CITY OF HASTINGS, NEBRASKA
MINUTES OF CITY COUNCIL REGULAR MEETING
Monday, July 28, 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 July 28, 2025.

The meeting was called to order at 6:00 p.m. in Regular Session by Mayor Beckby with the following members present: Steve Huntley, Michael Anderson, Marc Rowan, Brian Hoffman, Matt Fong, Maggie Esch, Larry Consbruck, Brad Consbruck. Absent: None. The following City Officials were present: City Administrator, Mark Funkey; City Attorney, Jesse Oswald; City Clerk, Tyler Ficken; Fire Chief, Troy Vorderstrasse; Police Chief, Adam Story; Parks & Recreation Director, Jeff Hassenstab; Utility Manager, Derek Zeisler; Director of Engineering, Lee Vrooman; Development Services Director, Kevin Kubo; Director of Human Resources, Lori Hartman; Library Director, Kelly Reisig; Museum Director, Teresa Kreutzer-Hodson; Director of Finance/City Treasurer, Roger Nash; Technology Director, Erik Nielsen; Public Information Manager; Tony Herrman; Information Technology, Kirk Layton; Safety Director, Trent Clark.

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

Moved by Matt Fong seconded by Maggie Esch 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.

PUBLIC NOTICE - Official Notice of the Regular Meeting was published in the Hastings Tribune on Friday, July 25, 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.

**COUNCIL COMMUNICATION:**

Councilmember Rowan provided information on the museum songwriting workshop and spoke about an airplane event that included a DC-3 airplane. Councilmember Fong reported that the library met the summer reading goal of 280,000 minutes. The summer reading wrap up will be at Lake Hastings on Saturday, August 2, 2025. Councilmember Huntley asked Manager of Utilities, Derek Zeisler to report on the budget presentation.

Derek provided that the budget was discussed, and thanked customers for their understanding during the transition of billing software; improvements will be made in the area of budget billing.

**CITIZEN COMMUNICATIONS:**

The following citizens spoke in opposition to the Cathcart Rail Services LLC lease and approval of first amendment: Paul Dietze, Willis Hunt, George Hasley, Roger Coffman; Ray Marsh, Edward Krontz. The following citizen spoke in favor of the approval of the Agreement with TES US Development LLC and Total Energies Hydrogen Holdings USA LLC: Matt Laborde. The following citizen spoke in favor of the approval of the L.A.K.E. Enterprises, Inc. Special Designated Liquor License: Lindsay DeBraal. Kim Anderson spoke on transparency. John Dieken provided information on a water drainage issue.

**MAYOR'S COMMUNICATIONS:**

None.

**CONSENT AGENDA:**

1. All Consent Items.

Moved by Matt Fong seconded by Brian Hoffman to approve the consent 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.

(a) Approval of the minutes of the Council Meeting of July 14, 2025

(b) Approval of claims and payroll

(c) Approval of Work Order CO-189, new fiber optic line from Crane Avenue Substation to Don Henry Power Center connecting the Parks Department Building at 3rd Street and Woodland, the Aquacourt, Well 6 and Laird Substation at 3rd Street and Laird, the Peak Shaver Plant on West Avenue, and the West Town Border Station on Marian Road

(d) Approval of Invoice No. 1942 from South Central Economic Development in the amount of $1,696.25 for grant administration for Community Development Block Grant Project 21-DTR-007, Downtown Revitalization

(e) Approval of drawdown request for Community Development Block Grant funds in the amount of $1,696.25 for general administration work completed on Community Development Block Grant Project 21-DTR-007, Downtown Revitalization

(f) Approval of Invoice No. 1943 from South Central Economic Development in the amount of $1,092.50 for grant administration for Community Development Block Grant Project 24-DTR-004, Downtown Revitalization

(g) Approval of the drawdown request for Community Development Block Grant funds in the amount of $1,092.50 for general administrative work completed on Community Development Block Grant Project 24-DTR-004, Downtown Revitalization

