

CITY OF HASTINGS, NEBRASKA
MINUTES OF CITY COUNCIL REGULAR MEETING
Monday, October 14, 2024

Pursuant to due call and notice thereof, a Regular Meeting of the City Council of the City of Hastings, Nebraska was conducted at the Hastings Municipal Airport, 3300 West 12th Street, on October 14, 2024.

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

The following City Officials were present: Interim City Administrator, Mark Funkey; City Attorney, Jesse Oswald; Utility Manager, Derek Zeisler; City Clerk, Kimberly Jacobitz; Police Captain, Raelee Van Winkle; Asst. Fire Chief, Troy Vorderstrasse; Parks & Recreation Director, Jeff Hassenstab; Finance Director, Roger Nash; Information Technology Director, Erik Nielsen; Director of Engineering, Lee Vrooman; Director of Development Services, Chad Bunker; Director of Human Resources, Lori Hartman; Museum Director, Teresa Kreutzer-Hodson; Public Information Manager, Tony Herrman; Safety Director, Trent Clark; Information Technology, Kirk Layton; Environmental, Marty Stange.

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

Moved by Butch Eley seconded by Shawn Hartmann to adopt current agenda for October 14, 2024, Regular Meeting with moving Item 8(a) to the top of the Regular Agenda. Roll Call: Ayes: Steve Huntley, Brad Consbruck, Butch Eley, Marc Rowan, Shawn Hartmann, Matt Fong. Nays: None. Absent: Jeniffer Beahm, Joy Huffaker. The motion carried.

PUBLIC NOTICE - Official Notice of the Regular Meeting was published in the Hastings Tribune on Friday, October 11, 2024. Pursuant to Nebraska Revised Statute Section 84-1412, the public is advised that a copy of today's agenda and all reproducible written material which will be discussed at today's meeting is available for public review and a current copy of the Nebraska Open Meetings Act is posted and accessible to members of the public.

COUNCIL COMMUNICATION:

Councilmember Fong thanked the Hastings Economic Development Corporation for their work on Manufacturing Week and hosting the State of the City event.

CITIZEN COMMUNICATIONS:

Georgina Husky, Hastings Pickleball.

MAYOR'S COMMUNICATIONS:

Mayor Stutte recognized service anniversaries for Jason Haase, Police, 15; Todd Jones, Auditorium, 10; Curtis Gosser, Museum, 10; Joslynn Roth, Human Resources, 5; Jaci Higgins, Utilities, 5; William Bryan, Utilities, 30. Mayor Stutte thanked all city employees for their service.

CONSENT AGENDA:

1. All Consent Items.

Moved by Marc Rowan seconded by Matt Fong to approve the consent agenda, removing Items 1(e) and 1(f). Roll Call: Ayes: Steve Huntley, Brad Consbruck, Butch Eley, Marc Rowan, Shawn Hartmann, Matt Fong. Nays: None. Absent: Jeniffer Beahm, Joy Huffaker. The motion carried.

(a) Approval of the minutes of the Special Council Meeting of September 16, 2024

(b) Approval of the minutes of the Council Meeting of September 23, 2024

(c) Approval of claims and payroll

(d) Approval of Work Order EL-295, replacement of residential LED lights from 7th to 9th, Denver Avenue to Kansas Avenue, to collector LED lights

(e) Moved by Matt Fong seconded by Shawn Hartmann to approve release of 60' Public Use Easement for Rief Development LLC. Lee Vrooman reported that the two easements are being replaced with dedicated right-of-way and easements that are appropriate in size for that development. Roll Call: Ayes: Steve Huntley, Brad Consbruck, Butch Eley, Marc Rowan, Shawn Hartmann, Matt Fong. Nays: None. Absent: Jeniffer Beahm, Joy Huffaker. The motion carried.

