

COUNCIL CHAMBERS, MONDAY, SEPTEMBER 10, 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 Niemeyer, seconded by Glen that the Open Meetings Act is posted on the southeast wall of the City Council Chambers and that prior to this meeting a notice was placed in the Hastings Tribune on September 7, 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: Charles Hastings, Attorney representing Glenwood Telecommunications, addressed the Council in regard to the Right-of-Way License Agreement between the City and Glenwood Telecommunications that the Council will be acting on tonight. Mr. Hastings stated Glenwood Telecommunications is requesting the use of City easements for location of a fiber optic cable along the west, south and east sides of the City. Glenwood Telecommunications has been before the Council for previous easement requests. They started serving the Hastings area when they provided cable television at Lochland and then when that became a part of the City, Glenwood Telecommunications continued to serve the Lochland area. In 2005 Glenwood Telecommunications requested permission from the City to locate a fiber optic cable along 12th Street and south on Marian Road to 2nd Avenue and then north to Lochland. Earlier this year Glenwood Telecommunications made another request to the City to extend their fiber. The City has a building at Baltimore Avenue and Laurie Lane at Lochland and so they requested permission to extend fiber in the City's easement north of Lochland Road and then east to Highway 281. The request that is coming this evening is just an extension of Glenwood Telecommunication's fiber optic cable from the 2nd Street and Marian Road location south to the City limits and then along the County part of Marian Road down to Highway 6 and then along Highway 6 to the east side of the City. Along that way they plan to and are requesting permission to use the easements in Industrial Park West so that they can put fiber optic cable up there to serve any customers that may be interested. When they get over on the east side of the City, they would be going north along Davis Avenue which is a vacated street near Industrial Irrigation Services, go north to "H" Street and then over to Elm Avenue. They plan to work with Good Samaritan Village to go through the village and then there is another little section to get from "C" Street along 5th Avenue up to Highway 6 inside the City which would allow them to extend their fiber around to that side of the City. They are also asking to use the easement from Elm Avenue up along the former Union Pacific Railroad to 22nd Street and then over to Osborne Drive and north to Lochland. Mr. Hastings stated what this does is allows them to complete a fiber ring which they will then use to provide services to customers that they have and hope to

have in Hastings. One of the things you are probably aware of is that they serve Hastings with wireless internet and one of the things that the fiber will do is allow them to haul some of that traffic back to Blue Hill so that they can get back. Ultimately your internet has to get on the overall network and the most effective way to do that is through fiber and extending this fiber will increase the reliability of that wireless internet. There are representatives from Glenwood Telecommunications at this meeting if the Council has any questions when you are ready to consider that item.

MAYOR'S COMMUNICATIONS: None.

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

- 1(a) Minutes of the Council Meeting of August 27, 2012.
- 1(b) Minutes of the Budget Worksession of August 21, 2012.
- 2(a) Recommendation of the Business Improvement District (BID) Board on changes to downtown area parking regulations. (Recommendations attached to and made a part of these minutes).
- 4(a) Payroll for the period ending September 15, 2012, paid September 21, 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. (Prepaid claims included in attached 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 setting property tax levies.

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.

RESOLUTION NO. 2012-30

**RESOLUTION ESTABLISHING PROPERTY TAX REQUIREMENT
FOR FISCAL YEAR 2012-2013**

WHEREAS, Neb. Rev. Stat. §77-1601.02 provides that the property tax request for the prior year will be the property tax request of the current year for purposes of the levy set by the County Board of Equalization unless the governing body sets the tax request at a different amount; and

WHEREAS, after notice published in the Hastings Tribune, the Hastings City Council conducted a public hearing on September 10, 2012, to obtain public comment on the City of Hastings' property tax request and tax rate.

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

1. That the assessed valuation for tax year 2012 certified by the Adams County Assessor is \$1,090,995,310.
2. That the total property tax request for the City of Hastings is:

General Fund	\$2,672,643.75
Museum Fund	751,065.00
Debt Service Fund	1,734,146.03
TOTAL	\$5,157,854.78
 Community Redevelopment Authority	 \$ 275,000.00
TOTAL	\$5,432,854.78

3. The levy set by the City of Hastings is \$0.472766.
4. That a copy of this Resolution be certified and forwarded to the Adams County Clerk.

Moved by Goebel, seconded by Harrington that Resolution No. 2012-30 be passed and approved.