(h) Approval of Invoice No. 1940 from South Central Economic Development in the amount of $2,875.00 for administrative services for Community Development Block Grant Project 24-PWI-008, MHC Water Line

(i) Approval of drawdown request for Community Development Block Grant funds in the amount of $2,875.00 for general administration work completed on Community Development Block Grant Project 24-PWI-008, Public Works Infrastructure Improvements

(j) Approval of Invoice No. 1944 from South Central Economic Development in the amount of $1,207.50 for administrative services for Community Development Block Grant Project 24-ED-003, Bruckman Rubber Expansion

(k) Approval of drawdown request for Community Development Block Grant funds in the amount of $1,207.50 for general administration work completed on Community Development Block Grant Project 24-ED-003, Economic Development

(l) Approval of Invoice No. 1945 from South Central Economic Development in the amount of $805.00 for administrative services completed for Community Development Block Grant Project 24-PWF-001, Revive

(m) Approval of drawdown request for Community Development Block Grant funds in the amount of $805.00 for general administration work completed on Community Development Block Grant Project 24-PWF-001, Public Works Facilities

**REGULAR AGENDA:**

2. Unfinished Business of Preceding Meeting.

None.

3. Public Hearings.

None.

4. General Business.

(a) Approval of the request of L.A.K.E. Enterprises, Inc. dba "Sunflower Kitchen/District 14 Bar" for a Special Designated Liquor License for a One Year Grand Opening event with food trucks and bands at 1105 Theatre Drive on September 27, 2025. Moved by Maggie Esch seconded by Brad Consbruck to approve the request of L.A.K.E. Enterprises, Inc. dba "Sunflower Kitchen/District 14 Bar" for a Special Designated Liquor License for a One-Year Grand Opening event with food trucks and bands at 1105 Theatre Drive on September 27, 2025. City Clerk Tyler Ficken reported that the special designated license is typically approved administratively, but due to the novelty of the event, Council action would be appropriate. The applicant has contacted city staff, they will be using cattle panels for fencing, the applicant has hired private security, and those consuming alcohol will be wearing wristbands. Councilmember B. Consbruck asked the applicant to elaborate on the event. Lindsay DeBraal provided a rundown of her preparations for the event and plans for future acts and events. Councilmember Esch asked if the event would be free to the public; Lindsay provided that there would be a $25 ticket price and $50 VIP tickets. Councilmember Hoffman inquired regarding the impact on the airport due to its proximity and questions about parking. Lindsay stated that there would not be any issues with the production; there would not be flashing lights. Parking will include the DHHS lot and working with Heritage Bank on additional room for overflow. Councilmember Huntley asked about the time for the event. Lindsay stated that the encore for the main event would end at midnight. 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 authorizing the Mayor to sign Water Term Sheet for Water Purchase Sale Agreement with TES US Development LLC and Total Energies Hydrogen Holdings USA LLC. Moved by Larry Consbruck seconded by Matt Fong to approve Authorization for the Mayor to sign Water Term Sheet with TES US Development LLC and Total Energies Hydrogen Holdings USA LLC. Utility Manager Derek Zeisler introduced Matt Laborde with TES US Development LLC. Matt Laborde provided that the plan is for an ENG plant using renewable power and water to produce green hydrogen and work with carbon capture projects to combine the CO2 with the hydrogen to produce methane. Effluent wastewater from the City of Hastings would be used via pipeline. Councilmember Huntley asked where the plant would be located. Matt Laborde provided that there is a land option located ten miles south on Highway 281. Councilmember Fong asked if there were any other similar projects in the area. Matt Laborde stated that he is not aware of any similar projects in the area, but operations of this type are common in other areas of the United States. Councilmember Rowan asked why Hastings had been chosen. Matt Laborde stated that proximity to infrastructure, power costs, redundancy on supply of CO2 originating from the Tallgrass pipeline, and proximity to natural gas pipelines for export. Councilmember Huntley asked Utility Manager Derek Zeisler if any adjustments would need to be made at the wastewater plant to accommodate them. Derek responded no, but pointed out that the plant is not within the utility electric territory; the water sale would be an additional revenue, and having heavy electric use in the area would drive the node price, which is a benefit. Matt Laborde stated that additional purification of the water would be required on their site; the water will be recycled on site and oxygen as a byproduct of the process; the project would begin in 2030. Councilmember B. Consbruck asked if this was a site option or if the location had been decided upon. Matt Laborde stated that the option is secured, and is the primary location. 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.

