

COUNCIL CHAMBERS, TUESDAY, FEBRUARY 28, 2012 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, Oatman, Goebel. Absent: Glen, Krings.

Moved by Harrington, seconded by Niemeyer that the Open Meetings Act is posted on the south-east wall of the City Council Chambers and that prior to this meeting a notice was placed in the Hastings Tribune on February 24, 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, Oatman, Goebel. Nays: None. Absent: Glen, Krings. The motion carried.

CITIZEN COMMUNICATIONS: None.

MAYOR'S COMMUNICATIONS: The Mayor stated there were some comments in the community that something the City ought to try is an annual audit. We have an audit which we have had every year for many many years. If anyone is interested in looking at the audit, they can come down to City Hall and we will see that they get a copy of it.

The Mayor stated tonight is the last Council Meeting for Eric Christensen, Parks & Recreation Director. The Mayor thanked Eric for his many years of service to the City of Hastings and wished him well in his new employment.

Moved by Niemeyer, seconded by Odom that the following items on the Consent Agenda be approved:

- 1(a) Minutes of the Council Meeting of February 13, 2012.
- 2(a) Manager Application of Iliana B. Garcia in connection with the Class "C" Liquor License of El Pun Pun, Inc. located at 212 West 2nd Street.
- 2(b) Request of Gabriel Sanchez dba "Sanchez Restaurant" for an addition to liquor licensed premise to add second floor of building.
- 2(c) Application of Juan Rene Laza dba "El Tropic" for a Special Designated License at the Adams County Fairgrounds on May 19, 2012.
- 4(a) Payroll for the period ending March 3, 2012, paid March 9, 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, Oatman, Goebel. Nays: None. Absent: Oatman, Goebel. The motion carried.

At this time a public hearing was held on the proposed redevelopment project by Mesner Development Company and amendments to Redevelopment V.

Randy Chick, Director the Community Redevelopment Authority (CRA) appeared to speak in favor. Mr. Chick stated this item was actually approved last summer by the Planning Commission and the City Council. We are making one change which is changing the effective date of the project as it relates to Tax Increment Financing. That date is changing from January 1, 2010 to January 1, 2011.

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, the Mayor declared the hearing closed.

RESOLUTION NO. 2012-4

WHEREAS, the Community Redevelopment Authority of the City of Hastings, Nebraska has prepared the Mesner Development, Co., Redevelopment Plan Modification to Redevelopment Plan V;

WHEREAS, the Community Redevelopment Authority has recommended approval of said Redevelopment Plan and forwarded the Plan Modification to the Hastings City Council for its approval;

WHEREAS, the Plan Modification has been accompanied by the recommendation of the Hastings Planning Commission and other information required by statute;

WHEREAS, the Hastings City Council has now reviewed the Plan Modification and the information required by statute including, but not necessarily limited to, the Mesner Development Co., Plan Modification, Cost Benefit Analysis and Redevelopment Plan V, as amended to date, and the general plan for the development of the City as a whole;

WHEREAS, the Hastings City Council held a hearing on the Mesner Development Co., Redevelopment Plan Modification on the 28th day of February, 2012.

WHEREAS, the Hastings City Council found the Redevelopment Plan Modification to be feasible and in conformity with the general plan of redevelopment of the City as a whole, and is in conformity with the legislative declaration and determination set forth in Neb. Rev. Stat. 28-201 et seq. amended from time to time;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF HASTINGS, NEBRASKA THAT:

- (1) The Mesner Development Co., Redevelopment Plan Modification, a copy which is attached thereto marked Exhibit "A" and incorporated herein by this reference, is hereby approved;
- (2) The Community Redevelopment Authority of the City of Hastings, Nebraska is hereby authorized to take such actions as are necessary to implement the Redevelopment

Project and the actions of the Authority and its officers and/or members are hereby ratified and confirmed in all respects; and

(3) The Tax Allocation Agreement providing for the division of Tax Increment funds is approved in all respects and the Mayor is thereby authorized to execute the same and all other documents as necessary to complete the Project in accordance with the Redevelopment Plan Modification.

Moved by Harrington, seconded by Peterson that Resolution No. 2012-4 be passed and approved. Roll Call: Ayes: Harrington, Peterson, Odom, Niemeyer, Oatman, Goebel. Nays: None

Absent: Glen, Krings. The motion carried.

