

COUNCIL CHAMBERS, MONDAY, MARCH 25, 2013 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 March 22, 2013, 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.

REPORTS OF LIAISONS: Councilman Goebel reported on the March 14th Board of Public Works Meeting. On March 3rd at WEC II, there was a problem with boiler tube leaks, things were shut down and the tubes repaired and some sections replaced.

Councilman Goebel stated in connection with HPAC (Hastings Public Access Corporation) and Hastings Utilities, we are looking at the possibility of improving the audio/video recording they get from the Hastings Utilities Board Room. This will be discussed at the HPAC Board Meeting on March 27, 2013 at 8:30 A.M. in the basement at City Hall.

Councilman Niemeyer thanked the Whoopers and Hoopers Committee and all the people involved with that. The event was well organized and went very well.

CITIZEN COMMUNICATIONS: None.

MAYOR'S COMMUNICATIONS: The Mayor read a proclamation proclaiming March 30, 2013 as National Doctor's Day.

At this time Sandi Stevens, member of the Healthy Hastings Committee, gave a presentation on Complete Streets. (Presentation attached to and made a part of these minutes).

Becky Sullivan, member of the Healthy Hastings Committee, talked a little bit about the "Share Our Streets" campaign. Mrs Sullivan stated the Healthy Hastings Committee has launched an awareness campaign whereas we all need to pay attention to each other on the road. We want motor vehicles to pay attention to pedestrians, bicyclists and especially children in crosswalks, but it is also for bicyclists to make sure they understand they need to follow the rules of the road and for pedestrians to pay attention to cars as well. Mrs. Sullivan stated the committee has purchased some "Share Our Streets" signs and hopes the Council will approve the placement of those signs this evening. Mrs. Sullivan stated the committee will be partnering with the schools

in this campaign by hanging banners at the schools, giving out stickers that can be put on bicycles and an information card showing the proper bicycle hand signals. We also will be placing banners at the schools that remind people to watch for kids and hopefully we are able to give some bicycles away at the different schools during the month of May which is National Bike Month.

Moved by Krings, seconded by Peterson that the Hastings Street Department be directed to install "Share Our Streets" signs at locations determined by the Healthy Hastings Committee.

Roll Call: Ayes: Harrington, Peterson, Odom, Niemeyer, Glen, Krings, Oatman, Goebel.

Nays: None. The motion carried.

Councilman Krings stated the Council should have received a draft copy of a Complete Streets Policy. He is waiting for feedback from the Council on that, but if everyone is ok with the language, then at one of our future meetings we will bring that to the Council for approval. If there is something you need clarification on or want us to take a look at, let Councilman Krings know.

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

1(a) Minutes of the Council Meeting of March 11, 2013.

2(a) Application of Midtowne Mart LLC for a Special Designated License at the Adams County Fairgrounds on May 25, 2013.

4(a) Payroll for the period ending March 30, 2013, paid April 5, 2013.

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 Zoul Hospitality LLC dba "281 Lounge/Nebraska Bottle Market" for a Class CK Liquor License to be operated at 2205 Osborne Drive.

Zachary Zoul of Grand Island, Nebraska appeared to speak on behalf of the application. Mr. Zoul stated he would answer any questions the Council might 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. 2013-12

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 ZOUL HOSPITALITY LLC dba "281 Lounge/Nebraska Bottle Market" for a Class CK Liquor License for the license period ending October 31, 2013, at 2205 Osborne Drive, 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 Glen, seconded by Krings that Resolution No. 2013-12 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 Peterson that the Mayor and Council approve the Manager Application of Zachary Z. Zoul in connection with the CK Liquor License of Zoul Hospitality LLC dba "281 Lounge/Nebraska Bottle Market" located at 2205 Osborne Drive. Roll Call: Ayes: Harrington, Peterson, Odom, Niemeyer, Glen, Krings, Oatman, Goebel. Nays: None. The motion carried.

At this time a public hearing was held for the purpose of considering the adoption of Plan Modification #11 to Redevelopment Plan I. (Uptown Experience LLC Redevelopment Project).

Randy Chick, Director of the CRA (Community Redevelopment Authority), appeared to speak on behalf of the Plan Modification. Mr. Chick stated this project encompasses three properties (former Uerling site at 509 West 2nd Street and the two buildings to the west at 513 West 2nd Street and 521 West 2nd Street). Jack Crowley and Larry Schnase have put together an LLC, Uptown Experience, and plan to renovate the properties. They are looking at doing five apartments on the second floor and probably two retail spaces on the main floor.

