

COUNCIL CHAMBERS, MONDAY, MARCH 12, 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, Glen, Krings, Goebel. Absent: Oatman.

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 March 9, 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, Goebel. Nays: None. Absent: Oatman. The motion carried.

CITIZEN COMMUNICATIONS: None.

MAYOR'S COMMUNICATIONS: The Mayor recognized Brownie Troop 498 from Longfellow School. Troop Leader Jessica Henry stated these 3rd graders are studying government in class and they had e-mailed Mayor Powers and Councilmembers Harrington and Odom. This is a special day for the Girl Scouts because it is their 100th birthday.

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

- 1(a) Minutes of the Council Meeting of February 28, 2012.
- 1(b) Minutes of the Worksession of February 21, 2012.
- 2(a) Application of Midtowne Mart LLC for a Special Designated License at the Adams County Fairgrounds on April 21, 2012.
- 2(b) Application of Richard Kohmetscher for a Special Designated License at the Adams Country Fairgrounds on April 14, 2012.
- 2(c) Application of Murphy's Wagon Wheel, Inc. for a Special Designated License at the City Auditorium on April 14, 2012.
- 2(d) Application of Murphy's Wagon Wheel, Inc. for a Special Designated License at the City Auditorium on April 28, 2012.
- 2(e) Application of Midtowne Mart LLC for a Special Designated License at the Masonic Center Ballroom on April 29, 2012.
- 2(f) Request of Rivals Bar & Grill LLC dba "Rivals Bar & Grill" for an addition to liquor licensed premise.
- 4(a) Payroll for the period ending March 17, 2012, paid March 22, 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).

4(c) Authorizing the City Clerk to issue checks against the various funds for payment of pre-paid claims. (Pre-paid claims included in attached claims).

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

At this time a public hearing was held on the application of Concord Neighborhood Corp., dba "Applebee's Neighborhood Grill & Bar" for a Retail Class "I" Liquor License to be located at 2303 Osborne Drive West.

Douglas Boudreaux of 820 South St. Joseph appeared to speak on behalf of the application. Mr. Boudreaux stated we operate 11 Applebee's throughout Nebraska and we have had zero liquor infractions against us. We train every new hire and we renew every six months.

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. 2012-11

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HASTINGS, NEBRASKA, that after hearing had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent city ordinances of the City of Hastings, Nebraska:

The Hastings City Council hereby recommends that the application of CONCORD NEIGHBORHOOD CORP., dba "Applebee's Neighborhood Grill & Bar" for a Class "I" Liquor License for the license period ending April 30, 2013 at 2303 Osborne Drive West, Hastings, Nebraska, be approved.

BE IT FURTHER RESOLVED that the City Clerk is directed to transmit a copy of this Resolution to the Nebraska Liquor Control Commission.

Moved by Odom, seconded by Harrington that Resolution No. 2012-11 be passed and approved. Roll Call: Ayes: Harrington, Peterson, Odom, Niemeyer, Glen, Krings, Goebel. Nays: None. ABSENT: Oatman. The motion carried.

Moved by Niemeyer, seconded by Glen that the Manager Application of Margaret E. Stine in connection with the Retail Class "I" Liquor License of Concord Neighborhood Corp., dba "Applebee's Neighborhood Grill & Bar" at 2303 Osborne Drive West be approved. Roll Call: Ayes: Harrington, Peterson, Odom, Niemeyer, Glen, Krings, Goebel. Nays: None. Absent: Oatman. The motion carried.

At this time a public hearing was held on the request of Lynn D. Alber to rezone 2495 South Wabash Avenue/proposed Pine Square Subdivision No. 3 from Agriculture District to R-1A Single Family Large Lot Residential 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.

The Mayor declared the hearing closed.

