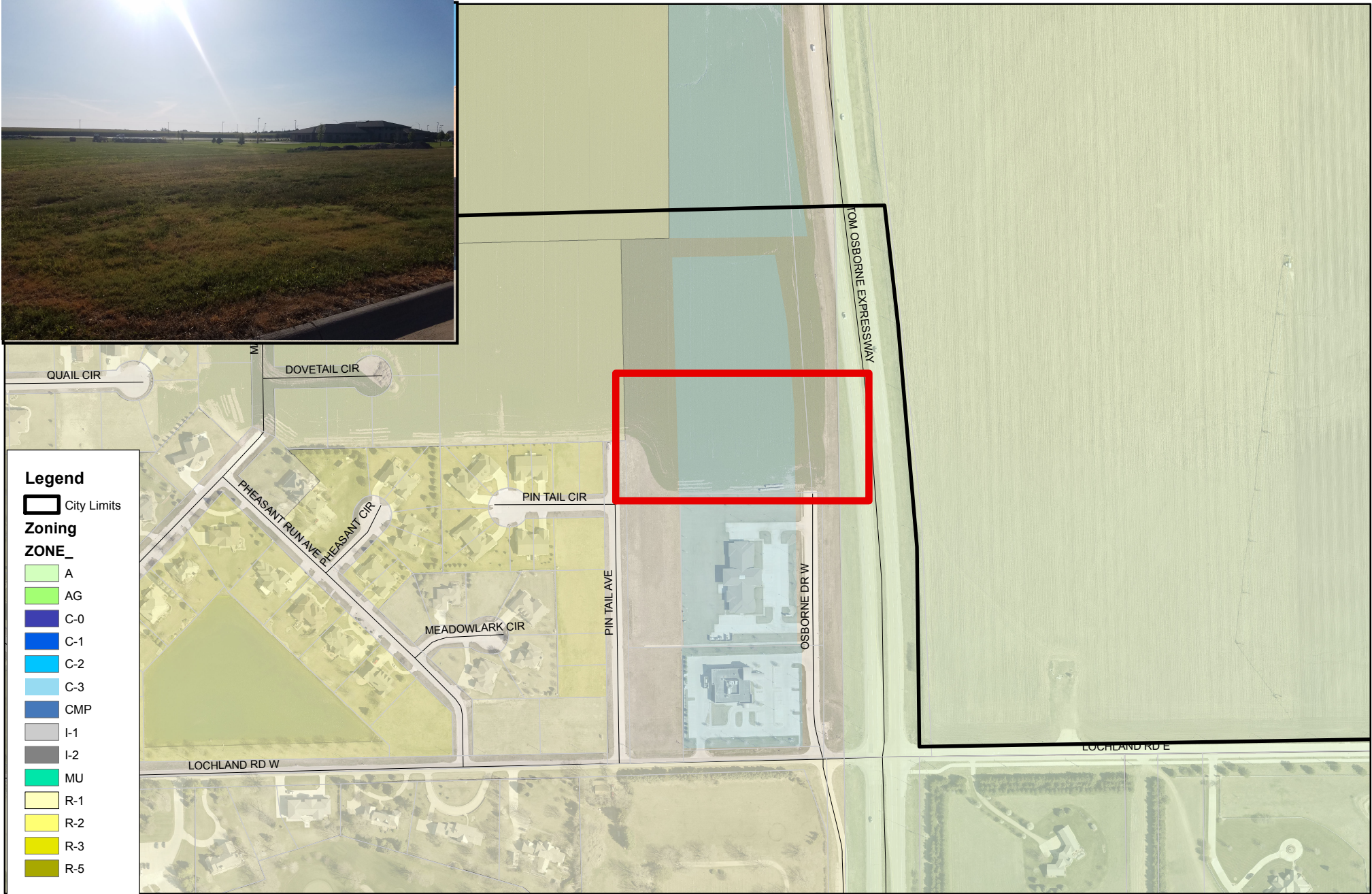
South: "C-3 Commercial Business," current use is commercial office

East: "A-Agricultural" current use is highway right of way and agricultural

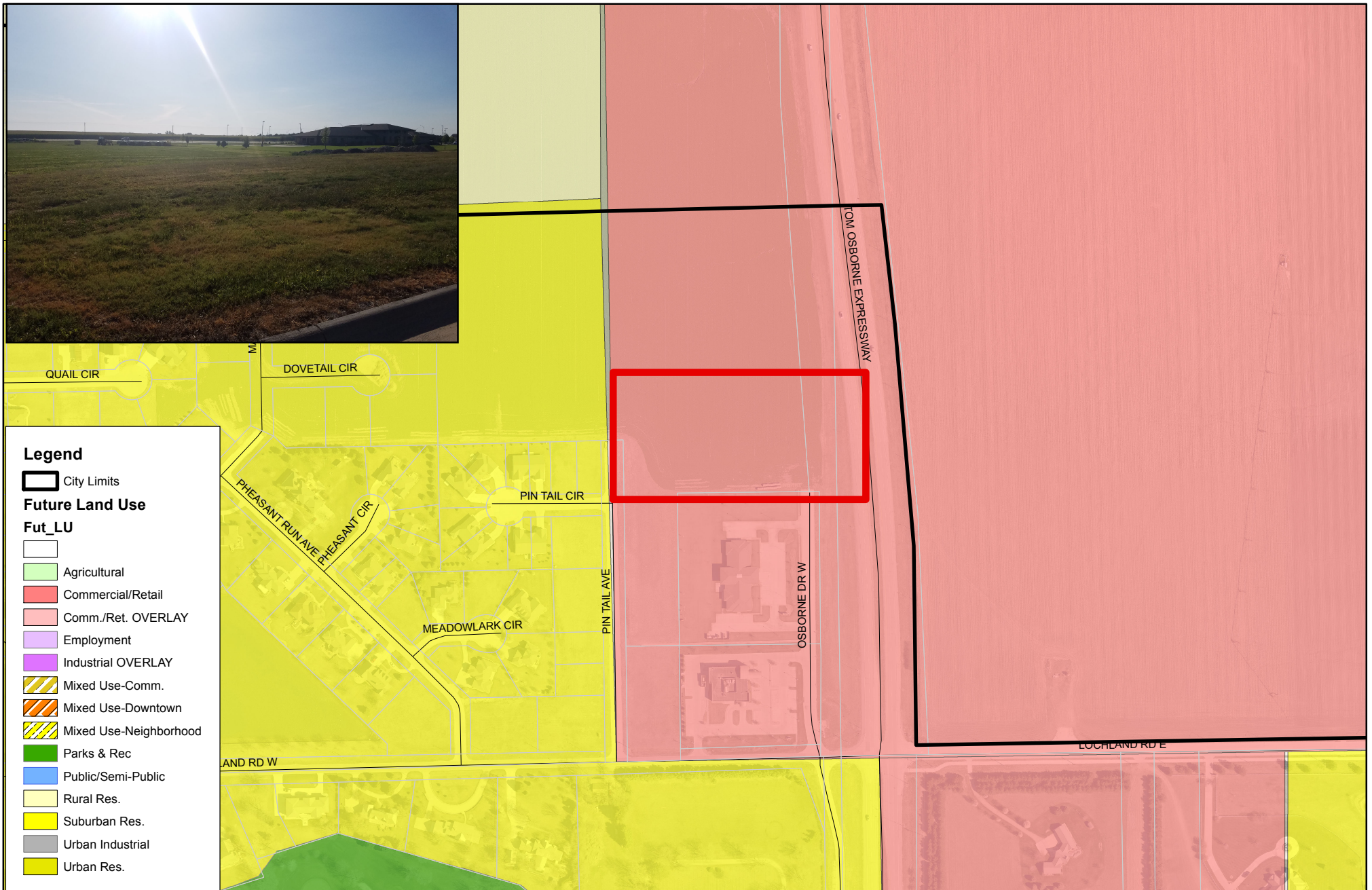
West: "R-2 Two-family Residential" current use is paired homes.

Recommendation:

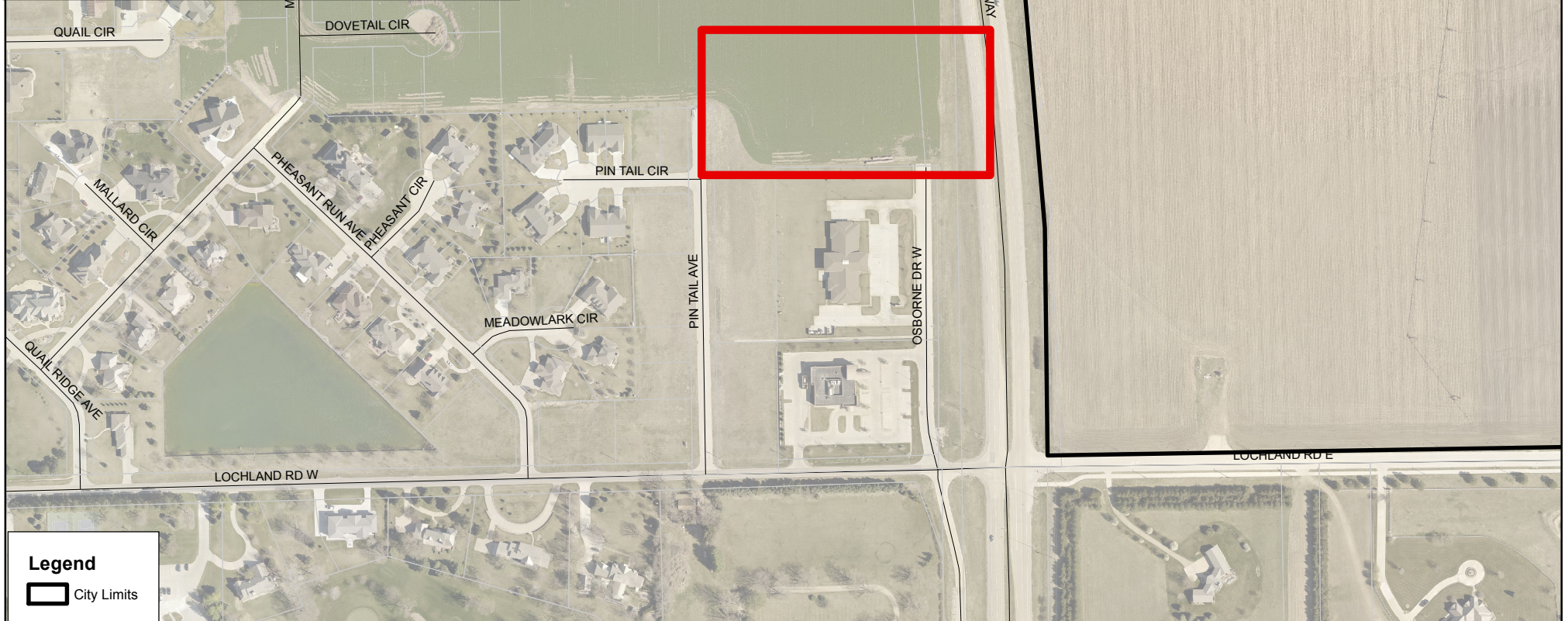
Staff recommends approval of the zoning change from "C-3 Commercial Business" and "R-3G Garden Apartment" to "C-O Commercial Office" for Lochland Meadows Subdivision Number 12.



Lochland Meadows 12 Zoning Map



Lochland Meadows 12 Future Land Use Map



Lochland Meadows 12 Aerial Map

Department: Development Services
Staff Contact: Donald Threewitt
Planning Commission Meeting Date: 10/16/2017
File No: 2017-039
Prepared By: Donald Threewitt, Development Services Director

AGENDA ITEM SUMMARY SHEET

Description of Item:

A public hearing at the request of the Development Services Department for Ordinance No. 4530, a zoning change of portions of Westbrook Village 16th Addition and Westbrook Village 11th Subdivision, from "A-Agricultural" and "C-1 Local Business" to "R-1 Single-family Residential."

Names of People/Business affected by this action:

The applicant, the property owners, the people of Hastings, and the City.

Why Planning Commission action is required:

Re-zoning of property requires a public hearing by the Planning Commission, to make a recommendation to the City Council.

Type of action requested:

Ordinance

Suggested motion:

Motion to recommend Ordinance No. 4530, a zoning change from "A-Agricultural" and "C-1-Local Business" to "R-1 Single-family Residential" for portions of Westbrook Village 16th Addition and Westbrook Village 11 Subdivision.

Deadlines associated with action:

This item is scheduled to be heard at the regular meeting of City Council on November 13, 2017.

Department head comments:

This rezone action is intended to create a uniformity in zoning districts within the neighborhood, and eliminate remnants of previous zoning actions.

As the Westbrook neighborhood developed, multiple additions, plats, and rezones were adopted by the City. However, some legal descriptions or lot characteristics were not consistent between the actions, and left remnants of both "A-Agricultural" and "C-1 Local Business" zoning within the neighborhood, as can be viewed in the attached zoning map.

The future land use plan in Imagine Hastings calls for Suburban Residential throughout the area. Surrounding properties and uses are as follows:

North: "R-1 Single-family Residential," currently undeveloped agricultural use;

South: "R-1 Single-family Residential" and "R-1A Single-family large lot Residential", currently developed single-family housing;

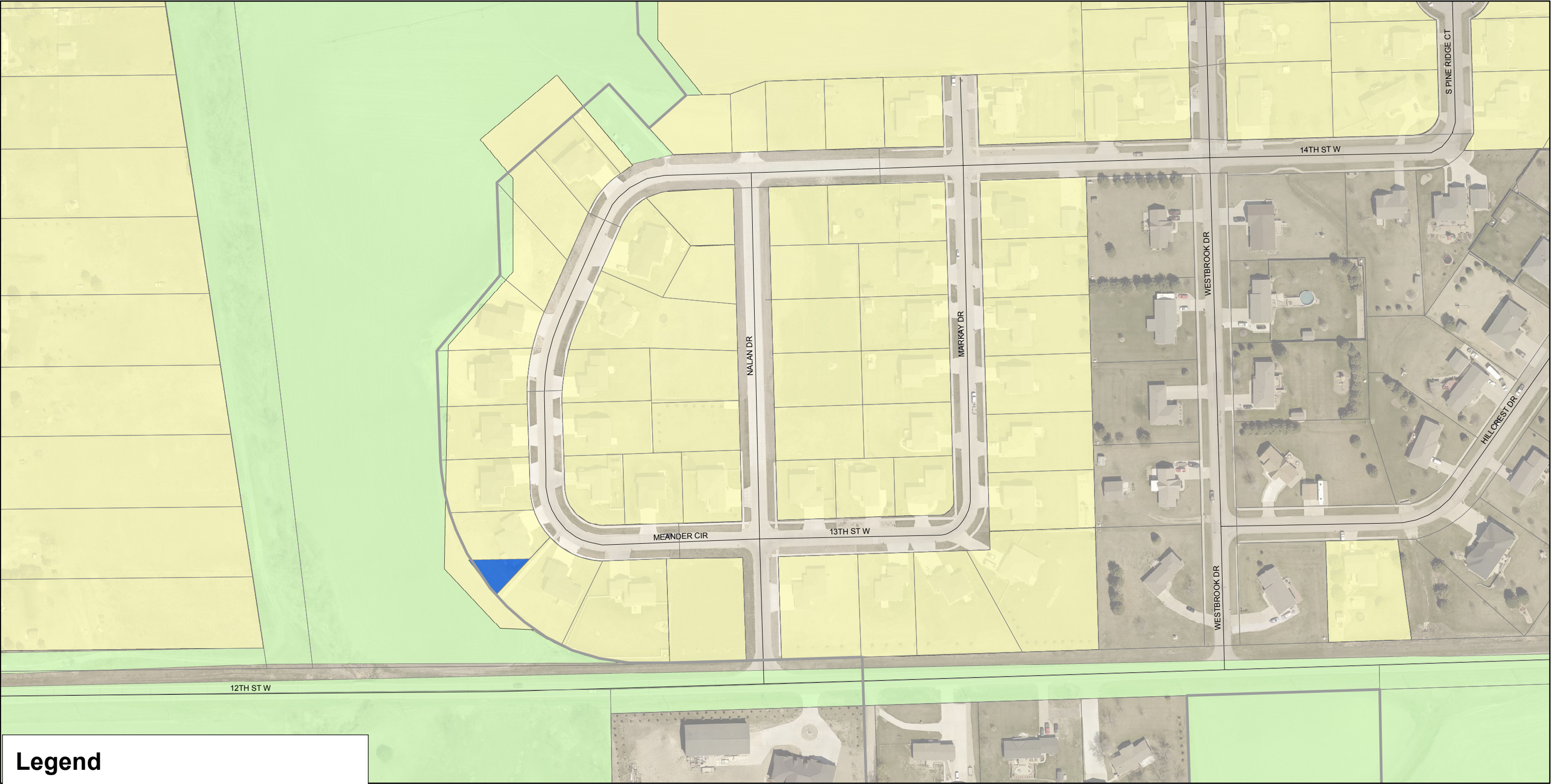
East: "R-1 Single-family Residential" currently developed single-family housing;

West: "A-Agricultural," currently undeveloped agricultural use.

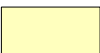
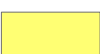
A change of zoning to "R-1 Single-family Residential" is appropriate and aligned with the goals of the Comprehensive Plan.

Recommendation:

Staff supports a recommendation for Ordinance No. 4530, changing zoning within Westbrook Village 16th Addition and Westbrook Village 11th Subdivision.

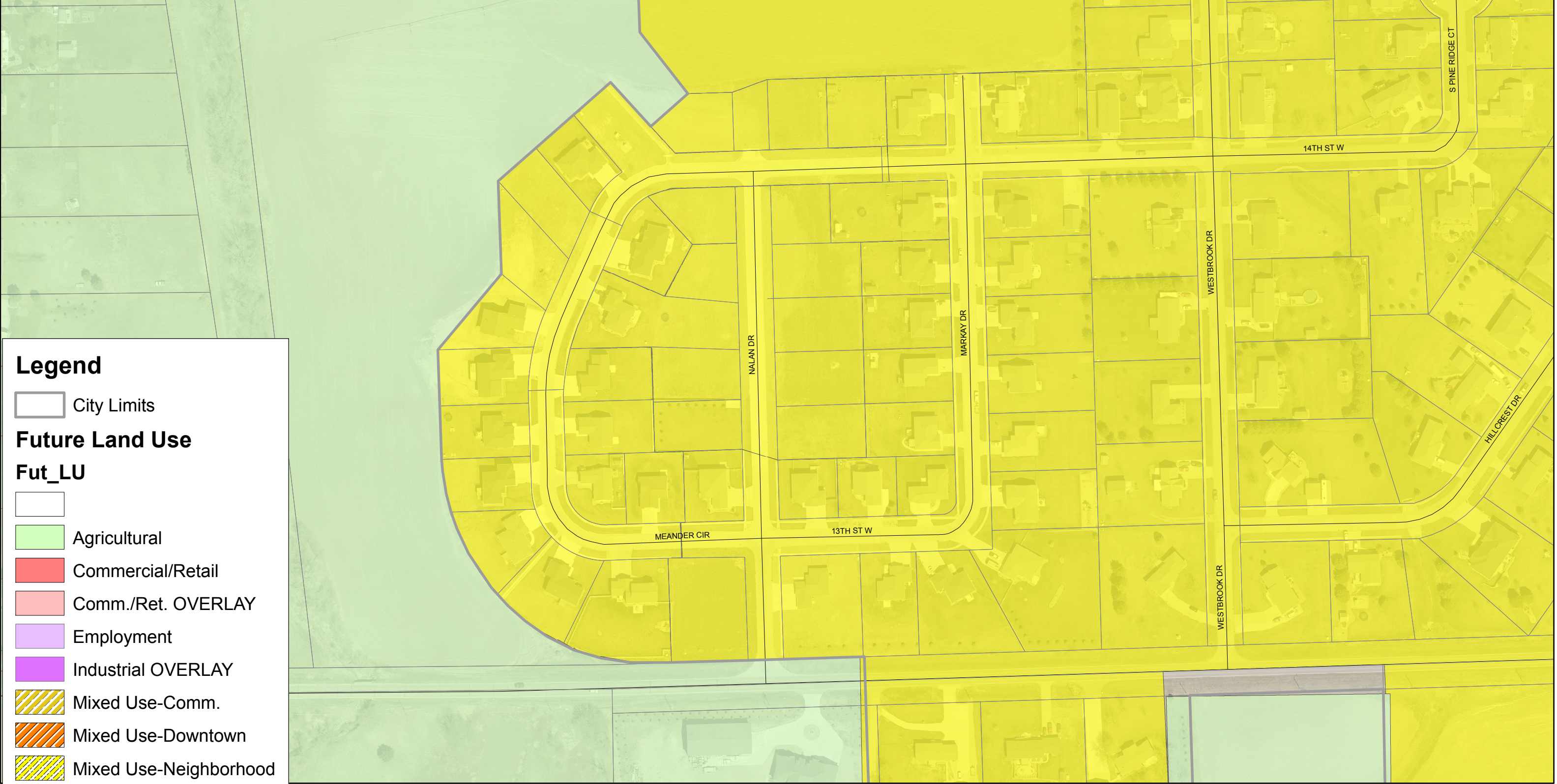


Legend

	City Limits		C-1		MU
Zoning			C-2		R-1
ZONE_			C-3		R-2
	A		CMP		R-3
	AG		I-1		R-5
	C-0		I-2		

Westbrook Village Zoning Map





Legend

 City Limits

Future Land Use

Fut_LU

-  Agricultural
-  Commercial/Retail
-  Comm./Ret. OVERLAY
-  Employment
-  Industrial OVERLAY
-  Mixed Use-Comm.
-  Mixed Use-Downtown
-  Mixed Use-Neighborhood
-  Parks & Rec
-  Public/Semi-Public
-  Rural Res.
-  Suburban Res.
-  Urban Industrial
-  Urban Res.

Westbrook Village Future Land Use Map

Department: Development Services
Staff Contact: Deb Bergmann
Planning Commission Meeting Date: 10/16/2017
File No: 2017-040
Prepared By: Donald Threewitt, Development Services Director

AGENDA ITEM SUMMARY SHEET

Description of Item:

Public hearing at the request of the City Engineer for Ordinance No. 4531, adopting the Storm Water Management Plan (SWMP) and amending Sections 42-102, 42-112, 42-114, and 42-117 of Hastings City Code.

Names of People/Business affected by this action:

The City of Hastings, its citizens and developers working in Hastings.

Why Planning Commission action is required:

40 CFR Part 122.28(d)(ii) states that the adoption of a Storm Water Management Plan shall have a public hearing at the Planning Commission prior to adoption by City Council.

