

COUNCIL CHAMBERS, MONDAY, APRIL 8, 2013 AT 7:00 P.M.

The meeting was called to order in regular session by Acting Mayor Glen with the following members present: Peterson, Odom, Niemeyer, Glen, Krings, Oatman, Goebel. Absent: Mayor Powers, Councilman Harrington.

Moved by Niemeyer, seconded by Peterson 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 April 5, 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: Peterson, Odom, Niemeyer, Glen, Krings, Oatman, Goebel. Nays: None. Absent: Harrington. The motion carried.

CITIZEN COMMUNICATIONS: None.

REPORTS OF LIAISONS: Councilman Goebel reported on the March 28th Board of Public Works Meeting. There was approval of a change order to the Pollution Control Facility, the change order was for a decrease of approximately \$6,400; they were able to change some cast iron soil pipes to PVC. There was a request from a ratepayer about a street light in front of a house, that was checked out several times and a cost estimate obtained, but in looking at cost versus benefit ratio, it was decided not to approve the installation of that light. There was an Executive Session to discuss negotiations for land acquisition for the possible Water Treatment Plant. The next meeting will be April 11th and they will discuss the Memorandum of Understanding with the PPGA regarding shared equipment at WEC I and WEC II. They will also discuss possible improvements to the audio-video recording at the Board Room; possibly there will be cooperation between the HPAC Board and the Board of Public Works to improve that communication channel.

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

- 1(a) Minutes of the Council Meeting of March 25, 2013.
- 1(b) Minutes of the Worksession of March 19, 2013.
- 4(a) Payroll for the period ending April 13, 2013, paid April 19, 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).
- 4(c) Authorizing the City Clerk to issue checks against the various funds for payment of pre-

paid claims. (Pre-paid claims included in list of attached claims).

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

At this time a public hearing was held on the request of Hastings College to rezone property from R-1 Urban Single Family Residential District to R-1A Single Family Large Lot Residential District.

Charles Hastings, Attorney representing Hastings College, appeared to speak on behalf of the rezoning request. Mr. Hastings stated the property requested to be rezoned is the property of the former President of Hastings College on Elm Avenue, just north of the railroad tracks. It is a large area that has had horses on it in the past. It still has a barn that will facilitate horses and does believe the new owner is hoping to have a couple of horses there. Mr. Hastings stated that access to the property is very limited, the only access is through the driveway on the north side of the house, the south of the house is blocked by the viaduct coming down. If you look at all of the lots in that area north of the railroad tracks and between 2nd Avenue and Elm Avenue, there are many other properties that are being used the same way.

No one appeared to speak in opposition.

Rich Cartier, City Planner, stated Hastings College did send around a petition to ask if any of the adjacent property owners wanted to rezone their property as well. 59% of the neighbors agreed to the rezoning and they are the only ones that will have their zoning changed. The property owners that did not sign the petition will have not have their zoning changed, they will remain at R-1.

The City Clerk's Office received no written objections.

There being no other persons wishing to speak, the Mayor declared the hearing closed.

ORDINANCE NO. 4343

AN ORDINANCE OF THE CITY OF HASTINGS, NEBRASKA, FOR THE PURPOSE OF AMENDING THE ZONING DISTRICT MAP AS DESIGNATED AND DESCRIBED IN SECTION 34-105 OF THE HASTINGS CITY CODE; TO REDESIGNATE THE DISTRICT CLASSIFICATION AFFECTING THE PROPERTY DESCRIBED IN SECTION ONE OF THIS ORDINANCE; AND TO REVISE THE ORIGINAL DESIGNATIONS (Rezoning property bounded by North Elm to the West, West 26th Street to the North, North 2nd Avenue to the

East and the Union Pacific Railroad to the South from R-1 Urban Single Family Residential District to R-1A Single Family Large Lot Residential District)

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

Councilman Niemeyer moved that the statutory rule requiring reading on three different days be suspended; Councilman Krings seconded the motion to suspend the rules and upon roll call vote the following Councilmen voted YEA: Peterson, Odom, Niemeyer, Glen, Krings, Oatman, Goebel. NAY: None. ABSENT: Harrington. 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. 4343 be passed and adopted?” Upon roll call vote the following Councilmen voted YEA: Peterson, Odom, Niemeyer, Glen, Krings, Oatman, Goebel. NAY: None. ABSENT: Harrington. 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 24, 2013.

Moved by Niemeyer, seconded by Goebel that the Mayor be authorized to execute addendum to the Interlocal Agreement of the Compact Apprehension of Narcotics Dealers and Offenders (C.A.N.D.O.) Roll Call: Ayes: Peterson, Odom, Niemeyer, Glen, Krings, Oatman, Goebel. Nays: None. Absent: Harrington. The motion carried.

