

CITY OF HASTINGS, NEBRASKA
MINUTES OF CITY COUNCIL REGULAR MEETING
Monday, February 8, 2016

Pursuant to due call and notice thereof, a Regular Meeting of the City Council of the City of Hastings, Nebraska was conducted in the Council Chambers of City Hall, 220 N. Hastings Avenue, on February 8, 2016.

The meeting was called to order at 5:30 p.m. in Regular Session by Council President Kathy Duval with the following members present: Michael Krings, Ginny Skutnik, Everett Goebel, Sarah Hoops, John Harrington, Kathy Duval, Phil Odom. Absent: Vern Powers, Chuck Niemeyer.

Council President Duval led the group in recital of the Pledge of Allegiance to the United States of America.

Moved by Ginny Skutnik seconded by Everett Goebel to adopt the Regular Agenda for the meeting on February 8, 2016. Official Notice of the Regular Meeting was published in the Hastings Tribune on Friday, February 5, 2016. Roll Call: Ayes: John Harrington, Kathy Duval, Phil Odom, Michael Krings, Sarah Hoops, Ginny Skutnik, Everett Goebel. Nays: None. Absent: Chuck Niemeyer. The motion carried.

Council President Duval read the Public Notice - Pursuant to the Nebraska Revised Statute Section 84-142, 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.

Councilmember Goebel reported on a meeting held January 28th at the Hastings Public Library. The City was selected to partner with the University of Nebraska at Omaha (UNO), to be shown what has evolved in our community and where we are going. He and Kathy Duval are leaders with the Mayor's Youth Council and noticed the lack of teenagers in attendance. He has since encouraged the Mayor's Youth Council members to attend the next session in March. He was pleased with the number of people who attended and were interested in our community.

Councilmember Hoops reported that Hastings Public Library renovation bids will come in soon and will be reviewed.

Councilmember Krings thanked City staff involved with snow removal.

Councilmember Krings asked for an update on the Bonnell vs. City lawsuit.

Mr. Ptak stated that on January 20th, Chief Judge Laurie Smith Camp, U.S. District Court, entered an order. She determined that Ms. Bonnell cannot represent parties other than herself and gave her 30 days to either secure counsel or file an amended complaint that solely states a claim on her own behalf. The court set February 22, 2016 as the date to check for appearance of counsel or file an amended complaint. Ms. Bonnell originally filed for a restraining order against the City. That was denied because she cannot represent parties other than herself and the City had not been heard.

Council President Kathy Duval recognized service anniversaries for Rhonda Seay, 35 years of service as of February 2nd; Shari Drake, 20 years of service as of February 19th.

CONSENT AGENDA:

Moved by John Harrington seconded by Sarah Hoops to approve the consent agenda.

1. (a) Approval of the minutes of the Council Meeting of January 25, 2016.

(b) Approval of the minutes of the Worksession of January 19, 2016.

4.(a) Approval of the payroll for the period ending February 13, 2016, paid February 19, 2016.

(b) Approval of the regular claims and authorizing the City Clerk to issue checks against the various funds for payment.

(c) Approval of the prepaid claims and authorizing the City Clerk to issues checks against the various funds for payment.

(d) Approval of the request for CDBG funds, Drawdown #6 (\$37,062.34) for CDBG Comprehensive Revitalization, Sidewalks Project 13-CR-008.

(e) Approval of request for CDBG funds, Drawdown #5 (\$78,764.00) for CDBG Comprehensive Revitalization, Sidewalks Project 14-CR-008.

5.(a) Approve receiving and placing on file department monthly reports.

6.(a) Approval of the renewal of 2016-2017 Liquor License Applications for the following: **Class “A”** On Sale Beer - Dunning Investments, Inc.; **Class “B”** Off Sale Beer - Casey’s Retail Company (3), Thomsen Oil Co.; **Class “D”** Package Liquor - AWC, LLC, Bosselman Pump & Pantry, Inc. (2), Cooperative Producers, Inc. (2), GNS Corporation (2), Hoff Brothers, Inc. (4), Kmart Corporation, L.C.S., Inc., Pester Marketing Company, Wal-Mart Stores, Inc., Walgreens Company; **Class “I”** Liquor, Wine, Beer - AFJ, Inc., BPOE Lodge 159, Besi and Toni, LLC, Central Community College Area, GDL, Inc., Golden Coast, Inc., Hastings Hospitality, Inc., The Listening Room, Inc., Rafael Ayala, RMH Franchise Corporation; **Class “K”** Catering - Central Community College Area.