Type of action requested:

Ordinance

Suggested motion:

Motion to approve Ordinance No. 4531, adopting revisions to Hastings City Code Sections 42-102, 42-112, 42-114, and 42-117 dealing storm water management.

Deadlines associated with action:

Amendments shall be revised, approved by City Council, and submitted to NDEQ by January 1, 2018.

Department head comments:

This item comes to the City Council as required by State Statute for a public hearing prior to its adoption.

The last update to the Storm Water Management code was in 2010. The State has issued a new

National Pollutant Discharge and Elimination System (NPDES) permit this year requiring Municipal Separate Storm Sewer (MS4) communities to update their City codes, to ensure compliance with the Environmental Protection Agency's (EPA's) Clean Water Act.

Affected Sections are 42-102, 42-112, 42-114, and 42-117. A red-line version of the code is provided for review along with the new proposed Storm Water Management Plan (SWMP).

Section 42-102. Amended to include additional definitions supporting the following amendments.

Section 42-112. Amended to include timeline for implementation of proposed re-development and proposed new development requirements.

Section 42-114. Amended to include the availability of guidance for Best Management Practices (BMPs), upon request.

Section 42-117. Amended to include Stop Work Orders as an enforcement tool.

Recommendation:

Staff supports a recommendation of approval for Ordinance No. 4531, amendments to portions of Chapter 42 of Hastings City Code.

ORDINANCE NO. 4531

AN ORDINANCE OF THE CITY OF HASTINGS, NEBRASKA TO AMEND THE FOLLOWING SECTIONS OF THE OFFICIAL CITY CODE: SECTION 42-101 DEALING WITH PURPOSE AND INTENT; SECTION 42-102 BY ADDING CERTAIN DEFINITIONS; SECTION 42-112 DEALING WITH TECHNICAL STANDARDS, SPECIFICATIONS, AND GUIDANCE; SECTION 42-114 DEALING WITH BEST MANAGEMENT PRACTICES; AND SECTION 42-117 DEALING WITH NOTICES OF VIOLATION; TO REPEAL ANY ORDINANCES OR SECTIONS OF THE OFFICIAL CITY CODE INCONSISTENT HEREWITH; TO PROVIDE FOR AN EFFECTIVE DATE OF THIS ORDINANCE; AND TO PROVIDE FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF HASTINGS, NEBRASKA:

Section 1. That Section 42-101 of the Official City Code be amended to read as follows:

42-101. Purpose/intent.

The purpose of this ordinance is to provide for the health, safety, and general welfare of the citizens of Hastings, Nebraska through the regulation of non-storm water discharges to the storm sewer system to the maximum extent practicable as required by federal and state law. In addition, to control land disturbances, or eliminate soil erosion and sedimentation within the City of Hastings, Ne. This ordinance establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this ordinance are:

- (1) To regulate the contribution of pollutants to the municipal separate storm sewer system by discharges by any person.
- (2) To prohibit illicit connections and discharges to the municipal separate storm sewer system.
- (3) To prevent non-storm water discharges generated as a result of spills, inappropriate dumping, or disposal to the City of Hastings separate storm sewer system.
- (4) To reduce pollutants in stormwater discharges from construction activity by guiding, regulating, and controlling the design, construction, use, and maintenance of any development or other activity that disturbs or breaks the topsoil or results in the movement of earth on land.

- (5) To require the construction of locally-approved, permanent stormwater runoff controls to protect water quality and maintain non-erosive hydrologic conditions downstream of construction activity and development.
- (6) To require responsibility for and long-term maintenance of structural stormwater control facilities and nonstructural stormwater management.
- (7) To establish legal authority to carry out all inspection, surveillance, monitoring procedures, and enforcement procedures necessary to ensure compliance with this ordinance.

Section 2. That Section 42-102 of the Official City Code be amended to read as follows:

42-102. Definitions.

For the purposes of this ordinance, the following shall mean:

Accidental Discharge: A discharge prohibited by this Code which occurs by chance and without planning or thought prior occurrence.

Authorized Enforcement Agency: The City of Hastings and its employees or third parties designated to enforce this ordinance.

Best Management Practices (BMPs): Schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to storm water, receiving waters, or storm water conveyance systems. Best Management Practices also include treatment practices, operating procedures, and practices to control site runoff, spillage, leaks, sludge disposal, water disposal, or drainage from raw materials storage.

Builder: Shall mean the general contractor responsible for permitting and constructing a structure and associated construction activity.

Building Phase of Development: Period of construction activity when a portion(s) of a common plan of development or sale requires a building permit.

Clean Water Act: The federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

Common Plan of Development or Sale: A contiguous area where multiple separate and distinct land disturbing activities may be taking place at different times, on different schedules, but under one proposed plan which may include, but is not limited to, an announcement or piece of documentation (including a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, computer design, etc.) or physical demarcation (including boundary signs, lot stakes, surveyor markings, etc.) indicating construction activities may occur on a specific plot.

Construction Activity: Activities subject to National Pollutant Discharge Elimination System Construction Permits. Such activities include, but are not limited to, clearing, grubbing, grading, excavating, demolition and other land disturbing actions.

Construction Site: Any location where construction activity occurs.

Contractor: Any person performing or managing construction work at a construction site, including, but not limited to, any construction manager, general contractor or subcontractor, and any person engaged in any one or more of the following: earthwork, pipework, paving, building, plumbing, mechanical, electrical, landscaping or material supply.

Clearing: Any activity that removes the vegetative surface cover.

Disturbed Area: Area of the land's surface disturbed by any work or activity upon the property by means including but not limited to grading, excavating, stockpiling soil, fill, or other materials, clearing, vegetation removal, removal or deposit of any rock, soil, or other materials, or other activities which expose soil. Disturbed area does not include the tillage of land that is zoned for agricultural use.

Drainage Design Guidance or Manual: Documentation that references design criteria and guidance by a community for stormwater management.

Earthwork: The disturbance of soil on a site associated with construction activities.

Eightieth (80th) Percentile Rain Event: A rainfall storm event equivalent to a depth of rainfall which is not exceeded in eighty (80) percent of the historic runoff producing rainfall events. The depth of rainfall to be used shall be that which is identified in the Post Construction Stormwater Management Plan (PCSWMP). The depth of rainfall is used in hydrologic calculations to determine the water quality volume or rate of discharge to be controlled for.

Erosion: The detachment and movement of soil or rock fragments by water, wind, ice or gravity.

Erosion Control: Measures that prevent soil erosion to the maximum extent practicable.

Erosion and Sediment Control Plan: A plan that indicates the specific measures and sequencing to be used for controlling sediment and erosion on a development site during construction activity according to locally approved standards, specification, and guidance.

Final Drainage Plan: A schematic of the proposed area and how it connects to City's storm sewer system. Include proposed location, grade, direction of flow, elevations, drainage structures and drainage areas.

Final Stabilization: When all soil disturbing activities at the site have been completed, and vegetative cover has been established with a uniform density of at least 70 percent of pre-disturbance levels, or equivalent permanent, physical erosion reduction methods have been employed. For purposes of this Ordinance, establishment of a vegetative cover capable of providing erosion control equivalent to pre-existing conditions at the site is considered final stabilization.

Grading: Excavation or fill of material, including the resulting conditions thereof.

Hazardous Materials: Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical,

chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Illegal Discharge: Any direct or indirect non-storm water discharge to the storm drainage system except as exempted in Section 42-7 of this ordinance.

Illicit Connections:

- (1) Any drain or conveyance, whether on the surface or subsurface, which allows any illegal discharge to enter the storm drainage system including, but not limited to, any conveyance which allows any non-storm water discharge including sewage, process wastewater, or wash water to enter the storm drainage system.
- (2) Any connections to the storm drainage system from indoor drains and sinks regardless of whether said drain or connection has been previously allowed, permitted, or approved by an authorized enforcement agency.
- (3) Any drain or conveyance connected from a commercial or industrial land use to the storm drainage system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.
- (4) Illicit connection will not include exception for approval. Connects allowed in 42-7.

Industrial Activity: Activities subject to National Pollutant Discharge Elimination System Industrial Permits as defined in 40 CFR, section 122.26 (b) (14).

Land Development: Any land change, including, but not limited to, clearing, digging, grubbing, stripping, removal of vegetation, dredging, grading, excavating, transporting and filling of land, construction, paving, and any other installation of impervious cover.

Land Disturbance Activity: Any land development that may result in soil erosion from wind, water and/or ice and the movement of sediments into or upon waters, lands, or right-of-way.

MS4 Boundary: This area is defined as the Urbanized Area map boundary prepared by the U.S. Census Bureau. This is the minimum boundary adopted by the EPA for Phase II communities as part of the MS4 program.

Municipal Separate Storm Sewer System (MS4): Publicly-owned facilities by which stormwater is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, catch basins, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage ditches/channels, reservoirs, and other drainage structures.

National Pollutant Discharge Elimination System Storm Water Discharge Permit: A permit issued by Environmental Protection Agency (or by the State of Nebraska under authority delegated to it) that authorizes the discharge of pollutants to waters

of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

NDEQ: Nebraska Department of Environmental Quality.

N.O.I.: Notice of Intent.

N.O.T.: Notice of Termination.

Non-Storm Water Discharge: Any discharge to the storm drainage system that is not composed entirely of storm water.

Operator: The individual who has day-to-day supervision and control of activities occurring at the construction site. This can be the owner, the developer, the general contractor or the agent of one of these parties. It is anticipated that at different phases of a construction project, different types of parties will satisfy the definition of 'operator' and the pertinent portions of any applicable permit authorization from the State of Nebraska will be transferred as the roles change.

Outfall: The point of discharge to any watercourse from a public or private stormwater drainage system.

Owner: The person who owns a facility, development, part of a facility, or land.

Permittee: The applicant in whose name a valid permit is issued.

Person: Any individual, association, organization, partnership, firm, corporation or other entity recognized by law.

Phasing: Clearing a parcel of land in distinct phases, with the stabilization of each phase before the clearing of the next.

Pollutant: Anything which causes or contributes to pollution. Pollutants include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes; yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

Pollution: The presence in waters of the State of any substances, contaminants, pollutants, or manmade or man-induced impairment of waters or alteration of the chemical, physical, biological, or radiological integrity of water in quantities or at levels which are or may be potentially harmful or injurious to human health or welfare, animal or plant life, or property or which unreasonably interfere with the enjoyment of life or property, including outdoor recreation unless authorized by applicable law.

Post-Construction: The general time period referenced in perpetuity from the approval for final acceptance of the construction phase of any construction activity.

Post-Construction Stormwater Management: The management of stormwater for a period of time in perpetuity from approval for final acceptance of the construction

phase of any construction activity. The management of stormwater includes the use of Stormwater Treatment Facilities (STFs) that meet minimum site performance standards in accordance with Hastings' MS4 permit. STFs are intended to provide stormwater treatment during this time period and are considered functional after vegetation has been established.

Post-Construction Stormwater Management Plan: Documentation supporting analysis, design, maintenance and inspection of STFs installed on a site in order to meet minimum site performance standards in accordance with Hastings' MS4 permit.

Post-Construction Stormwater Management Program: Municipality controlled program that stems from requirements in the MS4 Permit. This is the guiding document behind designs for the required STFs and Post-Construction Stormwater Management Plan for each site.

Premises: Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

Receiving Water: Any water of the State of Nebraska, including any and all surface waters that are contained in or flow in or through the State of Nebraska, all watercourses, even if they are usually dry, irrigation ditches that receive municipal stormwater, and storm sewer systems owned by other entities.

Redevelopment: Any construction, alteration or improvement performed on a previously developed site.

Sediment: Soil (or mud) that has been disturbed or eroded and transported naturally by water, wind or gravity, or mechanically by any person.

Sediment control: Measures that prevent eroded sediment from leaving the site.

Seventieth (70th) Percentile Event: A rainfall storm event equivalent to a depth of rainfall which is not exceeded in seventy (70) percent of the historic runoff producing rainfall events. The depth of rainfall to be used shall be that which is identified in the Post Construction Stormwater Management Plan (PCSWMP). The depth of rainfall is used in hydrologic calculations to determine the water quality volume or rate of discharge to be controlled for.

Site: The land or water area where any facility or activity is physically located or conducted, including adjacent land used in connection with the facility or activity.

Site plan: A plan or set of plans showing the details of any land disturbance activity of a site including but not limited to the construction of structures, open and enclosed drainage facilities, stormwater management facilities, parking lots, driveways, curbs, pavements, sidewalks, bike paths, recreational facilities, ground covers, plantings and landscaping.

Spill: A release of solid or liquid material, which may cause pollution of the Municipal Separate Storm Sewer System or waters of the State.

Stabilization: The use of practices that prevent exposed soil from eroding.

Storm Drainage System: Publicly-owned facilities by which storm water is collected and/or conveyed, including, but not limited to; any roads with drainage

systems; municipal streets; gutters; curbs; inlets; piped storm drains; pumping facilities; retention and detention basins; natural and human-made or altered drainage channels; reservoirs; and other drainage structures. The storm drainage system in Hastings is a municipal separate storm sewer system as defined by applicable federal regulations.

Storm Water: Any surface flow, runoff, or drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

Stormwater Pollution Prevention Plan (SWPPP): A document which describes the Best Management Practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to storm water, storm water conveyance systems, and/or receiving waters to the maximum extent practicable.

Stormwater Treatment Facilities (STFs): Permanent Best Management Practices (BMPs) put in place to provide control and treatment of stormwater runoff after construction for land development is complete. These facilities are physical in nature and sometimes referred to as “Structural” BMPs.

Subdivision Development: Includes activities associated with the platting of any parcel of land into two or more lots and all construction activity taking place thereon.

Utility Agency/Contractor: Private utility companies, public utility departments, or other utility providers, contractors working for such private utility companies, or public entity utility departments, or other utility providers engaged in the construction or maintenance of utility lines and services, including water, sanitary sewer, storm sewer, electric, gas, telephone, television and communication services.

Wastewater: Any water or other liquid, other than uncontaminated storm water, discharged from any premises or facility. Wastewater includes sewage that is treated at the City’s Waste Water Treatment Plant.

Watercourse: A natural or artificial channel through which water can flow.

Waters of the State: Any and all surface and subsurface waters that are contained in or flow in or through the State of Nebraska. The definition includes all watercourses, even if they are usually dry.

Section 3. That Section 42-107 of the Official City Code be amended to read as follows:

42-107. Discharge prohibitions.

No person shall discharge or cause to be discharged into the municipal storm drainage system or watercourses any materials including, but not limited to, pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards. The commencement, conduct or continuance of any illegal discharge to the storm drainage system is prohibited except as described as follows:

- (1) The following discharges are exempt from discharge prohibitions established by this ordinance:

water line flushing or other potable water sources; landscape irrigation or lawn watering; diverted stream flows; rising ground water; ground water infiltration to storm drains; uncontaminated pumped ground water; foundation or footing drains (not including active groundwater dewatering systems); crawl space pumps; air conditioning condensation; springs; non-commercial washing of vehicles; natural riparian habitat or wet-land flows; swimming pools (if dechlorinated - typically less than one PPM chlorine); firefighting activities; and any other water source not containing Pollutants.

- (2) Discharges determined by the City to be necessary to protect public health and safety.
- (3) Dye testing if the City is notified in writing prior to the time of the test.
- (4) Any non-storm water discharge permitted under an National Pollutant Discharge Elimination System permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm sewer system.

Section 4. That Section 42-112 of the Official City Code be amended to read as follows:

42-112. Technical standards, specifications, and guidance.

All BMPs designed to meet the requirements of this Ordinance shall reference the appropriate technical standards, specifications and guidance as follows:

- (1) City of Hastings Standards and Specifications for Construction.
- (2) Nebraska Department of Roads Drainage Design and Erosion Control Standards, Specifications and Guidance.
- (3) Any other alternative methodology approved by the City of Hastings, which is demonstrated to be effective.
- (4) Timeline for Post-Construction Criteria Implementation. Implementation for the following will be after January 1, 2018:
 - (a) Proposed Redevelopment: (Applies to lands which have been platted and previously built upon). Stormwater Treatment Facilities must be accounted for on any proposed redevelopment project if it has not already submitted a complete preliminary plat or building permit for approval. Proposed redevelopment projects that are exempt from treatment are those that have already submitted a complete plat, preliminary plat or building permit for approval. Any non-exempt projects must account for a seventieth (70th) Percentile Rain Event.
 - (b) Proposed New Development: (Applies to lands which are being platted for development or have been platted but have not previously been built upon (Stormwater Treatment Facilities must be accounted for on any new proposed development project that has not already submitted a

complete preliminary plat or building permit for approval. Proposed new development projects that are exempt from treatment are those that have already submitted a complete final plat, preliminary plat or building permit for approval. Any non-exempt projects must account for an eightieth (80th) Percentile Rain Event.

Section 5. That Section 42-114 of the Official City Code be amended to read as follows:

42-114. Best management practices.

The City of Hastings may adopt requirements identifying Best Management Practices for any activity, operation, or facility which may cause or contribute to pollution or contamination of storm water, the storm drainage system, or waters of the State of Nebraska. The owner or operator of a commercial or industrial establishment shall provide, at the owner or operator's expense, reasonable protection from discharge of prohibited materials or other wastes into the municipal storm drainage system or watercourses through the use of these structural and non-structural Best Management Practices. Further, any person responsible for a property or premise, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural Best Management Practices to prevent the further discharge of pollutants to the municipal separate storm sewer system. These Best Management Practices shall be part of a storm water pollution prevention plan as necessary for compliance with requirements of any National Pollutant Discharge Elimination System permit. If requested, the City of Hastings will provide guidance on Best Management Practices applicable to common activities, operations or facilities which may cause or contribute to pollution or contamination of stormwater, the storm drain system, or waters of the United States.

Section 6. That Section 42-117 of the Official City Code be amended to read as follows:

42-117. Notice of violation.

Whenever the City of Hastings finds that a person has violated or failed to meet a requirement of this Ordinance, the City's designee may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:

- (1) The performance of monitoring, analyses, and reporting;
 - (2) The elimination of illicit connections or discharges;
 - (3) That violating discharges, practices, or operations shall cease and desist;
 - (4) The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property;
 - (5) Payment of costs to cover administrative and remediation expenses;
 - (6) The implementation of source control, treatment, and prevention practices.
- If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation

or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator and may be assessed against the real estate or collected by civil action.

- (7) Stop Work Order. Whenever the City determines that any activity is occurring which is not in compliance with the requirements of this Code, the City may order such activity stopped upon service of written notice upon the owner and/or operator responsible for or conducting such activity. Such owner and/or operator shall immediately stop all activity until authorized in writing by the City to proceed. If the appropriate owner and/or operator cannot be located, the notice to stop shall be posted in conspicuous place upon the area where the activity is occurring. The notice shall state the nature of the violation. The notice shall not be removed until the violation has been cured or authorization to remove the notice has been issued by the City. It shall be unlawful for any owner and/or operator to fail to comply with a stop work order.

Section 7. That any ordinance passed and approved prior to the passage, approval and publication or posting of this ordinance, and any sections of the Official City Code in conflict with these provisions, is hereby repealed.

Section 8. This ordinance shall take effect and be in full force from and after its passage, approval and publication in pamphlet form, said effective date being the ____ day of _____, 2017, and this ordinance shall be included in the Hastings City Code Book.

PASSED AND APPROVED this ____ day of _____, 2017.

Mayor

ATTEST:

City Clerk

(S E A L)

APPROVED TO FORM:

City Attorney

CHAPTER 42

STORM WATER MANAGEMENT.

42-101.	Purpose/intent.
42-102.	Definitions.
42-103.	Applicability.
42-104.	Responsibility for administration.
42-105.	Severability.
42-106.	Ultimate responsibility.
42-107.	Discharge prohibitions.
42-108.	Connection prohibitions.
42-109.	Suspension of storm drainage system access.
42-110.	Construction.
42-111.	Post-construction.
42-112.	Technical standards, specifications, and guidance.
42-113.	Inspection and monitoring.
42-114.	Best management practices.
42-115.	Watercourse protection.
42-116.	Notification of discharges and spills.
42-117.	Notice of violation.
42-118.	Appeal of notice of violation.
42-119.	Stormwater Board of Appeals; created.
42-120.	Enforcement measures after appeal.
42-121.	Cost of abatement of the violation.
42-122.	Injunctive relief.
42-123.	Violations deemed a public nuisance.
42-124.	Penalty for violations.
42-125.	Remedies not exclusive.

42-101. Purpose/intent.

The purpose of this ordinance is to provide for the health, safety, and general welfare of the citizens of Hastings, Nebraska through the regulation of non-storm water discharges to the storm drainage system to the maximum extent practicable as required by federal and state law. In addition, to control land disturbances, or eliminate soil erosion and sedimentation within the City of Hastings, Ne. This ordinance establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this ordinance are:

- (1) To regulate the contribution of pollutants to the municipal separate storm sewer system by discharges by any person.
- (2) To prohibit illicit connections and discharges to the municipal separate storm sewer system.
- (3) To prevent non-storm water discharges generated as a result of spills, inappropriate dumping, or disposal to the City of Hastings separate storm drainage system.
- (4) To reduce pollutants in stormwater discharges from construction activity by guiding, regulating, and controlling the design, construction, use, and maintenance of any development or other activity that disturbs or breaks the topsoil or results in the movement of earth on land.
- (5) To require the construction of locally-approved, permanent stormwater runoff controls to protect water quality and maintain non-erosive hydrologic conditions downstream of construction activity and development.
- (6) To require responsibility for and long-term maintenance of structural stormwater control facilities and nonstructural stormwater management.
- (7) To establish legal authority to carry out all inspection, surveillance, monitoring procedures, and enforcement procedures necessary to ensure compliance with this ordinance.
(Ord. No. 4251-4/2010 and 4271-10/2010)

Hastings City Code

42-102. Definitions.

For the purposes of this ordinance, the following shall mean:

Authorized Enforcement Agency: The City of Hastings and its employees or third parties designated to enforce this ordinance.

Best Management Practices (BMPs): Schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to storm water, receiving waters, or storm water conveyance systems. Best Management Practices also include treatment practices, operating procedures, and practices to control site runoff, spillage, leaks, sludge disposal, water disposal, or drainage from raw materials storage.

Building Phase of Development: Period of construction activity when a portion(s) of a common plan of development or sale requires a building permit.