ORDINANCE NO. 4913

AN ORDINANCE OF THE CITY OF HASTINGS, NEBRASKA, FOR THE PURPOSE OF AMENDING THE ZONING DISTRICT MAP AS DESIGNATED AND DESCRIBED IN SECTION 34-105 OF THE HASTINGS CITY CODE; TO REDESIGNATE THE DISTRICT CLASSIFICATION AFFECTING THE PROPERTY DESCRIBED IN SECTION ONE OF THIS ORDINANCE; AND TO REVISE THE ORIGINAL DESIGNATIONS (Rezoning Pine Square Subdivision No. 3 from Agriculture District to R-1A Single Family Large Lot Residential District)

Said Ordinance was read by title and thereafter Councilman Goebel moved for passage of the ordinance, which motion was seconded by Councilman Niemeyer.

Councilman Niemeyer moved that the statutory rule requiring reading on three different days be suspended; Councilman Harrington seconded the motion to suspend the rules and upon roll call vote the following Councilmen voted YEA: Harrington, Peterson, Odom, Niemeyer, Glen, Krings, Goebel. NAY: None. ABSENT: Oatman. 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 Mayor then stated the question was "Shall Ordinance No. 4913 be passed and adopted?" Upon roll call vote the following Councilmen voted YEA: Harrington, Peterson, Odom, Niemeyer, Glen, Krings, Goebel. NAY: None. ABSENT: Oatman. The passage and adoption of said ordinance having been concurred in by a majority of all members of the Council, the

Mayor declared the ordinance adopted and the Mayor signed and approved the ordinance and the City Clerk attested the passage approval of the same and affixed her signature thereto. Effective date of the ordinance is March 28, 2012.

Moved by Niemeyer, seconded by Glen that the Preliminary/Final Plat of Pine Square Subdivision No. 3 be approved. Roll Call: Ayes: Harrington, Peterson, Odom, Niemeyer, Glen, Krings, Goebel. Nays: None. Absent: Oatman. The motion carried.

At this time a public hearing was held on the request of Brian and Marla Anders for a Conditional Use Permit to allow an office/warehouse facility at 3030 South Marian Road.

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.

Moved by Harrington, seconded by Niemeyer that the request of Brian and Marla Anders for a Conditional Use Permit to allow an office/warehouse facility at 3030 South Marian Road be approved, subject to the following conditions.

1. Off-street parking shall be provided at a rate of one space per two employees, plus one space for every 300 square feet of office area.
2. Limits on building sizes, lot coverage, minimum yards and setback shall be as required in the Agriculture Zoning District.
3. Signage shall be subject to and as permitted for other permitted principle uses in the Agriculture Zoning District.
4. No outside storage of materials shall be permitted. All vehicles stored outside shall be currently licensed and operable.
5. A privacy fence meeting the criteria as listed under screening/fencing within the City Code shall be provided to screen the operation of a warehouse/office from the adjacent property owners.
6. The use is limited to office space and warehouse storage. Manufacturing shall be prohibited.
7. Storage shall be in compliance with the International Building Code and International Fire Code.
8. All exterior lighting shall be of cut-off type to prevent off-site glare.
9. Any future use of the office and warehouse differing from the current operation (a construction company) shall be subject to review by the City Planner and Building Inspector, and a determination shall be made by Staff as to whether said use would require an amendment to the Conditional Use Permit and reviewed by the Planning Commission and City Council.

Councilman Krings asked Mr. Anders if he was aware and understands the conditions placed on this Conditional Use Permit.

Mr. Anders indicated he was aware of the conditions and understands them.

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

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 into the limits of of the City of Hastings.

Said Ordinance was read by title and thereafter Councilman Niemeyer moved for passage of the ordinance on 2nd reading only, which motion was seconded by Councilman Glen.

The Mayor then stated the question was “Shall Ordinance No. 4320 be passed on 2nd reading only? Upon roll call vote the following Councilman voted YEA: Harrington, Peterson, Odom, Niemeyer, Glen, Krings, Goebel. NAY: None. ABSENT: Oatman. Ordinance No. 4320 passes on 2nd 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 20% of Central Logistics into the limits of the City of Hastings)

Said Ordinance was read by title and thereafter Councilman Harrington moved for passage of the ordinance on 2nd reading only, which motion was seconded by Councilman Krings.