At this time a public hearing was held on the 2012 Incremental Annexation of Centennial Plastics Central Logistics, Inc., ECHO Company and L & H Manufacturing.

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.

The Mayor declared the hearing closed.

ORDINANCE NO. 4320

AN ORDINANCE OF THE CITY OF HASTINGS, NEBRASKA, TO EXTEND THE BOUNDARIES AND INCLUDE WITHIN THE CORPORATE LIMITS OF AND ANNEX TO THE CITY OF HASTINGS, NEBRASKA, CERTAIN CONTIGUOUS AND ADJACENT LANDS OUTSIDE OF THE CITY OF HASTINGS, ADAMS COUNTY, NEBRASKA; AND TO PROVIDE FOR SERVICE BENEFITS THERETO (Annexing the 1st 20% of Centennial Plastics)

Said Ordinance was read by title and thereafter Councilman Niemeyer moved for passage of the ordinance on 1st reading only, which motion was seconded by Councilman Odom.

The Mayor then stated the question was "Shall Ordinance No. 4320 be passed on 1st reading only?" Upon roll call voted the following Councilmen voted YEA: Harrington, Peterson, Odom, Niemeyer, Oatman, Goebel. NAY: NONE. ABSENT: Glen, Krings. Ordinance No. 4320 passed on 1st reading only.

ORDINANCE NO. 4321

AN ORDINANCE OF THE CITY OF HASTINGS, NEBRASKA, TO EXTEND THE BOUNDARIES AND INCLUDE WITHIN THE CORPORATE LIMITS OF AND ANNEX TO THE CITY OF HASTINGS, NEBRASKA, CERTAIN CONTIGUOUS AND ADJACENT LANDS OUTSIDE OF THE CITY OF HASTINGS, ADAMS COUNTY, NEBRASKA; AND TO PROVIDE FOR SERVICE BENEFITS THERETO (Annexing the 3rd % of Central Logistic Services, Inc.)

Said Ordinance was read by title and thereafter Councilman Harrington moved for passage of the ordinance on 1st reading only, which motion was seconded by Councilman Niemeyer.

The Mayor then stated the question was “Shall Ordinance No. 4321 be passed on 1st reading only?” Upon roll call vote the following Councilmen voted YEA: Harrington, Peterson, Odom, Niemeyer, Oatman, Goebel. NAY: None. ABSENT: Glen, Krings. Ordinance No. 4321 passed on 1st reading only.

ORDINANCE NO. 4322

AN ORDINANCE OF THE CITY OF HASTINGS, NEBRASKA, TO EXTEND THE BOUNDARIES AND INCLUDE WITHIN THE CORPORATE LIMITS OF AND ANNEX TO THE CITY OF HASTINGS, NEBRASKA, CERTAIN CONTIGUOUS AND ADJACENT LANDS OUTSIDE OF THE CITY OF HASTINGS, ADAMS COUNTY, NEBRASKA; AND TO PROVIDE FOR SERVICE BENEFITS THERETO (Annexing the 5th & final 20% of ECHO Company)

Said Ordinance was read by title and thereafter Councilman Odom moved for passage of the ordinance on 1st reading only, which motion was seconded by Councilman Goebel.

The Mayor then stated the question was “Shall Ordinance No. 4322 be passed on 1st reading only?” Upon roll call vote the following Councilmen voted YEA: Harrington, Peterson, Odom, Niemeyer, Oatman, Goebel. NAY: None. ABSENT: Glen, Krings. Ordinance No. 4322 passed on 1st reading only.

ORDINANCE NO. 4323

AN ORDINANCE OF THE CITY OF HASTINGS, NEBRASKA, TO EXTEND THE BOUNDARIES AND INCLUDE WITHIN THE CORPORATE LIMITS OF AND ANNEX TO THE CITY OF HASTINGS, NEBRASKA, CERTAIN CONTIGUOUS AND ADJACENT LANDS OUTSIDE OF THE CITY OF HASTINGS, ADAMS COUNTY, NEBRASKA; AND TO PROVIDE FOR SERVICE BENEFITS THERETO (Annexing the 5th & final 20% of L & H Manufacturing)

The Mayor then stated the question was “Shall Ordinance No. 4324 be passed on 1st reading only?” Upon roll call vote the following Councilmen voted YEA: Harrington, Peterson, Odom, Niemeyer, Oatman, Goebel. NAY: None. ABSENT: Glen, Krings. Ordinance No. 4323 passed on 1st reading only.