Clean Water Act: The federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

Common Plan of Development or Sale: A contiguous area where multiple separate and distinct land disturbing activities may be taking place at different times, on different schedules, but under one proposed plan which may include, but is not limited to, an announcement or piece of documentation (including a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, computer design, etc.) or physical demarcation (including boundary signs, lot stakes, surveyor markings, etc.) indicating construction activities may occur on a specific plot.

Construction Activity: Activities subject to National Pollutant Discharge Elimination System Construction Permits. Such activities include, but are not limited to, clearing, grubbing, grading, excavating, demolition and other land disturbing actions.

Construction Site: Any location where construction activity occurs.

Contractor: Any person performing or managing construction work at a construction site, including, but not limited to, any construction manager, general contractor or subcontractor, and any person engaged in any one or more of the following: earthwork, pipework, paving, building, plumbing, mechanical, electrical, landscaping or material supply.

Clearing: Any activity that removes the vegetative surface cover.

Disturbed Area: Area of the land's surface disturbed by any work or activity upon the property by means including but not limited to grading, excavating, stockpiling soil, fill, or other materials, clearing, vegetation removal, removal or deposit of any rock, soil, or other materials, or other activities which expose soil. Disturbed area does not include the tillage of land that is zoned for agricultural use.

Earthwork: The disturbance of soil on a site associated with construction activities.

Erosion: The detachment and movement of soil or rock fragments by water, wind, ice or gravity.

Erosion Control: Measures that prevent soil erosion to the maximum extent practicable.

Erosion and Sediment Control Plan: A plan that indicates the specific measures and sequencing to be used for controlling sediment and erosion on a development site during construction activity according to locally approved standards, specification, and guidance.

Final Drainage Plan: A schematic of the proposed area and how it connects to city's storm sewer system. Include proposed location, grade, direction of flow, elevations, drainage structures and drainage areas.

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Final Stabilization: When all soil disturbing activities at the site have been completed, and vegetative cover has been established with a uniform density of at least 70 percent of pre-disturbance levels, or equivalent permanent, physical erosion reduction methods have been employed. For purposes of this Ordinance, establishment of a vegetative cover capable of providing erosion control equivalent to pre-existing conditions at the site is considered final stabilization.

Hazardous Materials: Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Illegal Discharge: Any direct or indirect non-storm water discharge to the storm drainage system except as exempted in Section 42-7 of this ordinance.

Illicit Connections:

(1) Any drain or conveyance, whether on the surface or subsurface, which allows any illegal discharge to enter the storm drainage system including, but not limited to, any conveyance which allows any non-storm water discharge including sewage, process wastewater, or wash water to enter the storm drainage system.

(2) Any connections to the storm drainage system from indoor drains and sinks regardless of whether said drain or connection has been previously allowed, permitted, or approved by an authorized enforcement agency.

(3) Any drain or conveyance connected from a commercial or industrial land use to the storm drainage system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

(4) Illicit connection will not include exception for approval. Connects allowed in 42-7.

Industrial Activity: Activities subject to National Pollutant Discharge Elimination System Industrial Permits as defined in 40 CFR, section 122.26 (b) (14).

Municipal Separate Storm Sewer System(MS4): Publicly-owned facilities by which stormwater is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, catch basins, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage ditches/channels, reservoirs, and other drainage structures.

National Pollutant Discharge Elimination System Storm Water Discharge Permit: Means a permit issued by Environmental Protection Agency (or by the State of Nebraska under authority delegated to it) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

NDEQ: Nebraska Department of Environmental Quality.

N.O.I.: Notice of Intent.

N.O.T.: Notice of Termination.

Non-Storm Water Discharge: Any discharge to the storm drainage system that is not composed entirely of storm water.

Operator: The individual who has day-to-day supervision and control of activities occurring at the construction site. This can be the owner, the developer, the general contractor or the agent of one of these parties. It is anticipated that at different phases of a construction project, different types of parties will satisfy the definition of 'operator' and the pertinent portions of any applicable permit authorization from the State of Nebraska will be transferred as the roles change.

Outfall: The point of discharge to any watercourse from a public or private stormwater drainage system.

Owner: The person who owns a facility, development, part of a facility, or land.

Permittee: The applicant in whose name a valid permit is issued.

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Person: Any individual, association, organization, partnership, firm, corporation or other entity recognized by law.

Phasing: Clearing a parcel of land in distinct phases, with the stabilization of each phase before the clearing of the next.

Pollutant: Anything which causes or contributes to pollution. Pollutants include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes; yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

Post-Construction: The general time period referenced in perpetuity from the approval for final acceptance of the construction phase of any construction activity.

Premises: Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

Receiving Water: Any water of the State of Nebraska, including any and all surface waters that are contained in or flow in or through the State of Nebraska, all watercourses, even if they are usually dry, irrigation ditches that receive municipal stormwater, and storm sewer systems owned by other entities.

Sediment: Soil (or mud) that has been disturbed or eroded and transported naturally by water, wind or gravity, or mechanically by any person.

Sediment control: Measures that prevent eroded sediment from leaving the site.

Site: The land or water area where any facility or activity is physically located or conducted, including adjacent land used in connection with the facility or activity.

Site plan: A plan or set of plans showing the details of any land disturbance activity of a site including but not limited to the construction of structures, open and enclosed drainage facilities, stormwater management facilities, parking lots, driveways, curbs, pavements, sidewalks, bike paths, recreational facilities, ground covers, plantings and landscaping.

Spill: A release of solid or liquid material, which may cause pollution of the Municipal Separate Storm Sewer System or waters of the State.

Stabilization: The use of practices that prevent exposed soil from eroding.

Storm Drainage System: Publicly-owned facilities by which storm water is collected and/or conveyed, including, but not limited to; any roads with drainage systems; municipal streets; gutters; curbs; inlets; piped storm drains; pumping facilities; retention and detention basins; natural and human-made or altered drainage channels; reservoirs; and other drainage structures. The storm drainage system in Hastings is a municipal separate storm sewer system as defined by applicable federal regulations.

Storm Water: Any surface flow, runoff, or drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

Stormwater Pollution Prevention Plan: A document which describes the Best Management Practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to storm water, storm water conveyance systems, and/or receiving waters to the maximum extent practicable.

Subdivision development: Includes activities associated with the platting of any parcel of land into two or more lots and all construction activity taking place thereon.

Utility Agency/Contractor: Private utility companies, public utility departments, or other utility providers, contractors working for such private utility companies, or public entity utility departments, or other utility providers engaged in the construction or maintenance of utility lines and services, including water, sanitary sewer, storm sewer, electric, gas, telephone, television and communication services.

Wastewater: Means any water or other liquid, other than uncontaminated storm water, discharged from any premises or facility. Wastewater includes sewage that is treated at the City's Waste Water Treatment Plant.

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Waters of the State: Any and all surface and subsurface waters that are contained in or flow in or through the State of Nebraska. The definition includes all watercourses, even if they are usually dry.
(Ord. No. 4251-4/2010 and 4271-10/2010)

42-103. Applicability.

This ordinance shall apply to all water entering the storm drainage system generated on any developed and undeveloped lands unless explicitly exempted.
(Ord. No. 4251-4/2010)

42-104. Responsibility for administration.

The City of Hastings shall administer, implement, and enforce the provisions of this ordinance. Any powers granted or duties imposed upon the City of Hastings may be delegated by the Mayor or City Administrator to persons or entities acting in the beneficial interest of or in the employ of the City.
(Ord. No. 4251-4/2010)

42-105. Severability.

The provisions of this ordinance are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this ordinance or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this ordinance.
(Ord. No. 4251-4/2010)

42-106. Ultimate responsibility.

The standards set forth herein and promulgated pursuant to this ordinance are minimum standards. Compliance with this ordinance does not act as a waiver or defense to any person for contamination, pollution, or unauthorized discharge of pollutants. Ultimate responsibility for prohibited acts rests with persons who own or are in possession or control of premises from which the discharge of contaminants or pollutants emanates.
(Ord. No. 4251-4/2010)

42-107. Discharge prohibitions.

No person shall discharge or cause to be discharged into the municipal storm drainage system or watercourses any materials including, but not limited to, pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards. The commencement, conduct or continuance of any illegal discharge to the storm drainage system is prohibited except as described as follows:

(1) The following discharges are exempt from discharge prohibitions established by this ordinance: water line flushing or other potable water sources; landscape irrigation or lawn watering; diverted stream flows; rising ground water; ground water infiltration to storm drains; uncontaminated pumped ground water; foundation or footing drains (not including active groundwater dewatering systems); crawl space pumps; air conditioning condensation; springs; non-commercial washing of vehicles; natural riparian habitat or wet-land flows; swimming pools (if dechlorinated - typically less than one PPM chlorine); fire fighting activities; and any other water source not containing Pollutants.

(2) Discharges determined by the City to be necessary to protect public health and safety.

(3) Dye testing if the City is notified in writing prior to the time of the test.

(4) Any non-storm water discharge permitted under an National Pollutant Discharge Elimination System permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drainage system.
(Ord. No. 4251-4/2010)

42-108. Connection prohibitions.

The construction, use, maintenance or continued existence of illicit connections to the storm drainage system is prohibited.

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(1) This prohibition expressly includes, without limitation, illicit connections made in the past regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

(2) A person is considered to be in violation of this ordinance if the person connects a line conveying sewage or pollutants to the Municipal Separate Storm Sewer System or allows such a connection to continue.
(Ord. No. 4251-4/2010)

42-109. Suspension of storm drainage system access.

Suspension due to Illicit Discharges in Emergency Situations.

The City of Hastings may, without prior notice, suspend storm drainage system discharge access to a person when the City deems it necessary to prevent an actual or threatened discharge which presents or may present imminent and substantial danger to: the environment; to the health or welfare of persons or to the storm drainage system; or to waters of the State of Nebraska. If the person fails to comply with a suspension order issued in an emergency, the City of Hastings may take such steps as deemed necessary to prevent or minimize damage to persons, the storm drainage system, waters of the State of Nebraska.

Suspension due to the Detection of Illicit Discharge.

Any person discharging to the storm drainage system in violation of this ordinance may have their storm drainage system access terminated if such termination would abate or reduce an illicit discharge. The City will notify a person of the proposed termination of storm drainage system access by personal delivery or by United States Mail. The person may request a hearing before the Stormwater Board of Appeals by delivering such request in writing to the City Clerk. The person is not entitled to a stay of the termination pending any such hearing.

A person commits an offense if the person accesses or attempts to access the storm drainage system from premises terminated pursuant to this Section, without the prior approval of the City.
(Ord. No. 4251-4/2010)

42-110. Construction.

(1) General requirements for construction activities.

(a) Except for construction activity relating to the Building Phase of Development, the City of Hastings shall require proof of coverage by a NDEQ general permit authorization for Storm Water Discharges from Construction Sites before providing approval for construction activity and land developments requiring –including but not limited to –site plan applications, subdivision applications, building applications, and right-of-way applications from the City of Hastings, unless exempt pursuant to Subsection (i) below. These provisions apply to all portions of any plan for land disturbing activity which would cause the disturbance of at least one acre of soil even though multiple, separate and distinct land development activities within the overall development may take place at different times on different schedules.

(i) The following activities are exempt from this Ordinance:

(1) Any emergency activity that is necessary for the immediate protection of life, property, or natural resources; and

(2) Construction activity that provides maintenance and repairs performed to maintain the original line and grade, hydraulic capacity, or original purpose of a facility.

(b) The city shall be invited to the pre-construction meeting to review the installation of all temporary erosion and sediment control BMPs included on the approved erosion and sediment control plan at least two (2) business days before any construction activities are scheduled to start.

(c) Solid waste, industrial waste, yard waste and any other pollutants or waste on any construction site shall be controlled through the use of BMPs. Waste or recycling containers shall be provided and maintained by the owner or contractor on construction sites where there is the potential for release of waste. Uncontained waste that may blow, wash or otherwise be released from the site is prohibited. Sanitary waste facilities shall be provided and maintained in a secured manner.

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(d) Ready-mixed concrete, or any materials resulting from the cleaning of vehicles or equipment containing such materials or used in transporting or applying ready-mixed concrete, shall not be allowed to discharge from any construction site. Concrete wasted on site must be disposed in a manner consistent with locally approved standards and generally require establishment of a designated wash-out area.

(e) Cover or perimeter control shall be applied within 14 days to any soil stockpiles, which will remain undisturbed for longer than 30 calendar days.

(f) Disturbed soil shall be managed with BMPs that are adequately designed, installed, and maintained according to locally-approved technical standards, specifications and guidance for the duration of the construction activity to minimize erosion and contain sediment within the construction limits.

(g) Sediment tracked or discharged onto public right-of-way shall be removed immediately.

(h) Bulk storage structures for petroleum products and other chemicals shall have adequate protection to contain all spills and prevent any spilled material from entering the MS4 or waters of the State.

(i) Temporary BMPs shall be removed and disturbed areas shall be stabilized with permanent BMPs at the conclusion of construction activity.

(2) Requirements for the building phase of development.

(a) Any person who engages in construction activity is responsible for compliance with this Ordinance and all applicable terms and conditions of the approved construction activity and SWPPP as it relates to the building phase of development. The following information shall be included with the application for a building permit and be submitted to the Public Works Department:

(b) Either the legal description and NPDES permit number for the Larger Common Plan of Development; OR

(c) The location of the property where the building phase of development is to occur; AND

(d) A certification that the building phase of development for the property described on the application for a building permit will be conducted in conformance with Chapter 42 of the Municipal Code and the Construction Activity SWPPP.

(3) Construction stormwater pollution prevention plan.

(a) A SWPPP shall be prepared and updated in accordance with locally-approved technical standards, specification, and guidance for construction activity within the City of Hastings and shall include an erosion and sediment control plan for land disturbance.

(b) The SWPPP shall include a description of all potential pollution sources, temporary and permanent BMPs that will be implemented at the site as approved by the City of Hastings.

(c) The erosion and sediment control plan shall be submitted to the City of Hastings for review with any application covered in 42-110 (1) (a) of this Ordinance.

(d) Land disturbing activities may not proceed until approval of the erosion and sediment control plan is provided by the City of Hastings.

(e) The owner or operator is required to have a copy of the SWPPP readily available for review with content that reflects the current condition of the construction activity and all records that demonstrate compliance and are required by this Ordinance.

(f) The SWPPP shall include a description of routine site inspections.

(i) The owner or their representative shall inspect all BMPs at intervals of no greater than 14 calendar days and within 24-hours after any precipitation event of at least one half inch.

(ii) Inspections of BMPs shall be conducted by an individual knowledgeable in the principles and practice of erosion and sediment controls who possesses the skills to assess conditions at the construction site that could impact stormwater quality and to assess the effectiveness of any erosion and sediment control measures selected to control the quality of stormwater discharges from the construction activity.

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(iii) Inspection reports shall provide the name and qualification of the inspector, date of the evaluation, risks to stormwater quality identified, and all corrective actions necessary to prevent stormwater pollution.

(iv) The owner or operator of a construction activity may be requested to submit copies of inspection reports for review on a periodic basis by the City of Hastings.

(g) Based on inspections performed by the owner, operator, authorized City of Hastings personnel, State or Federal regulators, modifications to the SWPPP will be necessary if at any time the specified BMPs do not meet the objectives of this Ordinance. In this case, the owner shall meet with an appointed official of the City of Hastings to determine the appropriate modifications. All required modifications shall be completed within seven (7) calendar days of receiving notice of inspection findings, and shall be recorded in the SWPPP.

(h) The owner or operator of a construction site shall be responsible for amending the SWPPP whenever there is a significant change in design, construction, operation, or maintenance, which has a significant effect on the potential for discharge of pollutants to the MS4 or receiving waters, or if the SWPPP proves to be ineffective in achieving the general objectives of controlling pollutants in stormwater discharges associated with land disturbance.

(i) Records of inspection are to be maintained with the SWPPP for the life of the project. Inspection records are to be available to City of Hastings inspectors upon request. Delay in providing a copy of the SWPPP or any requested records shall constitute a violation of this Ordinance.

(4) Requirements for utility construction.

(a) Utility agencies or their representatives shall develop and implement BMPs to prevent the discharge of pollutants on any site of utility construction within the City of Hastings. The City of Hastings may require additional BMPs on utility construction activity. If the utility construction disturbs greater than one (1) acre, the utility agency must comply with the requirements of Section 42-110 (1) & (2) of this Ordinance.

(b) Utility agencies or their representative shall implement BMPs to prevent the release of sediment from utility construction sites. Disturbed areas shall be minimized, disturbed soil shall be managed and construction site exits shall be managed to prevent sediment tracking. Sediment tracked onto public right-of-way shall be removed immediately.

(c) Prior to entering a construction site or subdivision development, utility agencies or their representatives shall obtain and comply with any approved erosion and sediment control plans for the project. Any impact to construction and post-construction BMP's resulting from utility construction shall be evaluated prior to disturbance by the developer and utility company. Repairs to the disturbed BMPs must be completed within forty eight (48) hours, by individuals agreed upon during the design phase or at a preconstruction meeting.
(Ord. No. 4251-4/2010 and 4271-10/2010)

42-111. Post-construction.

(1) Post-construction requirement of permanent BMPs.

(a) Land development that meets the requirements of Section 42-110 (1) (a) must address stormwater runoff quality through the use of permanent BMPs. Permanent BMPs shall be provided for in the drainage plan for any subdivision plat, annexation plat, development agreement, subdivision agreement or other local development plan.

(b) Structural BMPs located on private property shall be owned and operated by the owner(s) of the property on which the BMP is located; unless the City of Hastings agrees in writing that a person or entity other than the owner shall own or operate such BMP. As a condition of approval of the BMP, the owner shall also agree to maintain the BMP in perpetuity to its design capacity unless or until the City of Hastings shall relieve the property owner of that responsibility in writing. The obligation to maintain the BMP shall be memorialized on the subdivision plat, annexation plat, development agreement, subdivision agreement or other form acceptable to the City of Hastings and shall be recorded with the City of Hastings Public Works Department.

(2) Certification of permanent BMPs.

Upon completion of a project, and before a certificate of occupancy shall be granted, the City of Hastings shall be provided a written certification stating that the completed project is in compliance with the approved Final Drainage Plan. All applicants are required to submit "as built" plans for any permanent BMPs once final construction is completed and must be certified by a professional engineer licensed in the State of Nebraska. A final inspection by the City of Hastings of all Post-construction BMPs shall be required before the release of any performance securities can occur.

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(3) Ongoing inspection and maintenance of permanent BMPs.

(a) The owner of site must, unless an on-site stormwater management facility or practice is dedicated to and accepted by the City of Hastings, execute an inspection and maintenance agreement, that shall be binding on all subsequent owners of the permanent BMPs.

(b) Permanent BMPs included in a Drainage Plan which is subject to an inspection and maintenance agreement must undergo ongoing inspections to document maintenance and repair needs and to ensure compliance with the requirements of the agreement, the plan and this Ordinance.

(Ord. No. 4251-4/2010 and 4271-10/2010)

42-112. Technical standards, specifications, and guidance.

All BMPs designed to meet the requirements of this Ordinance shall reference the appropriate technical standards, specifications and guidance as follows:

(1) City of Hastings Standards and Specifications for Construction.

(2) Nebraska Department of Roads Drainage Design and Erosion Control Standards, Specifications and Guidance.

(3) Any other alternative methodology approved by the City of Hastings, which is demonstrated to be effective.
(Ord. No. 4251-4/2010 and 4271-10/2010)

42-113. Inspection and monitoring.

(1) Applicability.

This section applies to all premises that have storm water discharges associated with industrial activity, including construction activity.

(2) Access to premises.

(a) The City of Hastings's designees shall be permitted to enter and inspect premises and facilities subject to regulation under this ordinance as often as may be necessary to determine compliance with this ordinance. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the City.

(b) The City's designees shall be given access to all parts of the premises for the purposes of: inspection; sampling; examination and copying of records that must be kept under the conditions of the National Pollutant Discharge Elimination System permit to discharge storm water; and the performance of any additional duties as defined by state and federal law.

(c) The City may place upon the premises such devices as deemed necessary to conduct monitoring and/or sampling of discharges from the premises.

(d) The City of Hastings may require a person to install monitoring equipment as necessary. Sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition at no expense to the City. All devices used to measure storm water flow and quality shall be calibrated to ensure accuracy.

(e) Any obstruction to safe and easy access to the premises to be inspected and/or sampled shall be promptly removed at the request of the City and shall not be replaced. The costs of clearing such access shall not be paid by the City.

(f) Unreasonable delays in allowing Hastings City designees access to premises is a violation of a storm water discharge permit and of this ordinance. A person who is the operator of a facility or premises with a National Pollutant Discharge Elimination System permit to discharge storm water associated with industrial activity commits an offense if the person denies the City reasonable access for the purpose of conducting any activity authorized or required by this ordinance.

(g) If a City of Hastings designee has been refused access to any part of the premises from which storm water is discharged, the City of Hastings may seek issuance of a search warrant from any court of competent jurisdiction.
(Ord. No. 4251-4/2010)

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42-114. Best management practices.

The City of Hastings may adopt requirements identifying Best Management Practices for any activity, operation, or facility which may cause or contribute to pollution or contamination of storm water, the storm drainage system, or waters of the State of Nebraska. The owner or operator of a commercial or industrial establishment shall provide, at the owner or operator's expense, reasonable protection from discharge of prohibited materials or other wastes into the municipal storm drainage system or watercourses through the use of these structural and non-structural Best Management Practices. Further, any person responsible for a property or premise, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural Best Management Practices to prevent the further discharge of pollutants to the municipal separate storm sewer system. These Best Management Practices shall be part of a storm water pollution prevention plan as necessary for compliance with requirements of any National Pollutant Discharge Elimination System permit. (Ord. No. 4251-4/2010)

42-115. Watercourse protection.

Every person owning property through which a watercourse passes, and such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse. (Ord. No. 4251-4/2010)

42-116. Notification of discharges and spills.

Notwithstanding other requirements of law, as soon as any person responsible for a facility, premises, or operation, has information of any known or suspected release of materials which result or may result in illegal discharges or pollutants discharging into storm water, the storm drainage system, or waters of the State of Nebraska, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such release of hazardous materials, said person shall immediately notify emergency response agencies and the City of Hastings of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the City of Hastings in person or by phone or facsimile no later than the next business day. Notifications in person, by phone, or by facsimile shall be confirmed by written notice addressed and mailed to the City of Hastings within three business days of the prior notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years. (Ord. No. 4251-4/2010)

42-117. Notice of violation.