Councilman Goebel stated he had some concerns from a resident about property taxes in the City

and why the City had been raising property taxes so much. I tried to assure that resident that it wasn't the City, that we hadn't increased the levy in at least five years. Councilman Goebel stated he went to the County Assessor's Office and got the tax records for Tax District 284 which he believes includes everything inside the City limits that is in the Hastings Public Schools. Councilman Goebel stated he split out the tax levy which divided by hundred times the valuation of your house gives you your annual property taxes. Councilman Goebel stated he then it split out from that what the City of Hastings actually levies and this includes our General Fund and principal and interest on bonds, this is our total tax asking and you can see that from 2007 through 2011 it has been absolutely static. Councilman Goebel stated if the City isn't increasing taxes, then why are taxes going up and the answer is that your real estate taxes are not just from the City, they are also from the County, Central Community College, ESU, NRD, Ag Society, Public Schools and CRA, there are a lot of individual levies that contribute to this total. The percentage of the City's levy of the total was 22.25% and in 2011 it was just shade over 20%, so the City's portion is actually decreasing and our levy between 2004 or 2005 and 2011 did actually decrease by about 10.7%. Councilman Goebel stated the point he is trying to make is that we need to compliment the people who do this budget, the City Administrator, the Mayor and City Treasurer; we are managing the public's funds wisely.

The Mayor stated technically when you have a property valuation increase, even if you leave the mill levy alone, you have a x increase. We have no control over that, we don't set the property valuations. The Mayor asked the City Administrator if we aren't typically under valued compared to most towns like Fremont, Norfolk, North Platte, etc.

Joe Patterson, City Administrator, stated we are probably anywhere from \$7,000 to \$10,000 per person less value than a lot of cities of our same size in the State. That means your levy has to be higher to collect the same amount of money as a town that has a higher per capita value. Our valuation went up just 1%.

The Mayor stated everyone has been very good stewards of our money in the City. We have a lot of towns that we can look at in our driving area where they have a lot of problems we don't have.

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 on the proposed 2012-2013 Annual Budget for the City of Hastings.

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. 4328

AN ORDINANCE TO ADOPT THE BUDGET STATEMENT TO BE TERMED THE ANNUAL APPROPRIATION BILL; TO APPROPRIATE SUMS FOR THE NECESSARY EXPENSES AND LIABILITY; TO PROVIDE FOR AN EFFECTIVE DATE

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

Councilman Glen moved that the statutory rule requiring reading on three different days be suspended; Councilman Goebel 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. 4328 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 October 1, 2012.

RESOLUTION NO. 2012-31

RESOLUTION AUTHORIZING ALLOWABLE ONE PERCENT (1%) INCREASE IN RESTRICTED FUNDS

WHEREAS, LB 989 (1998) places a budget lid on restricted funds of governmental units of 2.5% for fiscal year 2012-2013; and

WHEREAS, an additional 1% increase in restricted funds budget authority is allowed if approved by at least 75% of the governing body; and

WHEREAS, to provide budget flexibility in future years of non-property tax revenue such as sales tax, state highway allocation funds, etc. increase, it is advantageous to approve an

additional restricted funds increase of 1% for carry-over purposes.

NOW THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Hastings, Nebraska, that the allowable 1% increase in restricted funds is hereby approved.

Moved by Harrington, seconded by Niemeyer that Resolution No. 2012-31 be passed and approved.

The City Administrator stated in 1998 the State of Nebraska placed a lid and levy limit on all cities and villages and basically what that means is that you have a maximum levy that you can get to, which obviously we are not there and also you can only grow 2.5% in your revenues annually unless your Council has a super majority where you can the go to 3.5%. We haven't gone to that 3.5%, but we always pass it because we can bank it. Our budget hasn't grown at that level, but it is just good prudent budgeting to pass that every year so that number goes up 3.5% should you need it.

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

RESOLUTION NO. 2012-25. . .Annual Fee Resolution for fiscal year 2012-2013. (Resolution attached to and made a part of these minutes).

Moved by Kings, seconded by Niemeyer that Resolution No. 2012-25 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 request of Alan Anderson for Final Plat of proposed Westbrook 14th Addition be approved.

Councilman Goebel questioned if there are any paving requirements for this lot or is the paving already in.

Rich Cartier, City Planner, stated the paving is not currently in, but Mr. Anderson says it will be paved up to the new northern extent of that lot line.

Councilman Odom stated in our annexations discussions, there was an area out there that was circled and questioned if this is that circle.

The City Administrator stated yes.

Councilman Krings questioned why can't we just do the whole thing while we are at it.

The City Administrator stated this is a plat and the owner of the property is requesting that it become an addition to the City. There are only two ways property can become a part of the City and that is by plat when the owner requests it and the other way is through an annexation process.

A little bit of frustration comes from kind of a piece meal annexation at Westbrook and that is one or two lots being platted in as opposed to more property being annexed in or requested to be platted in. We will be looking at this property as we look at annexations this fall.

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 on the request of Alan Anderson to bring proposed Westbrook Village 14th Addition within the corporate limits of the City of Hastings.

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 Niemeyer, seconded by Glen that the request of Alan Anderson to bring proposed Westbrook Village 14th Addition within the corporate limits of the City of Hastings be approved. Roll Call: Ayes: Harrington, Peterson, Odom, Niemeyer, Glen, Krings, Oatman, Goebel. Nays: None. The motion carried.

