

COUNCIL CHAMBERS, MONDAY, MARCH 26, 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, Oatman, Goebel.

Absent:

None.

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 23, 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 read a proclamation proclaiming April, 2012 as National Public Health Month and congratulated the South Heartland District Health Department on their 10th Anniversary.

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

- 1(a) Minutes of the Council Meeting of March 12, 2012.
- 4(a) Payroll for the period ending March 31, 2012, paid April 6, 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.

At this time a public hearing was held on the application of Hoff Brothers, Inc. dba "Uncle Neal's Country Convenience Store 7" for a Retail Class "D" Liquor License to be operated at 228 North Burlington Avenue.

Jerry Hoff of 1230 Sheridan Drive and representing Hoff Brothers, Inc., appeared on behalf of the application. Mr. Hoff stated they wanted all of our stores to have the same liquor license.

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.2012-12

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 HOFF BROTHERS, INC. dba "Uncle Neal's Country Convenience Store 7" for a Class "D" Liquor License for the license period ending April 30, 2013, at 228 North Burlington Avenue, 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 Peterson that Resolution No. 2012-12 be passed and approved. Roll Call: Ayes: Harrington, Peterson, Odom, Niemeyer, Glen, Krings, Oatman, Goebel. Nays: None. The motion carried.

Moved by Harrington, seconded by Odom that the Manager Application of Neal R. Hoff in connection with the Retail Class "D" Liquor License of Hoff Brothers, Inc. dba "Uncle Neal's Country Convenience Store 7" located at 228 North Burlington Avenue, be approved. Roll Call: Ayes: Harrington, Peterson, Odom, Niemeyer, Glen, Krings, Oatman, Goebel. Nays: None. The motion carried.

At this time a public hearing was held on the application of Hoff Brothers, Inc. dba "Uncle Neal's Country Convenience Store 6" for a Retail Class "D" Liquor License to be operated at 734 South Burlington Avenue.

Jerry Hoff representing Hoff Brothers, Inc. appeared to speak on behalf of the application and indicated he would answer any questions the Council may have.

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. 2012-13

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 HOFF BROTHERS, INC. dba "Uncle Neal's Country Convenience Store 6" for a Class "D" Liquor License for the license period ending April 30, 2013, at 734 South Burlington Avenue, 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 Niemeyer, seconded by Krings that Resolution No. 2012-13 be passed and approved. Roll Call: Ayes: Harrington, Peterson, Odom, Niemeyer, Glen, Krings, Oatman, Goebel. Nays: None. The motion carried.

Moved by Glen, seconded by Oatman that the Manager Application of Neal R. Hoff in connection with the Retail Class "D" Liquor License of Hoff Brothers, Inc., dba "Uncle Neal's Country Convenience Store 6" located at 734 South Burlington Avenue be approved. Roll Call: Ayes: Harrington, Peterson, Odom, Niemeyer, Glen, Krings, Oatman, Goebel. Nays: None. The motion carried.

At this time a public hearing was held on the request of B & R Stores, Inc. (Russ's Market) to vacate a portion of Lexington Avenue between West 6th Street and West 7th Street.

Tom Houston of Lincoln, Nebraska and an Attorney representing B & R Stores appeared to speak on behalf of the application. Mr. Houston stated due to the commitment of B & R Stores to really reinvest in the downtown and make this project work within the site, they are asking for Council approval of the vacation of Lexington Avenue and also the approval of a Development Agreement that commits B & R Stores to pay to the City the net amount due for the right-of-way of Lexington Avenue. Mr. Houston stated he would answer any questions the Council might have.

Kevin Knacke of Hastings, Nebraska and an Attorney representing Allen's of Hastings appeared to speak in opposition to the application. Mr. Knacke stated specifically as we look at the circumstances, we believe there are some issues that maybe the Council has not had an opportunity to look at. It is clear that when you look at the City ordinance in reference to vacation it looks like it has to go to both public convenience, welfare and safety of the community. Mr. Knacke stated Russ's Market is already there and vacating the street with utilities under it and the sale of property in the opinion of Allen's of Hastings is very simple. Mr. Knacke stated you have a main thoroughfare (Burlington Avenue) and Lexington Avenue is the main auxiliary for much of the business and the residents in that area. Mr. Knacke questioned how does this vacation benefit public welfare and how does it benefit convenience