Whenever the City of Hastings finds that a person has violated or failed to meet a requirement of this Ordinance, the City's designee may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:

- (1) The performance of monitoring, analyses, and reporting;
 - (2) The elimination of illicit connections or discharges;
 - (3) That violating discharges, practices, or operations shall cease and desist;
 - (4) The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property;
 - (5) Payment of costs to cover administrative and remediation expenses;
 - (6) The implementation of source control, treatment, and prevention practices. If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator and may be assessed against the real estate or collected by civil action.
- (Ord. No. 4251-4/2010)

Storm Water Management

42-118. Appeal of notice of violation.

Any person receiving a notice of violation may appeal the determination. The notice of appeal must be received within 10 days from the date of the notice of violation. Hearing on the appeal before the Stormwater Board of Appeals or his/her designee shall take place within 15 days from the date of receipt of the notice of appeal. The decision of the Stormwater Board of Appeals shall be final.

(Ord. No. 4251-4/2010)

42-119. Stormwater Board of Appeals; created.

The Stormwater Board of Appeals is hereby established consisting of three members who are qualified by experience and training to pass upon matters pertaining to the environment. The members of the Stormwater Board of Appeals shall be City Engineer, Environmental Officer, and the Environmental Engineering Assistant. Matters may be brought to the Board only by appeal from a decision of the Building Official or Code Enforcement Officer. The decision of the Stormwater Board of Appeals shall be final.

(Ord. No. 4251-4/2010)

42-120. Enforcement measures after appeal.

If the violation has not been corrected as set forth in the notice of violation, or, in the event of an appeal, within 25 days of the original deadline if the City Stormwater Board of Appeals upholds the notice of violation, then representatives of the City of Hastings may enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the City's designees or agents to enter upon the premises for the purposes set forth above.

(Ord. No. 4251-4/2010)

42-121. Cost of abatement of the violation.

After abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. If the amount due is not paid within 30 days, the City of Hastings may sue to recover the costs through a civil action or levy and assess the costs against the real estate in the manner of special assessments.

(Ord. No. 4251-4/2010)

42-122. Injunctive relief.

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Ordinance. If a person has violated or continues to violate the provisions of this ordinance, the City of Hastings may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation. Injunctive relief shall be in addition to any other remedy available under this ordinance or any other federal or state law.

(Ord. No. 4251-4/2010)

42-123. Violations deemed a public nuisance.

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this Ordinance is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be abated or restored at the violator's expense, in the same manner as other nuisances under the Hastings Municipal Code.

(Ord. No. 4251-4/2010)

42-124. Penalty for violations.

Any person violating any provision of this ordinance shall, upon conviction, be guilty of an infraction. Each day shall constitute a separate offense and be punishable by a fine of \$100.00. Criminal fines shall be in addition to any civil remedies available under Hastings Municipal Code.

(Ord. No. 4251-4/2010 and 4271-10/2010)

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42-125. Remedies not exclusive.

The remedies listed in this ordinance are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the authorized enforcement agency to seek cumulative remedies.

(Ord. No. 4251-4/2010)

CHAPTER 42

STORM WATER MANAGEMENT.

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42-101. Purpose/intent.

The purpose of this ordinance is to provide for the health, safety, and general welfare of the citizens of Hastings, Nebraska through the regulation of non-storm water discharges to the storm drainage system to the maximum extent practicable as required by federal and state law. In addition, to control land disturbances, or eliminate soil erosion and sedimentation within the City of Hastings, Ne. This ordinance establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this ordinance are:

- (1) To regulate the contribution of pollutants to the municipal separate storm sewer system by discharges by any person.
- (2) To prohibit illicit connections and discharges to the municipal separate storm sewer system.
- (3) To prevent non-storm water discharges generated as a result of spills, inappropriate dumping, or disposal to the City of Hastings separate storm drainage system.
- (4) To reduce pollutants in stormwater discharges from construction activity by guiding, regulating, and controlling the design, construction, use, and maintenance of any development or other activity that disturbs or breaks the topsoil or results in the movement of earth on land.
- (5) To require the construction of locally-approved, permanent stormwater runoff controls to protect water quality and maintain non-erosive hydrologic conditions downstream of construction activity and development.
- (6) To require responsibility for and long-term maintenance of structural stormwater control facilities and nonstructural stormwater management.
- (7) To establish legal authority to carry out all inspection, surveillance, monitoring procedures, and enforcement procedures necessary to ensure compliance with this ordinance.
(Ord. No. 4251-4/2010 and 4271-10/2010)

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42-102. Definitions.

For the purposes of this ordinance, the following shall mean:

Accidental Discharge: A discharge prohibited by this Code which occurs by chance and without planning or thought prior occurrence.

Authorized Enforcement Agency: The City of Hastings and its employees or third parties designated to enforce this ordinance.

Best Management Practices (BMPs): Schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to storm water, receiving waters, or storm water conveyance systems. Best Management Practices also include treatment practices, operating procedures, and practices to control site runoff, spillage, leaks, sludge disposal, water disposal, or drainage from raw materials storage.

Builder: Shall mean the general contractor responsible for permitting and constructing a structure and associated construction activity.

Building Phase of Development: Period of construction activity when a portion(s) of a common plan of development or sale requires a building permit.

Clean Water Act: The federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

Common Plan of Development or Sale: A contiguous area where multiple separate and distinct land disturbing activities may be taking place at different times, on different schedules, but under one proposed plan which may include, but is not limited to, an announcement or piece of documentation (including a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, computer design, etc.) or physical demarcation (including boundary signs, lot stakes, surveyor markings, etc.) indicating construction activities may occur on a specific plot.

Construction Activity: Activities subject to National Pollutant Discharge Elimination System Construction Permits. Such activities include, but are not limited to, clearing, grubbing, grading, excavating, demolition and other land disturbing actions.

Construction Site: Any location where construction activity occurs.

Contractor: Any person performing or managing construction work at a construction site, including, but not limited to, any construction manager, general contractor or subcontractor, and any person engaged in any one or more of the following: earthwork, pipework, paving, building, plumbing, mechanical, electrical, landscaping or material supply.

Clearing: Any activity that removes the vegetative surface cover.

Disturbed Area: Area of the land's surface disturbed by any work or activity upon the property by means including but not limited to grading, excavating, stockpiling soil, fill, or other materials, clearing, vegetation removal, removal or deposit of any rock, soil, or other materials, or other activities which expose soil. Disturbed area does not include the tillage of land that is zoned for agricultural use.

Drainage Design Guidance or Manual: Documentation that references design criteria and guidance by a community for stormwater management.

Earthwork: The disturbance of soil on a site associated with construction activities.

Eightieth (80th) Percentile Rain Event: A rainfall storm event equivalent to a depth of rainfall which is not exceeded in eighty (80) percent of the historic runoff producing rainfall events. The depth of rainfall to be used shall be that which is identified in the Post Construction Stormwater Management Plan (PCSWMP). The depth of rainfall is used in hydrologic calculations to determine the water quality volume or rate of discharge to be controlled for.

Erosion: The detachment and movement of soil or rock fragments by water, wind, ice or gravity.

Erosion Control: Measures that prevent soil erosion to the maximum extent practicable.

Erosion and Sediment Control Plan: A plan that indicates the specific measures and sequencing to be used for controlling sediment and erosion on a development site during construction activity according to locally approved

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standards, specification, and guidance.

Final Drainage Plan: A schematic of the proposed area and how it connects to city's storm sewer system. Include proposed location, grade, direction of flow, elevations, drainage structures and drainage areas.

Final Stabilization: When all soil disturbing activities at the site have been completed, and vegetative cover has been established with a uniform density of at least 70 percent of pre-disturbance levels, or equivalent permanent, physical erosion reduction methods have been employed. For purposes of this Ordinance, establishment of a vegetative cover capable of providing erosion control equivalent to pre-existing conditions at the site is considered final stabilization.

Grading: Excavation or fill of material, including the resulting conditions thereof.

Hazardous Materials: Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Illegal Discharge: Any direct or indirect non-storm water discharge to the storm drainage system except as exempted in Section 42-7 of this ordinance.

Illicit Connections:

(1) Any drain or conveyance, whether on the surface or subsurface, which allows any illegal discharge to enter the storm drainage system including, but not limited to, any conveyance which allows any non-storm water discharge including sewage, process wastewater, or wash water to enter the storm drainage system.

(2) Any connections to the storm drainage system from indoor drains and sinks regardless of whether said drain or connection has been previously allowed, permitted, or approved by an authorized enforcement agency.

(3) Any drain or conveyance connected from a commercial or industrial land use to the storm drainage system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

(4) Illicit connection will not include exception for approval. Connects allowed in 42-7.

Industrial Activity: Activities subject to National Pollutant Discharge Elimination System Industrial Permits as defined in 40 CFR, section 122.26 (b) (14).

Land Development: Any land change, including, but not limited to, clearing, digging, grubbing, stripping, removal of vegetation, dredging, grading, excavating, transporting and filling of land, construction, paving, and any other installation of impervious cover.

Land Disturbance Activity: Any land development that may result in soil erosion from wind, water and/or ice and the movement of sediments into or upon waters, lands, or right-of-way.

MS4 Boundary: This area is defined as the Urbanized Area map boundary prepared by the U.S. Census Bureau. This is the minimum boundary adopted by the EPA for Phase II communities as part of the MS4 program.

Municipal Separate Storm Sewer System (MS4): Publicly-owned facilities by which stormwater is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, catch basins, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage ditches/channels, reservoirs, and other drainage structures.

National Pollutant Discharge Elimination System Storm Water Discharge Permit: Means a permit issued by Environmental Protection Agency (or by the State of Nebraska under authority delegated to it) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

NDEQ: Nebraska Department of Environmental Quality.

N.O.I.: Notice of Intent.

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N.O.T.: Notice of Termination.

Non-Storm Water Discharge: Any discharge to the storm drainage system that is not composed entirely of storm water.

Operator: The individual who has day-to-day supervision and control of activities occurring at the construction site. This can be the owner, the developer, the general contractor or the agent of one of these parties. It is anticipated that at different phases of a construction project, different types of parties will satisfy the definition of 'operator' and the pertinent portions of any applicable permit authorization from the State of Nebraska will be transferred as the roles change.

Outfall: The point of discharge to any watercourse from a public or private stormwater drainage system.

Owner: The person who owns a facility, development, part of a facility, or land.

Permittee: The applicant in whose name a valid permit is issued.

Person: Any individual, association, organization, partnership, firm, corporation or other entity recognized by law.

Phasing: Clearing a parcel of land in distinct phases, with the stabilization of each phase before the clearing of the next.

Pollutant: Anything which causes or contributes to pollution. Pollutants include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes; yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

Pollution: The presence in waters of the State of any substances, contaminants, pollutants, or manmade or man-induced impairment of waters or alteration of the chemical, physical, biological, or radiological integrity of water in quantities or at levels which are or may be potentially harmful or injurious to human health or welfare, animal or plant life, or property or which unreasonably interfere with the enjoyment of life or property, including outdoor recreation unless authorized by applicable law.

Post-Construction: The general time period referenced in perpetuity from the approval for final acceptance of the construction phase of any construction activity.

Post-Construction Stormwater Management: The management of stormwater for a period of time in perpetuity from approval for final acceptance of the construction phase of any construction activity. The management of stormwater includes the use of Stormwater Treatment Facilities (STFs) that meet minimum site performance standards in accordance with Hastings' MS4 permit. STFs are intended to provide stormwater treatment during this time period and are considered functional after vegetation has been established.

Post-Construction Stormwater Management Plan: Documentation supporting analysis, design, maintenance and inspection of STFs installed on a site in order to meet minimum site performance standards in accordance with Hastings' MS4 permit.

Post-Construction Stormwater Management Program: Municipality controlled program that stems from requirements in the MS4 Permit. This is the guiding document behind designs for the required STFs and Post-Construction Stormwater Management Plan for each site.

Premises: Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

Receiving Water: Any water of the State of Nebraska, including any and all surface waters that are contained in or flow in or through the State of Nebraska, all watercourses, even if they are usually dry, irrigation ditches that receive municipal stormwater, and storm sewer systems owned by other entities.

Redevelopment: Any construction, alteration or improvement performed on a previously developed site.

Sediment: Soil (or mud) that has been disturbed or eroded and transported naturally by water, wind or gravity, or

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mechanically by any person.

Sediment control: Measures that prevent eroded sediment from leaving the site.

Seventieth (70th) Percentile Event: A rainfall storm event equivalent to a depth of rainfall which is not exceeded in seventy (70) percent of the historic runoff producing rainfall events. The depth of rainfall to be used shall be that which is identified in the Post Construction Stormwater Management Plan (PCSWMP). The depth of rainfall is used in hydrologic calculations to determine the water quality volume or rate of discharge to be controlled for.

Site: The land or water area where any facility or activity is physically located or conducted, including adjacent land used in connection with the facility or activity.

Site plan: A plan or set of plans showing the details of any land disturbance activity of a site including but not limited to the construction of structures, open and enclosed drainage facilities, stormwater management facilities, parking lots, driveways, curbs, pavements, sidewalks, bike paths, recreational facilities, ground covers, plantings and landscaping.

Spill: A release of solid or liquid material, which may cause pollution of the Municipal Separate Storm Sewer System or waters of the State.

Stabilization: The use of practices that prevent exposed soil from eroding.

Storm Drainage System: Publicly-owned facilities by which storm water is collected and/or conveyed, including, but not limited to; any roads with drainage systems; municipal streets; gutters; curbs; inlets; piped storm drains; pumping facilities; retention and detention basins; natural and human-made or altered drainage channels; reservoirs; and other drainage structures. The storm drainage system in Hastings is a municipal separate storm sewer system as defined by applicable federal regulations.

Storm Water: Any surface flow, runoff, or drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

Stormwater Pollution Prevention Plan (SWPPP): A document which describes the Best Management Practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to storm water, storm water conveyance systems, and/or receiving waters to the maximum extent practicable.

Stormwater Treatment Facilities (STFs): Permanent Best Management Practices (BMPs) put in place to provide control and treatment of stormwater runoff after construction for land development is complete. These facilities are physical in nature and sometimes referred to as "Structural" BMPs.

Subdivision Development: Includes activities associated with the platting of any parcel of land into two or more lots and all construction activity taking place thereon.

Utility Agency/Contractor: Private utility companies, public utility departments, or other utility providers, contractors working for such private utility companies, or public entity utility departments, or other utility providers engaged in the construction or maintenance of utility lines and services, including water, sanitary sewer, storm sewer, electric, gas, telephone, television and communication services.

Wastewater: Means any **Any** water or other liquid, other than uncontaminated storm water, discharged from any premises or facility. Wastewater includes sewage that is treated at the City's Waste Water Treatment Plant.

Watercourse: A natural or artificial channel through which water can flow.

Waters of the State: Any and all surface and subsurface waters that are contained in or flow in or through the State of Nebraska. The definition includes all watercourses, even if they are usually dry.
(Ord. No. 4251-4/2010 and 4271-10/2010)

42-103. Applicability.

This ordinance shall apply to all **waters** entering the storm drainage system generated on any developed and undeveloped lands unless explicitly exempted.
(Ord. No. 4251-4/2010)

42-104. Responsibility for administration.

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The City of Hastings shall administer, implement, and enforce the provisions of this ordinance. Any powers granted or duties imposed upon the City of Hastings may be delegated by the Mayor or City Administrator to persons or entities acting in the beneficial interest of or in the employ of the City.
(Ord. No. 4251-4/2010)

42-105. Severability.

The provisions of this ordinance are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this ordinance or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this ordinance.
(Ord. No. 4251-4/2010)

42-106. Ultimate responsibility.

The standards set forth herein and promulgated pursuant to this ordinance are minimum standards. Compliance with this ordinance does not act as a waiver or defense to any person for contamination, pollution, or unauthorized discharge of pollutants. Ultimate responsibility for prohibited acts rests with persons who own or are in possession or control of premises from which the discharge of contaminants or pollutants emanates.
(Ord. No. 4251-4/2010)

42-107. Discharge prohibitions.

No person shall discharge or cause to be discharged into the municipal storm drainage system or watercourses any materials including, but not limited to, pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards. The commencement, conduct or continuance of any illegal discharge to the storm drainage system is prohibited except as described as follows:

(1) The following discharges are exempt from discharge prohibitions established by this ordinance: water line flushing or other potable water sources; landscape irrigation or lawn watering; diverted stream flows; rising ground water; ground water infiltration to storm drains; uncontaminated pumped ground water; foundation or footing drains (not including active groundwater dewatering systems); crawl space pumps; air conditioning condensation; springs; non-commercial washing of vehicles; natural riparian habitat or wet-land flows; swimming pools (if dechlorinated - typically less than one PPM chlorine); firefighting activities; and any other water source not containing Pollutants.

(2) Discharges determined by the City to be necessary to protect public health and safety.

(3) Dye testing if the City is notified in writing prior to the time of the test.

(4) Any non-storm water discharge permitted under an National Pollutant Discharge Elimination System permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drainage system.

(Ord. No. 4251-4/2010)

42-108. Connection prohibitions.

The construction, use, maintenance or continued existence of illicit connections to the storm drainage system is prohibited.

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(1) This prohibition expressly includes, without limitation, illicit connections made in the past regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

(2) A person is considered to be in violation of this ordinance if the person connects a line conveying sewage or pollutants to the Municipal Separate Storm Sewer System or allows such a connection to continue.
(Ord. No. 4251-4/2010)

42-109. Suspension of storm drainage system access.

Suspension due to Illicit Discharges in Emergency Situations.

The City of Hastings may, without prior notice, suspend storm drainage system discharge access to a person when the City deems it necessary to prevent an actual or threatened discharge which presents or may present imminent and substantial danger to: the environment; to the health or welfare of persons or to the storm drainage system; or to waters of the State of Nebraska. If the person fails to comply with a suspension order issued in an emergency, the City of Hastings may take such steps as deemed necessary to prevent or minimize damage to persons, the storm drainage system, waters of the State of Nebraska.

Suspension due to the Detection of Illicit Discharge.

Any person discharging to the storm drainage system in violation of this ordinance may have their storm drainage system access terminated if such termination would abate or reduce an illicit discharge. The City will notify a person of the proposed termination of storm drainage system access by personal delivery or by United States Mail. The person may request a hearing before the Stormwater Board of Appeals by delivering such request in writing to the City Clerk. The person is not entitled to a stay of the termination pending any such hearing.

A person commits an offense if the person accesses or attempts to access the storm drainage system from premises terminated pursuant to this Section, without the prior approval of the City.
(Ord. No. 4251-4/2010)

42-110. Construction.

(1) General requirements for construction activities.

(a) Except for construction activity relating to the Building Phase of Development, the City of Hastings shall require proof of coverage by a NDEQ general permit authorization for Storm Water Discharges from Construction Sites before providing approval for construction activity and land developments requiring –including but not limited to –site plan applications, subdivision applications, building applications, and right-of-way applications from the City of Hastings, unless exempt pursuant to Subsection (i) below. These provisions apply to all portions of any plan for land disturbing activity which would cause the disturbance of at least one acre of soil even though multiple, separate and distinct land development activities within the overall development may take place at different times on different schedules.

(i) The following activities are exempt from this Ordinance:

(1) Any emergency activity that is necessary for the immediate protection of life, property, or natural resources; and

(2) Construction activity that provides maintenance and repairs performed to maintain the original line and grade, hydraulic capacity, or original purpose of a facility.

(b) The city shall be invited to the pre-construction meeting to review the installation of all temporary erosion and sediment control BMPs included on the approved erosion and sediment control plan at least two (2) business days before any construction activities are scheduled to start.

(c) Solid waste, industrial waste, yard waste and any other pollutants or waste on any construction site shall be controlled through the use of BMPs. Waste or recycling containers shall be provided and maintained by the owner or contractor on construction sites where there is the potential for release of waste. Uncontained waste that may blow, wash or otherwise be released from the site is prohibited. Sanitary waste facilities shall be provided and maintained in a secured manner.

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(d) Ready-mixed concrete, or any materials resulting from the cleaning of vehicles or equipment containing such materials or used in transporting or applying ready-mixed concrete, shall not be allowed to discharge from any construction site. Concrete wasted on site must be disposed in a manner consistent with locally approved standards and generally require establishment of a designated wash-out area.

(e) Cover or perimeter control shall be applied within 14 days to any soil stockpiles, which will remain undisturbed for longer than 30 calendar days.

(f) Disturbed soil shall be managed with BMPs that are adequately designed, installed, and maintained according to locally-approved technical standards, specifications and guidance for the duration of the construction activity to minimize erosion and contain sediment within the construction limits.

(g) Sediment tracked or discharged onto public right-of-way shall be removed immediately.

(h) Bulk storage structures for petroleum products and other chemicals shall have adequate protection to contain all spills and prevent any spilled material from entering the MS4 or waters of the State.

(i) Temporary BMPs shall be removed and disturbed areas shall be stabilized with permanent BMPs at the conclusion of construction activity.

(2) Requirements for the building phase of development.

(a) Any person who engages in construction activity is responsible for compliance with this Ordinance and all applicable terms and conditions of the approved construction activity and SWPPP as it relates to the building phase of development. The following information shall be included with the application for a building permit and be submitted to the Public Works Department:

(b) Either the legal description and NPDES permit number for the Larger Common Plan of Development; OR

(c) The location of the property where the building phase of development is to occur; AND

(d) A certification that the building phase of development for the property described on the application for a building permit will be conducted in conformance with Chapter 42 of the Municipal Code and the Construction Activity SWPPP.

(3) Construction stormwater pollution prevention plan.

(a) A SWPPP shall be prepared and updated in accordance with locally-approved technical standards, specification, and guidance for construction activity within the City of Hastings and shall include an erosion and sediment control plan for land disturbance.

(b) The SWPPP shall include a description of all potential pollution sources, temporary and permanent BMPs that will be implemented at the site as approved by the City of Hastings.

(c) The erosion and sediment control plan shall be submitted to the City of Hastings for review with any application covered in 42-110 (1) (a) of this Ordinance.

(d) Land disturbing activities may not proceed until approval of the erosion and sediment control plan is provided by the City of Hastings.

(e) The owner or operator is required to have a copy of the SWPPP readily available for review with content that reflects the current condition of the construction activity and all records that demonstrate compliance and are required by this Ordinance.

(f) The SWPPP shall include a description of routine site inspections.

(i) The owner or their representative shall inspect all BMPs at intervals of no greater than 14 calendar days and within 24-hours after any precipitation event of at least one half inch.

(ii) Inspections of BMPs shall be conducted by an individual knowledgeable in the principles and practice of erosion and sediment controls who possesses the skills to assess conditions at the construction site that could impact stormwater quality and to assess the effectiveness of any erosion and sediment control measures selected to control the quality of stormwater discharges from the construction activity.

