CITY OF HASTINGS, NEBRASKA
MINUTES OF CITY COUNCIL REGULAR MEETING
Monday, May 12, 2025

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 May 12, 2025.

The meeting was called to order at 6:00 p.m. in Regular Session by Mayor Beckby with the following members present: Larry Consbruck, Michael Anderson, Brad Consbruck, Steve Huntley, Marc Rowan, Maggie Esch, Matt Fong, Brian Hoffman. Absent: None. The following City Officials were present: City Administrator, Mark Funkey, City Attorney, Jesse Oswald; City Clerk, Tyler Ficken; Police Captain, Jason Haase; Fire Chief, Troy Vorderstrasse; Parks & Recreation Director, Jeff Hassenstab; Utility Manager, Derek Zeisler; City Planner, Ember Batelaan, Information Technology Director, Erik Nielsen; Director of Engineering, Lee Vrooman; Director of Human Resources, Lori Hartman; Director of Finance/City Treasurer, Roger Nash; Environmental Director, Marty Stange; Safety Director, Trent Clark; Information Technology, Kirk Layton.

Official Notice of the Regular Meeting was published in the Hastings Tribune on Friday, May 9, 2025. 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.

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

Moved by Steve Huntley seconded by Larry Consbruck to adopt the current agenda. Roll Call: Ayes: Steve Huntley, Michael Anderson, Brad Consbruck, Larry Consbruck, Maggie Esch, Marc Rowan, Brian Hoffman, Matt Fong. Nays: None. Absent: None. The motion carried.

COUNCIL COMMUNICATION:

Councilmember Hoffman thanked the citizens of Hastings for the great turnout on Give Day. Councilmember Huntley asked Utilities Manager, Derek Zeisler to provide a report on the Board of Public Works meeting. The meeting included discussion on water quality, PPGA installation of a boiler, an update on the Highway 6 project, the elimination of postings on customer doors, and future board meetings on the budget.

CITIZEN COMMUNICATIONS:

Community members discussed item 5(b) on the agenda. Those speaking in opposition included: Chuck Rosenberg, Andrew McCarty, Terry Anstine, Phil Odom, Lily Teeple and Lucinda Glen.

MAYOR'S COMMUNICATIONS:

Service Anniversaries: Scott Struss, Engineering, 30: Joshua Reinhard, WEC, 15; Brittany Powell, Finance, 5; Julayne Brown, Solid Waste, 10.

1. <u>All Consent Items.</u>

Moved by Matt Fong seconded by Maggie Esch to approve all consent items. Roll Call: Ayes: Steve Huntley, Maggie Esch, Marc Rowan, Brian Hoffman, Matt Fong. Nays: None. Abstain: Michael Anderson, Brad Consbruck, Larry Consbruck. Absent: None. The motion carried.

(a) Approval of the minutes of the Council Meeting of April 28, 2025

(b) Approval of the minutes of the Worksession of April 21, 2025

(c) Approval of claims and payroll

(d) Approval of the request of Hastings PFLAG to utilize city property for the Hastings PRIDE event on June 1, 2025

(e) Approval of Work Order PL-639, Whelan Energy Center 1 bottom ash bunker enclosure

(f) Approval of Work Order EL-304, installation of eight collector streetlights on Utecht Avenue from 33rd Street to 39th Street

(g) Approval of Invoice #1910 from South Central Economic Development District in the amount of $4,283.75 for administrative services for Community Development Block Grant Project 24-PWI-008, MHC Water Line

(h) Approval of the request for Community Development Block Grant funds, Drawdown #1, in the amount $4,283.75 for general administration work for Community Development Block Grant Project 24-PWI-008, MHC Water Line

(i) Approval of the request of Platte Valley Antique Machinery Association and Adams County 4-H to utilize city property for the Ken Stein Memorial Parade on June 14, 2025 (This event is pending adequate Certificate of Insurance.)