and safety. Mr. Knacke stated we submit that in fact there is an issue and we cannot figure out what criteria the Council used to address those issues under the City Code. We want to be on record that Allen's of Hastings is not against competition, they are only against unfair competition and they believe over the last 20 years that they have been a good citizen. Mr. Knacke stated they have been in situations like this where they had asked for vacations and areas of property to be divided under the different areas and at best they have been able to receive, on 1st Street, a restrictive easement for use there; they have always looked at and their hopes are to expand to the east in regards to South Burlington, which is also subject to a very similar situation like this. Mr. Knacke stated again that Allen's of Hastings isn't against competition, we believe that it doesn't benefit the public welfare and doesn't believe it improves, but in fact, even with the design and the processes here, would in fact lessen safety in this area due to the traffic and the concerns on Lexington Avenue versus that corridor that you see from 7th Street north to 9th Street on the back side the large business that is the Burlington Center (bank) and Walgreen's. It just hems in the area and doesn't promote what the ordinance indicates that the Mayor and Council has to deem to be the appropriate circumstance. The most that we can see here is that this seems to be, at best, an attempt to favor a private entity. There is nothing wrong with promoting business, we just believe it should be completely separated out and that similar businesses should be treated the same. This also seems to be a jump in vacating not only property, but an issue of where the property goes, how it is sold, how it is processed and what additional costs and expenses will go to the community in regards to needs and taxes for rebuilding this area and the street. Mr. Knacke stated the bottom line is we don't see how it benefits the safety, welfare and convenience of the community at this point in time. It allows the expansion of a business, and we understand that, but it is a business that is already there and already competing in the community. There doesn't seem to be any additional assistance to the City of Hastings in those areas that we are sure that the Council is very concerned about. It seems, in our opinion, to detract from the safety, welfare and convenience; doesn't add anything to the community and seems to provide an unfair benefit to the entity asking for it.

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.

Moved by Glen, seconded by Harrington that the Mayor be authorized to execute Development Agreement between the City of Hastings and B & R Stores, Inc.

Councilman Odom stated the Development Agreement is showing a \$61,000 amount to be paid to the City and as he understands it, there will be an additional lane width to the 7th Street and Burlington Avenue intersection which is very busy. Councilman Odom asked what is this \$61,000 amount for.

Joe Patterson, City Administrator, stated the \$61,364.00 comes from the land exchange and the difference in value. The City property is valued at \$4.50 per square foot and the property currently owned by the B & R Stores, Inc., which is needed for us to make intersection improvements on 7th Street and to straighten out some configurations there that need to be done

and do upgrades at that intersection, is worth about \$11.00 per square foot due to its proximity to Burlington Avenue. The property the City owns is much larger than what we need to acquire from B & R Stores, Inc., therefore, the difference in value comes out to a plus \$61,364.00 for the City and that is the amount they need to pay the City in order to do the land exchange.

Councilman Odom stated the additional turning lane is a safety factor and questioned if that money could be used to help with that payment.

Dave Wacker, City Engineer, stated the 7th Street and Burlington Avenue intersection is the one he receives the most comment on as far as accidents and stop light reconfiguration. There was a traffic study that was jointly funded by B & R Stores, Inc. and the City of Hastings at this location and shows some improvements that are necessary with the development of the store and the build out after the store is built of increased traffic volumes and that study does indicate an additional right hand turn lane on the southerly side of the property. That would enhance the overall function of 7th Street as far as improvements at that location. There has actually been a turning lane project since about 2002 or 2003 in our Six Year Plan. The City Engineer stated at sometime we would look at adding a right hand turn lane across the street next to the bank to compliment the intersection. The project of the land exchange that you are talking about does give some benefits for safety improvements in the City of Hastings.

Councilman Odom stated along with this particular right hand turn lane, we would be looking at additional sidewalks or new sidewalks.

The City Engineer stated yes there would be additional sidewalks put in.

Councilman Harrington stated the setback on the alley has been widened and doesn't see that as a big problem, but did want to ask staff if there was any consideration about traffic noise.