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(iii) Inspection reports shall provide the name and qualification of the inspector, date of the evaluation, risks to stormwater quality identified, and all corrective actions necessary to prevent stormwater pollution.

(iv) The owner or operator of a construction activity may be requested to submit copies of inspection reports for review on a periodic basis by the City of Hastings.

(g) Based on inspections performed by the owner, operator, authorized City of Hastings personnel, State or Federal regulators, modifications to the SWPPP will be necessary if at any time the specified BMPs do not meet the objectives of this Ordinance. In this case, the owner shall meet with an appointed official of the City of Hastings to determine the appropriate modifications. All required modifications shall be completed within seven (7) calendar days of receiving notice of inspection findings, and shall be recorded in the SWPPP.

(h) The owner or operator of a construction site shall be responsible for amending the SWPPP whenever there is a significant change in design, construction, operation, or maintenance, which has a significant effect on the potential for discharge of pollutants to the MS4 or receiving waters, or if the SWPPP proves to be ineffective in achieving the general objectives of controlling pollutants in stormwater discharges associated with land disturbance.

(i) Records of inspection are to be maintained with the SWPPP for the life of the project. Inspection records are to be available to City of Hastings inspectors upon request. Delay in providing a copy of the SWPPP or any requested records shall constitute a violation of this Ordinance.

(4) Requirements for utility construction.

(a) Utility agencies or their representatives shall develop and implement BMPs to prevent the discharge of pollutants on any site of utility construction within the City of Hastings. The City of Hastings may require additional BMPs on utility construction activity. If the utility construction disturbs greater than one (1) acre, the utility agency must comply with the requirements of Section 42-110 (1) & (2) of this Ordinance.

(b) Utility agencies or their representative shall implement BMPs to prevent the release of sediment from utility construction sites. Disturbed areas shall be minimized, disturbed soil shall be managed and construction site exits shall be managed to prevent sediment tracking. Sediment tracked onto public right-of-way shall be removed immediately.

(c) Prior to entering a construction site or subdivision development, utility agencies or their representatives shall obtain and comply with any approved erosion and sediment control plans for the project. Any impact to construction and post-construction BMP's resulting from utility construction shall be evaluated prior to disturbance by the developer and utility company. Repairs to the disturbed BMPs must be completed within forty eight (48) hours, by individuals agreed upon during the design phase or at a preconstruction meeting.
(Ord. No. 4251-4/2010 and 4271-10/2010)

42-111. Post-construction.

(1) Post-construction requirement of permanent BMPs.

(a) Land development that meets the requirements of Section 42-110 (1) (a) must address stormwater runoff quality through the use of permanent BMPs. Permanent BMPs shall be provided for in the drainage plan for any subdivision plat, annexation plat, development agreement, subdivision agreement or other local development plan.

(b) Structural BMPs located on private property shall be owned and operated by the owner(s) of the property on which the BMP is located; unless the City of Hastings agrees in writing that a person or entity other than the owner shall own or operate such BMP. As a condition of approval of the BMP, the owner shall also agree to maintain the BMP in perpetuity to its design capacity unless or until the City of Hastings shall relieve the property owner of that responsibility in writing. The obligation to maintain the BMP shall be memorialized on the subdivision plat, annexation plat, development agreement, subdivision agreement or other form acceptable to the City of Hastings and shall be recorded with the City of Hastings Public Works Department.

(2) Certification of permanent BMPs.

Upon completion of a project, and before a certificate of occupancy shall be granted, the City of Hastings shall be provided a written certification stating that the completed project is in compliance with the approved Final Drainage Plan. All applicants are required to submit "as built" plans for any permanent BMPs once final construction is completed and must be certified by a professional engineer licensed in the State of Nebraska. A final inspection by the City of Hastings of all Post-construction BMPs shall be required before the release of any performance securities can occur.

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(3) Ongoing inspection and maintenance of permanent BMPs.

(a) The owner of site must, unless an on-site stormwater management facility or practice is dedicated to and accepted by the City of Hastings, execute an inspection and maintenance agreement, that shall be binding on all subsequent owners of the permanent BMPs.

(b) Permanent BMPs included in a Drainage Plan which is subject to an inspection and maintenance agreement must undergo ongoing inspections to document maintenance and repair needs and to ensure compliance with the requirements of the agreement, the plan and this Ordinance.

(Ord. No. 4251-4/2010 and 4271-10/2010)

42-112. Technical standards, specifications, and guidance.

All BMPs designed to meet the requirements of this Ordinance shall reference the appropriate technical standards, specifications and guidance as follows:

(1) City of Hastings Standards and Specifications for Construction.

(2) Nebraska Department of Roads Drainage Design and Erosion Control Standards, Specifications and Guidance.

(3) Any other alternative methodology approved by the City of Hastings, which is demonstrated to be effective.
(Ord. No. 4251-4/2010 and 4271-10/2010)

(4) **Timeline for Post-Construction Criteria Implementation.** Implementation for the following will be after January 1, 2018:

(a) **Proposed Redevelopment:** (Applies to lands which have been platted and previously built upon). Stormwater Treatment Facilities must be accounted for on any proposed redevelopment project if it has not already submitted a complete preliminary plat or building permit for approval. Proposed redevelopment projects that are exempt from treatment are those that have already submitted a complete plat, preliminary plat or building permit for approval. Any non-exempt projects must account for a seventieth (70th) Percentile Rain Event.

(b) **Proposed New Development:** (Applies to lands which are being platted for development or have been platted but have not previously been built upon (Stormwater Treatment Facilities must be accounted for on any new proposed development project that has not already submitted a complete preliminary plat or building permit for approval. Proposed new development projects that are exempt from treatment are those that have already submitted a complete final plat, preliminary plat or building permit for approval. Any non-exempt projects must account for an eightieth (80th) Percentile Rain Event.

42-113. Inspection and monitoring.

(1) Applicability.

This section applies to all premises that have storm water discharges associated with industrial activity, including construction activity.

(2) Access to premises.

(a) The City of Hastings's designees shall be permitted to enter and inspect premises and facilities subject to regulation under this ordinance as often as may be necessary to determine compliance with this ordinance. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the City.

(b) The City's designees shall be given access to all parts of the premises for the purposes of: inspection; sampling; examination and copying of records that must be kept under the conditions of the National Pollutant Discharge Elimination System permit to discharge storm water; and the performance of any additional duties as defined by state and federal law.

(c) The City may place upon the premises such devices as deemed necessary to conduct monitoring and/or sampling of discharges from the premises.

(d) The City of Hastings may require a person to install monitoring equipment as necessary. Sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition at no expense to the City. All devices used to measure storm water flow and quality shall be calibrated to ensure accuracy.

(e) Any obstruction to safe and easy access to the premises to be inspected and/or sampled shall be promptly

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removed at the request of the City and shall not be replaced. The costs of clearing such access shall not be paid by the City.

(f) Unreasonable delays in allowing Hastings City designees access to premises is a violation of a storm water discharge permit and of this ordinance. A person who is the operator of a facility or premises with a National Pollutant Discharge Elimination System permit to discharge storm water associated with industrial activity commits an offense if the person denies the City reasonable access for the purpose of conducting any activity authorized or required by this ordinance.

(g) If a City of Hastings designee has been refused access to any part of the premises from which storm water is discharged, the City of Hastings may seek issuance of a search warrant from any court of competent jurisdiction. (Ord. No. 4251-4/2010)

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42-114. Best management practices.

The City of Hastings may adopt requirements identifying Best Management Practices for any activity, operation, or facility which may cause or contribute to pollution or contamination of storm water, the storm drainage system, or waters of the State of Nebraska. The owner or operator of a commercial or industrial establishment shall provide, at the owner or operator's expense, reasonable protection from discharge of prohibited materials or other wastes into the municipal storm drainage system or watercourses through the use of these structural and non-structural Best Management Practices. Further, any person responsible for a property or premise, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural Best Management Practices to prevent the further discharge of pollutants to the municipal separate storm sewer system. These Best Management Practices shall be part of a storm water pollution prevention plan as necessary for compliance with requirements of any National Pollutant Discharge Elimination System permit. **If requested, the City of Hastings will provide guidance on Best Management Practices applicable to common activities, operations or facilities which may cause or contribute to pollution or contamination of stormwater, the storm drain system, or waters of the United States.**

(Ord. No. 4251-4/2010)

42-115. Watercourse protection.

Every person owning property through which a watercourse passes, and such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

(Ord. No. 4251-4/2010)

42-116. Notification of discharges and spills.

Notwithstanding other requirements of law, as soon as any person responsible for a facility, premises, or operation, has information of any known or suspected release of materials which result or may result in illegal discharges or pollutants discharging into storm water, the storm drainage system, or waters of the State of Nebraska, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such release of hazardous materials, said person shall immediately notify emergency response agencies and the City of Hastings of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the City of Hastings in person or by phone or facsimile no later than the next business day. Notifications in person, by phone, or by facsimile shall be confirmed by written notice addressed and mailed to the City of Hastings within three business days of the prior notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

(Ord. No. 4251-4/2010)

42-117. Notice of violation.

Whenever the City of Hastings finds that a person has violated or failed to meet a requirement of this Ordinance, the City's designee may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:

- (1) The performance of monitoring, analyses, and reporting;
- (2) The elimination of illicit connections or discharges;
- (3) That violating discharges, practices, or operations shall cease and desist;
- (4) The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property;
- (5) Payment of costs to cover administrative and remediation expenses;
- (6) The implementation of source control, treatment, and prevention practices. If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator and may be assessed against the real estate or collected by civil action.

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(Ord. No. 4251-4/2010)

(7) Stop Work Order. Whenever the City determines that any activity is occurring which is not in compliance with the requirements of this Code, the City may order such activity stopped upon service of written notice upon the owner and/or operator responsible for or conducting such activity. Such owner and/or operator shall immediately stop all activity until authorized in writing by the City to proceed. If the appropriate owner and/or operator cannot be located, the notice to stop shall be posted in conspicuous place upon the area where the activity is occurring. The notice shall state the nature of the violation. The notice shall not be removed until the violation has been cured or authorization to remove the notice has been issued by the City. It shall be unlawful for any owner and/or operator to fail to comply with a stop work order.

42-118. Appeal of notice of violation.

Any person receiving a notice of violation may appeal the determination. The notice of appeal must be received within 10 days from the date of the notice of violation. Hearing on the appeal before the Stormwater Board of Appeals or his/her designee shall take place within 15 days from the date of receipt of the notice of appeal. The decision of the Stormwater Board of Appeals shall be final.

(Ord. No. 4251-4/2010)

42-119. Stormwater Board of Appeals; created.

The Stormwater Board of Appeals is hereby established consisting of three members who are qualified by experience and training to pass upon matters pertaining to the environment. The members of the Stormwater Board of Appeals shall be City Engineer, Environmental Officer, and the Environmental Engineering Assistant. Matters may be brought to the Board only by appeal from a decision of the Building Official or Code Enforcement Officer. The decision of the Stormwater Board of Appeals shall be final.

(Ord. No. 4251-4/2010)

42-120. Enforcement measures after appeal.

If the violation has not been corrected as set forth in the notice of violation, or, in the event of an appeal, within 25 days of the original deadline if the City Stormwater Board of Appeals upholds the notice of violation, then representatives of the City of Hastings may enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the City's designees or agents to enter upon the premises for the purposes set forth above.

(Ord. No. 4251-4/2010)

42-121. Cost of abatement of the violation.

After abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. If the amount due is not paid within 30 days, the City of Hastings may sue to recover the costs through a civil action or levy and assess the costs against the real estate in the manner of special assessments. (Ord. No. 4251-4/2010)

42-122. Injunctive relief.

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Ordinance. If a person has violated or continues to violate the provisions of this ordinance, the City of Hastings may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation. Injunctive relief shall be in addition to any other remedy available under this ordinance or any other federal or state law.

(Ord. No. 4251-4/2010)

42-123. Violations deemed a public nuisance.

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this Ordinance is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be abated or restored at the violator's expense, in the same manner as other nuisances under the Hastings Municipal Code.

(Ord. No. 4251-4/2010)

42-124. Penalty for violations.

Any person violating any provision of this ordinance shall, upon conviction, be guilty of an infraction. Each day

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shall constitute a separate offense and be punishable by a fine of \$100.00. Criminal fines shall be in addition to any civil remedies available under Hastings Municipal Code.
(Ord. No. 4251-4/2010 and 4271-10/2010)

42-125. Remedies not exclusive.

The remedies listed in this ordinance are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the authorized enforcement agency to seek cumulative remedies.
(Ord. No. 4251-4/2010)



**Stormwater Management Plan
(SWMP)**

NPDES Stormwater Discharge Authorization Number NER310000

Issued July 1, 2017

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MCM #1 PUBLIC EDUCATION AND OUTREACH (PEO)

PUBLIC EDUCATION AND OUTREACH DECISION PROCESS AND RATIONALE

The purpose of this MCM is to educate the public on the benefits of keeping our receiving waters clean of pollutants. An informed public can make a significant reduction in the amount of stormwater pollutants that enter our stormwater systems. Multiple media forms are used to convey this information. Social Media, Websites, Radio, Television, Household Awareness Surveys and more all play a role in this process.

The City of Hastings informs individuals and households public awareness surveys every other year. Once the results of the survey are in, a pamphlet of information discussing common household stormwater pollution topics is distributed to each utility customer.

The City of Hastings Stormwater Division has a website and email on the City's webpage. Additionally, at the NebraskaH2O.org website, there is a reference link to that same page. When events are scheduled, a press release is sent out to the public.

The City of Hastings has chosen the following target audiences for our Education and Outreach Program that are likely to have stormwater quality impacts: Home Owners, Pet Owners, Property Owners, Construction Site Operators, and Engineers/Developers/Realtors. These audiences were chosen due to the impact of their activities and their availability to be reached. Target audiences have been designated to address different types of non-point source pollution through the Public Education and Outreach Program. Household hazardous wastes, pet waste, oil and other fluids from automobiles, and grass clippings are examples.

The City of Hastings' Education and Outreach Program has the ability to utilize an array of formats to reach the public. Previously, the City has collaborated with other Nebraska H2O communities to use television PSA's, radio PSA's, stormwater pamphlets, Facebook posts, Twitter tweets, press releases, and newspaper articles. The City has the goal of eventually reaching all age groups and genders utilizing these various media platforms.

The City of Hastings Stormwater Manager is responsible for overall management and implementation of the City's Education and Outreach Program. The Stormwater Manager can be found at the Public Works Department and reached at (402) 461-2339.

The City of Hastings evaluates the success of the Education and Outreach Program by implementing effectiveness measures for each Best Management Practice (BMP) that will be met and acknowledged for each reporting period. These measures are meant to be a guide and measuring stick for each BMP and proof of progress for that item.

MCM1: BMP 1: DEVELOP, MAINTAIN AND DISTRIBUTE CURRENT EDUCATION MATERIALS

1.1.1. Coordinate the Public Education and Outreach Strategy with updates and maintenance of general stormwater education or outreach materials for distribution to residential, construction, industrial and commercial sources identified as high priority, community-wide issues related to the impact of stormwater discharges on water bodies and the steps that the public can take to reduce pollutants in stormwater runoff.

The PEO Strategy identifies the following:

- Goals, objectives, target messages and audiences for information.
- Resources used and frequency for distributing information.

Reference	Frequency
The City of Hastings PEO Strategy	Annual
Report:	Observations, recommendations, and/or changes made to program defining documents during permit year

1.1.2 Distribute general stormwater education or outreach materials related to the impact of stormwater discharges on water bodies and the steps that the public can take to reduce pollutants in stormwater runoff.

Reference:	Public Education and Outreach Tracking Form		
Responsible:	Stormwater Coordinator	Frequency:	On-going Annually
Goals:	Report:		Measure:
STORMWATER AWARENESS INFORMATION TO THE GENERAL PUBLIC			
ADMINISTRATION: Record resources used with estimated/actual number of public reached.	GOAL: Recorded		{{Yes/No}}
EFFECTIVENESS: Use stormwater program management websites.	GOAL: Available		{{Yes/No}}
EFFECTIVENESS: Use of Social Media for stormwater program management and BMP information.	GOAL: 30% of residents		{{%}} of {{Number}}
EFFECTIVENESS: Use of storm drain markings for stormwater awareness.	GOAL: 50% storm drains marked or replaced		{{Number}}

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STORMWATER AWARENESS INFORMATION TO THE GENERAL PUBLIC (CONTINUED)		
EFFECTIVENESS: Use of Internet Advertisements for stormwater awareness	GOAL: Total produced.	{{Number}}
EFFECTIVENESS: Use of Radio Advertisements for stormwater awareness	GOAL: Total aired.	{{Number}}
EFFECTIVENESS: Use of Stormwater program-branded materials for stormwater awareness to visitors at various tours, events, trainings, and activities.	GOAL: Total distributed.	{{Number}}
SECTOR-SPECIFIC AWARENESS INFORMATION TO THE GENERAL PUBLIC		
ADMINISTRATION: Record of all resources used with estimated/actual number of public reached.	GOAL: Completed.	{{Yes/No}}
EFFECTIVENESS: Information provided to Household Hazardous Waste generators providing information about opportunities, and collection locations.	GOAL: Total distributed.	{{Number}}
EFFECTIVENESS: Information provided to pet owners with information about best practices and requirements for collecting and disposing pet waste.	GOAL: Total distributed.	{{Number}}
EFFECTIVENESS: Information provided to property owners with information on best practices and requirements for minimizing Lawn and Garden pollutants.	GOAL: Total distributed.	{{Number}}
EFFECTIVENESS: Information provided for incorporating water quality Best Management Practices on properties.	GOAL: Total distributed.	{{Number}}
..... Satisfied:	Yes ☐ No ☐ Explanation:	

MCM1: BMP 2: DEVELOP, MAINTAIN AND PROVIDE TOURS AND EVENTS

1.2.1 Coordinate the Public Education and Outreach Strategy with updates and maintenance of general stormwater events that raise awareness for the impact of stormwater discharges on water bodies and the steps that the public can take to reduce pollutants in stormwater runoff. The Strategy includes for these awareness tours and events:

- Goals, objectives, target messages and audiences
- Resources used and frequency

Reference	Frequency
The City of Hastings' PEO Strategy	Annual
Report:	Observations, recommendations, and/or changes made to program defining documents during permit year.

1.2.2 Provide general stormwater education or outreach tours and events that raise awareness for the impact of stormwater discharges on water bodies and the steps that the public can take to reduce pollutants in stormwater runoff.

Reference:	Public Education and Outreach Tracking Form		
Responsible:	Stormwater Coordinator	Frequency:	On-going Annually
Goals:	Report:	Measure:	
ADMINISTRATION: Record Stormwater Education & Outreach event.	GOAL: Recorded	{{Yes/No}}	
EFFECTIVENESS: General Public attendance at Education & Outreach event.	GOAL: Recorded	{{Number}}	
EFFECTIVENESS: Student-age attendance at Education & Outreach event	GOAL: Recorded	{{Number}}	
EFFECTIVENESS: Citywide Cleanup Days (or similar event) participation by General Public	GOAL: Participants	{{Number}}	
Satisfied:	Yes ☐ No ☐ Explanation:		

MCM #2 PUBLIC PARTICIPATION AND INVOLVEMENT

PUBLIC PARTICIPATION AND INVOLVEMENT DECISION PROCESS AND RATIONALE

The purpose of this MCM partly goes along with the first MCM, Public Education and Outreach. The idea is to use the informed public to get involved to the point of participating in activities and/events. With this enthusiasm, the public will be spreading the idea of stormwater pollution prevention via word of mouth amongst members of the community and beyond.

The City of Hastings actively involves the public in the development and implementation of the Stormwater Management Program by providing public notices when updating ordinances pertaining to the City of Hastings' Stormwater Management Program. City Council Meetings and work sessions allow the public to ask questions and give comments prior to the approval of any City Ordinance changes.

The City of Hastings actively approaches any group regardless of ethnicity or economic status as it pertains to stormwater pollution. Pollutant source identification is the key component of the City's Stormwater Management Program. Any group, whether industrial, trade, environmental, educational, is approachable.

The City of Hastings Stormwater Manager is ultimately responsible for the management and implementation of the City of Hastings' Public Participation and Involvement Program and finding program activities that the public will participate in. The Stormwater Manager can be found at the Engineering Department and reached at (402) 461-2339.

The City of Hastings evaluates the success of the public participation and involvement activities by implementing several 'effectiveness measures' to measure the successful implementation of each BMP. These effectiveness measures are reported annually in our NDEQ Annual Report.

MCM2: BMP 1: PUBLIC INVOLVEMENT AND PARTICIPATION MATERIALS

2.1.1 Coordinate the Public Education and Outreach Strategy with materials that demonstrate compliance with State and local public notice requirements and involve the public in planning and implementation of programs and activities related to the City of Hastings' Stormwater Management Program and NPDES Permit. The PEO Strategy identifies the following:

- Target messages and audiences for public involvement and participation.
- Resources used and frequency for providing public involvement and participation

Reference	Frequency
The City of Hastings' PEO Strategy	Annual
Report:	Observations, recommendations, and/or changes made to program defining documents during permit year

2.1.2 Provide public involvement and participation opportunities that demonstrate compliance with State and local public notice requirements and involves the public in planning and implementation of programs and activities of the SWMP.

Reference:	Public Education and Outreach Tracking Form		
Responsible:	Stormwater Coordinator	Frequency:	On-going Annually
Goals:	Report:		Measure:
ADMINISTRATION: Provide program reference documents on-line and make available to the general public for the following: • Municipal Separate Storm Sewer (MS4) Permit • Storm Water Management Plan • Illicit Discharge and Connection Ordinance • Erosion and Sediment Control Ordinance • Post-Construction Stormwater Treatment Ordinance	GOAL: Provided.		{{Yes/No}}

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ADMINISTRATION: Provide a public forum to receive input about proposed stormwater compliance plans and ordinances.	GOAL: Record public attendance and comment numbers.	Proposed Changes: {{Yes/No}} Attended: {{Number}} Comment: {{Number}}
ADMINISTRATION: Make web forms and telephone resources available to the public for submitting requests for information, potential pollution situations and stormwater program recommendations.	GOAL: Report all resources utilized.	{{Number}}
EFFECTIVENESS: All proposed changes to regulations and ordinances are posted for review at least one week prior to decision.	GOAL: 100%	{{Yes/No}}
EFFECTIVENESS: Distribute a household stormwater awareness survey once during the Permit term to document measures that demonstrate if the public is knowledgeable about the impact of stormwater discharges on water bodies and the steps that the public can take to reduce pollutants in stormwater runoff.	GOAL: Number sent and returned.	Sent: {{Number}} Returned {{Number}}
EFFECTIVENESS: Coordinate a stormwater committee (or similar group) with community members that receives information about the City of Hastings' Stormwater Program, for review and comment on proposed program, policy and ordinance changes, and recommendations for program activities included in the SWMP.	GOAL: Number of participants and meetings.	Citizens: {{Number}} Meetings {{Number}}
..... Satisfied: Yes ☐ No ☐ Explanation:		

MCM #3 ILLICIT DISCHARGE DETECTION AND ELIMINATION (IDDE)

ILLICIT DISCHARGE DETECTION AND ELIMINATION DECISION PROCESS AND RATIONALE

The purpose of this MCM is to minimize the effect of illicit discharges within the municipality. An IDDE program is followed and an ordinance has been enacted within the City Code. Dry weather inspections of storm sewer outfalls are performed within the community. A detailed storm sewer map is maintained to track flow of stormwater and identify affected areas from illicit discharges. Finally, the City of Hastings' website allows the public to acknowledge their concerns regarding all forms of stormwater pollution.

