

COUNCIL CHAMBERS, MONDAY, JANUARY 23, 2011 AT 7:00 P.M.

The meeting was called to order in regular session by Mayor Powers with the following members present: Harrington, Peterson, Odom, Niemeyer, Glen, Krings, Oatman, Goebel. Absent: None.

Moved by Niemeyer, seconded by Goebel that the Open Meetings Act is posted on the southeast wall of the City Council Chambers and that prior to this meeting a notice was placed in the Hastings Tribune on January 20, 2012, that notice was posted in three public places, that each Councilmember and Mayor received a copy of the proposed agenda and that an agenda for such meeting, kept continuously current, is available for public inspection and that said meeting is held in open session. Roll Call: Ayes: Harrington, Peterson, Odom, Niemeyer, Glen, Krings, Oatman, Goebel. Nays: None. The motion carried.

CITIZEN COMMUNICATIONS: None.

MAYOR'S COMMUNICATIONS: The Mayor presented to Street employee, Rick Wilbur, a Certificate of Recognition for his actions on December 4, 2011. On the 4th of December, 2011 the Street Department had equipment out blading snow covered streets. At approximately 2:00 A.M., Mr. Wilbur was driving a truck mounted snowplow on South Street and he turned from South Street onto South St. Joseph Avenue. After making the turn he observed something motionless in the street in front of him. Mr. Wilbur exited his truck, approached and found an adult male semiconscious laying in the snow. He could not communicate with the subject so he called 911 for assistance and the male was transported to Mary Lanning Memorial Hospital. Dick Douglas, Street Superintendent, received a phone call from the man saying he was the person that Mr. Wilbur found and wanted Mr. Wilbur's phone number to contact him. Mr. Douglas took the man's information and stated he would have Mr. Wilbur contact him. Mr. Douglas stated the man told him that when he arrived at the hospital, his body core temperature was 88° and felt if Mr. Wilbur had not found him that he would not have lived. Mr. Wilbur did contact him a few days later and the man was very grateful.

Moved by Harrington, seconded by Krings that the following items on the Consent Agenda be approved:

- 1(a) Minutes of the Council Meeting of January 9, 2012.
- 4(a) Payroll for the period ending January 21, 2012, paid January 27, 2012.
- 4(b) Authorizing the City Clerk to issue checks against the various funds for payment of claims. (Claims attached to and made a part of these minutes).
- 5(a) Department Monthly Reports received and placed on file.

Roll Call: Ayes: Harrington, Peterson, Odom, Niemeyer, Glen, Krings, Oatman, Goebel. Nays: None. The motion carried.

Moved by Odom, seconded by Peterson that the Mayor be authorized to execute contract between the City of Hastings and The Mary Lanning Memorial Hospital Association for the Medical Director and Ambulance Funding. Roll Call: Ayes: Harrington, Peterson, Odom,

Niemeyer, Glen, Krings, Oatman, Goebel. Nays: None. The motion carried.

Moved by Glen, seconded by Harrington that the Mayor be authorized to execute Interlocal Agreement between the City of Hastings and Adams County for Ambulance Service.

Councilman Odom stated Section 3(a) of the agreement says “the City agrees to furnish all tools, equipment, supplies, superintendence, transportation, and other accessories, service and facilities which are necessary for the performance of Emergency Ambulance Service in the aforementioned area”, and his concern is with “facilities”. Councilman Odom stated he doesn’t think we intend to build ambulance barns or firehouses and believes the word facilities should be removed.

Moved by Odom, seconded by Niemeyer that Section 3(a) of the Interlocal Agreement for ambulance service with Adams County be amended to remove the word “facilities”.