REGULAR AGENDA:

2. <u>Unfinished Business of Preceding Meeting.</u>

(a) Approval of the request of No Coast Brewing, LLC dba First Street Brewing Company for a Special Designated Liquor License for an outdoor concert event at Brickyard Park on June 13, 2025. Moved by Steve Huntley seconded by Matt Fong to approve taking from the table approval of the request of No Coast Brewing, LLC dba First Street Brewing Company for a Special Designated Liquor License for an outdoor concert event at Brickyard Park on June 13, 2025. Roll Call: Ayes: Steve Huntley, Brad Consbruck, Larry Consbruck, Maggie Esch, Marc Rowan, Brian Hoffman, Matt Fong, Michael Anderson. Nays: None. Absent: None. The motion carried. Moved by Brian Hoffman seconded by Maggie Esch to approve the request of No Coast Brewing, LLC dba First Street Brewing Company for a Special Designated Liquor License for an outdoor concert event at Brickyard Park on June 13, 2025. Jessi Hoeft owner of No Coast Brewing described the operations for the event. Council Member Esch asked about the plans for security. Jessi Hoeft provided the anticipated number of participants is four hundred, which would necessitate two hired security in addition to the paid staff, and the Tribune will have eight to ten people working the event; people drinking alcohol will wear wristbands in the roped area. Jessi Hoeft provided that this event would be like events at Duncan Field or the softball complex where people drink alcohol at the events; people would not be walking out of the roped area with alcoholic beverages. Mayor Beckby clarified that fencing is used in the downtown area; Jessi Hoeft agreed, stating that since there can be traffic, those events are fenced, and the fencing is purchased from the City. Councilmember Huntley stated that he is pleased that the concert series is returning, but he is a fence guy for alcohol and would like to see it worked out. Jessi Hoeft stated that she has seen rope fencing at many events across the state. Councilmember Anderson stated that he agrees with Councilmember Huntley that he likes the event coming back, but his concern is that when you are working with the public there are opportunities for people to make mistakes, and the mistakes can reflect on the event organizers. Councilmember Hoffman provided that this event would have security in excess of what you would see at Duncan Field or the softball complex. Discussion was held regarding options to evaluate the SDL further while allowing the event organizers an opportunity to start advertising for the event. Councilmember Rowan stated that he likes the event idea and would like to see if it works prior to the second event. Councilmember Huntley asked for Director of Parks and Recreation, Jeff Hassenstab and Police Captain, Jason Haase to weigh in on the item. Director of Parks and Recreation, Jeff Hassenstab stated that Duncan Field operates in a similar manner to the proposed event with adults and minors attending games; the softball complex is not operated by the City, but operations are like Duncan Field. Police Captain, Jason Haase stated that the Police Department has reviewed the request and does not have issue with the proposed barrier; officers will not be staffing the area, but it will be policed as a city park. Roll Call: Ayes:

Steve Huntley, Brad Consbruck, Larry Consbruck, Maggie Esch, Marc Rowan, Brian Hoffman, Matt Fong. Nays: Michael Anderson. Absent: None. The motion carried.