(f) Moved by Shawn Hartmann seconded by Steve Huntley to approve partial Release of 60' Public Use Easement for Rief Development LLC. Roll Call: Ayes: Steve Huntley, Brad Consbruck, Butch Eley, Marc Rowan, Shawn Hartmann, Matt Fong. Nays: None. Absent: Jeniffer Beahm, Joy Huffaker. The motion carried.

REGULAR AGENDA:

2. Unfinished Business of Preceding Meeting.

None.

3. Public Hearings.

(a) Moved by Shawn Hartmann seconded by Matt Fong to adjourn as Mayor and City Council and reconvene as Board of Equalization. Roll Call: Ayes: Steve Huntley, Brad Consbruck, Butch Eley, Marc Rowan, Shawn Hartmann, Matt Fong. Nays: None. Absent: Jeniffer Beahm, Joy Huffaker. The motion carried.

Public hearing on the levying of assessments in the Business Improvement District.

Randy Chick reported that the Business Improvement District (BID) is currently without staff. Randy stepped down from BID two years ago. The BID Board goes through their budget each year and establishes their program budget. They take the total valuation of the district and divide it into the amount of money they need. This year that amount is around \$79,000. That is how they come up with their assessment rate for each property. Speaker: Cheryl O'Curran, 1326 N Colorado.

(b) Moved by Butch Eley seconded by Matt Fong to adjourn as Board of Equalization and reconvene as Mayor and City Council. Roll Call: Ayes: Steve Huntley, Brad Consbruck, Butch Eley, Marc Rowan, Shawn Hartmann, Matt Fong. Nays: None. Absent: Jeniffer Beahm, Joy Huffaker. The motion carried.

(c) Moved by Shawn Hartmann seconded by Matt Fong to approve Resolution No. 2024-59 making assessments in the Business Improvement District (BID) of the City of Hastings.

Property owners were notified prior to the public hearing by letter as well as a notice published in the newspaper. The Finance Department prepared the billing letter and will resend if any of the amounts change at tonight's meeting. Roll Call: Ayes: Steve Huntley, Brad Consbruck, Butch Eley, Shawn Hartmann, Matt Fong. Nays: Marc Rowan. Absent: Jeniffer Beahm, Joy Huffaker. The motion carried.

(d) Public hearing on the request to change zoning from R-1A, Single-Family Residential Large Lot District to R-1, Urban Single-Family Residential District for property generally located 850 feet south of the intersection of North Elm Avenue and East 26th Street on the west side of North Elm Avenue, Hastings, Nebraska. Speakers For: Maria Lagunas, 926 S Colorado; Jeff Schneider, 1238 Highland; Terry Anstine, 1011 Lochview; Scott Barwich, 3401 Yost; Matt Rief, (Olsson) 201 E 2nd; Shannon Landauer, Hastings Economic Development Corporation; Travis Augustine, 13750 W 70th, Juniata. Chad Bunger reported that minor edits are required to the legal description of the ordinance for the proposed rezoning, that the applicant's consultant is correcting. This ordinance will be available on October 28, 2024 Council meeting for approval. The Planning Commission held a public hearing on September 17, 2024 and recommended approval 7-0. Staff Findings: The proposed rezoning conforms with the Comprehensive Plan. There is adequate infrastructure to serve the site. The

character of the surrounding neighborhood is a mix of residential uses, agricultural uses and commercial uses. The proposed rezoning is compatible with the nearby properties. The proposed use for the subdivision and the residential density is similar to the residential uses in the area.

(e) Public hearing on the request of the Community Redevelopment Authority regarding Plan Modification No. 2024-6 to Redevelopment Area #18 generally located 850 feet south of the intersection of North Elm Avenue and East 26th Street on the west side of North Elm Avenue, Hastings, Nebraska. Speakers For: Maria Lagunas, 926 S. Colorado Ave; Travis Augustine, 13750 W 70th, Juniata. Against: Kim Anderson, 1405 South Baltimore; Mike Anderson, 1405 South Baltimore. Chad Bunger reported that the project intends to use tax increment financing (TIF) to help pay for land acquisition and infrastructure to reduce the cost per lot. The Planning Commission held a public hearing on September 17, 2024. The Commission voted 7-0 to recommend approval for the proposed Redevelopment Plan Modification to the City Council. Staff Findings: The project is feasible and conforms with the Comprehensive Plan. The project would not be economically feasible without the use of TIF funding. The cost/benefit of the project is in the long-term best interest of the community. The project rehabilitates a vacant property that has been undeveloped for a number of years.

