

COUNCIL CHAMBERS, MONDAY, MAY 14, 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 May 11, 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: Sandra Stevens of 2840 Wendell Drive and representing Healthy Hastings addressed the Mayor and Council in support of the Tobacco Free Parks Policy that the Council will be acting on tonight. Ms. Stevens stated that second hand outdoor smoke is as bad as second hand indoor smoke. Ms. Stevens stated the signage at entrances to the parks should be enough patrol, it has worked in other cities. There are 644 cities in the United States that has smoke free parks. Ms. Stevens urged the Council to approve the Tobacco Free Parks Policy.

McKensie Hinrichs representing the Hastings Mayor's Youth Council appeared in support of the Tobacco Free Parks Policy that is before the Council this evening. Ms. Hinrichs stated Hastings is the greenest city in the country and we need to keep it that way; we need to keep our parks clean and free of litter.

MAYOR'S COMMUNICATIONS: The Mayor recognized the following employees for their years of service with the City of Hastings:

Terry Embree (Landfill - 15 years)	Steve Katzberg (Parks - 35 Years)
Tony Scaccia (Police - 20 Years)	Jason Vorderstrasse (Fire - 15 Years)
Felicia Cogley (Library - 20 Years)	Darin Clark (Fire - 20 Years)
Rod Davison (Engineering - 30Years)	Jim Schamens (Fire - 20 Years)
Ken Lueders (Cemetery - 35 Years)	Russell Hermann (Reserve Fire - 20 Years)

The Mayor read a proclamation proclaiming May 20 through May 26, 2012 as Emergency Services Week and invited everyone to an open house on May 21, 2012 at Highland Park Fire Station from 6:30 P.M. to 8:00 P.M.

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

approved:

- 1(a) Minutes of the Council Meeting of April 23, 2012.
- 1(b) Minutes of the Worksession of April 17, 2012.
- 2(a) Request of the Adams County Agricultural Society for parade route, parking ban and street closure for Fairfest 2012 Parade on July 1, 2012.
- 2(b) Request of the Tehama Shrine to utilize city streets for the Nebraska Shrine Soccer Classic Parade to be held at 10:00 A.M. on June 9, 2012.
- 2(c) Request of Hastings Lodge No. 50 to utilize city streets for the Annual Veterans Recognition Parade to be held at 10:00 A.M. on November 3, 2012.
- 2(d) Authorizing the City of Hastings to execute Release of Easement with Morrison Enterprises LLC on Lot 2, Roelfs Subdivision.
- 2(e) Authorizing the City of Hastings to execute Release of Easement with Morrison Enterprises LLC on a 10' easement on either side of the line between Lots 1 and 2, Roelfs Subdivision.
- 2(f) Authorizing the City of Hastings to execute Release of Easement with R. Donald Treat on right-of-way of the now abandoned Union Pacific Railroad line known as "Hansen Industrial Lead, Hastings, Nebraska" in exchange for a new easement.
- 4(a) Payroll for the period ending May 12, 2012, paid May 18, 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. (Claims included in list of claims).
- 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 request of Greg Sinner for an amendment to an existing Conditional Use Permit to allow expansion of self storage units at 218 North Bellevue Avenue.

Greg Sinner of 345 Sunset, Doniphan, Nebraska, appeared on behalf of the application. Mr. Sinner stated this is Phase IV on this project, it will add eight additional units. There will be no tree removal with these additional eight units. Mr. Sinner stated he is aware of the conditions placed on the amendment to the Conditional Use Permit and he has no problems with those conditions.

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.

Moved by Harrington, seconded by Peterson that the Mayor and Council approve the request of Greg Sinner for an amendment to an existing Conditional Use Permit to allow expansion of self storage units at 218 North Bellevue Avenue, subject to the following conditions:

- 1) All exterior lighting shall be of cut-off type to prevent off-site glare.
- 2) All lighting shall meet the requirements of Tables 305-10 and 305-11 of Section 34-305.5 for heights and shielding, and from Section 34-305.5.c regarding general standards for exterior lighting.
- 3) All storage shall be kept within an enclosed building.
- 4) No long term parking outside including but not limited to RV's, vehicles, trailers, campers, boats or water craft.
- 5) Building setbacks shall be the same as in the C-3 District.
- 6) Two parking spaces shall be provided, plus one additional space for each employee. Internal drives and parking shall comply with Section 34-308 for paving requirements.
- 7) Building heights shall be limited to one story which does not exceed fourteen (14) feet at the eaves.
- 8) Buildings shall be separated a minimum of thirty (30) feet from one another within self service storage facilities. Storage bays within a single building shall not be interconnected by interior doors or other interior means providing access from one storage bay to another. The dimensions of any storage bay shall not exceed twenty-two (22) feet in the narrowest dimension or thirty-six (36) feet in the widest dimension.