Roll Call: Ayes: John Harrington, Kathy Duval, Phil Odom, Michael Krings, Sarah Hoops, Ginny Skutnik, Everett Goebel. Nays: None. Absent: Chuck Niemeyer. The motion carried.

REGULAR AGENDA:

Public hearing on the request of Bradley Dusatko, Mary Lanning Healthcare, to rezone lots located at 826 N. St. Joseph Avenue, 744 N. Hastings Avenue and 714 N. Hastings Avenue from District R-3, Multiple Family Residential District to District CMP, Campus Institutional District.

No one appeared to speak in favor.

No one appeared to speak in opposition.

The City Clerk advised that her office had received no written objections.

There being no other persons wishing to speak, Council President Duval declared the hearing closed.

ORDINANCE NO. 4471. . .AMENDING THE OFFICIAL ZONING DISTRICT MAP OF THE CITY OF HASTINGS, NEBRASKA TO REZONE THE SOUTH 21.5 FEET OF LOT 10 AND THE NORTH 33.25 FEET OF LOT 11, SCOFIELD'S ADDITION, AN ADDITION TO THE CITY OF HASTINGS, ADAMS COUNTY, NEBRASKA; LOT 11, BLOCK 2, CLINE'S ADDITION, AN ADDITION TO THE CITY OF HASTINGS, ADAMS COUNTY, NEBRASKA; AND THE SOUTH HALF OF LOT 18, BLOCK 3, BUSWELL'S ADDITION, AN ADDITION TO THE CITY OF HASTINGS, ADAMS COUNTY, NEBRASKA FROM “R-3, MULTIPLE FAMILY RESIDENTIAL DISTRICT” TO “CMP, CAMPUS INSTITUTIONAL DISTRICT.

Said Ordinance was read by title and thereafter Councilmember Michael Krings moved for passage of the ordinance, which motion was seconded by Councilmember Ginny Skutnik.

Council President Duval then stated the question “Shall Ordinance No. 4471 be passed and adopted?”

Upon roll call vote the following Councilmembers voted Ayes: John Harrington, Kathy Duval, Phil Odom, Michael Krings, Sarah Hoops, Ginny Skutnik, Everett Goebel. Nays: None. Absent: Chuck Niemeyer. The motion carried.

Councilmember Michael Krings moved that the statutory rule requiring reading on three different days be suspended; Councilmember Everett Goebel seconded the motion to suspend the rules and upon roll call vote the following Councilmembers voted Ayes: John Harrington, Kathy Duval, Phil Odom, Michael Krings, Sarah Hoops, Ginny Skutnik, Everett Goebel. Nays: None. Absent: Chuck Niemeyer. 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 passage and adoption of said ordinance having been concurred in by a majority of all members of the Council, Council President Duval declared the ordinance adopted upon second and final reading and the Council President Duval signed and approved the ordinance. City Clerk attested the passage approval of the same and affixed her signature thereto. Published in the Hastings Tribune on February 12, 2016. Effective date of the ordinance is February 24, 2016.

Moved by Phil Odom seconded by John Harrington to approve the application of Walter Dieken for final plat of proposed Dieken Subdivision. Roll Call: Ayes: John Harrington, Kathy Duval, Phil Odom, Michael Krings, Sarah Hoops, Ginny Skutnik, Everett Goebel. Nays: None. Absent: Chuck Niemeyer. The motion carried.

Public hearing on the request of Walter Dieken to bring Dieken Subdivision into the corporate limits of the City of Hastings.

No one appeared to speak in favor.

No one appeared to speak in opposition.

The City Clerk advised that her office had received no written objections.

There being no other persons wishing to speak, Council President Duval declared the hearing closed.

Moved by Ginny Skutnik, seconded by Sarah Hoops to approve the request of Walter Dieken to bring Dieken Subdivision into the corporate limits of the City of Hastings. Roll Call: Ayes: John Harrington, Kathy Duval, Phil Odom, Michael Krings, Sarah Hoops, Ginny Skutnik, Everett Goebel. Nays: None. Absent: Chuck Niemeyer. The motion carried.

Moved by John Harrington seconded by Ginny Skutnik to adopt Safety Mission Statement with goals for City of Hastings. Roll Call: Ayes: John Harrington, Kathy Duval, Phil Odom, Michael Krings, Sarah Hoops, Ginny Skutnik, Everett Goebel. Nays: None. Absent: Chuck Niemeyer. The motion carried.