Moved by Shawn Hartmann seconded by Steve Huntley to approve Resolution No. 2024-60 approving Plan Modification No. 2024-6 to Redevelopment Area #18 generally located 850 feet south of the intersection of North Elm Avenue and East 26th Street on the west side of North Elm Avenue, Hastings, Nebraska. Roll Call: Ayes: Steve Huntley, Brad Consbruck, Butch Eley, Marc Rowan, Shawn Hartmann, Matt Fong. Nays: None. Absent: Jeniffer Beahm, Joy Huffaker. The motion carried.

(f) Moved by Butch Eley seconded by Matt Fong to approve the final plat for Elm Meadows First Subdivision. Chad Bunger reported that the Development Department and Plat Track review teams reviewed this subdivision plat and the applicant has incorporated all recommendations found to be relevant with subdivision design standards and regulations in City Code Section 38-203. All related utility easement locations have been reviewed and approved by the Utilities Coordinator as part of this plat process. Roll Call: Ayes: Steve Huntley, Brad Consbruck, Butch Eley, Marc Rowan, Shawn Hartmann, Matt Fong. Nays: None. Absent: Jeniffer Beahm, Joy Huffaker. The motion carried.

(g) Public hearing on the request of Hastings Property Holdings, LLC for a Conditional Use Permit for proposed expansion of an existing meat packing plant (Noah's Ark Processors) for property commonly addressed as 1009 West M Street, Hastings, Nebraska. Speaking For: Shannon Landauer, Hastings Economic Development Corporation; Joel Freeman, Facility Engineer for Noah's Ark Processors. Chad Bunger reported that the project would construct approximately 46,000 square feet of building additions and renovate and modernize portions of the existing buildings. The property received a CUP for a previous expansion in 2003. The Planning Commission held a public hearing for the request on September 17, 2024 meeting and voted 7-0 to recommend approval of the Conditional Use Permit to the City Council. Staff Findings: The added daily truck and vehicle traffic to and from the site from the proposed expansion should have a minimal impact on the surrounding road network and surrounding properties. The project will relocate existing utilities on the site. There should not be an increase in noise, fumes, or other environmental pollution from the expansion when compared to the existing plant. The proposed expansion maintains a local and efficient development pattern and land use mixture. The proposed expansion of the meat packing plant should not adversely impact the property values in the surrounding area. The majority of these uses are similar industrial uses or highway commercial uses.

Moved by Matt Fong seconded by Shawn Hartmann to approve Resolution No. 2024-61 approving the request of Hastings Property Holdings, LLC for a Conditional Use Permit for proposed expansion of an existing meat packing plant (Noah's Ark Processors) for property commonly addressed as 1009 West M Street, Hastings, Nebraska. Roll Call: Ayes: Steve Huntley, Brad Consbruck, Butch

Eley, Marc Rowan, Shawn Hartmann, Matt Fong. Nays: None. Absent: Jeniffer Beahm, Joy Huffaker. The motion carried.

(h) Public hearing on the request of the Community Redevelopment Authority regarding Plan Modification No. 2024-7 to Redevelopment Area #5 commonly addressed as 1009 West M Street, Hastings, Nebraska. Speaking For: Joel Freeman, Facility Engineer for Noah's Ark. Chad Bunger reported that the Redevelopment Plan Modification is to expand and rehabilitate the Noah's Ark Processors at 1009 M Street. Staff Findings: The project is feasible but does not conform with the Comprehensive Plan. The project would not be economically feasible without the use of TIF funding. Outside funding source applications rely on TIF as a local source of funds. The cost/benefit of the project is in the long-term best interest of the community. The project rehabilitates and expands an outdated and substandard building.