3. Public Hearings.

(a) Public hearing on the request of Queen City Development to change zoning from R-3, Multiple-Family Residential District to RP-3, Multiple-Family Residential Planned District for property generally located southeast of the intersection of West Laux Drive and East 31st Street. Ordinance No. 4796 amending the Zoning District Map to change zoning from R-3, Multiple-Family Residential District to RP-3, Multiple-Family Residential Planned District for property generally located southeast of the intersection of West Laux Drive and East 31st Street. Mayor Beckby opened the public hearing. Dave Rippe of 701 W. 1st Street stated that the action would allow more density on the property for more houses; the cost of infrastructure would be approximately fifty thousand dollars per home versus seventy-five thousand dollars per home if the number of lots were reduced. HEDC Community Development Director, Sydeny Erickson stated that the HEDC supports the rezone and final plat for the project; the project fits well with North Park Commons and Pioneer Trail Flats and the project brings affordable housing to the neighborhood. Mayor Beckby closed the public hearing. Moved by Matt Fong seconded by Maggie Esch to approve Motion to adopt Ordinance No. 4796 and amend the Official Zoning District Map to rezone the property generally located southeast of the intersection of West Laux Drive and East 31st Street from R-3, Multiple-Family Residential District to RP-3, Multiple-Family Residential Planned District. Councilmember Huntley asked what the project timetable would be. Dave Rippe stated that if the Council suspended the rules on this item, it would begin on June 1, 2025, with houses being placed every week after July 2025 and having the community built by the end of the calendar year. Councilmember L. Consbruck asked if the project would be receiving TIF funds, and who would be educating the kids. Dave Rippe stated that the children would probably attend Hastings Public Schools; Superintendent Schneider supports the project. Councilmember L. Consbruck stated that the taxpayer pays for it. Councilmember Esch confirmed with Dave Rippe that this project has a minimal profit margin that necessitates TIF funding. Councilmember Anderson asked if this change deviates from the previous plan, changing the original calculation. Dave Rippe stated that the proposed change is part of the original financial assumptions. Dave Rippe confirmed with Councilmember Anderson that there will be a two-hour fire barrier for the duplexes with a standard distance between the duplexes. Councilmember Anderson asked about the traffic in the area and whether a traffic study had been completed. Dave Rippe stated that the project previously planned for the area had a much higher density and so traffic would be far less than originally anticipated. Roll Call: Ayes: Steve Huntley, Michael Anderson, Brad Consbruck, Maggie Esch, Marc Rowan, Brian Hoffman, Matt Fong.

Nays: Larry Consbruck. Absent: None. The motion carried. Councilmember Matt Fong moved that the statutory rule requiring reading on three different days be suspended; Councilmember Brian Hoffman seconded the motion to suspend the rules and upon roll call vote the following Councilmembers voted Ayes: Steve Huntley, Michael Anderson, Brad Consbruck, Maggie Esch, Marc Rowan, Brian Hoffman, Matt Fong. Nays: Larry Consbruck. Absent: None. The motion to suspend the rules was adopted by three-fourths vote of the Council and the statutory rule was declared suspended for consideration of said ordinance. The ordinance is declared to be lawfully adopted upon publication as required by law.

(b) Approval of the Final Plat of Trailside Subdivision with one condition. Moved by Matt Fong seconded by Maggie Esch to approve the Trailside Subdivision Final Plat, with one condition of approval. City Planner, Ember Batelaan reported that the plat is for property generally located southeast of the intersection of West Laux Drive and East 31st Street, comprised of 28 lots consisting of eleven duplexes and two triplexes, which are approximately twenty-one hundred square feet each; there will be one proposed street and two alleyways with access and fire access to the north. The request generally conforms with the 2025 Comprehensive Plan, City of Hastings Zoning Regulations, has adequate and appropriate access, and appropriate public infrastructure. The plat is contingent on approval of the proposed rezoning and the Planning Commission voted to recommend approval of the final plat. Roll Call: Ayes: Steve Huntley, Michael Anderson, Brad Consbruck, Maggie Esch, Marc Rowan, Brian Hoffman, Matt Fong. Nays: Larry Consbruck. Absent: None. The motion carried.

(c) Public hearing regarding an application to the Nebraska Department of Economic Development for a Community Development Block Grant in the amount of $350,000 for Bruckman Rubber Co. Resolution No. 2025-21 authorizing the Chief Elected Official to sign an application for Community Development Block Grant funds in the amount of $360,000 for Bruckman Rubber Co. Mayor Beckby opened the public hearing. Community Consultant, Lori Ferguson of the South Central Economic Development District, stated that a public hearing is necessary for application to the CDBG program; the City is serving as applicant to the Department of Economic Development for the grant to Bruckman Rubber, and project partners are in attendance. The project will add ten new full-time equivalent jobs, with those positions being held or made available to individuals who have low to moderate income. Ten thousand dollars of the total three hundred and sixty thousand dollars will go to the South Central Economic Development District for administration of the grant. Bruckman Rubber Co. will match the three-hundred and fifty-thousand dollar grant amount and will execute loan agreements with the HEDC; once the project has been completed, half of the grant will become a deferred loan, and half will be a repaid loan for up to seven years at zero percent interest; the HEDC uses the repaid loan to make further loans to businesses. HEDC Community Development Director, Sydeny Erickson expressed support for the project, with the addition of jobs and the introduction of a new product line. Terry Anstine of 1011 Loch View Drive expressed his support for the project. Mayor Beckby closed the public hearing. Moved by Larry Consbruck seconded by Steve Huntley to approve Resolution No. 2025-21 authorizing the Chief Elected Official to sign an application for Community Development Block Grant funds in the amount of $360,000 for Bruckman Rubber Co. Roll Call: Ayes: Steve Huntley, Michael Anderson, Brad Consbruck, Larry Consbruck, Maggie Esch, Marc Rowan, Brian Hoffman, Matt Fong. Nays: None. Absent: None. The motion carried.