Moved by Goebel, seconded by Odom that the Mayor and Council approve the award of a contract for Low NOx Burners/Overfire Air Dampers (Formal Contract No. 17512065.3301) for WEC Unit 1 to Fuel Tech, Inc., Warrenville, Illinois in the amount of \$1,588,802.52 which includes applicable sales tax.

Marvin Schultes, Hastings Utilities Manager, stated this item is budgeted in the Electric Budget and it is to meet tighter environmental standards at Whelan Energy Center 1. Bid were received for the material on February 1st and five bids were received. The bids have been evaluated and recommended to the Board of Public Works. The Board of Public Works met on February 27th and awarded the contract and the recommendation is approval of award of contract to Fuel Tech, Inc.

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

Moved by Harrington, seconded by Odom that the Mayor and Council approve the Hastings Wellhead Protection Groundwater Area Action Plan as recommended by the Board of Public Works to be effective July 1, 2012.

The Mayor stated we have had discussions on this with NRD's and County Board for nearly two years.

Mr. Schultes stated there was also a public hearing held at the Adams County Fairgrounds on February 7th. This is a plan to try and reduce the nitrates, nitrates continue to increase in this area and we are continuing to have more trouble with the nitrate level. When the level gets to 10 we have to take the well out of service and we have lost a number of wells. This plan is an effort to try to look at the area and see if there is something we can do long term to reduce the nitrates or slow the increase. Mr. Schultes stated the Little Blue Natural Resource District and the Big Blue Natural Resource District has worked closely with Hastings Utilities.

Councilman Odom stated wanted to thank the Little Blue Natural Resource District and the Big Blue Natural Resource District for all their work on this. Councilman Odom stated he sees this plan as a working document that can be changed from time to time.

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

RESOLUTION NO. 2012-5

WHEREAS, pursuant to Chapter 39, Article 21 of the Revised Statutes of the State of Nebraska, the City of Hastings, Nebraska has established a One and Six Year Plan for street improvements based on priority needs and constructions to the orderly Development for an integrated statewide system for highways, roads and streets in the State of Nebraska and the City of Hastings, and;

WHEREAS, the City of Hastings, Nebraska, a municipal corporation, pursuant to Section 39-2119 of said statutes , has conducted a public hearing thereon, and

WHEREAS, a public hearing was held by the Planning Commission on February 20, 2012 at 220 North Hastings Avenue, and;

WHEREAS, following the hearing the Planning Commission approved the Plan as presented.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF HASTINGS, NEBRASKA:

Section 1. That the One and Six Year Plans as prepared by the City Engineer and recommended by the Planning Commission of the City of Hastings, Nebraska, is hereby approved and

such plans shall be submitted to the Board of Public Roads, Classifications and Standards no later than March 1, 2012.

Section 2. That this resolution shall be submitted with said One and Six Year Plans to the Board of Public Roads, Classifications and Standards.

Moved by Goebel, seconded by Harrington that Resolution No. 2012-5 be passed and approved.

At this time Dave Wacker, City Engineer, presented the One & Six Year Plan to the Mayor and Council (Presentation attached to and made a part of these minutes).

Councilmember Peterson stated when we think about streets, we always thought streets were just for cars and the State has worked really hard to start to look at what they call "complete streets". Streets are not just for cars, streets are a way to transport people whether it is by vehicle, bikes, walking or small motorized vehicle. Councilmember Peterson stated as City Engineer Wacker was talking, she was trying to keep in mind the broader scope of these issues knowing we don't have a lot of money. Councilman Peterson asked the City Engineer to give us a ball park figure on resurfacing just one block.

The City Engineer stated it is running \$100 per foot right now just for asphalt. If you look at the evaluation between a new full depth asphalt street and a new full depth concrete street, it is cheaper to build concrete streets today. If you look at a life cycle analysis in our temperate climate, concrete is the preferred choice. Many communities around us have identified with that and developers in our area have also recognized that too.