The City of Hastings has developed a stormwater system map, consolidating all information gathered by City of Hastings staff. This includes all outfall points, inlets, and storm sewer pipes. Maintenance and upkeep of this stormwater system map is accomplished annually as as-builts and changes to the system occur.

The City of Hastings effectively prohibits illicit discharges with an active IDDE program identified in our Municipal Code, complete with an Enforcement Response Plan (ERP). The City holds violators accountable by implementing appropriate levels of enforcement, based on the nature and circumstances of the illicit discharge. City Municipal Code Chapter 42 defines and prohibits stormwater discharges.

The City of Hastings plans to ensure the illicit discharge ordinance, procedures, and actions are implemented through proper and consistent education of City employees to recognize illicit discharges, and train employees of the proper contacts to make in response to a discharge or spill incident. The City of Hastings has a protocol within the Enforcement Response Plan that identifies the procedures to follow based on the severity of non-compliance.

The IDDE Program defines the reporting protocol for the investigation and removal of illicit discharges, including illegal dumping or spills. Using appropriate City contact information (via phone or website), a citizen can identify the responsible party for reporting issues. The citizen can remain anonymous or be known. The discharge is addressed and tracked until the issue is cleared and a party is found responsible.

The City of Hastings informs public employees, businesses, and the general public about the hazards to water quality from illegal discharges and improper disposal of waste through training videos, posters, bulletins, website and press releases. As the IDDE Program continues to develop, additional materials or educational effort would include flyers, additional website content, social media, and providing more presentation materials for training purposes.

The City of Hastings Stormwater Manager is responsible for the overall management and implementation of the IDDE Program and its activities.

The City of Hastings evaluates the success of the IDDE Program through effectiveness measures to be met on a regular basis. The measures are acknowledged at each annual report to show the measure of success for the IDDE Program.

MCM3: BMP 1: DISCHARGE INVESTIGATION AND REMOVAL

3.1.1 Coordinate updates and maintenance of discharge record-keeping, investigation, removal and enforcement information in the MS4 Illicit Discharge Detection and Elimination (IDDE) Program, which references and defines the following:

- State and/or local regulatory mechanism(s) that effectively define allowable non-stormwater discharges and prohibit non-stormwater discharges into the storm sewer system related to illicit discharges (including on-site sewage disposal systems, spills, discharges, connections and dumping).
- Internal spill/dump/discharge/connection procedures, departmental staff responsibilities, contact information (including NDEQ for occurrence believed to be an immediate threat to human health or the environment), and equipment used to investigate illicit discharges.
- Enforcement response protocol used to remove illicit discharges that occur within the MS4.
- Data collected, database used, and data export procedures for records of investigation, removal and enforcement efforts, enforcement status and outcomes for illicit discharges.
- Protocol for reporting the requirement to investigate and remove potential illicit discharges that flow into the MS4 from adjacent MS4 operators and property owners.

Reference	Frequency
City of Hastings IDDE Program	Review Annually
Report:	Observations, recommendations, and/or changes made to program defining documents during permit year

3.1.2 Investigate, remove or cause responsible party to remove spills, illegal discharges and illicit connections within and into the MS4.

Reference:	IDDE Program Tracking Form		
Responsible:	Stormwater Coordinator	Frequency:	On-going Annually
Goals:	Report:		Measure

Continued on Next Page

ADMINISTRATION: Record dates of all notifications of potential illicit discharges, stakeholders involved, investigation and communication efforts, status, and final resolution taken for potential illicit discharges.	GOAL: Record discharge information required.	{{Yes/No}}
EFFECTIVENESS: Initiate investigation of potential illicit discharges and/or contact adjacent MS4 operator within two working days of notification.	GOAL: 100%	{{%}} of {{Number}}
EFFECTIVENESS: Once a source is determined, initiate notification of responsible party of potential illicit discharges within one working day of notification.	GOAL: 100%	{{%}} of {{Number}}
EFFECTIVENESS: Open records are updated once a week with status and any new information until the issue is resolved.	GOAL: 100%	{{Yes/No}}
EFFECTIVENESS: Summarize all instances that were closed without resolution including who made determination to close the record and why the instance could not be resolved.	GOAL: Record instances closed without resolution	{{Number}}
Satisfied: ☐ Yes ☐ No ☐ Explanation:		

MCM 3: BMP 2: DRY WEATHER SCREENING

3.2.1 Coordinate updates and maintenance of Dry Weather Screening Inspection and data collection information in the MS4 Illicit Discharge Detection and Elimination (IDDE) Program, which defines the following:

- Basis for selecting outfall locations used to screen for the presence of illicit discharges to the MS4 considering likelihood of illicit connections or ambient sampling.
- Frequency used to screen major and minor outfalls for the presence of illicit discharges to the MS4.
- current policies, staff, contact information, equipment, and known impairments or TMDL pollutants of concern used to conduct dry weather screening for the presence of illicit discharges to the MS4.
- Field tests of selected chemical parameters, evaluation methods and sample concentration action levels for pollutants during dry weather screening that trigger determination to investigate flow as a potential illicit discharge to the MS4.
- Data properties collected, geo-database used, illicit discharge identification and tracking database used, and data export procedures for reporting dry weather screening conducted to determine the presence of illicit discharges to the MS4.

Reference	Frequency
IDDE Program	Review Annually
Report:	Observations, recommendations, and/or changes made to program defining documents during permit year.

3.2.2 Conduct Dry Weather Screening Inspections and record all results.

Reference:	Dry Weather Screening Tracking Form		
Responsible:	Stormwater Coordinator	Frequency:	On-going Annually – Summer or Fall
Goals:	Report:	Measure	
ADMINISTRATION: Conduct and record outfall inspections on the Dry Weather Screening Tracking Form within the calendar year.	GOAL: Input all records.	{{Number}}	
EFFECTIVENESS: Screen each major outfall annually.	GOAL: 100%	{{%}} of {{Number}}	
EFFECTIVENESS: Investigate each minor outfall every three years	GOAL: 33%	{{%}} of {{Number}}	
Satisfied:	Yes ☐ No ☐ Explanation:		

MCM 3: BMP 3: STORM SEWER SYSTEM MAPPING

3.3.1 Coordinate updates and maintenance of MS4 area maps and stormwater outfall location information in the MS4 Illicit Discharge Detection and Elimination (IDDE) Program, which defines and references the following:

- Internal procedures, frequencies, municipal staff responsibilities, contact information, and equipment used to capture and verify existing and future stormwater outfall location information.
- How outfall locations are described, minimum size of outfall required to be mapped, smaller size outfalls that may be mapped, and justifications for mapping smaller outfalls.
- Sources of information used for the maps listing land use types, waters of the state, outfall locations, storm drain infrastructure, collection system and structural stormwater treatment BMPs.
- Latest version of the outfall map with receiving waters.

Reference	Frequency
IDDE Program, Adams County GIS	Review Annually
Report:	Observations, recommendations, and/or changes made to program defining documents during permit year.

3.3.2 Maintain map, to the extent required by the permit, of current geographic locations of all stormwater outfalls, the approximate boundary of their drainage area that discharge to State-designated receiving waters in the MS4, dry weather field screening locations, storm drain infrastructure and collection system as well as structural stormwater treatment locations.

Reference:	Adams County GIS		
Responsible:	Stormwater Coordinator	Frequency:	On-going Annually
Goals:	Report:		Measure
ADMINISTRATION: Maintain all outfall attribute updates in geo-database of stormwater outfall information currently available for major and minor outfalls.	GOAL: Maintained.		Major: {{Number}} Minor: {{Number}}
ADMINISTRATION: Update estimated drainage boundary attributes with existing and future land use at a minimum of five years for all outfalls that discharge to State-designated receiving waters in the MS4.	GOAL: Maintained.		{{Yes/No}}

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EFFECTIVENESS: All outfall, storm drain infrastructure, collection system and storm water treatment geo-reference attributes are updated in the geo-database within one year of new construction or 30 days following routine outfall dry weather screening.	GOAL: 100%	{{%}} of {{Number}}
Satisfied:	Yes ☐ No ☐ Explanation:	

MCM 3: BMP 4: ILLEGAL DISCHARGE AND IMPROPER WASTE DISPOSAL EDUCATION

3.4.1 Coordinate updates and maintenance of educational and training information for distribution related to the hazards associated with illegal discharges and improper disposal of waste in the Public Education and Outreach Strategy, which establishes the following:

- Training program with at least one target message related to identification and reporting of illicit discharges and connections for a sector of Public Employees involved in Operation and Maintenance activities every reporting year.
- At least one target message and distribution method for a sector of Public Employees not involved in Operation and Maintenance every reporting year.
- At least one target message and distribution method for a sector of Commercial/Industrial Businesses within the MS4 every reporting year.
- At least one target message and distribution method for at least one sector of the General Public within the MS4 every reporting year.

Reference	Frequency
The City of Hastings PEO Strategy	Annual
Report:	Observations, recommendations, and/or changes made to program defining documents during permit year

3.4.2 Distribute information related to the hazards associated with illegal discharges and improper disposal of waste to Public Employees, Businesses and the General Public.

Reference:	Education and Outreach Strategy Tracking Form		
Responsible:	Stormwater Coordinator	Frequency:	On-going Annually
Goals:	Report:	Measure	

Sectors of Municipal Employees, Businesses and the General Public.		
ADMINISTRATION: Distribute information to all Municipal Employee, Businesses and General Public sectors identified to receive information for the reporting year.	GOAL: 100% of Target Audience Reached	{{Yes/No}}
EFFECTIVENESS: All of the estimated target audience sector of Municipal Employees involved with Operation and Maintenance activities had information or training made available to them in the reporting year.	GOAL: 100%	{{%}}
EFFECTIVENESS: At least ninety percent (90%) of the estimated target audience sector of Municipal Employees not involved with Operation and Maintenance activities had information made available to them in the reporting year.	GOAL: 90%	{{%}}
EFFECTIVENESS: At least seventy-five percent (75%) of the estimated target audience sector of Business Owners had information made available to them in the reporting year.	GOAL: 75%	{{%}} of {{Sector}}
EFFECTIVENESS: At least fifty percent (50%) of the estimated target audience sector of General Public had information made available to them in the reporting year.	GOAL: 50%	{{%}} of {{Sector}}

MCM #4 CONSTRUCTION STORMWATER MANAGEMENT

CONSTRUCTION STORMWATER MANAGEMENT DECISION PROCESS AND RATIONALE

The purpose of this MCM is to reduce pollutants in stormwater runoff from construction activities that result in land disturbance. In accordance with NDEQ Administrative Code 119.10.002.12D, Nebraska Small MS4 General Permit NER310000 IV.B.3, and City of Hastings Municipal Code (Chapter 42), Construction Stormwater Program includes and adheres to the following elements:

1. Construction Stormwater Ordinance
2. Operator Requirements to Implement Sediment & Erosion Control, Waste, and Stormwater Controls
3. Construction Sediment & Erosion Control and Site Plans
4. Construction Site Inspection and Enforcement Procedures
5. Construction Stormwater Education

Construction Stormwater Design standards meeting the NDEQ and NPDES Permit requirements are available on the City website. Construction site operators for sites disturbing one acre or more, or less than one acre if part of a larger common plan of development or sale are required to enact Erosion and Sediment Controls.

The City of Hastings requires erosion and sediment control measures on construction sites via City Code Chapter 42. The ordinance language ensures every construction project within the City Limits requires proper Erosion and Sediment Controls, as well as inspection and evaluation methods.

The City of Hastings has an Enforcement Response Plan (ERP) for the Erosion & Sediment Control Program which defines the level of enforcement based on the level of non-compliance. The ERP was created to address all levels of non-compliance. The City will follow through on issues of non-compliance until resolved. Communication with the violator can vary from a phone call to a formal notice of violation to enforcement of Civil Penalties.

The City of Hastings has a defined list of pollutants, including solid waste and hazardous materials, which construction site operators are required to manage onsite with the Best Management Practices in City Code, Chapter 42. Waste materials include construction activity trash from building materials, equipment and vehicle track out, and potential sanitary waste.

The City of Hastings requires an Erosion and Sediment Control plan meeting the NDEQ and NPDES Permit requirements for review by City staff. For sites greater than an acre, and those less than an acre but part of a larger common plan of development or sale, a Stormwater Pollution Prevention Plan is required to be followed.

The City of Hastings Stormwater Manager and the Public Works Director are ultimately responsible for the management and overall implementation of the Construction Stormwater Program. Parts of this program operate outside the regular authority of the Stormwater Manager, specifically the elements of reviewing plans brought in front of the Development Review Team.

The City of Hastings has multiple effectiveness measures implemented to ensure the BMP's are being utilized correctly. Each annual report sent in to the NDEQ will address these effectiveness measures and how to interpret them.

MCM 4: BMP 1: MAINTENANCE, IMPLEMENTATION, AND ENFORCEMENT OF EROSION AND SEDIMENT CONTROL AUTHORITY

4.1.1 Coordinate maintenance of enforceable authority and escalation procedures in the MS4 Construction Stormwater (CSW) Program Guidance Document, which references local regulatory mechanisms that:

- Defines and enables municipal enforcement.
- Defines and requires construction erosion and sediment control implementation.
- References local regulatory mechanism(s) that effectively defines waste control implementation.
- References local regulatory mechanism(s) that effectively defines and establishes a range of penalty options and when they will be used to ensure compliance.

Reference	Frequency
City Ordinance 42, Section 110 (Construction)	Update: Review: Annually
Report:	Observations, recommendations, and/or changes made to program defining documents during permit year

4.1.2 Conduct procedures to investigate, remove and enforce each instance of construction stormwater non-compliance for observed non-compliance of the municipal code/ordinance.

Reference:	Construction Stormwater Enforcement Tracking Form		
Responsible:	Stormwater Coordinator	Frequency:	On-going Annually
Goals:	Report:	Measure	
ADMINISTRATION: Record dates of all notifications of potential construction stormwater program non-compliance. Record stakeholders involved investigation efforts, communication efforts, interim steps of enforcement if taken to resolve, and final resolution taken for potential construction stormwater program non-compliance.	GOAL: 100%	{{%}} of {{Number}}	

Continued on Next Page

EFFECTIVENESS: Initiate investigation of potential construction stormwater program non-compliance within two working days of notification or identification.	GOAL: 100%	{{%}} of {{Number}}
EFFECTIVENESS: Open records are updated once a week with status and any new information until the issue is resolved.	GOAL: Total number of instances.	{{Number}}
Satisfied:	Yes ☐ No ☐ Explanation:	

MCM 4: BMP 2: CONSTRUCTION SITE PLAN REVIEW

4.2.1 The City will coordinate maintenance of site plan review procedures in the MS4 Construction Stormwater (CSW) Program, which references local regulatory mechanisms that define the following:

- Authority to conduct construction site plan reviews for all land development and building projects that will disturb at least one acre of soil surface alone or as part of a larger common plan of development or sale.
- Minimum requirements for site plan submittals to address construction erosion, sediment and waste control best management practices.
- Minimum standards by reference for design of construction erosion, sediment and waste control best management practices.
- Basis for selecting certain sites for site plan review.
- Current policies, staff, contact information and required procedures for construction site plan review.

Reference	Frequency
City Code, Chapter 42, Section 110	Update: Review: Annually
Report:	Observations, recommendations, and/or changes made to program defining documents during permit year

4.2.2 The City will conduct and record site plan reviews for all land development and building projects that will disturb at least one acre of soil surface alone or as part of a larger common plan of development or sale.

Reference:	Construction Stormwater Plan Review Tracking Form		
Responsible:	Stormwater Coordinator	Frequency:	On-going Annually

Goals:	Report:	Measure
ADMINISTRATION: Complete construction stormwater site plan review form for every land development and building project that will disturb at least one acre of soil surface alone or as part of a larger common plan of development or sale.	GOAL: 100%	{{%}} of {{Number}}
EFFECTIVENESS: Record when construction stormwater site plan submittal requirements were not satisfied and required revision and resubmittal.	GOAL: 100%	{{Number}}
Satisfied:	Yes ☐ No ☐ Explanation:	

MCM 4: BMP 3: CONSTRUCTION SITE INSPECTIONS

4.3.1 The City will coordinate review and maintenance of site inspection procedures in the MS4 Construction Stormwater (CSW) Program, which references local regulatory mechanisms that define the following:

- Local regulatory mechanism(s) that effectively defines and enables authority to conduct site inspections
- Minimum standards by reference for installation and maintenance of construction erosion, sediment control best management practices.
- Minimum standards by reference for installation and maintenance of waste control best management practices.
- Current policies, staff, contact information, frequency and required procedures for routine municipal inspections of public and private construction projects.
- Minimum required frequency and information for construction operator self-inspections.

Reference	Frequency
City Code Chapter 42, Section 110	Update: Review: Annually
Report:	Observations, recommendations, and/or changes made to program defining documents during permit year

4.3.2 Conduct site inspections for construction projects to document construction stormwater installation and maintenance compliance.

Reference:	Construction Stormwater Plan Review Tracking Form		
Responsible:	Stormwater Coordinator	Frequency:	On-going Annually
Goals:	Report:	Measure	
ADMINISTRATION: Record the total number of active construction site inspections conducted during reporting period.	GOAL: Total Number conducted	{{Number}}	
EFFECTIVENESS: Every private building lot and land development received municipal oversight inspection for erosion and sediment control an average of quarterly (routine) during the period of active construction.	GOAL: 100%	{{%}} of {{Number}}	
EFFECTIVENESS: Every public project with an NPDES permit completes routine stormwater inspections on a frequency required in the permit authorization (routine).	GOAL: 100%	{{%}} of {{Number}}	
EFFECTIVENESS: All active construction projects that have non-compliance with local construction stormwater requirements receive a follow-up inspection within one week.	GOAL: 100%	{{%}} of {{Number}}	
EFFECTIVENESS: All information provided from the public about stormwater management of an active construction site leads to an inspection or a documented reason why an inspection was not conducted.	GOAL: 100%	{{%}} of {{Number}}	
EFFECTIVENESS: Record soil stabilization conditions and if unresolved non-compliance exist for the project at time of all close-out inspections required before municipal approval is given.	GOAL: 100%	{{%}} of {{Number}}	
Satisfied:	Yes ☐ No ☐ Explanation:		

MCM 4: BMP 4: CONSTRUCTION STORMWATER EDUCATION

4.4.1 Coordinate updates and maintenance of educational and training information for distribution related to impacts of construction stormwater pollution in the Public Education and Outreach Strategy, which references the following:

- Establishment of a training program and distribution method with at least one target message related to Construction Stormwater Program Requirements (i.e. Erosion and sediment controls, soil

stabilization, dewatering, pollution prevention, prohibited discharges, surface outlets, plan submittal, site inspection, enforcement) every reporting year.

- Defines training that municipal staff primarily responsible for permitting, plan review, construction site inspections and enforcement receive.
- Defines the resources used and frequency for distributing information related to construction stormwater pollution.

Reference	Frequency
The City of Hastings PEO Strategy	Annual
Report:	Observations, recommendations, and/or changes made to program defining documents during permit year

4.4.2 Distribute education and training information related to construction stormwater pollution.

Reference:	Education and Outreach Strategy Tracking Form		
Responsible:	Stormwater Coordinator	Frequency:	On-going Annually
Goals:	Report:	Measure	
ADMINISTRATION: Construction site operators can obtain information about best management practices and requirements for minimizing pollutants discharged from construction sites each year.	GOAL: Total number of pocket guides distributed	{{Number}}	
EFFECTIVENESS: Distribute training information to all (100%) Municipal Employees responsible for permitting, plan review, construction site inspections and enforcement.	GOAL: 100%	{{%}}	
EFFECTIVENESS: target audience sector of Construction Site Operators had educational information made available to them in the reporting year.	GOAL: 100%	{{%}}	
EFFECTIVENESS: Construction Site Operators had training offered during even calendar years.	GOAL: 100%	Offered to: {{%}} Attended: {{Number}}	
Satisfied:	Yes ☐ No ☐ Explanation:		

MCM #5 POST-CONSTRUCTION STORMWATER MANAGEMENT

POST-CONSTRUCTION STORMWATER MANAGEMENT DECISION PROCESS AND RATIONALE

The purpose of this MCM is to ensure the quality of water leaving a previously completed construction site remains continuously treated prior to leaving the property. With the implementation of specifically required **Stormwater Treatment Facilities (STF's)** the quality of water will have the best chance of remaining clean prior to entering receiving waters. These STF's will be monitored and maintained based on official Maintenance Agreements signed by the owner and the City.

The City of Hastings requires post-construction stormwater runoff from new development and redevelopment to be treated through different Stormwater Treatment Facilities (STF's). Rain Gardens, Bioswales, Sediment Forebays and Regional Detention Facilities will all be acceptable STF's within the City limits. These were chosen based on their performance, accessibility, and aesthetics.

The City of Hastings has created an ordinance as it relates to Post-Construction Stormwater. This ordinance refers to a 'Post Construction Stormwater Management Program' and there are penalties of different severity upon non-compliance. These were chosen due to their positioning within the Municipal City Code.

'New Development' refers to any new construction project that has been platted after 2018. 'Redevelopment' refers to any construction on existing property that affects more than one acre of impervious surface area. The sites that are exempt from the Post-Construction Program Requirements are those that were platted prior to 2018.