Moved by Odom, seconded by Niemeyer that the Council approve the sale of City owned property located at 1219 North Kansas Avenue to Tricia M. VanBoening in the amount of Eight Thousand Dollars (\$8,000), with the City paying the transaction fees and that the Mayor be authorized to execute the Real Estate Purchase Agreement.

Joe Patterson, City Administrator, stated this is a lot located on North Kansas that was vacated due to the death of an elderly gentlemen. The property was in a state of disrepair so the City went in and cleaned up the lot. Ms. VanBoening lives next door to the property to the South and this is a good way to get them the property they want to make improvements to. We reached the value of the property through the Assessor’s Office and we recommend Council’s approval of the purchase.

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

Moved by Niemeyer, seconded by Goebel that the Mayor and Council direct the City Engineer

to open the alley between “E” and “F” Streets from South Pine Avenue to South Ross Avenue.

Dave Wacker, City Engineer, stated this has been requested by the property owners within this area; there is 100% of the property owners requesting the opening. Part of this is involved in a Tax Increment Finance (TIF) Project that will be coming before the Planning Commission and the City Council at a later date on a development that is going to occur on South Pine Avenue. The cost of the improvement is estimated at between \$4,600 and \$5,000. There will be a couple of concrete returns put in and then crushed concrete. The TIF Agreement will pay for the cost of the improvement.

Councilman Goebel stated he did go and look at the property and to him it is a good site for this type of development. Too often when development is done it is done out to the edge of the City pushing the boundaries out and buying \$10,000 and \$15,000 an acre of good crop land to build a building on. What we have here is a block that has been used for alfalfa for the past 30 or more years and now we can fill it in with a logical development and the type of building this developer is going to erect will fit in real good with the area.

Councilman Krings questioned if we owned the right-of-way, this is our property where the alley runs.

The City Engineer stated that that is correct.

Councilman Krings questioned why would this alley have been closed in the first place.

The City Engineer stated this alley has never been open, it was platted as right-of-way, but it was never opened.

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

Moved by Odom, seconded by Niemeyer that the Mayor and Council approve License Agreement with Great Plains Communications, Inc. of 1600 Great Plains Centre, P. O. Box 500, Blair, NE 68008 for an annual payment amount of \$123.00.

The City Engineer stated this is a continuation of the project that was started last year by Great Plains Communications. It connects portions of 17th Street, Kansas Avenue and Minnesota Avenue off of a lateral to a cell tower.

Councilman Odom stated we seem to have several different companies that are putting in fiber optic cable around the community. Councilman Odom stated one of the things that he has learned over the last few months is that we (City and/or County) are not connected completely. We are wireless, but we are not with land lines. If we ever have an emergency situation,

anything above ground will probably be useless and he would like to see us have a Worksession in May or June to talk about what we have and kind of where we need to go. If we don't plan for this and talk to these companies that are expanding and doing some things, we aren't going to be able to communicate very well. Councilman Odom stated he would like to see us discuss this, particularly from an emergency preparedness standpoint, but also telephones, telecommunications, computer communications and everything else that deals with our IT.

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

Moved by Odom, seconded by Goebel that the Mayor and Council direct the City Engineer to cause placement of "No Semi Truck Trailer Parking" on the west side of the 700 block of South Pine Avenue. Roll Call: Ayes: Peterson, Odom, Niemeyer, Glen, Krings, Oatman, Goebel. Nays: None. Absent: Harrington. The motion carried.

Moved by Odom, seconded by Oatman that the Mayor and Council approve the award of a contract for a Truck Cab & Chassis with Digger Derrick and Line Body (B.I. 2.60) to Altec Industries of St. Joseph, Missouri, for a total cost of \$190,804.00, including the optional covers, shutoff valve and trade-in of existing vehicle and that the Mayor and City Clerk be authorized to enter into contract with said company accordingly.

Marvin Schultes, Utilities Manager, stated this is a budgeted item and the recommendation is to award to the low bidder.

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

Moved by Niemeyer, seconded by Krings that the Council approve the Mayor's appointment of Corey Stutte to fill the vacated seat of Jeb Brant on the Planning Commission, term to expire February 1, 2015. Roll Call: Ayes: Peterson, Odom, Niemeyer, Glen, Krings, Oatman, Goebel. Nays: None. Absent: Harrington. The motion carried.

Moved by Niemeyer, seconded by Oatman there being no further business to come before the Council, the meeting adjourn at 7:20 P.M. Roll Call: Ayes: Peterson, Odom, Niemeyer, Glen, Krings, Oatman, Goebel. Nays: None. Absent: Harrington. The motion carried.

APPROVED:

4-8-2013

Mayor

ATTEST:

City Clerk

(S E A L)