Moved by Everett Goebel seconded by Ginny Skutnik to approve bid award to Murphy Tractor & Equipment Co. Inc., 3204 S. Engleman Road, Grand Island, NE 68803, for one 3060 K, Doppstadt Shredder for the Solid Waste Department in the amount of \$506,482.00. (payment upon delivery - \$250,000.00, principal financed - \$256,482.00, interest rate - 2.750% for four years, and annual installment in arrears of \$68,645.83) Roll Call: Ayes: John Harrington, Kathy Duval, Phil Odom, Michael Krings, Sarah Hoops, Ginny Skutnik, Everett Goebel. Nays: None. Absent: Chuck Niemeyer. The motion carried.

Moved by Phil Odom seconded by Ginny Skutnik to approve Resolution No. 2016-3. . . Approving Call for early redemption and prepayment of principal balance of Various Purpose Bonds, Series 2010.

Phil Lorenzen, D.A. Davidson, spoke on behalf of this item. The City has accumulated funds from collection of special assessments over time. We periodically refunded bonds. Discussion with Joe Patterson (City Administrator) and Barb Adler (City Treasurer) including the budgeting process, they determined it is advisable to pay down additional debt for the City. The first issue of \$600,000 has an

average interest rate of 3.5 percent. The second issue has an average of 3.75 percent. Phil will work with Barb Adler to process a call on March 25th with Wells Fargo. Wells Fargo requests a 45-day notice.

Roll Call: Ayes: John Harrington, Kathy Duval, Phil Odom, Michael Krings, Sarah Hoops, Ginny Skutnik, Everett Goebel. Nays: None. Absent: Chuck Niemeyer. The motion carried.

Moved by John Harrington seconded by Everett Goebel to approve Resolution No. 2016-4... Approving Call for early redemption and prepayment of principal balance of Refunding Bonds, Series 2011.

Roll Call: Ayes: John Harrington, Kathy Duval, Phil Odom, Michael Krings, Sarah Hoops, Ginny Skutnik, Everett Goebel. Nays: None. Absent: Chuck Niemeyer. The motion carried.

Moved by Ginny Skutnik seconded by Sarah Hoops to approve Resolution No. 2016-5... Approving reimbursement resolution to enable recovery through proceeds of issuance of bonds or notes of City funds temporarily advanced for initial street and related capital project expenditures.

Phil Lorenzen spoke on behalf of this item. In late 2013 the City adopted the reimbursement resolution for the purpose of preserving their ability to borrow for capital improvements on a tax exempt basis to advance money to the City. The City advanced money on a number of projects. In late 2013 the City issued highway allocation bonds in the amount of \$700,000 that used up part of the reimbursement resolution. In moving forward with projects this construction season, it seems logical to put in place another reimbursement resolution. This doesn't obligate the City to borrow, but it preserves the ability to do that on a tax exempt basis. Phil stated it is good insurance to put in place.

Roll Call: Ayes: John Harrington, Kathy Duval, Phil Odom, Michael Krings, Sarah Hoops, Ginny Skutnik, Everett Goebel. Nays: None. Absent: Chuck Niemeyer. The motion carried.

Public comment by Loren Wehling. Information attached to and made a part of these minutes.

Moved by Michael Krings seconded by Ginny Skutnik to go into closed session at 6:05 P.M. for reason of negotiations. Roll Call: Ayes: John Harrington, Kathy Duval, Phil Odom, Michael Krings, Sarah Hoops, Ginny Skutnik, Everett Goebel. Nays: None. Absent: Chuck Niemeyer. The motion carried.

Moved by Ginny Skutnik seconded by Michael Krings to come out of closed session at 7:13 P.M. Roll Call: Ayes: John Harrington, Kathy Duval, Phil Odom, Michael Krings, Sarah Hoops, Ginny Skutnik, Everett Goebel. Nays: None. Absent: Chuck Niemeyer. The motion carried.

Moved by Everett Goebel seconded by Kathy Duval there being no further business to adjourn at 7:15 P.M. Roll Call: Ayes: John Harrington, Kathy Duval, Phil Odom, Michael Krings, Sarah Hoops, Ginny Skutnik, Everett Goebel. Nays: None. Absent: Chuck Niemeyer. The motion carried.

APPROVED:

Vern P. Powers, Mayor

ATTEST:

Kimberly S. Jacobitz, City Clerk

(S E A L)