The City of Hastings Post Construction Stormwater Program provides a submittal checklist that describes the required information on each Site for proper selection and completion of a Post-Construction site plan review when applications for construction are submitted for approval. This checklist will be made available online, at the Development Service's website upon the developer's introduction of the plan to the City. Once the proper specifications have been implemented, then the site plans are up for review on a department by department basis. The Stormwater Manager will observe the Post-Construction specifications and site plan.

The City of Hastings will require a series of inspections of the constructed Stormwater Treatment Facilities to insure proper functionality of the Stormwater Treatment Facilities. These inspections will be performed by a licensed engineer in the State of Nebraska prior to completion of the development project. City Ordinance outlines requirements for these STFs to function appropriately in perpetuity.

The prioritization and procedures for inspection and enforcement for Post Construction STFs are identified in the Post-Construction Stormwater Management Program. Enforcement will be conducted through maintenance agreements, and inspections are allowed by the owner whenever the City wishes to perform them.

The City of Hastings Stormwater Manager is responsible for the implementation of the Construction Stormwater Program. It is the Stormwater Manager who creates and inspects the Stormwater Pollution Prevention Plans (SWPPP) for Municipal projects greater than one acre. The Stormwater Manager communicates directly with the developers and contractors as needed to resolve non-compliance.

The City of Hastings has implemented 'Effectiveness Measures,' found throughout the Post Construction Stormwater MCM, to evaluate the success of the Program. These 'Effectiveness Measures' are tabulated each year and identified within each Annual Report submitted to NDEQ.

MCM 5: BMP 1: POST-CONSTRUCTION STORMWATER CONTROL AUTHORITY

5.1.1 Coordinate maintenance of enforceable authority and escalation procedures in the MS4 Post-Construction Stormwater (PCSW) Program, which references the following local regulatory mechanism(s) that effectively:

- Defines and enables municipal enforcement for permanent stormwater quality treatment facilities.
- Defines and requires permanent stormwater quality treatment facility implementation for new development and redevelopment projects and the effective date of the requirement.
- Defines and establishes a range of penalty options and when they will be used to ensure compliance.

Reference	Frequency
PCSW Program (Chapter 42, Section 111), City of Hastings City Code	Review: Annually
Report:	Observations, recommendations, and/or changes made to program defining documents during permit year

5.1.2 Conduct enforcement procedures for permanent stormwater treatment facility non-compliance and/or non-compliance.

Reference:	Post-Construction Stormwater Treatment Facility (STF) Enforcement Tracking Form,		
Responsible:	Stormwater Coordinator	Frequency:	On-going Annually
Goals:	Report:	Measure	
ADMINISTRATION: Record responsible party, date enforcement initiated, reason for non-compliance or violation, status, enforcement steps taken to resolve, and final resolution of each instance of potential non-compliance with post-construction stormwater treatment.	GOAL: Total Number of instances recorded.	{{Number}}	
EFFECTIVENESS: Initiate enforcement response plan investigation within seven days of identification of potential non-compliance	GOAL: 100%	{{%}} of {{Number}}	
EFFECTIVENESS: Open records are updated once a week with current status and any new information until the issue is resolved.	GOAL: 100%	{{%}} of {{Number}}	
Satisfied:	Yes ☐ No ☐ Explanation:		

MCM 5: BMP 2: STORMWATER TREATMENT PLAN REVIEW

5.2.1 Coordinate maintenance of site plan review procedures in the MS4 Post-Construction Stormwater (PCSW) Program, which references and defines the following:

- Local regulatory mechanism(s) that effectively defines and enables authority to conduct stormwater treatment plan reviews.
- Minimum treatment volume with calculation method, volume treatment design criteria, and stormwater treatment practice design standards by reference for design of permanent stormwater treatment practices.
- Maximum allowable impervious cover by land use zone.
- Minimum requirements for post-construction stormwater treatment plan submittals to satisfy structural and non-structural stormwater treatment standards.

Reference	Frequency
Hastings City Code, PCSW Program Sections 2 and 3, Appendices	Review: Annually
Report:	Observations, recommendations, and/or changes made to program defining documents during permit year

5.2.2 Conduct site plan review for stormwater treatment design compliance.

Reference:	Post-Construction Stormwater Treatment Development Review Tracking Form		
Responsible:	Stormwater Coordinator	Frequency:	On-going Annually
Goals:	Report:	Measure	
ADMINISTRATION: Complete stormwater treatment design review form for every new development and redevelopment project.	GOAL: Recorded	{{Number}}	
ADMINISTRATION: Record date of STF Certification and as-built record drawings received with all required information including updated STF design tables if field modifications were made.	GOAL: Recorded	{{Number}}	
EFFECTIVENESS: Record when STF design requirements for new development and redevelopment projects were not satisfied and required revision and resubmittal.	GOAL: Recorded	{{Number}}	

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EFFECTIVENESS: Complete as-built record drawings are received within one year of municipal approval for project completion.	GOAL: 100%	{{%}} of {{Number}}
Satisfied:	Yes ☐ No ☐ Explanation:	

MCM 5: BMP 3: STORMWATER TREATMENT SITE INSPECTIONS

5.3.1 Establish and review site inspection procedures in the MS4 Post-Construction Stormwater (PCSW) Program, which define and reference the following:

- Local regulatory mechanism(s) that effectively defines and enables authority to conduct site inspections.
- Minimum standards by reference for installation and maintenance of stormwater treatment practices.
- Minimum required timing and information for construction operator self-inspections prior to receiving municipal approval constructed STFs.
- Minimum required timing and information for property owner self-inspections following municipal approval of constructed STFs.
- Current policies, staff, contact information, frequency and required procedures for municipal inspections prior to approving STFs constructed for the project.
- Minimum required timing and information for municipal inspections following municipal approval of constructed STFs.

Reference	Frequency
City of Hastings City Code, PCSW Program	Review: Annually
Report:	Observations, recommendations, and/or changes made to program defining documents during permit year

5.3.2 Conduct site inspections for new development and redevelopment projects to document post-construction stormwater treatment facility (STF) installation and maintenance compliance

Reference:	Post Construction Stormwater Treatment Facility Inspection Tracking Form		
Responsible:	Stormwater Coordinator	Frequency:	On-going Annually
Goals:	Report:	Measure	
ADMINISTRATION: Record last date of inspection by <u>Owner</u> for STFs submitted or requested for review.	GOAL: 100%	{{Yes/No}}	
ADMINISTRATION: Record last date of inspection by <u>Municipality</u> for STFs.	GOAL: 100%	{{Yes/No}}	
EFFECTIVENESS: Record modifications made from design plans, engineer name providing certification, and anticipated date as-built record drawings will be submitted to the City.	GOAL: 100%	{{%}} of {{Number}}	
EFFECTIVENESS: Always record current condition, maintenance planned, and next anticipated applicant inspection date.	GOAL: 100%	{{%}} of {{Number}}	
EFFECTIVENESS: Self inspections are submitted by Owner of project within 90-days following municipal approval of completed project.	GOAL: 100%	{{%}} of {{Number}}	
EFFECTIVENESS: Self inspections are submitted by Owner of project no longer than three years following the previous self-inspection.	GOAL: 100%	{{%}} of {{Number}}	
EFFECTIVENESS: Always record final constructed condition at time of inspection, observations and on-going municipal inspection frequency before municipal approval is given.	GOAL: 100%	{{%}} of {{Number}}	
EFFECTIVENESS: Always (100%) record current condition, maintenance planned, and next anticipated applicant inspection date	GOAL: 100%	{{%}} of {{Number}}	

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EFFECTIVENESS: Inspections are completed by the City for each completed project within 90-days following municipal approval of completed project	GOAL: 100%	{{%}} of {{Number}}
EFFECTIVENESS: Inspections are conducted by the City within fourteen days following an information request submitted by the public and/or failure of the Owner to submit a routine	GOAL: 100%	{{%}} of {{Number}}

self-inspection.			
EFFECTIVENESS: All information provided from the public about stormwater management of an approved STF leads to an inspection or a documented reason why an inspection was not conducted.		GOAL: 100%	{{%}} of {{Number}}
..... Satisfied:	Yes ☐ No ☐ Explanation:		

MCM #6 GOOD HOUSEKEEPING AND POLLUTION PREVENTION

GOOD HOUSEKEEPING AND POLLUTION PREVENTION DECISION PROCESS AND RATIONALE

The purpose of this MCM is to minimize the effect of the municipality's efforts to the contribution of stormwater pollutants into receiving waters. Operations have been identified that have the greatest likelihood to cause pollution to stormwater runoff. The facilitators of these operations are educated and trained in Standard Operating Procedures for reducing pollutants from entering the storm sewer system.

The City of Hastings is responsible for the stormwater pollution that its municipal operations and maintenance activities create. Pollution prevention activities and procedures such as training, standard operating procedures (SOPs), and record-keeping help minimize the affect our actions take on the environment. The Operations Water Quality Guide identifies these implemented processes and can be found at the City of Hastings Engineering Department.

The City of Hastings has different departments that create stormwater pollution. Several formats of training have been given to the members of these departments. Presentations and training videos are given to the employees regarding Stormwater Pollution Prevention. The Operations Water Quality Guide has a description of all training provided to City staff.

The City of Hastings performs many procedures to document our efforts against stormwater pollution from maintenance activities. There are proper standard operating procedures for street sweeping activities for city employees to follow. These policies and procedures are also documented in the Operations Water Quality Guide.

The City of Hastings Stormwater Manager is responsible for the overall management and implementation of the Good Housekeeping and Pollution Prevention Program. It is the responsibility of each Department involved to implement their activities and report to the Stormwater Manager upon enquiry.

The City of Hastings has created and installed 'Effective Measures' throughout the Good Housekeeping and Pollution Prevention MCM. These effectiveness measures are identified for all BMPs and reported as a measurable goal through the process of our Annual Report submitted to NDEQ.

MCM 6: BMP 1: MUNICIPAL FACILITY MAINTENANCE ACTIVITIES

6.1.1.1 Coordinate reviews and updates of municipal facility evaluation and maintenance policy information in the MS4 **Operations Environmental Program** Guide, defines and describes the following:

- A listing and maps of all MS4 facilities, including storage yards, which are subject to maintenance activity best management practice policies.
- Lists of industrial facilities owned or operated by the City subject to NPDES Industrial Storm Water Discharge Permit with Notice of Intent or certificate of No Exposure for each facility attached.
- High Priority risk assessment policies for municipal maintenance facilities.
- Content and purpose of a Facility Runoff Control Plan developed for high priority municipal maintenance facilities.
- Describes building and grounds, vehicles and equipment (including maintenance, fueling and washing), product materials (including de-icing materials), bulk fluid storage and waste materials (including dredge spoil, accumulated sediments, floatables, debris, salvage products for reuse, and recyclables) best management practice policies for municipal maintenance facilities.
- Current policies, frequency, staff, contact information and required procedures for municipal facility site inspections, and time period for resolving identified maintenance.

Reference		Frequency
Operations Environmental Guide, Section (references)		Review: Annually
Report:	Observations, recommendations, and/or changes made to program defining documents during permit year	

6.1.2 Conduct municipal facility maintenance evaluations and record results of maintenance facility activities.

Reference:	Municipal Facility Inspections Tracking Form		
Responsible:	Stormwater Coordinator	Frequency:	On-going Annually
Goals:	Report:		Measure
ADMINISTRATION: Record the total number of facility inspections conducted during reporting period.	GOAL: Recorded.		{{Yes/No}}
ADMINISTRATION: Record at least one MS4 Oversight inspection per year at each municipal facility with an NPDES Industrial Stormwater Permit authorization (not routine or benchmark monitoring required of the NPDES Industrial Stormwater permit holder).	GOAL: 100%		{{%}} of {{Number}}

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ADMINISTRATION: Record at least one MS4 Facility Evaluation per five years at each municipal facility with an NPDES Industrial Stormwater Permit No Exposure Certification.	GOAL: 100%	{{%}} of {{Number}}
ADMINISTRATION: Record if corrective actions haven been identified, documented and addressed for every maintenance facility during the reporting period.	GOAL: 100%	{{%}} of {{Number}}
ADMINISTRATION: Maintain current status of each corrective maintenance identified but not resolved within the recommended 30-day period of time.	GOAL: Record status.	{{Yes/No}}
EFFECTIVENESS: Record the dates and inspectors for two (2) inspections per year at each high priority maintenance facility.	GOAL: 100%	{{%}} of {{Number}}
EFFECTIVENESS: Record the dates and inspectors for one (1) inspection per year at each low priority maintenance facility.	GOAL: 100%	{{%}} of {{Number}}
EFFECTIVENESS: Record during oversight facility inspection of each municipal facility with an NPDES Industrial Stormwater Permit authorization whether facility is actively managing all Industrial Stormwater Permit requirements and or No Exposure Certification conditions including; training, routine inspections, benchmark monitoring, physical characteristics evaluations, SWPPP information, SWPPP updates, and required reporting criteria.	GOAL: 100%	{{%}} of {{Number}}
EFFECTIVENESS: Interim corrective maintenance is implemented when final corrective actions cannot be completed within 30-days of being identified during an inspection or complaint.	GOAL: 100%	{{%}} of {{Number}}

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EFFECTIVENESS: Summarize the reason(s) corrective maintenance was not resolved within 30-days for each corrective maintenance record and what communication, education and/or enforcement was used to get the corrective maintenance resolved as soon as possible.	GOAL: 100%.	{{%}} of {{Number}}
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Satisfied:	Yes ☐ No ☐ Explanation:
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MCM 6: BMP 2: MUNICIPAL ROADWAY/PARKING LOT MAINTENANCE ACTIVITIES

6.2.1 Coordinate updates and maintenance of municipal roadway/parking lot maintenance policy information in the Operations Water Quality Guide, which describes the following:

- Type of roadways (streets, roads, and highways) and which parking lots are impacted by maintenance activity best management practice policies that control floatables and other pollutants to the MS4.
- Current policies, frequencies and/or schedule, staff, equipment, contact information and required procedures for street and parking lot sweeping activities, and equipment calibration.
- Procedures for transportation and disposal of floatables and other pollutants collected as a result of roadway and parking lot maintenance activities.

Reference	Frequency
Operations Environmental Guide, Section ((reference))	Review: Annually
Report:	Observations, recommendations, and/or changes made to program defining documents during permit year

6.2.2 Conduct and report municipal roadway and parking lot maintenance w

Reference:	Municipal Sweeping Operations Tracking Form		
Responsible:	Stormwater Coordinator	Frequency:	On-going Annually
Goals:	Report:		Measure
ADMINISTRATION: Report hours of equipment usage and number of lane miles of streets swept.	GOAL: Recorded		Hours: {{Number}} Miles: {{Number}}

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ADMINISTRATION: Report number and dates of parking lots swept.	GOAL: Reported.	{{Number}}
EFFECTIVENESS: Verify that all public streets listed on the street maintenance plan were swept at least two times during the year.	GOAL: 100%	{{%}} of {{Number}}

EFFECTIVENESS: All parking lots on the parking lot maintenance plan were swept at least once during the year.	GOAL: 100%	{{%}} of {{Number}}
EFFECTIVENESS: Report number of instances that non-routine sweeping was requested and the number of sweeping events provided to address a public complaint or internal identification that non-routine street sweeping was needed.	GOAL: 100%	{{%}} of {{Number}}
Satisfied:	Yes ☐ No ☐ Explanation:	

MCM 6: BMP 3: MUNICIPAL STORM DRAIN SYSTEM MAINTENANCE ACTIVITIES

6.3.1 Coordinate updates and maintenance of municipal storm drain system maintenance policy information in the MS4 Operations Water Quality Guide, which defines and describes the following:

- Procedures for inspecting and cleaning municipally-owned inlets, open channels and other drainage structures for debris.
- Procedure to dispose of materials extracted from inlets so that no stormwater drainage system waste material will re-enter the MS4.
- Procedures to document drainage structure maintenance activity.
- Procedures for inspecting and sweeping municipally-owned streets.
- Procedures to assess existing flood management locations for potential incorporation of water quality protection devices or practices.
- Procedure to dispose of materials swept so that waste material will not re-enter the MS4.
- Procedures to require any contractors hired by the Municipality to perform maintenance activities.

Reference	Frequency
Operations Environmental Guide ((section Reference))	Review: Annually
Report:	Observations, recommendations, and/or changes made to program defining documents during permit year

6.3.2 Conduct municipal storm drain system maintenance.

Reference:	Municipal Stormwater Operations Tracking Form		
Responsible:	Stormwater Coordinator	Frequency:	On-going Annually

Goals:	Report:	Measure
MUNICIPAL STORM DRAIN INLET MAINTENANCE		
ADMINISTRATION: Report hours of equipment usage and number of storm drains cleaned.	GOAL: Recorded	Hours: {{Number}} Miles: {{Number}}
EFFECTIVENESS: All storm drain inlets listed on the storm drain system maintenance plan were cleaned once every five (5) years.	GOAL: 100%	{{%}} of {{Number}}
EFFECTIVENESS: Report number of instances that non-routine storm drain inlet cleaning was requested and the number of storm drain cleaning events provided to address a public information request or internal identification that non-routine storm drain inlet cleaning was needed.	GOAL: 100%	{{%}} of {{Number}}
MUNICIPAL STORM DRAIN PIPE MAINTENANCE		
ADMINISTRATION: Report hours of equipment usage and lineal feet of drainage system cleaned.	GOAL: Recorded	Hours: {{Number}} Feet: {{Number}}
EFFECTIVENESS: All of storm drain pipes listed on the storm drain system maintenance plan were cleaned once every ten (10) years.	GOAL: 100%	{{%}} of {{Number}}
EFFECTIVENESS: Report number of instances that non-routine storm drain pipe cleaning was requested and the number of storm drain pipe cleaning events provided to address a public complaint or internal identification that non-routine storm drain pipe cleaning was needed.	GOAL: 100%	{{%}} of {{Number}}

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MUNICIPAL STORMWATER DETENTION/RETENTION AREA MAINTENANCE		
ADMINISTRATION: Report hours of equipment usage and detention/retention areas cleaned and maintained.	GOAL: Recorded	Hours: {{Number}} Facilities: {{Number}}
EFFECTIVENESS: Verify that all detention/retention areas listed on the storm drain system maintenance plan were cleaned once every ten (10) years.	GOAL: 100%	{{%}} of {{Number}}
EFFECTIVENESS: Report number of instances that non-routine detention/retention area cleaning was requested and the number of	GOAL: 100%	{{%}} of {{Number}}

detention/retention cleaning events provided to address a public complaint or internal identification that non-routine detention/retention cleaning was needed.		
Satisfied:	Yes ☐ No ☐ Explanation:	

MCM 6: BMP 4: MUNICIPAL OPERATION AND MAINTENANCE PROGRAM TRAINING

6.4.1 Coordinate updates and maintenance of training materials for distribution related to reducing stormwater pollution from municipal operation and maintenance activities in the Public Education and Outreach Strategy, which defines the following:

- Target messages and distribution methods for pollution prevention or reduction training related to municipal operation and maintenance activities.
- At least one target message for Public Employees involved in Parks and Recreation Operation and Maintenance Activities every reporting year.
- At least one target message for Public Employees involved in Transportation and Utilities Operation and Maintenance Activities every reporting year.
- At least one target message for Public Employees involved in Storm Sewer Operation and Maintenance Activities every reporting year.

Reference	Frequency
The City of Hastings PEO Strategy	Annual
Report:	Observations, recommendations, and/or changes made to Municipal Operations and maintenance program training support materials during permit year

6.4.2 Deliver training related to pollution prevention and reduction from municipal operation and maintenance activities conducted by Municipal Employees.

Reference:	Education and Outreach Strategy Tracking Form		
Responsible:	Stormwater Coordinator	Frequency:	On-going Annually
Goals:	Report:	Measure	
ADMINISTRATION: Deliver training to all Municipal Employee sectors identified to receive information for the reporting year.	GOAL: 100%	{{Yes/No}}	
EFFECTIVENESS: Management staff for Parks and Open Space, Fleet and Building, Permanent Stormwater Treatment, and Storm Sewer Maintenance and Operation	GOAL: 75%	{{%}} of {{Number}}	

received training every even numbered calendar year.		
EFFECTIVENESS: Non-management, non-seasonal staff for Parks and Open Space, Fleet and Building, Permanent Stormwater Treatment, and Storm Sewer Maintenance and received training every odd numbered calendar year.	GOAL: 75%	{{%}} of {{Number}}
EFFECTIVENESS: Seasonal staff for Parks and Open Space, Fleet and Building, Permanent Stormwater Treatment, and Storm Sewer Maintenance and received training every calendar year.	GOAL: 75%	{{%}} of {{Number}}
Satisfied:	Yes ☐ No ☐ Explanation:	

CONSTRUCTION STORMWATER (CSW) PROGRAM DOCUMENT

Department: Development Services
Staff Contact: Donald Threewitt
Planning Commission Meeting Date: 10/16/2017
File No: 2017-041
Prepared By: Donald Threewitt, Development Services Director

AGENDA ITEM SUMMARY SHEET

Description of Item:

Public hearing at the request of the applicant for a vacation of a 60' public use/right-of-way easement contiguous to the south boundary of Lot 10, Shadow Ridge Subdivision.

Names of People/Business affected by this action:

The applicant, the people of Hastings, and the City.

Why Planning Commission action is required:

Vacations may be adopted by Ordinance of the City Council upon recommendation by the Planning Commission.

Type of action requested:

Ordinance

Suggested motion:

Motion to recommend approval of Ordinance No. 4532 to vacate the 60' public use/right-of-way easement in Shadow Ridge Subdivision.

Deadlines associated with action:

This item is scheduled to be heard by the City Council on November 13, 2017.