The Mayor then stated the question was “Shall Ordinance No. 4321 be passed on 2nd reading only?” Upon roll call vote the following Councilmen voted YEA: Harrington, Peterson, Odom, Niemeyer, Glen, Krings, Goebel. NAY: None. ABSENT: Oatman. Ordinance No. 4321 passes on 2nd 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 and final 20% of ECHO Company into the limits of the City of Hastings)

Said Ordinance was read by title and thereafter Councilman Goebel moved for passage of the ordinance on 2nd reading only, which motion was seconded by Councilman Niemeyer.

The Mayor then stated the question was “Shall Ordinance No. 4322 be passed on 2nd reading only?” Upon roll call vote the following Councilmen voted YEA: Harrington, Peterson, Odom, Niemeyer, Glen, Krings, Goebel. NAY: None. ABSENT: Oatman. Ordinance No.4322 passes on 2nd 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 and final 20% of L & H Manufacturing into the limits of the City of Hastings)

Said Ordinance was read by title and thereafter Councilman Odom moved for passage of the

ordinance on 2nd reading only, which motion was seconded by Councilmember Peterson.

The Mayor then stated the question was “Shall Ordinance No. 4323 be passed on 2nd reading only?” Upon roll call vote the following Councilmen voted YEA: Harrington, Peterson, Odom, Niemeyer, Glen, Krings, Goebel. NAY: None. ABSENT: Oatman. Ordinance No. 4323 passes on 2nd reading only.

REPORTS OF LIAISONS: Councilman Goebel stated he wasn’t able to attend the Board of Public Works Meeting on March 1st so he doesn’t have a report.

Councilman Goebel stated he has had several contacts from the 1st Ward primarily about our new sign ordinance relating to temporary signs. Councilman Goebel questioned if maybe this shouldn’t be discussed at a Worksession.

Rich Cartier, Planning Director, stated he and Mark Evans sent out several notices on temporary signs (roadside reader boards) and pretty much everybody removed them as we asked. Mr. Cartier stated that the Code states those types of signs require a permit and is limited to two thirty day periods per year. Mr. Cartier stated that has been in our Code for a number of years.

Councilman Goebel questioned banner signs on terraces.

Mr. Cartier stated those are the next signs we are going to deal with because the same rule applies.

Councilman Goebel stated he would like Mr. Cartier and Mr. Evans to make a presentation at a Worksession so we know exactly what it is covering.

The Mayor stated we are getting a number of questions about the sign ordinance. The Mayor stated he believes it should be discussed at a Worksession. The Mayor stated staff is doing the job we have asked them to do, maybe we need to tweak what we are asking them to do. The Mayor didn’t want people to think we are vigilantes, but these are the Codes we have adopted. Codes aren’t perfect and maybe we need to tweak or twist them a little bit.

Councilman Niemeyer questioned the Council Retreat, has a date been chosen.

The Mayor asked the City Administrator to set up a date that is agreeable with the Council.

Councilman Krings reminded the public of the Whoopers and Hoopers Tournament this weekend. Councilman Krings stated we have all of our volunteer spots full and thanked the public for stepping up and giving of their time to help put this tournament on.

Councilman Odom stated he wanted to mention that for two meetings we have really run through some annexations without saying a word. Councilman Odom stated he doesn’t want people to misunderstand or think we are being flippant about what we are doing, but these particular annexations were agreed to at least 10 years ago and are in a five year process of being annexed.

The Mayor stated there has been some talk in the community about our enforcement of Codes. The Codes are written for a reason, they are written for everyone’s safety. If we don’t do gas inspections, electrical inspections or safety inspections and something happens then that comes back on the City. The Mayor stated to have the appearance that the city is picking on a person or persons is totally unfair; we need to step back and look at the reason we do inspections. The

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City's job is to enforce the Codes we have and we will continue to do that because it is for the safety of everyone.

Moved by Niemeyer, seconded by Krings there being no further business to come before the Council, the meeting adjourn at 7:22 P.M. Roll Call: Ayes: Harrington, Peterson, Odom, Niemeyer, Glen, Krings, Goebel. Nays: None. Absent: Oatman. The motion carried.

APPROVED:

Mayor

ATTEST:

City Clerk

(S E A L)