The City Administrator stated in regard to the setback, the Council will be looking at zoning tonight that is basically a CP-3 zoning which is Commercial Planned District and what that allows the owner of the property to do is to build up to the property line as opposed to the setback. That was a way to get the project to fit into the area between the alley and the rest of the land that is owned by B & R Stores, Inc. As far as the alley itself, it is a gravel alley and B & R

Stores, Inc. has agreed to pave the alley. The City Administrator stated as far as noise, we did hear one concern early on from the apartment complex to the south of this property regarding deliveries and a back up alarm, but since then he hasn't heard back from that person so he can only assume they are ok with the way the store is configured and the way the store will receive deliveries.

Councilman Krings asked Mr. Houston what the current estimated value of the property is including the lots.

Mr. Houston stated before he answers that, he did want to clarify one thing. The \$61,000

amount is a net payment to the City that the City can use for whatever it wants. It is not tied to the installation of a turn lane. Mr. Houston stated B & R Stores, Inc. will be paying for that independently and the estimated cost of that is \$270,000 based upon the traffic study that was commissioned that looked at the impact upon the traffic flow and the trips generated by the expanded store. The area of Lexington Avenue that is being requested to be vacated, according to his count, is 25,362 square feet. That total payment, at the rate of \$4.50 as projected by the certified appraiser, was \$114,129.00. Now against that, we had agreed to an offset or a credit for the area that is being dedicated for the turn lanes on West 7th Street and that is roughly 4,800 square feet.

Councilman Krings stated basically you are trading a portion of your land for the turning lane and then buying the vacation of Lexington Avenue.

Mr. Houston stated that is exactly right.

Mr. Houston stated in regard to Councilman Krings question about the valuation of the current property, the base value is \$731,000.00 and B & R Stores, Inc. expects to invest over \$7,000,000.00 on this site.

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

ORDINANCE NO. 4326

AN ORDINANCE OF THE CITY OF HASTINGS, NEBRASKA, VACATING NORTH LEXINGTON AVENUE BETWEEN WEST 6TH STREET AND WEST 7TH STREET, PROVIDING FOR FILING OF SAME WITH THE REGISTER OF DEEDS, REPEALING INCONSISTENT PROVISIONS; AND ESTABLISHING AN EFFECTIVE DATE

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

Councilman Odom asked for comments from staff.

The City Administrator stated this project had many facets to it, one of which is obviously the Development Agreement which was agreed to and approved tonight by the Council. That basically sets the financial parameters by which you would consider the vacation of the street. It is a little bit unique in that the entity that is requesting the vacation owns property on both sides which is a little bit different that what we have dealt with in the past to a certain extent. We have approved the Development Agreement and now we are looking at vacating the street and once the street is vacated, it will revert back to the owner of the property on both sides which is B & R Stores, Inc.

Councilman Glen stated at the Planning Commission, someone mentioned the creation of 50 jobs and asked if someone could talk to that.

Steve Richardson, Store Director for the Hastings Russ's Market, stated there is not a definite number that will be in their store, but with the addition of a deli-café, we are talking anywhere from four to eight new associates for that one area which we will expand on. Our produce department will double in size and will double in staff there. There will also be a need for a lot of part-time associates to carry out groceries and to cashier. When you expand all these departments and hopefully doing more volume, you will need more staff. Mr. Richardson there is currently a store in Lincoln, Nebraska that employs approximately 150 to 160 associates right now and our store will be slightly bigger than that. We currently have 100 associates in our store so easily we would reach the 150 mark and he would safely say we would add 40 to 50 new jobs.

Councilman Goebel moved that the statutory rule requiring reading on three different days be suspended; Councilman Odom seconded the motion to suspend the rules and upon roll call vote the following Councilman voted YEA: Harrington, Peterson, Odom, Niemeyer, Glen, Krings, Oatman, Goebel. NAY: None. 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. 4326 be passed and adopted?" Upon roll call vote the following Councilmen voted YEA: Harrington, Peterson, Odom, Niemeyer, Glen, Krings, Oatman, Goebel. NAY: None. 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 April 11, 2012.

Moved by Odom, seconded by Niemeyer that the Mayor and Council approve the Preliminary/Final Plat of Russ's Market Subdivision. Roll Call: Ayes: Harrington, Peterson, Odom, Niemeyer, Glen, Krings, Oatman, Goebel. Nays: None. The motion carried.