(c) Discussion regarding E-Scooter Ordinance. City Attorney Jesse Oswald provided a rough draft ordinance, but he is looking for discussion and Council guidance for the ordinance. Councilmember Hoffman expressed his desire to have language that would limit use to walking speeds in business districts, and they must always yield to all pedestrians, which would shift liability to the e-scooter user. Additionally, language regarding confiscation and destruction might result in the owner's mode of transportation being destroyed, which could be valued at $1,200. Further definition of the business district and signage and education could be helpful. Councilmember Hoffman stated that his preference would be for the regulation to mirror the use of bicycles and where they are allowed to be used. Councilmember B. Consbruck pointed out that the court would be determining the potential disposition of the e-scooters; punishment should remain for repeat offenders. Mayor Beckby expressed his concerns about the e-scooters being operated on Burlington, and people using them without a driver's license. Youths without a driver's license do not understand the traffic laws. Councilmember B. Consbruck stated that it would be wise to keep them off the sidewalks. City Attorney Jesse Oswald provided a recap of the discussion, which is allowing use on streets and not sidewalks, with monitoring to have compliance with traffic regulations. The question remains whether the use of sidewalks in the downtown is to be authorized. There is the question of trails versus sidewalk use. Mayor Beckby reiterated his concern about the potential for a 12-year-old to operate an e-scooter on Burlington; additional worksession discussion may be needed with a review of other communities. City Attorney Jesse Oswald provided that a review of other communities provided a range of results, from Omaha and Lincoln being very heavily regulated to the other extreme of an outright ban; there are communities the size of Hastings that are looking into the issue, but there is not a model, and some communities are reporting no issues at this time. Councilmember L. Consbruck stated that sidewalk conditions could be a problem for the operation of the scooters. Councilmember Hoffman stated that it's important to get any developed regulations into the hands of schools to help educate children on road safety. Councilmember Huntley suggested the potential need for licensing of the scooters for purposes of enforcement; some of the units do not have lights, so further regulation on lighting and required apparel might be needed. Councilmember Anderson asked that signals be required for use on streets. Councilmember Fong stated that it is clear why many communities find it a difficult issue to regulate; he has also personally experienced very fast use of the e-scooters, and speed should be considered. Dirt bikes are also becoming an issue in the community. An additional worksession or work group would be valuable in addressing the challenges. Councilmember Esch stated the importance of following the traffic laws and giving the right-of-way to pedestrians; limiting speeds and routes to those not exceeding 25mph are options. Councilmember B. Consbruck stated that there is a need to keep the regulations enforceable for the Police Department.