Moved by Harrington, seconded by Oatman that the Mayor and Council approve the ten (10) year License Agreement with Glenwood Telecommunications, Inc. of P. O. Box 97, Blue Hill, Nebraska 68930 for the annual payment of \$1,763.10. Roll Call: Ayes: Harrington, Peterson, Odom, Niemeyer, Glen, Krings, Oatman, Goebel. Nays: None. The motion carried.

Moved by Glen, seconded by Goebel that the Mayor and Council award the bid for Project PDRB-2012, Police Department Replacement Boilers, to Midwest Sheet Metal Company, Inc. of P. O. Box 1272, Grand Island, Nebraska 68802 in the amount of \$56,856.00 and that the Mayor be authorized to execute said contract.

The City Administrator stated the boilers that were originally put in the Police Department when it was renovated about 11 years ago have not held up well, they have been a constant maintenance issue and have taken up a great deal of the Police Department's Repair & Maintenance Budget. With winter coming we felt it was important to get some of those replaced, we will be replacing all the boilers with two large boilers. We have money left from

the original bond issue and by statute that money has to be used only for the original reason that the voters voted on and that was Police Station construction and maintenance. The City Administrator stated we were concerned that the bids might be around \$100,000 and the low bid was \$56,856.00 which was a pleasant surprise.

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

Moved by Niemeyer, seconded by Krings that the Mayor and Council approve the License Agreement with Great Plains Communications, Inc. of P. O. Box 500, Blair, Nebraska 68808 for the annual payment of \$1,508.52.

Bob Parker, Attorney representing Great Plains Communications, Inc., stated representatives of Great Plains Communications, Inc. are at this meeting if the Council has any question. Mr. Parker thanked the City Administrator, City Engineer, Mike Sullivan and Ron Sekora, we were kind of a last minute addition and the City accommodated us on Friday by getting us on the agenda.

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

Moved by Niemeyer, seconded by Oatman that the following appointments made by the Mayor be approved:

Board of Appeals: Appoint Genevieve Skutnik to replace Jason Haase, term to expire November 15, 2012.

Civil Service Commission: Reappoint Lee Wiegert, term to expire July 1, 2017.

Library Board:: Reappoint David Hamburger, term to expire July 1, 2016.

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

REPORTS OF LIAISONS: Councilman Goebel stated on September 22nd at Lake Hastings the Alzheimer's Association will have a walk to end Alzheimer's. Registration is at 9:30 A.M. and the walk is at 10:00 A.M.

Councilman Goebel reported on the August 30th Board of Public Works Meeting. There was a recommendation to approve an engineering services agreement to update sanitary sewer use ordinance and special waste water rates. They are to check the rates that are currently being charged for waste that is brought to the Pollution Control Center; if it is trucked there, it is not

regular sanitary sewer waste. It may have some different things in it than what the sewer treatment plant typically treats. Presently it has been charged per gallon and JEO Consulting will be taking a look at this and seeing if there is some different type of rate structure that might be used depending on what the contents are and volume. There was a presentation on the Southwest Power Pool. The Southwest Power Pool is a regional transmission organization, it was a federal government mandate that several of these be organized to make certain that reliable electric power is provided to all areas of the country and if there is adequate transmission infrastructure into the lines that take the energy from the plant to the user at a competitive price. Hastings Utilities is considering the possibility of joining the Southwest Power Pool. The Board did approve a two year lease with Kerr Chevrolet for an electric powered four door sedan. This item was on the agenda for this coming meeting so there may be other information. There was a limit switch at Whelan Energy Center No. 2 that failed. On Sunday, September 16th at 1:00 P.M. there is an open house at Whelan Energy Center No. 2. Hastings Utilities is looking into doing a study on the human resources function at Hastings Utilities; John Cripe & Associates has been contacted and Board Members DeWalt & Hunt are discussing with him what kind of study might be done and how human resources fit in together with the City and Hastings Utilities. The next Board of Public Works Meeting is September 13th at 9:00 A.M.

Parks & Recreation Director Jeff Hassenstab reported on the National Softball Tournament. There were 51 teams from seven different states, the tournament went real well and was well received.

Councilman Krings complimented Jeff Hassenstab for his work this summer, it was especially busy for him while being named the Parks & Recreation Director and also acting as the Recreation Superintendent until Ryan Martin was hired.

Moved by Niemeyer, seconded by Glen there being no further business to come before the Council, the meeting adjourn at 7:32 P.M. Roll Call: Ayes: Harrington, Peterson, Odom, Niemeyer, Glen, Krings, Oatman, Goebel. Nays: None. The motion carried.

APPROVED:

Acting Mayor

ATTEST:

9-10-2012

City Clerk

(S E A L)