(d) Approval of adopting the Citizen Participation Plan for the Bruckman Rubber Co. Community Development Block Grant project. Moved by Matt Fong seconded by Maggie Esch to approve the Citizen Participation Plan for the Bruckman Rubber Co. Community Development Block Grant project. Community Consultant, Lori Ferguson of the South Central Economic Development District provided that the Citizen Participation Plan is a HUD requirement to verify public rights to knowledge of CDBG grant activities. The plan is being updated to reflect the new Mayor and City Clerk for the City of Hastings. Roll Call: Ayes: Steve Huntley, Michael Anderson, Brad Consbruck, Larry Consbruck, Maggie Esch, Marc Rowan, Brian Hoffman, Matt Fong. Nays: None. Absent: None. The motion carried.

4. <u>General Business.</u>

(a) Approval of moving Monday, May 26, 2025 City Council Meeting to Tuesday, May 27, 2025 at 6:00 P.M. at the Hastings Municipal Airport due to the Memorial Day holiday.

Moved by Steve Huntley seconded by Larry Consbruck to approve moving the Monday, May 27, 2024, City Council Meeting to Tuesday, May 28, 2024, at 5:30 P.M. at the Hastings Municipal Airport due to the Memorial Day holiday. Roll Call: Ayes: Steve Huntley, Michael Anderson, Brad Consbruck, Larry Consbruck, Maggie Esch, Marc Rowan, Brian Hoffman, Matt Fong. Nays: None. Absent: None. The motion carried.