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. 2013-10

WHEREAS, the Community Redevelopment Authority of the City of Hastings, Nebraska, has prepared the UPTOWN EXPERIENCE, L.L.C. Redevelopment Plan Modification to Redevelopment Plan I;

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

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

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

WHEREAS, the Hastings City Council held a hearing on the UPTOWN EXPERIENCE, L.L.C. Redevelopment Plan Modification on the 25th day of March, 2013; and

WHEREAS, the Hastings City Council found that 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 UPTOWN EXPERIENCE, L.L.C. Redevelopment Plan Modification for Plan I, a copy of which is attached hereto marked Exhibit "A" and incorporated herein by this reference is hereby approved.

(2). The Community Redevelopment Authority of the City of Hastings, Nebraska, is hereby authorized to take such actions as are necessary to implement the Redevelopment Project and the actions of the Authority and its officers and/or members are hereby ratified and confirmed in all respects; and

(3) The Tax Allocation Agreement providing for the division of Tax Increment funds is approved in all respects and the Mayor is 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 Niemeyer, seconded by Oatman that Resolution No. 2013-10 be passed and 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 CDBG Phase II Downtown Revitalization Grant Project.

Randy Chick, Director of the BID (Business Improvement District), appeared to speak on behalf of the Grant Project. The total budget on the project is \$462,000, \$350,000 of that will be coming from the State through the Department of Economic Development and \$112,000 will be matched locally by the Community Redevelopment Authority. Mr. Chick stated the Council has a document that talks about the project description of impact. We are looking at primarily funding facade improvements on a couple of projects and any left over funds would be identified for some of the more public projects. One of those projects is the one we just mentioned and it will probably take substantial funds to renovate that east wall and get it in condition. The application is due the 29th day of March, 2013 and we would appreciate the Council's approval of this second phase of the CDBG Funding Plan this evening.

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. 2013-15

RESOLUTION AUTHORIZING CHIEF ELECTED OFFICIAL TO SIGN AN APPLICATION FOR CDBG FUNDS

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 public hearing(s) upon the proposed application and received favorable public comments respecting the application which is for an amount of \$350,000 for improvements to the downtown district; and

NOW, THEREFORE, BE IT RESOLVED BY

The City Council of the City of Hastings, 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 and the Nebraska Department of Economic Development so as to effect acceptance of the grant application.

Moved by Niemeyer, seconded by Glen that Resolution No. 2013-15 be passed and approved.

Councilman Krings thanked Mr. Chick for his work on this grant and getting our downtown in the shape it is in. Councilman Krings stated he also wanted to thank a lot of people that don't get a lot of recognition and they are the individuals and the people in this community who are investing in our downtown. Councilman Krings stated the reason our downtown is the way it is is because individuals have invested their time and their resources into making it such. These individuals care about this town and it is a lot of work and there are a lot of hoops to go through and challenges when renovating those downtown properties. Councilman Krings stated his understanding is that the people who do it and the people who have done it before are people who love our community and they love our downtown.

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

Moved by Krings, seconded by Niemeyer that the Mayor and Council approve South Central Economic Development District (SCEDD) as grant administrator for CDBG Comprehensive Revitalization Project 12-CR008 and that the Mayor be authorized to execute said consultant agreement. Roll Call: Ayes: Harrington, Peterson, Odom, Niemeyer, Glen, Krings, Oatman, Goebel. Nays: None. The motion carried.

Moved by Odom, seconded by Glen that the Mayor and Council approve South Central Economic Development District (SCEDD) conducting the planning process for CDBG Comprehensive Revitalization Project 12-CR008. Roll Call: Ayes: Harrington, Peterson, Odom, Niemeyer, Glen, Krings, Oatman, Goebel. Nays: None. The motion carried.

Moved by Niemeyer, seconded by Oatman that the Mayor and Council award the bid for 12 Self-Contained Breathing Apparatus from Ed M. Feld Equipment Co., Inc. of 113 N. Griffith Road, Carroll, IA 51401 in the amount of \$59,700. Roll Call: Ayes: Harrington, Peterson, Odom, Niemeyer, Glen, Krings, Oatman, Goebel. Nays: None. The motion carried.