(d) Ratification of the November 27th, 2024, agreement signed by the Utility Manager, between the City of Hastings, Nebraska, and Cathcart Rail Services LLC leasing City-owned ground to Cathcart Rail Services, LLC and approval of first amendment. Moved by Matt Fong seconded by Maggie Esch to approve the ratification and 1st amendment of the November 27th, 2024, lease signed by the Utility Manager and Cathcart Rail Services, LLC, and approval of 1st amendment. City Attorney Jesse Oswald stated that in addition to approving the ratification, the 1st amendment will add the property legal description and require Cathcart to pay the property taxes. The lease was negotiated by the Utilities Department at the direction of the then City Administrator. A mutually agreed rate that accounted for inflation for the term of the lease was agreed to. The recommendation is to approve the ratification and approval of the 1st amendment. Councilmember L. Consbruck stated that, given input from the outside counsel, he believes it is in the best interest of the City given the recommendation of counsel to approve, and that's how he intends to vote. Councilmember Anderson asked who had paid the property taxes previously. City Attorney Jesse Oswald stated that the prior agreement had the other party pay the property taxes. Councilmember Anderson asked why this was being done. City Attorney Oswald stated that the ratification is before the Council for contract review and approve the amendment. Councilmember Anderson stated that since the contract was good before, he would not be voting to ratify it. Councilmember Esch inquired as to how the lease rate for the next fifteen years was agreed to and asked Utility Manager Derek Zeisler to speak about the issue. Utility Manager Derek Zeisler stated that the rate had been consistent for 36 years, and it was time to review. The tenant has been a tremendous neighbor to the utility. There was an attempt to compare properties; it is not farmland, it is industrial, but the City does not own the building or rail at the site. Instead of calculating inflation each year, sections for the first fifteen years and following fifteen years were created. Councilmember Rowan confirmed with Derek that the lease covers 7.5 acres; that amounts to $100 per acre per month and questioned whether that is normal. Utility Manager Derek Zeisler provided that there is nothing to compare the lease to; the City owns the property and not the infrastructure. Derek added that use of the property has the potential to impede operations at the Energy Center and Heartwell; if there was a risk that operations would be impeded

due to the use of the track, there would need to be serious consideration whether having a neighbor should continue. Councilmember Hoffman inquired about the number of current employees at Cathcart; a representative from Cathcart provided that there are 26 employees. Councilmember L. Consbruck views the rental rate from an ag background; dryland is approximately $150 per acre annually; the current lease rate with Cathcart is ten times that amount. He questioned whether five times or fifty times that amount would be appropriate. The fact is that the current rate is ten times the dryland ag rate. Councilmember Huntley stated that he had a tenant that worked at Cathcart, and he had a well-paid job there. Councilmember Anderson questioned whether legal advertising was needed and stated that he did not have a legal counsel discussion on this item. Roll Call: Ayes: Brad Consbruck, Larry Consbruck, Maggie Esch, Brian Hoffman, Matt Fong. Nays: Michael Anderson, Marc Rowan. Abstain: Huntley.
Absent: None. The motion carried.

5. Ordinances and Resolutions.

(a) Resolution No. 2025-23 requesting assistance from South Central Economic Development District, Inc. in the completion of a Community Development Block Grant Application for a Pacha Soap Co. expansion project. Moved by Matt Fong seconded by Maggie Esch to approve Resolution # 2025-23 to request assistance from South Central Economic Development District, Inc. (SCEDD) in the completion of a Community Development Block Grant Application for a Pacha Soap Co. expansion project. Development Services Director, Kevin Kubo reported that the Resolution authorizes SCEDD to manage the CDBG grant for PACHA Soap and their expansion project. 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. Final Passage of Ordinances.

(a) 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 Larry Consbruck seconded by Steve Huntley to approve the amended 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 on Final Reading. Roll Call: Ayes: Steve Huntley, Michael Anderson, Larry Consbruck, Marc Rowan, Jay Beckby. Nays: Brad Consbruck, Maggie Esch, Brian Hoffman, Matt Fong. Absent: None. The motion carried.

7. Appointments.

(a) Appointments to Boards and Commissions. Moved by Matt Fong seconded by Steve Huntley to approve appointments to Boards and Commissions as presented. 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.

8. <u>Miscellaneous and Other Business.</u>
None.

9. <u>Possible Closed Session (if necessary or requested).</u>
None.

Moved by Steve Huntley seconded by Michael Anderson there being no further business before the Council to adjourn at 7:31 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 )