At this time concurrent public hearings were held on the request of B & R Stores, Inc. to amend the Comprehensive Land Use Plan from Urban Residential to Commercial Retail and to rezone property from C-1 Local Business, C-3 Commercial Business and R-3 Multiple Family Residential District to CP-3 Commercial Planned District.

Tom Houston, Attorney representing B & R Stores, Inc. appeared to speak on behalf of the application. Mr. Houston stated the items in front of the Council really relates solely with the property that formerly had been used as residential property to make sure it is consistent with the Comprehensive Land Use Plan and being designated commercial retail like the balance of the retail site. The second item relates to the change in zoning and consolidating all the zone under one umbrella, the Commercial Planned District. We believe this is consistent with the long term comprehensive plan of the City and encourages reinvestment in the downtown core.

Kevin Knacke, Attorney representing Allen's of Hastings, appeared in opposition to the request. Mr. Knacke stated we again are concerned about the lack of criteria that is set forth in the Code. We oppose amending the Comprehensive Land Use Plan because it gives no guide to other businesses and it seems to border on the issue of spot zoning and there seems to be a benefit provided to this one entity in these circumstances in an area that does not seem to be right for redevelopment in that area.

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.

ORDINANCE NO. 4324

AN ORDINANCE OF THE CITY OF HASTINGS, NEBRASKA, AMENDING THE COMPREHENSIVE LAND USE PLAN FOR SAID CITY; TO REDESIGNATE THE DISTRICT CLASSIFICATION AFFECTING THE PROPERTY DESCRIBED IN SECTION ONE OF THIS ORDINANCE AND TO REVISE THE ORIGINAL DESIGNATIONS (Amending the Comprehensive Land Use Plan from Urban Residential & Commercial Retail to Commercial Retail for property owned by B & R Stores).

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

Councilman Odom moved that the statutory rule requiring reading on three different days be suspended; Councilman Glen seconded the motion to suspend the rules and upon roll call vote the following Councilmen voted YEA: Harrington, Peterson, Odom, Niemeyer, Glen, Krings, Oatman, Goebel. NAY: None. 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.

Mike Sullivan, City Attorney stated it is typical to amend the Comprehensive Land Use Plan when you are considering a change in zoning. The Comprehensive Land Use Plan is a living document so from time to time based on development it is necessary to amend it. Mr. Knacke mentioned spot zoning, but this appears to be a pretty commercial district and it is just an expansion westward a little bit and doesn't believe there are any issues that would make this questionable legality wise.

The Mayor then stated the question was "Shall Ordinance No. 4324 be passed and adopted?" Upon roll call vote the following Councilmen voted YEA: Harrington, Peterson, Odom, Niemeyer, Glen, Krings, Oatman, Goebel. NAY: None. 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 April 11, 2012.

ORDINANCE NO. 4325

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 DESIGNATION (Rezoning property owned by B & R Stores, Inc. from C-1 Local Business, C-3 Commercial Business and R-3 Multiple Family Residential to CP-3 Commercial Planned Business District).

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

Councilman Goebel 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, Oatman, Goebel. NAY: None. 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. 4325 be passed and adopted"? Upon roll call vote the following Councilmen voted YEA: Harrington, Peterson, Odom, Niemeyer, Glen, Krings, Oatman, Goebel. NAY: None. 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 April 11, 2012.

At this time a public hearing was held for the purpose of considering the adoption of a plan modification to Redevelopment Plans I and VI (property located from West 6th Street to West 7th Street and between Burlington Avenue and the alley between Lexington Avenue and Bellevue Avenue).

Randy Chick, Director of the Community Redevelopment Authority (CRA) appeared to speak on behalf of the plan modification adoptions. Mr. Chick stated the original Russ's Market falls into Redevelopment Area I and the area behind it falls into Redevelopment Area VI. The adoption of this plan modification would allow the CRA to provide tax increment financing (TIF) for public improvement associated with the project. Those public improvements will be alley improvements, the turning lane & street improvements associated with that, utility relocation which is extensive and includes gas, water, sanitary sewer and electric lines. It also

would allow for TIF to be used to pay the debt service on a TIF loan by the developer's bank.