(b) Approval of gas purchase and ground lease agreement between City of Hastings and NewCarbon. Moved by Matt Fong seconded by Maggie Esch to approve the gas purchase and ground lease agreement between City of Hastings and NewCarbon. NewCarbon Head of Feedstocks, Brian Lammers, 2437 Girard Ave. S., Minneapolis, MN stated that NewCarbon invests capital in clean energy projects where entities choose to focus on their core business. The company is excited about the project as a use case which reinforces the company business model with the proposed renewable natural gas project at the Hastings Municipal landfill. The landfill's location two miles from the Tallgrass Interstate Gas transmission system would receive the pipeline quality gas that would be produced from the site. NewCarbon will invest $20 million in the project, and the City will receive approximately $2.1 million in royalty revenue during the term of the project. Additionally, the City is expected to be required by approximately 2040 to build a gas collection system to meet regulatory requirements; NewCarbon will build the project prior to those requirements. Studies and permitting would continue with the project construction beginning in 2027 with gas production beginning in 2029. Councilmember L. Consbruck asked what would happen if gas prices fell to a point that would make the project not feasible. Brian Lammers stated that NewCarbon would have a long-term gas purchase agreement in place with a counterparty prior to construction. Councilmember Huntley inquired as to NewCarbon's experience with similar projects. Brian Lammers stated that staff have worked in the electric power industry, midstream gas, LNG gas trading and have built similar biofuel projects in Tennessee and North Dakota. Councilmember Hoffman asked, given the new nature of this type of contract in Nebraska, if any outside counsel had been consulted for review. City Attorney Osward stated that outside counsel had not been consulted. Councilmember Hoffman stated that the contract could serve as a template for other communities; he appreciates and supports the project. Mayor Beckby followed up with City Attorney Jesse Oswald regarding any concerns about the contract. City Attorney Jesse Oswald stated that he had reviewed the contract and provided approval. Councilmember Anderson asked about risk relating to acts of God and the risk of the gas drying up. Brian Lammers stated that additional engineering would be involved to have a good understanding of supply, and typically with the proposed project type, gas production increases. Councilmember B. Consbruck stated that there are provisions in the agreement for amendment if necessary. City Administrator, Mark Funkey highlighted that the project would mitigate a future cost to the City while creating a revenue source for the City following construction. Councilmember Huntley stated that the City has had problems with long-term contracts in the past, and he wants to see that it gets done right; gas and mineral rights are complicated. Councilmember Esch thanked NewCarbon for coming to the community and working on solving a problem and making the $20 million investment. Moved by Steve Huntley to table pending a second legal review. Mayor Beckby recognized Director of Environmental, Marty Stange who added that methane collection occurs in Nebraska and the City's hired consultant is experienced with methane collection; the project will be considered by the NDEE because it is a change in the landfill; the review provides another set of expert eyes. The City received an exemption for not receiving lawn waste which creates more methane, but new regulations have reversed that for the future. The wells will be there in the future for either passive or active extraction. The work on this project aligns with the permit renewal process for the landfill. The motion to table the item was seconded by Michael Anderson. Roll Call: Ayes: Steve Huntley, Michael Anderson, Larry Consbruck. Nays: Brad Consbruck, Maggie Esch, Marc Rowan, Brian Hoffman, Matt Fong. Absent: None. The motion failed. Mayor Beckby called for a vote on the original motion to approve the gas purchase and ground lease agreement between the City of Hastings and NewCarbon. Roll Call: Ayes: Brad Consbruck, Larry Consbruck, Maggie Esch, Marc Rowan, Brian Hoffman, Matt Fong. Nays: None. Abstention: Steve Huntley, Michael Anderson. Absent: None. The motion carried.

(c) Approval of easement and right-of-way agreement between City of Hastings and NewCarbon. Moved by Matt Fong seconded by Maggie Esch to approve easement and right-of-way agreement between City of Hastings and NewCarbon. Roll Call: Ayes: Steve Huntley, Michael Anderson, Brad Consbruck, Larry Consbruck, Maggie Esch, Marc Rowan, Brian Hoffman, Matt Fong. Nays: None. Absent: None. The motion carried.

5. Ordinances and Resolutions.

(a) Resolution No. 2025-19 authorizing the Hastings Airport Manager to prepare plans, specifications, and solicit bids for the construction of a jet aircraft hangar at the Hastings Municipal Airport and establish conditions for funding approval and construction. Moved by Brian Hoffman seconded by Brad Consbruck to approve Resolution No. 2025-19 authorizing the Hastings Airport Manager to prepare plans, specifications, and solicit bids for the construction of a jet aircraft hangar at the Hastings Municipal Airport and establish conditions for funding approval and construction. Airport Manager, Matt Kuhr reported that this is a budget item that he is seeking the City Council's guidance on proceeding. Councilmember Huntley provided that during prior budget discussions there was talk to have a contract for a jet in place prior to hangar construction; ultimately that was not finalized with action by the Council, and the resolution would allow staff to move forward with bids to present to the Council. Matt Kuhr added that having a jet on site would reclassify the airport as a regional airport and additional federal funding opportunities would be available to the airport. Roll Call: Ayes: Steve Huntley, Michael Anderson, Brad Consbruck, Larry Consbruck, Maggie Esch, Marc Rowan, Brian Hoffman, Matt Fong. Nays: None. Absent: None. The motion carried.