- 9) A sign shall be limited to one ground pole sign at the entrance to the premises. Not more than thirty-two (32) square feet in area shall be permitted with a maximum height of ten (10) feet or in exchange, existing wall signage can remain as is.
- 10) Commercial activity: It shall be unlawful for any owner, operator or lessee of any self service storage facility or portion thereof to offer for sale, or to sell any item of personal property or to conduct any type of commercial activity of any kind whatsoever, other than leasing of the storage units, or to permit same to occur upon any area designated as a self service storage facility. Violation of this Section shall be subject to the provisions of Section 34-804 of the Hastings City Code. Any violation may be cause for revocation of the Conditional Use Permit by the City Council.
- 11) Repair, reconditioning and fabrication are prohibited on site. This provision shall be posted and be included in the tenant lease agreement.
- 12) An approved plan shall be valid for a period of twenty-four (24) months following the date of approval by the Council. If construction has not been started within said twenty-four (24) month period, the plan shall be null and void unless the time for start of construction has been extended by the Council.

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 Greg Sinner for a Conditional Use Permit to allow self storage units at 211 North Lexington Avenue.

Greg Sinner of 345 Sunset, Doniphan, Nebraska appeared on behalf of the application. Mr. Sinner stated this is Phase V of this project. It will allow units across the alley, only on the east side. Mr. Sinner stated he is aware of the conditions placed on the Conditional Use Permit and he has no problems with them.

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.

Moved by Goebel, seconded by Oatman that the Mayor and Council approve the request of Greg Sinner for a Conditional Use Permit to allow self storage units at 211 North Lexington, subject

to the following conditions:

- 1) All exterior lighting shall be of cut-off type to prevent off-site glare.
- 2) All lighting shall meet the requirements of Tables 305-10 and 305-11 of Section 34-305.5. for heights and shielding, and from Section 34-305.5.c regarding general standards for exterior lighting.
- 3) All storage shall be kept within an enclosed building.
- 4) No long term parking outside including but not limited to RV's, vehicles, trailers, campers, boats or water craft.
- 5) Building setback shall be the same as in the C-3 District.
- 6) Two parking spaces shall be provided, plus one additional space for each employee. Internal drives and parking shall comply with Section 34-308 for paving requirements. In addition, a concrete drive shall be continuous for ingress and egress for the seven (7) units located on the east side which are accessed from North Lexington Avenue.
- 7) Building heights shall be limited to one story which does not exceed fourteen (14) feet at the eaves.
- 8) Buildings shall be separated a minimum of thirty (30) feet from one another within self service storage facilities. Storage bays within a single building shall not be interconnected by interior doors or other interior means providing access from one storage bay to another. The dimensions of any storage bays shall not exceed twenty-two (22) feet in the narrowest dimension or thirty-six (36) feet in the widest dimension.
- 9) A sign shall be limited to one ground pole sign at the entrance to the premises. Not more than thirty-two (32) square feet in area shall be permitted with a maximum height of ten (10) feet or in exchange but cannot exceed two signs of which one shall face Lexington Avenue and the other the alley.
- 10) Commercial activity: It shall be unlawful for any owner, operator or lessee of any self service storage facility or portion thereof to offer for sale, or to sell any item of personal property or to conduct any type of commercial activity of any kind whatsoever, other than leasing of the storage units, or to permit same to occur upon any area designated as a self service storage

facility. Violation of this Section shall be subject to the provisions of Section 34-804 of the Hastings City Code. Any violation may be cause for revocation of the Conditional Use Permit by the City Council.

- 11) Repair, reconditioning and fabrication are prohibited on site. This provision shall be posted and be included in the tenant lease agreement.
- 12) An approved plan shall be valid for a period of twenty-four (24) months following the date of approval by the Council. If construction has not been started within said twenty-four (24) month period, the plan shall be null and void unless the time for start of construction has been extended by the Council.

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 Chris Shade for a Conditional Use Permit to allow self storage units at 522 South Elm Avenue.