Tom Houston, Attorney representing B & R Stores, Inc. wanted to reiterate his support for this project. This project has been in negotiations for over a year, it went before the Planning Commission approximately a year ago and we have worked closely with staff over the last 12 months to bring the entire package in front of the Council. It was really a challenge to bring everything together at one time, but we are thankful for the opportunity to do that. This is a good thing for the City and a good thing for B & R Stores, Inc. In today's world it is much easier to go out to a cornfield a build a new store, it is much more difficult to reinvest in the downtown core and believes this is a good example of good planning principals and good redevelopment principals under the Nebraska Community Redevelopment Law.

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. 2012-10

WHEREAS, the Community Redevelopment Authority of the City of Hastings, Nebraska, has prepared the B & Stores, Inc. Redevelopment Plan Modification to Redevelopment Plan I and Redevelopment Plan VI;

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 statutes;

WHEREAS, the Hastings City Council has now reviewed the Plan Modification and the information required by statute including, but not necessarily limited to, the B & R Stores, Inc. Redevelopment Plan Modification, Cost Benefit Analysis, Redevelopment Plan I and Redevelopment Plan VI, as amended to date, and the general plan for the development of the city as a whole;

WHEREAS, the Hastings City Code held a hearing on the B & R Stores Inc. Redevelopment Plan Modification on the 26th day of March, 2012; and

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. §18-2101 et seq. amended from time to time;

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

(1) The B & R Stores, Inc. Redevelopment Plan Modification for Plan I, a copy of which is attached hereto marked Exhibit "A" and incorporated herein by this reference, and The B & R Stores, Inc. Redevelopment Plan Modification for Plan VI, a copy of which is attached hereto and marked Exhibit "B" are 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 hereby 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 Odom that Resolution No. 2012-10 be passed and approved.

Councilman Krings stated Mr. Houston indicated that the current property is valued at approximately \$731,000 and it is estimated that the new value of the project will be \$4,600,000 which is an increase of \$3,800,000 in valuation that will bring in an additional \$89,000 annually in taxes. The loan payment for the improvements to the public infrastructure are estimated to be \$764,000.

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

At this time a public hearing was held concerning an application to the Nebraska Department of Economic Development for a Community Development Block Grant.

Randy Chick, Director the Business Improvement District, appeared to speak on behalf of the application. Mr. Chick stated the Community Development Block Grant Program from the State of Nebraska to the Department of Economic Development has a downtown revitalization initiative. It is a two phase initiative, Phase I is pre-development planning where as a downtown community we are required to go out and hire a consultant and do planning with our property owners, business owners, community leaders and citizens of Hastings. Once that planning document is prepared, there is a Phase II Community Development Block Grant which is the implementation phase of any of the improvements that are decided to take place on that planning portion. The \$30,000 planning grant has to be matched with local funds (\$10,000) and then the Phase II has to be matched as well with 25% local dollars. Mr. Chick stated the City actually applies for the grant and the Business Improvement District (BID), Community Redevelopment Authority (CRA) and the Downtown Center Association have agreed to come up with the

\$10,000 matching funds for this planning grant. The Phase II application is actually due March 30th and then the Department of Economic Development will conduct site visits sometime in April or May and we would be looking at a potential award around June 1st. It is a competitive grant process and so there are probably only four applicants that will receive funding, probably five or six will be applying so we are hoping to be one of those communities. Mr. Chick stated we should know around June 1st if we are selected and then the actual pre-planning for strategic planning takes place between June, 2012 and March, 2013. If public improvements or projects come out of that planning phase and we as a community want to apply for the second phase of that grant, then February and March is when we begin the second phase of that grant application.

No one appeared to speak in opposition.

The City Clerk advised that the following letters were received in support of the Downtown Revitalization Grant: Community Redevelopment Authority, Business Improvement District, Hastings Area Chamber of Commerce, Hastings Downtown Center Association, Heritage Nebraska Main Street, Adams County Convention and Visitor's Bureau, Hastings Leadership, Housing Development Corporation, Motorsport Park Hastings, Hastings Economic Development Corporation, Eileen's Colossal Cookies and The Enterprise Block. The Mayor ordered that the letters be included in the record. (Letters attached to and made a part of these minutes)

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. 2012-14

WHEREAS, the City of Hastings, Nebraska, is an eligible unit of a general local government authorized to file an application under the Housing and Community Development Act of 1974 as Amended for Small Cities Community Development Block Grant Program, and

WHEREAS, the City of Hastings, Nebraska, has obtained its citizens' comments on community development and housing needs; and has conducted a public hearing(s) upon the proposed application and received favorable public comments respecting the application for an amount of \$30,000 for pre-development planning which will include: public notices, input from the downtown business community and the hiring of a consultant to assist in the development of a revitalization plan for the Business Improvement District.