Moved by Matt Fong seconded by Shawn Hartmann to approve Resolution No. 2024-62 approving Plan Modification No. 2024-7 to Redevelopment Area #5 commonly addressed as 1009 West M Street, Hastings, Nebraska. The area of redevelopment is approximately 11.89 acres and is commonly addressed as 1009 West M Street. Roll Call: Ayes: Steve Huntley, Brad Consbruck, Butch Eley, Marc Rowan, Shawn Hartmann, Matt Fong. Nays: None. Absent: Jeniffer Beahm, Joy Huffaker. The motion carried.

4. General Business.

(a) Moved by Shawn Hartmann seconded by Butch Eley to approve the expenditure of funds for the retention and hiring of certified law enforcement officers and 911 dispatchers at the Hastings Police Department. Lori Hartman reported that due to the high number of openings of sworn officers and 911 dispatchers in the Police Department of the City of Hastings, we recommend providing a hiring bonus and a retention bonus for all sworn officers and 911 dispatchers. Jason Haase, Administrative Services Captain, clarified that there are 43 sworn positions: 35 filled and 8 open. Retention bonuses have been proven to work, but hiring bonuses have not because of the competitive surrounding areas. Roll Call: Ayes: Steve Huntley, Brad Consbruck, Butch Eley, Marc Rowan, Shawn Hartmann, Matt Fong. Nays: None. Absent: Jeniffer Beahm, Joy Huffaker. The motion carried.

(b) Moved by Matt Fong seconded by Shawn Hartmann to approve FNIC for Risk Management and Insurance Consulting Services. Jesse Oswald reported that per our purchasing policy, a multi-year contract requires approval by City Council. We went through a Request for Qualifications bidding process. We received three proposals, with FNIC being found to be the most qualified. Roll Call: Ayes: Steve Huntley, Brad Consbruck, Butch Eley, Marc Rowan, Shawn Hartmann, Matt Fong. Nays: None. Absent: Jeniffer Beahm, Joy Huffaker. The motion carried.

(c) Moved by Shawn Hartmann seconded by Butch Eley to approve the agreement with The Diamond Engineering Company for the Lochland Meadows 17th Addition Sewer Main Project in the amount of \$488,345.10. Lee Vrooman reported that this project is for Sanitary Sewer Connection District 2024-1. Bids were opened on October 2, 2024. We received 4 bids with The Diamond Engineering Co. being the low bidder at \$488,345.10. This is under the budgeted amount for the project of \$520,000. Roll Call: Ayes: Steve Huntley, Brad Consbruck, Butch Eley, Marc Rowan, Shawn Hartmann, Matt Fong. Nays: None. Absent: Jeniffer Beahm, Joy Huffaker. The motion carried.

5. Ordinances and Resolutions.

(a) ORDINANCE NO. 4779 VACATING HASTINGS COLLEGE FIRST SUBDIVISION IN THE CITY OF HASTINGS, ADAMS COUNTY, NEBRASKA TO CORRECT A PREVIOUS ISSUE CAUSED BY THE SUBDIVISION AND EAST 9TH STREET RIGHT-OF-WAY VACATION

Chad Bunger presented this item. Ordinance No. 4397 was approved on July 14, 2014, to vacate a portion of East 9th Street right-of-way (ROW) within Hastings College Campus from North Elm Avenue to North Ash Avenue. Subsequently, in April 2015, the City Council approved Hastings

College First Subdivision and it was filed on June 14, 2014. The boundaries of the plat and legal description of the right-of-way vacation did not align. The result is an approximate 32-foot by 60-foot area that is still City ROW but was inadvertently included in the First Subdivision. To rectify the situation, the proposed ordinance will vacate the last portion of Hastings College First Subdivision while retaining the appropriate ROW for East 9th Street and North Ash Avenue intersection.