No one appeared to speak in favor.

No one appeared to speak in opposition.

The Mayor declared the hearing closed.

Moved by Krings, seconded by Oatman that the Mayor and Council approve the application of Chris Shade for a Conditional Use Permit to allow a self-storage unit building at 522 South Elm Avenue to be known as "Shade's Classic Corner Storage Units", subject to the following conditions:

- 1) Prior to construction, all building permits shall be applied for and reviewed by the Building Inspector.
- 2) All exterior lighting shall be of cut-off type to prevent off-site glare.
- 3) All lighting shall meet the requirements of Tables 305-10 and 305-11 of Section 34-305.5 for heights and shielding, and from 34-505.5.c regarding general standards for exterior lighting.
- 4) All storage shall be kept within an enclosed building.
- 5) No long term parking outside including but not limited to RV's, vehicle, trailers, campers, boats or water craft.

- 6) Building setbacks shall be the same as in the C-3 District.
- 7) Two parking spaces shall be provided, plus one additional space for each employee (if any). Internal drives and parking shall comply with Section 34-308 for paving requirements. A concrete approach for ingress/egress shall also be included.
- 8) Building heights shall be limited to one story which does not exceed fourteen (14) feet at the eaves.
- 9) Buildings shall be separated a minimum of thirty (30) feet from one another within self service storage facilities. Storage bays within a single building shall not be interconnected by interior doors or other interior means providing access from one storage bay to another. The dimensions of any storage bay shall not exceed twenty-two (22) feet in the narrowest dimension or thirty-six (36) feet in the widest dimension.
- 10) A sign shall be limited to one ground pole sign or monument sign at the entrance to the premises. Not more than thirty-two (32) square feet in area shall be permitted with a maximum height of ten (10) feet.
- 11) Commercial activity: It shall be unlawful for any owners, operator or lessee of any self service storage facility or portion thereof to offer for sale, or to sell any item of personal property or to conduct any type of commercial activity of any kind whatsoever, other than leasing of the storage units, or to permit same to occur upon any area designated as a self service storage facility. Violation of the Section shall be subject to the provisions of Section 34-803 of the Hastings City Code. Any violation may be cause for revocation of the Conditional Use Permit by the City Council.
- 12) Repair, reconditioning and fabrication are prohibited on site. This provision shall be posted and be included in the tenant lease agreement.
- 13) An approved plan shall be valid for a period of twenty-four (24) months following the date of approval by the Council. If construction has not been started within said twenty-four (24) months period, the plan shall be null and void unless the time for start of construction has been extended by the Council.
- 14) The site shall abut and have direct access to a city street.
- 15) Loading docks shall be prohibited and loading areas to storage bays shall be at the same elevation as the means of vehicular access thereto.

- 16) Landscaping, where applicable, shall be provided in areas around the property and to the property line and all areas shall be kept free of any nuisance or property maintenance violations.
- 17) The fence/buffering requirement shall be waived but if a residential structure is constructed on the lot to the west of the storage units, a privacy fence shall be constructed to buffer the residence from the storage units at the storage unit owner's expense.

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

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

Moved by Glen, seconded by Krings that the Mayor and Council approve the Preliminary/Final Plat of Quinn Subdivision Number 2. Roll Call: Ayes: Harrington, Peterson, Odom, Niemeyer, Glen, Krings, Oatman, Goebel. Nays: None. The motion carried.

Moved by Harrington, seconded by Glen that the Mayor and Council approve the Preliminary-Final Plat of EMA Acres. Roll Call: Ayes: Harrington, Peterson, Odom, Niemeyer, Glen, Krings, Oatman, Goebel. Nays: None. The motion carried.

Moved by Krings, seconded by Goebel that the Mayor and Council approve Tobacco Policy for City Parks and Recreation Facilities.

Councilman Goebel stated he wanted everyone to know that the Mayor's Youth Council came up with the concept of this and it is something they wanted. Councilman Goebel stated that 65% of filters end up being litter. Cigarette butts, when not disposed of properly, are thrown onto the streets or storm sewers which leads to streams.

Councilman Krings stated that 2.5 million dollars are spent on health care costs and 70% of health care costs are preventable. The less smokers we have in our community will make our community better.