NOW, THEREFORE, BE IT RESOLVED BY the City Council of the City of Hastings, Nebraska, that the Mayor be authorized and directed to proceed with the formulation of any and all contracts, documents or other memoranda between the City of Hastings, Nebraska and the Nebraska Department of Economic Development so as to effect acceptance of the grant application.

Moved by Krings, seconded by Niemeyer that Resolution No. 2012-14 be passed and approved.

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

Moved by Odom, seconded by Niemeyer that the Mayor and Council approve the appointment of Michael Consbruck as a member of the Police Reserve Force.

Councilman Krings asked the Police Chief how the Police Reserve force functions with our current Hastings Police Force.

Police Chief Larry Thoren stated Mr. Consbruck meets or exceeds the requirements set forth in the ordinance for the position of a Police Reserve Officer. Our Reserve Officers are only allowed to work a maximum of 96 hours per year by statutes. We utilize Reserve Officers to work parades or special details and periodically they will ride as a second officer in a car. They must work under the supervision of a full time police officer. Mr. Consbruck is also a certified Police Officer in the State of Nebraska and spent four years with the Hastings Police Department and is also a certified emergency medical technician.

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

Moved by Peterson, seconded by Odom that the Mayor and Council approve the request of Hastings College students and volunteers to post signs on public property on April 20, 2012 for Kony 2012 event.

Ben Dumas of 911 North 6th Avenue and a Junior at Hastings College, stated he wanted to explain a little bit of the history of what we are supporting and why we are supporting it. In 1986 there was a woman who formed a group in Uganda called “The Holy Spirit Movement” and what that group aimed to do was to rebel against the current presidency. The rebellion failed and she was exiled and after her exile there was no obvious person to take over leadership of that movement until a man named Joseph Kony stepped up and claimed to be her distant cousin and claimed he was the natural successor to lead this movement. Soon after Kony gained leadership, he changed the name of the group to “The Lords Resistance Army”, also known as the LRA. The support for the LRA started to dwindle and when he wasn’t able to maintain his group support any longer, he started stealing food and abducting young children to fill the ranks of his army. This led to the LRA losing any remaining support and what started as a movement and depression became this source of oppression of itself. In 2006, 20 years after the formation of the LRA, they indicated that they had an interest in peace negotiations and over the course of two years, Kony sent a group to delegate on his behalf, but when it came time for him to sign the final peace treaty, he failed to show up five different times. In retrospect, it seemed that Kony’s tactics were to claim he wanted these peace treaties, but use them as a time to rest and regroup because during this two year period he was given food, water, medicine and supplies as a gesture of good faith by the government. The LRA left Uganda when the peace talks began in 2006, but when they ended in 2008 they continued their abductions and their attacks in the border regions of northeast Congo, south Sudan and the Central African Republic. Although his support did