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

Councilmember Matt Fong moved that the statutory rule requiring reading on three different days be suspended; Councilmember Shawn Hartmann seconded the motion to suspend the rules and upon roll call vote the following Councilmembers voted Ayes: Steve Huntley, Brad Consbruck, Butch Eley, Marc Rowan, Shawn Hartmann, Matt Fong. Nays: None. Absent: Jeniffer Beahm, Joy Huffaker. The motion to suspend the rules was adopted by three fourths vote of the Council and the statutory rule was declared suspended for consideration of said ordinance. The ordinance is declared to be lawfully adopted upon publication as required by law.

(b) Moved by Shawn Hartmann seconded by Matt Fong to approve Resolution No. 2024-63 to authorize the South Central Economic Development District and Hastings CRA to proceed with the application creation for a U.S. EPA Brownfields Clean Up grant for the former Hastings Middle School building at 714 West 5th Street. Chad Bunger reported that we are looking to partner with Hastings Community Redevelopment Authority (CRA) to apply for the grant. If approved, it would pay 100% to remove the asbestos and other contaminants. This grant will provide funding to mitigate existing hazardous building materials and prepare the site for a redevelopment project. If the grant application is approved and funded, the funds will be used to hire a qualified contractor to mitigate any hazardous materials. The grant does not require a local match. If funded, it is the intent that SCEDD will administer the grant. Roll Call: Ayes: Steve Huntley, Brad Consbruck, Butch Eley, Marc Rowan, Shawn Hartmann, Matt Fong. Nays: None. Absent: Jeniffer Beahm, Joy Huffaker. The motion carried.

(c) Moved by Matt Fong seconded by Shawn Hartmann to approve Resolution No. 2024-64 approving Municipal Annual Certification of Program Compliance 2024. Lee Vrooman stated that this form must be submitted to the Nebraska Department of Transportation annually for certification and compliance of our street program. This is certifying that we budget, plan, perform maintenance, use funds appropriately, and follow design standards for infrastructure improvements along with the other items listed on the form. Roll Call: Ayes: Steve Huntley, Brad Consbruck, Butch Eley, Marc Rowan, Shawn Hartmann, Matt Fong. Nays: None. Absent: Jeniffer Beahm, Joy Huffaker. The motion carried.

6. Final Passage of Ordinances.
None.

7. Appointments.

(a) Moved by Butch Eley seconded by Marc Rowan to approve the appointment of Troy Vorderstrasse as Interim Fire Chief. Mayor Stutte and Mark Funkey stated their appreciation to Troy Vorderstrasse for his continued service. Roll Call: Ayes: Steve Huntley, Brad Consbruck, Butch Eley, Marc Rowan, Shawn Hartmann, Matt Fong. Nays: None. Absent: Jeniffer Beahm, Joy Huffaker. The motion carried.

(b) Moved by Shawn Hartmann seconded by Butch Eley to approve Kaleena Fong, Community Redevelopment Authority, Reappointment, 11/01/2024 to 11/01/2029 term. Roll Call: Ayes: Steve

Huntley, Brad Consbruck, Butch Eley, Marc Rowan, Shawn Hartmann. Nays: None. Absent: Jeniffer Beahm, Joy Huffaker. Abstain: Matt Fong. The motion carried.

8. Miscellaneous and Other Business.

(a) Bill Bliefernich spoke on behalf of the Hastings Pickleball Club.

Moved by Steve Huntley seconded by Matt Fong there being no further business to come before the council to adjourn at 7:33 P.M. Roll Call: Ayes: Steve Huntley, Brad Consbruck, Butch Eley, Marc Rowan, Shawn Hartmann, Matt Fong. Nays: None. Absent: Jeniffer Beahm, Joy Huffaker. The motion carried.

APPROVED:

Corey Stutte, Mayor

ATTEST:

Kimberly S. Jacobitz, City Clerk

(S E A L)