RESOLUTION NO. 2013-13

ADOPTING AND APPROVING THE EXECUTION OF AN AGENCY AGREEMENT WITH THE DEPARTMENT OF AERONAUTICS OF THE STATE OF NEBRASKA FOR PROJECT NO. G04 TO BE SUBMITTED BY THE DEPARTMENT TO THE FEDERAL AVIATION ADMINISTRATION TO OBTAIN FEDERAL ASSISTANCE FOR THE DEVELOPMENT OF THE AIRPORT

Be it resolved by the Mayor and members of the City Council of Hastings, Nebraska, that:

1. The City of Hastings shall enter into an Agency Agreement with the Department of Aeronautics for Project No. G04 for the purpose of obtaining Federal assistance in the development of the Airport and that such agreement shall be set forth herinbelow.
2. The Mayor of the City of Hastings is hereby authorized and directed to execute said Agency Agreement on behalf of the City of Hastings, and the City Clerk is hereby authorized to attest said execution.
3. The said agreement, referred to hereinabove, is inserted in full and attached herewith, and made a part thereof as Exhibit "O".

Moved by Harrington, seconded by Odom that Resolution No. 2013-13 be passed and approved.

The Mayor questioned what exactly is this.

Dave Wacker, City Engineer, stated the Visual Approach Slope Indicators are outdated and we are replacing them with new Precision Approach Path Indicators. They are a type of a light that would be placed at the end of the runway for guidance.

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

RESOLUTION NO. 2013-14

ADOPTING AND APPROVING THE EXECUTION OF AN AGENCY AGREEMENT WITH THE DEPARTMENT OF AERONAUTICS OF THE STATE OF NEBRASKA FOR PROJECT NO. R01 TO BE SUBMITTED BY THE DEPARTMENT TO THE FEDERAL AVIATION ADMINISTRATION

TO OBTAIN FEDERAL ASSISTANCE FOR THE DEVELOPMENT OF THE AIRPORT

Be it resolved by the Mayor and members of the City Council of Hastings, Nebraska that:

1. The City of Hastings shall enter into an Agency Agreement with the Department of Aeronautics for Project No. R01 for the purpose of obtaining Federal assistance in the development of the airport and that such agreement shall be set forth hereinbelow.
2. The Mayor of the City of Hastings is hereby authorized and directed to execute said Agency Agreement on behalf of the City of Hastings and the City Clerk is hereby authorized to attest said execution.
3. The said agreement, referred to hereinabove, is inserted in full and attached herewith, and made a part thereof as Exhibit "O".

Moved by Goebel, seconded by Glen that Resolution No. 2013-14 be passed and approved. Roll Call: Ayes: Harrington, Peterson, Odom, Niemeyer, Glen, Krings, Oatman, Goebel. Nays: None. The motion carried.

ORDINANCE NO. 4337

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 4th 20% of Central Logistic Services, Inc. into the limits of the City)

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

The Mayor then stated the question was "Shall Ordinance No. 4337 be passed and adopted on third 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 10, 2013.

ORDINANCE NO. 4338

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 2nd 20% of Centennial Plastics into the limits of the City)

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

The Mayor then stated the question was “Shall Ordinance No. 4338 be passed and adopted on third 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 10, 2013.

The Mayor excused himself from discussion and action on Ordinance No. 4338, annexing the first 20% of PMP LLC, because of a conflict of interest.

Council President Glen presided over the meeting at this time.

ORDINANCE NO. 4339

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 PMP LLC into the limits of the City)

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

The Mayor then stated the question was “Shall Ordinance No. 4339 be passed and adopted on

third 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 10, 2013.

The Mayor resumed chairing the meeting at this time.

Moved by Niemeyer, seconded by Glen that the Mayor and Council go into Executive Session at 7:34 P.M. to discuss litigation. Roll Call: Ayes: Harrington, Peterson, Odom, Niemeyer, Glen, Krings, Oatman, Goebel. Nays: None. The motion carried.

Moved by Glen, seconded by Niemeyer that the Mayor and Council go out of Executive Session into Regular Session at 8:12 P.M. Roll Call: Ayes: Harrington, Peterson, Odom, Niemeyer, Glen, Krings, Oatman, Goebel. Nays: None. The motion carried.

Moved by Glen, seconded by Goebel there being no further business to come before the Council, the meeting adjourn at 8:12 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)

3-25-2013