dwindle, his tactics and his followers do remain extremely brutal. He forces young boys to very often kill their parents and their siblings and abducts young girls to be sex slaves for his soldiers. He manipulates the kids with his claim to have spiritual powers and he forces them to become members of the LRA. Because of his crimes, he has been recognized as the number one priority criminal by the International Criminal Court (ICC). Although the ICC recognizes that he needed to be stopped, after these 20 years a lot of, including a lot of us, didn't know who Joseph Kony was. In 2005, in the midst of everything that was going on, a group of friends visited Uganda and kind of stumbled across what was going on and started an organization called "Invisible Children". Very recently, within the past month, Invisible Children created a 30 minute film explaining what is going on in those areas of Africa and what happened in Uganda. They propose a plan to make Joseph Kony famous, not famous in the way we view our celebrities, but famous in the way that we can mention his name and people would know what we are talking about, know about his crimes and know what is going on. As part of this campaign, they also introduced an event that they are calling "Cover The Night" and that is why he is here tonight. The event is take place on Friday, April 20th and the goal of the event is to spread Joseph Kony's name throughout town. It just isn't taking place in Hastings, but throughout the United States and other countries as well. This would be done by hanging up posters that Invisible Children provided and probably writing with sidewalk chalk on the sidewalks and streets. We have created a Facebook event specifically for this "Cover The Night" event. Over 4500 people have been invited and 700 of those people are committed to this event and to this cause. Because of how quickly this video has spread, it has almost had over 100,000,000 views, he and the group he is associated with realize that the hanging of posters and this kind of stuff is probably going to take place on that night, but it is our hope that we can really organize this into something to be as successful and respectful to the City as possible. We are in the process of raising money to have quality posters printed off, as well as contacting local businesses who are in prominent spots on the streets and contacting them to see if we can hang posters up on their buildings. We also have the support of Hastings College, local families, various businesses and Churches. We would like your support as a City Council to hang posters and write with chalk on public property. Before the event on that night we are planning on meeting and passing out different guidelines and telling people where we can and can't hang up posters and trying to make this as organized as possible. We are also planning on Monday, April 23rd, three days after the event, to have the posters taken down and we will go back out and take them down because we realize that is a problem sometimes when things get left up. This is a great opportunity for us to not be separated as a City by whether you are a college student, a high school student, or where you live or where you work, but for us to come together as a City and really make the world a better place.

Councilmember Peterson stated thanked Mr Dumas for his presentation, it is nice to realize and have the public realize that our college students are truly world citizens. To take something like this on she believes is marvelous. Councilmember Peterson stated she has a son who lived in Africa for several years and she has been to Africa several times and it isn't just Uganda that has these kinds of problems. It is important for us to put a face on what she considers horrific on what actually happens. Councilmember Peterson stated when you ask for putting posters onto public property, what public properties are you thinking of.

Mr. Dumas stated the purpose of the event is to create awareness and put this campaign where you can walk out your front door and see. We realize that most people are going to see public property, like telephone poles and light poles. Our specific request would be telephone poles and light poles because they are everywhere and people would always run into them.

Councilmember Peterson stated if this would not pass, would that hamper anything

Mr. Dumas stated personally and to represent us as a group he doesn't think it would be enough to create the type of awareness that we would hope to create if we can't use public property. Mr. Dumas stated he believes that in order to reach the entire Hastings community he does believe we would need to put posters on public property.

Councilman Odom stated the City has worked for years to make sure we don't have a lot of signs on light poles. If we are going to try and help you to do something, the only thing we have in our ordinance is the political sign ordinance. Councilman Odom stated he would have no problem using that section of the ordinance for you during this event.

The City Attorney stated he was just looking at the City Code because we have a section on signs and there is a provision that says off premise signs. Most of the sign ordinance relates to signs on private property. Off premise signs on public property shall be prohibited, the Code prohibits this. It is not a simple matter to allow somebody to put signs on public property.

The City Administrator stated if his memory serves him correct it is legal to put signs on public property during a specific period of time prior to an election and then they have to be removed and that is the only time our City Code allows for private signs to be placed on private property.

The City Attorney stated political signs are defined as a sign that announces a candidate seeking public office so that exception does not appear to apply.

Councilman Krings stated he is not sure you need public property to achieve what you want to achieve, believes you will have a great event. Councilman Krings stated he will probably support the request, but does have a concern that this is a bit of a Pandora's box because unfortunately there are injustices all over the world happening in a lot of places.

Councilman Goebel stated he also has a tough time with the public property. You can put one in his front yard or you can put one on his front door and if it isn't taken down by the 23rd then he can take them down, but we really had a tough time with the garage sale signs on utility poles. Councilman Goebel stated he believes you can find places on private property where people would accept these.

Councilmember Peterson told Mr. Dumas that he will be surprised at how many private places there are for posters.

Councilman Odom stated the only way he can see to allow these posters on public property is using the framework of the political sign ordinance section.

Councilman Niemeyer stated he is not in favor of putting posters on public property, but he certainly supports the cause. Councilman Krings is correct in saying we would be opening up a Pandora's box if we approved the request you are proposing to us tonight. Councilman Niemeyer stated he owns property on Highway 281 and if you want to put a poster there he would allow that and he also owns property 19th Street and Lexington which you can also place a poster.

Vote on the motion. Roll Call: Ayes: Krings, Oatman. Nays: Harrington, Peterson, Odom, Glen, Goebel. The motion fails.