Fire Chief Kent Gilbert asked the Council to look at No. 9 of the Interlocal Agreement which states “in the event a volunteer ambulance service ceases its function, the City of Hastings agrees to provide an ambulance response from Hastings to those areas within Adams County”. Chief Gilbert stated the communities that don’t have ambulance service are the ones that are the closest to Hastings and that would be Juniata, Hastings Rural, which surrounds us, and Trumbull. Roseland, Holstein & Bladen have their own service, but if those services were to go away that is when we would supply a response from Hastings. At the very beginning of No. 3 of the Interlocal Agreement it says “those areas not served by a volunteer ambulance service. .”, currently all those outlying areas are served, but in the event one of them went away then we would supply a response from Hastings. We don’t really have an obligation to supply the things that are listed if they are in competition with the local volunteer ambulance service. Chief Gilbert stated his belief is that No. 9 of the Interlocal Agreement balances out No. 3 of the Interlocal Agreement, but if the Council wants the word “facilities” removed then we can do that, he isn’t opposed to that.

Councilman Odom stated he understands what the Fire Chief is saying, but isn’t sure that he agrees with him. Councilman Odom stated the way he reads this is that someone in the future could point to this and say the agreement says you are going to provide all the transportation, superintendence, supplies and facilities. If we want to add facilities in in the future, then it would be up to a future Council to come back and put facilities back in the agreement. If someone can tell him that removing the word “facilities” would hurt this agreement, then he is fine and we will live with it; just doesn’t want to commit us to something.

Chief Gilbert stated he would agree that there is no harm in removing it, can’t speak for the Adams County Board, but doesn’t believe they will see that as a significant change.

Councilman Niemeyer stated he agrees with Councilman Odom, we all know what the intent of the agreement is here and that is to bring our ambulance out to meet a victim out of our area and then bring them in. Doesn’t see that taking the word “facilities” out would hinder anything and he also would be more comfortable if that word was removed.

Councilman Goebel stated if one of the outlying services did go away, we would still send the ambulance from our facility, we would not man their existing facility.

Chief Gilbert stated that that is correct.

Vote on the amendment. Roll Call: Ayes: Harrington, Peterson, Odom, Niemeyer, Glen, Krings, Oatman, Goebel. Nays: None. The amendment is passed and approved.

Vote on the main motion as amended. Roll Call: Ayes: Harrington, Peterson, Odom, Niemeyer, Glen, Krings, Oatman, Goebel. Nays: None. The motion as amended is passed and approved.

Moved by Harrington, seconded by Niemeyer that the Mayor and Council award contract, in an amount not to exceed \$108,000, to Alley, Poyner, Macchietto Architecture, P.C. for architectural services on Phase II of the Duncan Field Renovation Project and a not to exceed amount of \$36,000 for Phase III services and that the Mayor be authorized to execute said contract.

Eric Christensen, Director of Parks and Recreation, stated the Duncan Field Renovation Committee has already worked with Alley Poyner Macchietto to develop just some concepts for the renovation. This contract has been reviewed by the City Engineer and the City Attorney and we are comfortable with the language. Phase II would be to prepare the construction documents to go out for bidding and Phase III would actually be their work during construction. Mr. Christensen stated it showed up in the paper today that there was an elevator included in that concept and at this point, there is not an elevator included unless at some point that we are told by state statutes that we definitely have to put one in.

The Mayor asked if we have a final drawing on it yet.

Mr. Christensen stated for the most part we have a drawing and that drawing is available on the City's website and there is also a virtual tour that takes you through it.

Councilmember Peterson asked Mr. Christensen to talk about accessibility if there isn't an elevator at this time.

Mr. Christensen stated basically the early plans for that elevator was to get up to the top level, however, there are ramps planned and right now behind home plate there are areas for wheel chairs and people with disabilities.

Vote on the motion. Roll Call: Ayes: Harrington, Peterson, Odom, Niemeyer, Glen, Krings, Oatman, Goebel. Nays: None. The motion carried.

Moved by Goebel, seconded by Glen that the Mayor be authorized to execute Employment Agreement between the City of Hastings and City Administrator Donald Joe Patterson. Roll Call: Ayes: Harrington, Peterson, Odom, Niemeyer, Glen, Krings, Oatman, Goebel. Nays: None. The motion carried.