Department head comments:

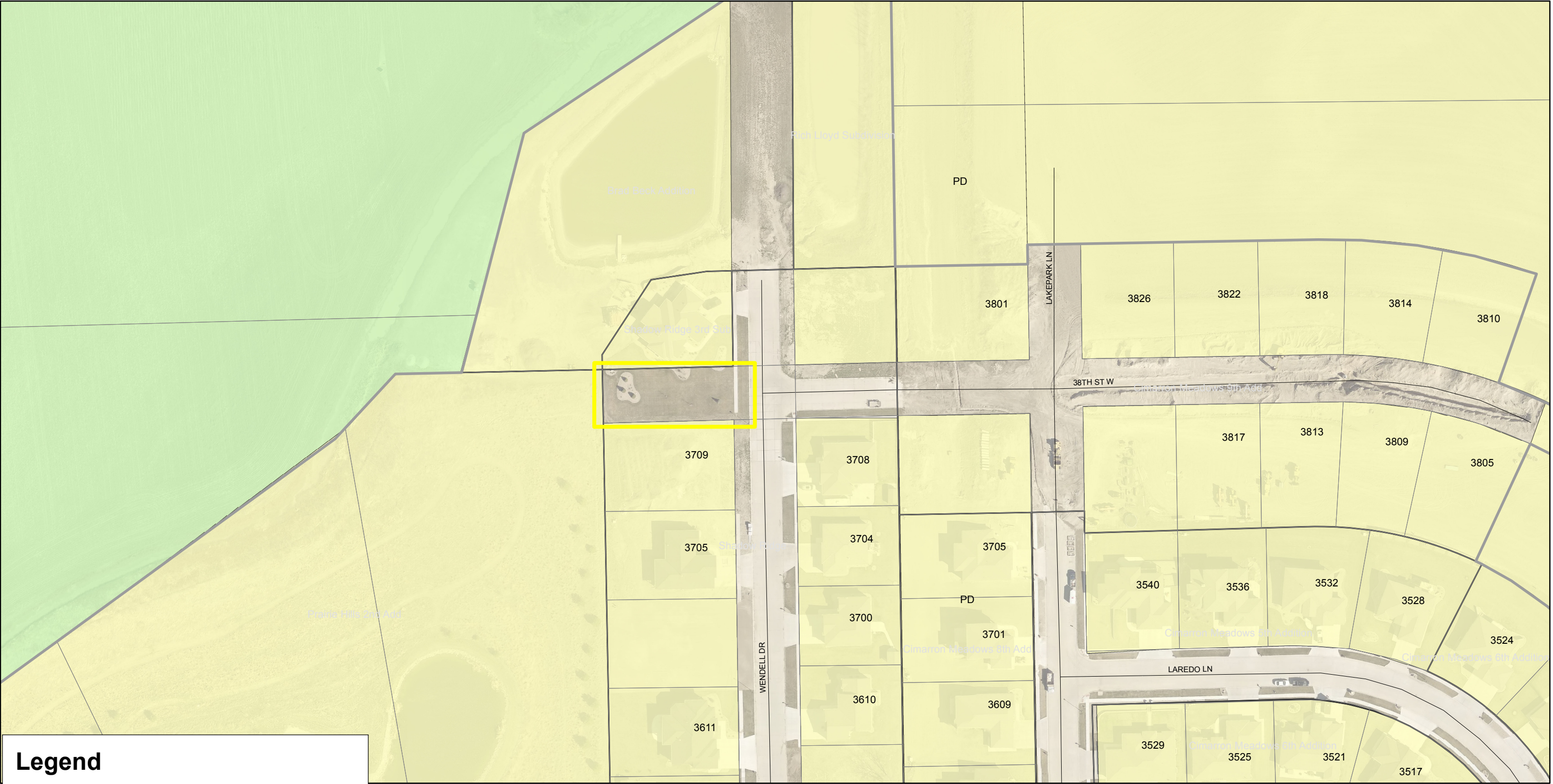
The easement in question had been reserved on Shadow Ridge Subdivision as a "Proposed Future 60 Foot Wide ROW for 38th Street." In subsequent references, the easement was referred to as "60 Foot Wide Public Use Easement."

The westward extension of 38th Street is no longer contemplated, and the subdivision to the west, Prairie Hills 2nd Addition shows the remaining easement as public use. Additionally, the easement terminates at the boundary of Prairie Hills 2nd and does not continue into the proposed Shadow Ridge 7th Addition. Therefore, a westward extension of 38th street is no longer warranted or likely.

Hastings Utilities will reserve a 30' public utility easement on the subsequent plat.

Recommendation:

Staff recommends approval of Ordinance No.4532 vacating the public use easement.



Legend

City Limits

Zoning

ZONE_

A

AG

C-0

C-1

C-2

C-3

CMP

I-1

I-2

MU

R-1

R-2

R-3

R-5

Beck Vacation Zoning Map

N

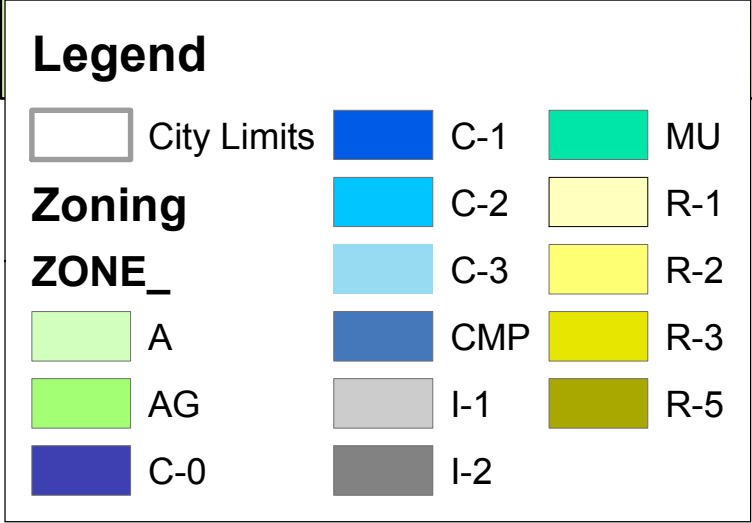
E

S

W

HASTINGS

DEVELOPMENT SERVICES



Beck Vacation Area Context Map



Department: Development Services
Staff Contact: Donald Threewitt
Planning Commission Meeting Date: 10/16/2017
File No: 2017-043
Prepared By: Donald Threewitt, Development Services Director

AGENDA ITEM SUMMARY SHEET

Description of Item:

Consideration of a final plat for Madi-Park Subdivision, a replat of Brad Beck Subdivision, a portion of Shadow Ridge 3rd Subdivision, and a vacated 60-foot Right-of-way and public use easement of the City of Hastings, Nebraska, containing 2.28 acres more or less.

Names of People/Business affected by this action:

The applicant, the people of Hastings, and the City.

Why Planning Commission action is required:

No plat of or instruments effecting the subdivision of real property shall be recorded or have any force and effect unless the same be approved by the City Council, subject however, to the exceptions set forth in Section 34-106 of Code. The City Council shall hold no public meeting, nor take any action upon any plat or instrument effecting a subdivision until it has received the recommendation of the Hastings Planning and Zoning Commission (38-201).

Type of action requested:

Motion

Suggested motion:

Motion to approve Madi-Park Acres, a 2.28 acre subdivision of the City of Hastings, Adams County, Nebraska.

Deadlines associated with action:

This item is scheduled to be considered at the next regular meeting of City Council on November 13, 2017.

Department head comments:

This final plat is a replat of an existing residential property, adding adjacent lands and an adjacent vacated easement to create a single lot. The residence was platted in Shadow Ridge 3rd Subdivision, the adjacent land was platted in Brad Beck Subdivision, and the proposed future 60' Right-of-way and public use easement was platted in Shadow Ridge Addition and vacated by Ordinance 4532.

Current Zoning: "R-1 Single-family Residential"

Proposed Zoning: no change.

Comp Plan: The future land use designation in Imagine Hastings calls for Suburban Residential.

Surrounding Land Uses are:

North: "A- Agricultural" currently developed with agricultural uses;

South: "R-1 Single Family Residential" developed with single-family housing;

East: "R-1 Single Family Residential" developed with single-family housing;

West: "A- Agricultural" currently developed with agricultural uses.

All requirements set forth in Section 38-203 of Hastings City Code have been fulfilled, and the plat may be approved without condition.

Recommendation:

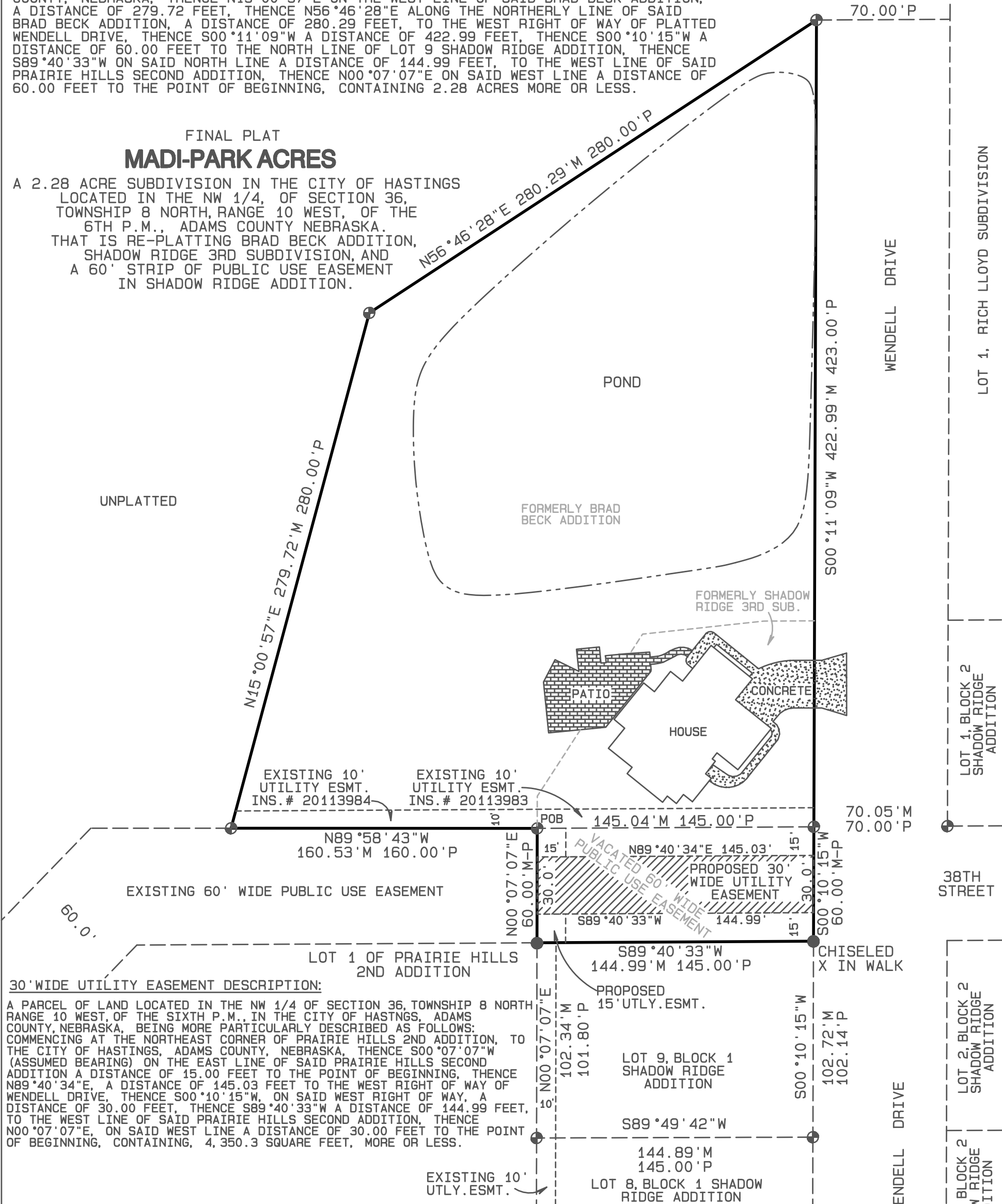
Staff supports a motion to recommend approval of the final plat for Madi-Park Acres Subdivision of the City of Hastings, Adams County, Nebraska.

LEGAL DESCRIPTION:

A PARCEL OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 36, TOWNSHIP 8 NORTH, RANGE 10 WEST, OF THE SIXTH P.M., IN THE CITY OF HASTINGS, ADAMS COUNTY, NEBRASKA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF PRAIRIE HILLS 2ND ADDITION, TO THE CITY OF HASTINGS, ADAMS COUNTY, NEBRASKA, THENCE N89°58'43"W (ASSUMED BEARING) ON THE NORTH LINE OF SAID PRAIRIE HILLS SECOND ADDITION, A DISTANCE OF 160.53 FEET, TO THE WESTERLY LINE OF BRAD BECK ADDITION, TO THE CITY OF HASTINGS, ADAMS COUNTY, NEBRASKA, THENCE N15°00'57"E ON THE WEST LINE OF SAID BRAD BECK ADDITION, A DISTANCE OF 279.72 FEET, THENCE N56°46'28"E ALONG THE NORTHERLY LINE OF SAID BRAD BECK ADDITION, A DISTANCE OF 280.29 FEET, TO THE WEST RIGHT OF WAY OF PLATTED WENDELL DRIVE, THENCE S00°11'09"W A DISTANCE OF 422.99 FEET, THENCE S00°10'15"W A DISTANCE OF 60.00 FEET TO THE NORTH LINE OF LOT 9 SHADOW RIDGE ADDITION, THENCE S89°40'33"W ON SAID NORTH LINE A DISTANCE OF 144.99 FEET, TO THE WEST LINE OF SAID PRAIRIE HILLS SECOND ADDITION, THENCE N00°07'07"E ON SAID WEST LINE A DISTANCE OF 60.00 FEET TO THE POINT OF BEGINNING, CONTAINING 2.28 ACRES MORE OR LESS.

FINAL PLAT
MADI-PARK ACRES

A 2.28 ACRE SUBDIVISION IN THE CITY OF HASTINGS
LOCATED IN THE NW 1/4, OF SECTION 36,
TOWNSHIP 8 NORTH, RANGE 10 WEST, OF THE
6TH P.M., ADAMS COUNTY NEBRASKA.
THAT IS RE-PLATTING BRAD BECK ADDITION,
SHADOW RIDGE 3RD SUBDIVISION, AND
A 60' STRIP OF PUBLIC USE EASEMENT
IN SHADOW RIDGE ADDITION.



30' WIDE UTILITY EASEMENT DESCRIPTION:

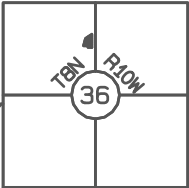
A PARCEL OF LAND LOCATED IN THE NW 1/4 OF SECTION 36, TOWNSHIP 8 NORTH, RANGE 10 WEST, OF THE SIXTH P.M., IN THE CITY OF HASTINGS, ADAMS COUNTY, NEBRASKA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF PRAIRIE HILLS 2ND ADDITION, TO THE CITY OF HASTINGS, ADAMS COUNTY, NEBRASKA, THENCE S00°07'07"W (ASSUMED BEARING) ON THE EAST LINE OF SAID PRAIRIE HILLS SECOND ADDITION A DISTANCE OF 15.00 FEET TO THE POINT OF BEGINNING, THENCE N89°40'34"E, A DISTANCE OF 145.03 FEET TO THE WEST RIGHT OF WAY OF WENDELL DRIVE, THENCE S00°10'15"W, ON SAID WEST RIGHT OF WAY, A DISTANCE OF 30.00 FEET, THENCE S89°40'33"W A DISTANCE OF 144.99 FEET, TO THE WEST LINE OF SAID PRAIRIE HILLS SECOND ADDITION, THENCE N00°07'07"E, ON SAID WEST LINE A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING, CONTAINING, 4,350.3 SQUARE FEET, MORE OR LESS.

SURVEYOR'S CERTIFICATE:

I, JOSHUA EUGENE GRUMMERT, A LICENSED PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF NEBRASKA, DO HEREBY CERTIFY THIS PLAT OF A SURVEY WAS MADE BY ME OR UNDER MY SUPERVISION, ON _____, 2017.

JOSHUA E. GRUMMERT | LS-783

VICINITY SKETCH



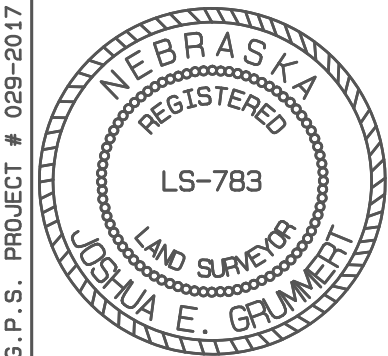
SHEET 1 OF 3
50'
SCALE 1: 50

- LEGEND :
- M-MEASURED DISTANCE
 - R-RECORD DISTANCE
 - G-GOVERNMENT DISTANCE
 - P-PLATTED DISTANCE
 - D-DEED DISTANCE
 - FOUND 1/2" REBAR
 - TEMPORARY POINT
 - SET 1/2" X 24" REBAR WITH BLUE LS-783 CAP UNLESS NOTED OTHERWISE

NOTES:

A PORTION OF THIS SUBDIVISION DOES FALL WITHIN THE 100 YEAR FLOOD PLAIN, ACCORDING TO THE FLOOD INS. RATE MAP, DATED 08-17-1981, COMMUNITY PANEL#310001-0005-B REFERENCED FROM BRAD BECK ADDITION INSTRUMENT#20112879

PRELIMINARY PLAT
REFERENCE # 09018



G.P.S.
website
www.grummert
surveying.com

GRUMMERT PROFESSIONAL SERVICES, LLC
PO BOX 37, 501 N. FORBES AVE, KENESAW, NE 68956
PHONE 402-879-5701 EMAIL jmgrummert@yahoo.com

OWNERS CERTIFICATE AND DEDICATION:

KNOW ALL MEN BY THESE PRESENTS, THAT BRADLEY J. BECK AND DEBRA D. BECK HUSBAND AND WIFE, THE OWNERS OF RECORD OF THE LAND SHOWN ON THIS PLAT AND DESCRIBED IN THE LEGAL DESCRIPTION HEREIN, HAVE CAUSED THE SAME TO BE SURVEYED, SUBDIVIDED, PLATTED AND DESIGNATED AS "MADI-PARK ACRES" A SUBDIVISION IN THE CITY OF HASTINGS, ADAMS COUNTY, NEBRASKA, LOCATED IN THE NORTHWEST QUARTER OF SECTION 36, TOWNSHIP 8 NORTH, RANGE 10 WEST OF THE SIXTH P.M., ADAMS COUNTY, NEBRASKA, AND THAT SAID SURVEYING, SUBDIVIDING, PLATTING AND DESIGNATION WAS DONE WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES AND WISHES OF THE UNDERSIGNED OWNERS. BE IT FURTHER KNOWN, THAT SAID OWNERS DO HEREBY DEDICATE ALL STREETS AND EASEMENTS SHOWN ON THE PLAT TO THE CITY OF HASTINGS, ADAMS COUNTY, NEBRASKA.

SIGNED THIS _____ DAY OF _____, 2017.

BRADLEY J. BECK

DEBRA D. BECK

ACKNOWLEDGEMENT

STATE OF _____ }
COUNTY OF _____ } SS

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THE _____ DAY OF _____, 2017, BY BRADLEY J. AND DEBRA D. BECK, HUSBAND AND WIFE MY COMMISSION EXPIRES THE _____ DAY OF _____.

(SEAL) _____
NOTARY

WAIVER FOR STREET GRADES:

APPLICANTS HEREBY WAIVES ANY AND ALL CLAIMS FOR DAMAGES OCCASIONED BY THE ESTABLISHMENT OF GRADES OR THE ALTERATION OF THE SURFACE OF ANY PORTION OF THE STREETS AND ALLEYS TO CONFORM TO SAID GRADES AS ESTABLISHED.

BRADLEY J. BECK

DEBRA D. BECK

MAYOR AND CITY COUNCIL ACTION

THIS PLAT OF MADI-PARK ACRES, A SUBDIVISION IN THE CITY OF HASTINGS, ADAMS COUNTY, NEBRASKA, IS HEREBY _____, DATED THIS _____ DAY OF _____, _____.

MAYOR

CITY CLERK

COUNTY TREASURER'S CERTIFICATE

I HEREBY CERTIFY THAT THE RECORDS OF MY OFFICE SHOW NO TAXES ARE DUE OR DELINQUENT UPON THE PROPERTY IN THE LEGAL DESCRIPTION ON THIS PLAT AS OF THIS _____ DAY OF _____, _____.

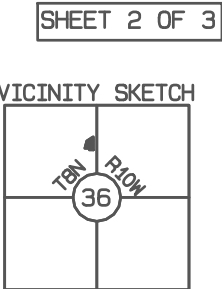
ADAMS COUNTY TREASURER

MADI-PARK ACRES

A 2.28 ACRE SUBDIVISION IN THE CITY OF HASTINGS LOCATED IN THE NW 1/4, OF SECTION 36, TOWNSHIP 8 NORTH, RANGE 10 WEST, OF THE 6TH P.M., ADAMS COUNTY NEBRASKA. THAT IS RE-PLATTING BRAD BECK ADDITION, SHADOW RIDGE 3RD SUBDIVISION, AND A 60' STRIP OF PUBLIC USE EASEMENT IN SHADOW RIDGE ADDITION.

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PHONE 402-879-5701 EMAIL jmgrummert@yahoo.com



CITY ENGINEER'S APPROVAL

I, THE UNDERSIGNED, DO HEREBY _____ THIS PLAT OF MADI-PARK ACRES,
A SUBDIVISION IN THE CITY OF HASTINGS, ADAMS COUNTY, NEBRASKA.

CITY ENGINEER

CITY PLANNING COMMISSION RECOMMENDATION

THIS PLAT OF MADI-PARK ACRES, A SUBDIVISION IN THE CITY OF HASTINGS, ADAMS COUNTY,
NEBRASKA, HAS BEEN SUBMITTED TO AND REVIEWED BY THE CITY PLANNING COMMISSION FOR
APPROVAL AND IS HEREBY TRANSMITTED TO THE GOVERNING BODY OF THE CITY OF HASTINGS, ADAMS
COUNTY, NEBRASKA, WITH THE RECOMMENDATION THAT SAID PLAT BE _____ AS PROPOSED
DATED THIS _____ DAY OF _____ . _____ .

CHAIRMAN

DIRECTOR

CITY TREASURER'S CERTIFICATE

I HEREBY CERTIFY THAT THE RECORDS OF MY OFFICE SHOW NO SPECIAL ASSESSMENTS ARE
DELINQUENT UPON THE PROPERTY DESCRIBED IN THE LEGAL DESCRIPTION ON THIS PLAT.

CITY OF HASTINGS TREASURER

REGISTER OF DEEDS CERTIFICATE

STATE OF NEBRASKA }
COUNTY OF ADAMS } SS
}

THIS IS TO CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD
IN THE REGISTER OF DEEDS OFFICE OF ADAMS COUNTY, NEBRASKA
DATE: _____ TIME: _____ INSTRUMENT NO.: _____

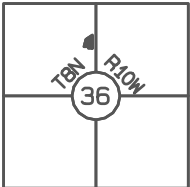
REGISTER OF DEEDS

MADI-PARK ACRES

SHEET 3 OF 3

A 2.28 ACRE SUBDIVISION IN THE CITY OF HASTINGS
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VICINITY SKETCH



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G.P.S. PROJECT # 029-2017