Moved by Odom, seconded by Harrington that the Mayor and Council award the bid for one 81,000 Landfill Compactor for the Solid Waste Department to Nebraska Machinery Company of Doniphan, Nebraska with the following terms:

Bid Total	\$628,562.00
Less Trade-In	\$191,575.00
Net Bid	\$436,987.00
Down Payment	\$ 88,000.00
Principle To Be Financed	\$349,327.00
Interest	2.7%
Period (Years)	4
Annual Installments	\$ 93,281.00

The City Engineer stated this will replace a piece of machinery is that six years old. We received one bid for this compactor.

Councilman Odom stated he supports this because it is needed, but it is important that we look at a Separation Station. The cost of this piece of equipment is \$629,000 and that money would go a long way towards the building of a Separation Station.

Councilman Goebel questioned if six years is about the usual life on one of these compactors.

The City Engineer stated yes and we have one compactor that does the whole area.

Vote on the motion. Roll Call: Harrington, Peterson, Odom, Niemeyer, Glen, Krings, Oatman Goebel. Nays: None. 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 the City of Hastings)

Said Ordinance was read by title and thereafter Councilman Niemeyer moved for passage of the ordinance on 3rd and final reading, which motion was seconded by Councilman Krings.

The Mayor then stated the question was “Shall Ordinance No. 4320 be passed and adopted on 3rd and final reading?” Upon roll call vote the following Councilmen voted YEA: Harrington, Peterson, Odom, Niemeyer, Glen, Krings, Oatman, Goebel. NAY: None. 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 April 11, 2012.

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 or the City of Hastings)

Said Ordinance was read by title and thereafter Councilman Harrington moved for passage of the ordinance on 3rd and final reading, which motion was seconded by Councilmember Peterson.

That Mayor then stated the question was “Shall Ordinance No. 4321 be passed and adopted on 3rd and final reading?” Upon roll call vote the following Councilmen voted YEA: Harrington, Peterson, Odom, Niemeyer, Glen, Krings, Oatman, Goebel. NAY: None. 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 April 11, 2012.

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)

Said Ordinance was read by title and thereafter Councilman Goebel moved for passage of the ordinance on 3rd and final reading which motion was seconded by Councilmember Peterson.

The Mayor then stated the question was Shall Ordinance No. 4322 be passed and adopted on 3rd and final reading?" Upon roll call vote the following Councilmen voted YEA: Harrington, Peterson, Odom, Niemeyer, Glen, Krings, Oatman, Goebel. NAY: None. 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 April 11, 2012.

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 Harrington moved for passage of the ordinance on 3rd and final reading, which motion was seconded by Councilman Niemeyer.

The Mayor then stated the question was "Shall Ordinance No. 4323 be passed on 3rd and final reading?" Upon roll call vote the following Councilmen voted YEA: Harrington, Peterson, Odom, Niemeyer, Glen, Krings, Oatman, Goebel. NAY: None. 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 April 11, 2012.

REPORTS OF LIAISONS: Councilman Goebel stated the Mayor's Youth Council will be meeting March 27th in the City Council Chambers. This is the second to the last meeting of the year and we will be getting applications forms out to all three high schools for sophomores and juniors to fill out for next year's Mayor's Youth Council.

Councilman Goebel reported on the March 15th Board of Public Works Meeting. They approved

an Engineering Agreement for sulphur dioxide testing to meet the new environmental requirements at Whelan Energy Center 1. There was an update from the Hastings Economic Development Corporation (HEDC) on economic development and what is progressing. There was a presentation on the 2011 final monthly report. At Whelan Energy Center 2, they are in the process of reassembling the system after a planned outage, they worked on some burner nozzles in the boiler unit. The next Board of Public Works meeting will be held on Friday, March 30, 2012.

The Mayor questioned if there was any way we could get our public access to post the Council Meetings on our website.

The City Administrator stated we can look into that.

Moved by Niemeyer, seconded by Krings there being no further business to come before the Council, the meeting adjourn at 8:18 P.M. Roll Call: Ayes: Harrington, Peterson, Odom, Niemeyer, Glen, Krings, Oatman, Goebel. Nays: None. The motion carried.

APPROVED:

Mayor

ATTEST:

City Clerk

(S E A L)

3-26-2012

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