Councilmember Peterson questioned where is the idea of more complete streets and how do you address that.

The City Engineer stated we have a model project right now that we are all trying to work on together and it is the last federal model project number that was left. That project is 12th Street from 6th Avenue to Elm Avenue, adjacent to Hastings College. What that will involve is traffic, sidewalks, pedestrian trail way and hopefully aesthetics and some ornamental street lighting. The City Engineer stated we had a meeting in Lincoln on February 27th and we are trying to blend all of those items into that, along with landscaping. We are truly trying to make it a character street that we have outlined and identified in the Comprehensive Land Use Plan. Most likely at the end of March, 2011, there will be a public meeting or public hearing, hopefully on Hastings College property, where our concepts will be laid out and we will have some considerations for the public to come in and give their input.

Councilman Goebel stated he knows from the report that that 12th Street project road construction won't begin until early in 2013. There is a lot of utility work that is going to have to be done, especially some major sewer work and questioned if we are going to have to wait for time on that too.

The City Engineer stated that was the purpose of our meeting yesterday. About a month ago he had requested a meeting to come up with five major issues to try and resolve. One of them is to see where our environmental document was. We had the announcement of the trail that was going to be folded into the project which is going to affect certain things. The City Engineer stated we were informed yesterday that they are looking at favorable federal funding for underground power lines with enhancement funds. We also learned that if we come up with three

types of street lights that are ornamental in nature and approval from the public, they will allow us to bid those and enhancement funds could take care of some of the beautification whereas the STP fund allocation will take care of more of the functional things. We have to have funds obligated on utilities no later than September 1st of this year or that money is lost. Yesterday we set a goal to have utility plans prepared by May 15th and get those submitted into Lincoln, The City Engineer stated he also talked to people today about getting that step done. We were informed yesterday that some historical review may take up to four months and he has had close involvement with those people and invited them out to Hastings.

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

REPORTS OF LIAISONS: Councilman Goebel stated the Mayor's Youth Council will be meeting on March 1, 7:30 P.M. in the City Council Chambers.

Councilman Goebel reported on the Board of Public Works meeting of February 15, 2012. The Board of Public Works spent some time looking at Nox burners and overfire air damper project that we voted to accept a bid on tonight. Councilman Goebel stated that did include the installation of a natural gas burner. The boiler would still be heated with coal, but putting the burner in at this time when it was open for other changes would make it so that in the future we can decide to go to natural gas rather than coal. Councilmember Goebel stated it is a one shot deal on changing from coal to natural gas. The Board of Public Works also approved the application for economic development assistance for Drake Tool & Design for new equipment and new jobs. There was discussion on the Wellhead Protection Area Plan. The construction project at Whelan Energy Center 2 over the past few years did receive an award February 15th in Lincoln for being the best electrical construction (over \$10,000,000) this past year from the Nebraska Chapter Associated Builders and Contractors.

Councilman Odom stated he would like Dave Rippe, Director of the Economic Development Corporation, to address the Mayor and Council at a June, 2012 meeting and a January, 2013 to give a report on the use of public dollars that the Hastings Economic Development Corporation receives from Hastings Utilities and/or City of Hastings. This money is to be used for bringing jobs to Hastings.

Moved by Harrington, seconded by Niemeyer that the Mayor and Council go into Executive Session at 7:50 P.M. to discuss litigation. Roll Call: Ayes: Harrington, Peterson, Odom, Niemeyer, Oatman, Goebel. Nays: None. Absent: Glen, Krings. The motion carried.

Moved by Odom, seconded by Goebel that the Mayor and Council go out of Executive Session into Regular Session at 8:25 P.M. Roll Call: Ayes: Harrington, Peterson, Odom, Niemeyer, Oatman, Goebel. Nays: None. Absent: Glen, Krings. The motion carried.

Moved by Niemeyer, seconded by Harrington there being no other business to come before the Council, the meeting adjourn at 8:25 P.M. Roll Call: Ayes: Harrington, Peterson, Odom, Niemeyer, Oatman, Goebel. Nays: None. Absent: Glen, Krings. The motion carried.

2-28-2012

APPROVED:

Mayor

ATTEST:

City Clerk

(SEAL)