(b) Ordinance No. 4798 amending Section 2-1501 of the Official Hastings City Code establishing term limits and restrictions on multiple appointments to the City Boards and Committees. Moved by Michael Anderson seconded by Steve Huntley to approve Ordinance No. 4798 amending Section 2-1501 of the Official Hastings City Code establishing term limits and restrictions on multiple appointments to the City Boards and Committees. Councilmember Hoffman stated that in the feedback he received on sections

1(d), 1(e) and 1(f) of the ordinance he would recommend tabling the ordinance for additional input. His issues include the ability to serve on multiple boards, ambiguity in the section regarding waiver of the multiple board provision if expertise is deemed essential, and retroactive treatment of existing board members. He would like to have specific language to address circumstances where people are serving on boards at other levels of government. The Mayor currently has authority on board appointments; additional language for how boards with alternate members could be addressed. Councilmember Fong stated that he would not be voting in favor of the ordinance, but he understands the desire to broaden the participation on City boards but has concerns about future participation; Council has the authority not to approve a person for appointment or reappointment. Councilmember Esch stated that there could be more opportunities for public comment; she would like to see the Mayor to maintain the authority to make appointments, and will be voting no on the item. Councilmember Rowan stated that fresh blood on boards is a good idea and asked the Mayor about the number of people who have expressed interest in serving on boards. Mayor Beckby consulted with staff, and there were thirty-five interested individuals; being aware of those interested in serving, he has held appointments pending Council action. Councilmember Esch asked about the Police Retirement Committee and Firefighters Retirement Committee, and whether they would have the same term limits; terms are not provided on the City website. City Administrator, Mark Funky provided that the boards serve a purpose but may not be required in the future. Councilmember Esch stated that the Business Improvement District board may need to be looked at for exceptions, given the parameters set for board members. Mayor Beckby added that there are several business owners interested in serving on the Business Improvement District board. Councilmember Anderson stated that the City needs to bring more people in from the City that are just regular people into some of the boards so that they know what is going on; it could reduce negativity, and opinions can change and people will realize that it is not easy. There would be an increased sense of ownership in the community; the purpose is not to kick people off or exclude. Councilmember Huntley stated that it might give people an easy out on some of the boards or switch to another board. Roll Call: Ayes: Steve Huntley, Michael Anderson, Marc Rowan. Nays: Brad Consbruck, Larry Consbruck, Maggie Esch, Brian Hoffman, Matt Fong. Absent: None. The motion carried.

(c) Ordinance No. 4800 amending Section 2-206 of the Official Hastings City Code establishing an additional work session and amending Section 2-308 of the Official Hastings City Code establishing State of the City Address. Moved by Maggie Esch seconded by Brian Hoffman to approve Ordinance No. 4800 amending Section 2-206 of the Official Hastings City Code establishing an additional work session and amending Section

2-308 of the Official Hastings City Code establishing State of the City Address. City Attorney, Jesse Oswald stated that the ordinance was approved by the City Council previously; approval will codify this ordinance into the recently adopted municipal code. Roll Call: Ayes: Steve Huntley, Michael Anderson, Brad Consbruck, Larry Consbruck, Maggie Esch, Marc Rowan, Brian Hoffman, Matt Fong. Nays: None. Absent: None. The motion carried.

6. <u>Final Passage of Ordinances.</u>

None.

7. <u>Appointments.</u>

(a) Appointment of Kelly Reisig as Library Director. Moved by Matt Fong seconded by Brian Hoffman to approve Kelly Reisig as the Library Director. Roll Call: Ayes: Steve Huntley, Michael Anderson, Brad Consbruck, Larry Consbruck, Maggie Esch, Marc Rowan, Brian Hoffman, Matt Fong. Nays: None. Absent: None. The motion carried.

8. Miscellaneous and Other Business.

None.

9. Possible Closed Session (if necessary or requested).

None.

Moved by Steve Huntley seconded by Brian Hoffman there being no further business before the Council to adjourn at 8:03 p.m. Roll Call: Ayes: Steve Huntley, Michael Anderson, Brad Consbruck, Larry Consbruck, Maggie Esch, Brian Hoffman, Matt Fong. Nays: Marc Rowan. Absent: None. The motion carried.

APPROVED:

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George J.J. Beckby, Mayor

ATTEST:

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Tyler Ficken, City Clerk

(S E A L)