RESOLUTION NO. 2012-1

WHEREAS, the Hastings City Council, sitting as a Board of Equalization has levied special assessments on certain properties that have been specially benefitted by street improvements; and

WHEREAS, the owners of the properties, legally described below, have failed to make the necessary payments on their special assessments and there are currently unpaid and/or delinquent installments on the properties described below; and

WHEREAS, the City Council wishes to take the necessary steps to collect those assessments in full; and

WHEREAS, Neb. Rev. Stat §16-622 requires that the City Council adopt a resolution accelerating all delinquent assessments and calling them due before foreclosure can commence; and

WHEREAS, the City Attorney will take the necessary steps to ensure that all assessments on the properties legally described below are collected and paid to the City of Hastings.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Hastings, Nebraska, as follows:

1. That all special assessments levied by the City of Hastings on the properties legally described below are hereby accelerated, and all future installments on said special assessments are hereby declared due and payable on or before the 23rd day of March, 2012.

Koch Property

Lots Nineteen (19) and Twenty (20) except the East Fifty (50) feet thereof of Block One (1), Keller's Addition to the City of Hastings, Adams County, Nebraska, according to the recorded plat thereof.

Lighthill Property

Lots Seven (7), Eight (8), and Nine (9), except the North Twenty (20) feet of Lot Nine (9), Block Ten (10), Sewell's Addition to the City of Hastings, Adams County, Nebraska, according to the recorded plat thereof.

And all assessments remaining unpaid after the 23rd day of March, 2012 will be deemed delinquent without further action by the City of Hastings.

2. Payment shall be made to the Hastings City Clerk, at 220 North Hastings Avenue, Hastings, Nebraska 68901, by cash or certified check.
3. The Hastings City Clerk shall cause a copy of this Resolution to be sent by first-class mail to Roger D. Koch and Paula R. Koch, Marina Krull, POA for Paula Loch and Leland Lighthill, as the record owners of each of the above legally described properties.

Moved by Harrington, seconded by Krings that Resolution No. 2012-1 be passed and approved.

Bob Sullivan, City Attorney, stated this resolution allows us to foreclose on some street assessments that have been unpaid for quite awhile and the value of the property far exceeds the cost of the assessments at this point. One of the properties has a dilapidated home on it that is in need of destruction, but we can't go through that process until we close out with the bank that may or may not have a lien on the property.

Vote on the motion. Roll Call: Ayes: Harrington, Peterson, Odom, Niemeyer, Glen, Krings, Oatman, Goebel. Nays: None. The motion carried.

RESOLUTION NO. 2012-3

WHEREAS, in 1942 the City of Hastings purchased the following real estate by deed for the use of Hastings Utilities for construction of a facility for a gas regulator for delivery of gas to customers and ratepayers of Hastings Utilities:

The West Twenty-five Feet (W25') of Lot Six (6) in Morledge's Addition to Block Eleven (11) of Moore's Addition to the City of Hastings, Adams County, Nebraska (Parcel No. 1); and

WHEREAS, the use of said gas regulator by Hastings Utilities for a utility purpose ceased and the facility created therefore has been razed; and

WHEREAS, at this time Hastings Utilities no longer has a utility use for the said Parcel No. 1; and

WHEREAS, at this time the City of Hastings has no other use for the said Parcel No. 1; and

WHEREAS, on account of its size and location the said Parcel No. 1 may not be separated or platted for any private use under the ordinances of the City of Hastings; and

WHEREAS, a potential future use of the said parcel of real estate may be required by Hastings Utilities for a padmount transformer and switch for underground and electrical supply lines; and

WHEREAS, an easement upon the following parcel of real estate is available for the potential future use by Hastings Utilities for a padmount transformer and switch equivalent to the potential future use of the said Parcel No. 1:

The South Twenty-One Feet (S21') of the East Sixteen Feet (E16') of Lot Three (3) of Kerr's Subdivision of Gaslin's Addition to the City of Hastings, Adams County, Nebraska (Parcel No. 2); and

WHEREAS, Gregory L. Sinner and Kathryn E. Sinner, husband and wife, are the title-holders of Parcel No. 2; and

WHEREAS, Gregory L. Sinner and Kathryn E. Sinner, husband and wife, are negotiating for the purchase of the balance of Lot Six (6) adjacent to Parcel No. 1 identified hereinabove; and

WHEREAS, Gregory L. Sinner and Kathryn E. Sinner, husband and wife, have proposed purchase of Parcel No. 1 for the consideration of \$500.00 and conveyance of a perpetual public utilities easement upon Parcel No. 2 sufficient for such potential future use for placement of a padmount transformer and switch for an underground electric supply line and other utility uses; and

WHEREAS, the said purchase and exchange would be fair and reasonable and in the best interest of the City of Hastings if Gregory L. Sinner and Kathryn E. Sinner are successful in their

negotiations for purchase of the portion of Lot Six (6) adjacent to Parcel No. 3.

WHEREFORE it is hereby resolved by the Mayor and Council of the City of Hastings, that if Gregory L. Sinner and Kathryn E. Sinner, husband and wife, are successful in their negotiations for purchase of the option of Lot Six (6) adjacent to Parcel No. 1 entitled in the name of the City of Hastings and if they provide evidence of a binding contract for purchase thereof, the Mayor and Council find that the proposed transaction is fair and reasonable and in the best interest of the City of Hastings, that the City of Hastings should accept the said proposal for purchase of Parcel No. 1 by Gregory L. Sinner and Kathryn E. Sinner, husband and wife, for the consideration of \$500.00 and the conveyance to the City of Hastings of a public utilities easement upon Parcel No. 2 and that the Mayor of the City of Hastings should be hereby authorized to execute a quitclaim deed for conveyance of said Parcel No. 1 to Gregory L. Sinner and Kathryn E. Sinner, husband and wife.

Moved by Odom, seconded by Goebel that Resolution No. 2012-3 be passed and approved.

Marvin Schultes, Utilities Manager, stated this is a 22' by 22' piece of property that was used years ago for a gas regulator.

Councilman Goebel stated the sale of this piece of property is contingent upon the Sinners getting full title to Lot No. 6 and Hastings Utilities is getting a perpetual easement on a small parcel of land on the opposite side of the alley which would provide sufficient space for a padmount transformer if there is a need at some point in the future.

Greg Sinner of Doniphan, Nebraska stated he does have a contract in force and we will close in early February for the adjoining property.

Roll Call: Ayes: Harrington, Peterson, Odom, Niemeyer, Glen, Krings, Oatman, Goebel.
Nays: None. The motion carried.

REPORTS OF LIAISONS: Councilman Goebel stated the Mayor's Youth Council will be meeting on January 26, 2012 and they will be presenting to Amy Greenland, Library Director, a check for the library renovations. The check they will be presenting to Ms. Greenland represents funds from the Middle School dance they had on December 30, 2012.

At the January 12th Board of Public Works Meeting there was a presentation given by Jim DeTour about the reliability organizations and standards and regional transmission of electric power and how electric power is bought and sold.

Moved by Odom, seconded by Goebel that the February 27, 2012 Council Meeting be changed to February 28, 2012. Roll Call: Ayes: Harrington, Peterson, Odom, Niemeyer, Glen, Krings, Oatman, Goebel. Nays: None. The motion carried.

Moved by Harrington, seconded by Niemeyer there being no further business to come before the Council, the meeting adjourn at 7:25 P.M. Roll Call: Ayes: Harrington, Peterson, Odom, Niemeyer, Glen, Krings, Oatman, Goebel. Nays: None. The motion carried.

1-23-2012

APPROVED:

Mayor

ATTEST:

City Clerk

(S E A L)