Councilman Harrington stated he doesn't believe this policy does much, it doesn't change the City Code. Section 18-147 of the Hastings City Code says "It shall be unlawful for any person to smoke in all City owned buildings, in or upon vehicles owned by the City of Hastings, within the perimeter fencing or public swimming pools, within the perimeter fencing of public ball fields as well as bleachers and grandstands within public parks". Councilman Harrington stated we already have something in the City Code and this policy is simply window dressing.

Councilman Odom stated he agrees with Councilman Harrington. If this is something we want to do then we need to change the City Code. When this was discussed at the Council Worksession, a policy is what was talked about and a consensus of the Council was to have a policy. Councilman Odom stated his concern is that there is no meat to this policy and if we do this, we should do it right and strengthen the ordinance.

Councilmember Peterson stated she disagrees with both Councilmembers Harrington and Odom. She would like to try this policy first and if we need to later change the ordinance we can.

Councilman Krings stated 90% of the Parks & Recreation Directors are in favor of not smoking in parks .

Councilman Goebel questioned if this policy would be helpful to the Police Department.

Police Chief Larry Thoren stated only an ordinance would be enforceable. If someone is disobeying the policy, we can ask them to leave and if they refuse they would be trespassing.

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

Moved by Krings, seconded by Odom that the Mayor and Council award the bid for one (1) Concrete Breaker/Compactor Mounted on used 40,000 lb Wheeled Excavator Model M-316C, 2004 Caterpillar to Nebraska Machinery of Doniphan, Nebraska on the following terms:

Bid Total	\$125,000.00
Down Payment	\$ 29,500.00
Principle To Be Financed	\$ 95,000.00
Interest	3.0%
Period (Years)	2
Annual Installments	\$ 50,039.99

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

Moved by Krings, seconded by Niemeyer that the Addendum to Interlocal Agreement for the Compact for Apprehension of Narcotics Dealers and Offenders (CANDO) be approved. Roll Call: Ayes: Harrington, Peterson, Odom, Niemeyer, Glen, Krings, Oatman, Goebel. Nays: None. The motion carried.

RESOLUTION NO. 2012-17

WHEREAS, the City of Hastings is desirous of improving certain roads and streets within its corporate limits, and

WHEREAS, certain streets are within the corporate limits of the City of Hastings, and funds administered by the State have been made available for the construction of improvements, in compliance with State and Federal laws pertaining thereto, and

WHEREAS, the City is desirous of constructing improvements to repair exposed concrete and mill and resurface the existing shoulders along Highway US 281 beginning at the south corporate limits and extending to the junction with Highway US 6/US 34, and

WHEREAS, the City has designated David L. Wacker (City Engineer) to be in Responsible Charge (RC) of projects and Kim Jacobitz (Executive Secretary) as alternate Responsible Charge (RC).

NOW, THEREFORE BE IT RESOLVED that the Mayor and City Council approve the Project Agreement entitled STP-281-1(115) CN 42577 and authorize the Mayor and City Clerk to execute said agreement.

Moved by Glen, seconded by Harrington that Resolution No. 2012-17 be passed and approved. Roll Call: Ayes: Harrington, Peterson, Odom, Niemeyer, Glen, Krings, Oatman, Goebel. Nays: None. The motion carried.

REPORTS OF LIAISONS: Councilman Goebel encouraged everyone to vote tomorrow.

Councilman Goebel reported on the Mayor's Youth Council. They had their final meeting in April and Levi Cermak of Adams Central was elected President for the next year.

Councilman Goebel reported on the April 26, 2012 Board of Public Works Meeting. This was a special meeting in which policies and procedures of the Board of Public Works were discussed. At the May 3, 2012 Board of Public Works meeting, the year end audit was presented. There was discussion on awarding of contract for meeting the necessary steps for the Water Pollution Control Facility to comply with the ammonia discharge. It is estimated that it will take \$16,000,000.00 to address this problem. This item was tabled to the May 17th Board of Public Works Meeting. There was also an update on the power plant activities.

At this time a presentation was given by Connie Consbruck of the South Central Right To Life Coalition on Planned Parenthood of the Heartland. (Presentation attached to and made a part of

these minutes).

The Mayor stated neither he nor any member of the Council has been contacted that Planned Parenthood of the Heartland is coming to Hastings. This is something we need to go about peacefully, it is something that could tear a community apart.

Moved by Odom, seconded by Niemeyer there being no further business to come before the Council, the meeting adjourn at 8:05 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)

5-12-2012