

COUNCIL CHAMBERS, MONDAY, MAY 13, 2013 T 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 10, 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. Nays: None. The motion carried.

**CITIZEN COMMUNICATIONS:** None

**REPORTS OF LIAISONS:** Councilman Goebel reported on the May 2<sup>nd</sup> Board of Public Works Meeting. The WEC I outage was completed in April and things went well there. There was a WEC II outage in May to repair a control valve and believes that is also complete. There was award of contract for some water and sewer improvements approved and one of those was for Russ's Market at 7<sup>th</sup> and Burlington. There was also approval of the replacement of 12 fire hydrants at various places around town. The next regular is May 16<sup>th</sup> at Central Community College in the Merrick Building. There will be a presentation by Central Community College on their renewable energy program they are doing. They will also discuss the possibility of a multi-year water rate plan, water rates, out of necessity, are going to have to increase a fair amount over the next few or maybe several years. There will also be a presentation on heat pump and electric heating incentives that Hastings Utilities does allow. There will be continued discussion on the well based nitrate and uranium management plan, how that is looking to play out over the next few years.

Councilman Krings gave an update on the Share Out Streets Campaign. That campaign is an awareness campaign to encourage people to share our city streets with all of our users, not just motorists, but bicyclists and pedestrians as well. The 25 signs have been put up at various locations around town, we have handed out window clings at different events, bike stickers have also been given away and there are rack cards with bicycling information. We have placed ads in the paper, we have banners going up at the schools, we have an electronic billboard, thanks to the Mary Lanning Foundation, out on Highway 281, we have a newsletter going to the Chamber of Commerce and we actually have given away 15 bikes today to different kids in the community which has been pretty rewarding.

Councilman Goebel reported on the Mayor's Youth Council. The final meeting of the year was held on May 7<sup>th</sup> and certificates were presented to this year's members and they are Levi Cermak, Samuel Linblad, Alexis Allerheiligen, Madison Tschauner, Victoria Korth, Diana Chavez, Kaitlyn Grothen, Benjamin Troudt, Madison Hucke, Brittany Trausch, Tyler Kirkgard,

DJ Maar, Brooke Jacobi and Sean Selko. They discussed some changes and additional things that they would like to do for next year's Mayor's Youth Council. They also elected officers and the officers for the Mayor's Youth Council next year are Kaitlyn Grothen, President, Samuel Linbald, Vice President, Victoria Korth, Secretary and Madison Tschauner, Historian. The Historian is going to keep track of the activities that the Mayor's Youth Council does and they are going to try to get a little more PR out and maybe get some more information to the City Council about what they are doing.

Councilman Harrington reported on the Hastings Museum. They have a great summer fun class scheduled that you can sign up for now, they have many summer camps going on this summer as well. There is a great art exhibit called "Maximillian-Bodner Expedition 1832-1834"; it is about pioneer art and it will last through the end of May. In June, July and part of August there will be an exhibit called "In The Dark" and it is a fascinating exhibit on how living creatures exist in the dark, whether it is the dark of the forest, depth of the sea or in a cave. There will also be a giant head of a bat and you can stare into the head of the bat and listen to his radar. In the theater, there is another Hastings debut on May 14<sup>th</sup>, a science fiction thriller called "Territory Eight" and it stars Hastings native, Mike Tushaus.

The Mayor stated before and after the movie "Territory Eight", Mike Tushaus will be taking casting calls for his movie "Cottonwood" which will be filmed at the Hastings Regional Center, the NAD, the historic district of Hastings and downtown Hastings. It is a period piece comparing the 1940's and 2013-2014, comparing families now and what happened back in the 1940's and how those families melded together with the Regional Center being a common theme.

**MAYOR'S COMMUNICATIONS:** The Mayor stated the next Council Meeting would be scheduled for May 27<sup>th</sup> which is Memorial Day and if there were no objections from the Council, we will move the meeting to Tuesday, May 28<sup>th</sup>. There were no objections from the Council.

The Mayor recognized Jay Herringer for 15 years of service with the Street Department and Ross Heeren for 20 years of service with the Hastings Museum.

The Mayor read a proclamation proclaiming May 19 through May 25, 2013 as Emergency Medical Services Week.

The Mayor stated in regard to the Veteran's Home Project, we are working through the process of presenting a proposal. It is going very well and we have, in his opinion, a stellar proposal between the four cities. The Mayor stated what we are proposing and where it is going to be would be somewhere where people will want to live. It is going to be very wonderful if we present the right project. The Mayor stated he believes we have a very fair chance of winning this.

The Mayor asked the Council if they would like to hear from the veterans service people and talk about this a little bit.

Councilman Odom stated he would like to hear from the veterans service.

Chris Long, Adams County Veterans Service Officer, stated the State has opened up bidding for a new Central Nebraska Veterans Home. It must be within two hours of the existing site and must be at least two hours away from any other veterans home in the community. There currently are veteran homes in Norfolk, Bellevue, Grand Island and Scottsbluff. They opened it up to get the best of what communities have for veterans. We have had a couple of meetings already and everybody is motivated to do this. They will be constructing a 225 bed facility with approximately 400 employees. Mr. Long stated he believes this veterans home will be a great asset for Hastings to have especially since we have all the resources where we can provide great service to these veterans and their families. The veterans home doesn't only house veterans, it does house "gold star parents" which are parents who have lost their children in war. They house spouses, whether the spouse and veteran are there together or not. If the veteran has passed, the spouse is also eligible to be housed there. It isn't just for veterans, it is for veterans and their families.

Joe Ballweg of 1403 Highland Drive stated he believes it would be wonderful for the veterans of Hastings and the surrounding area, not just for veterans, but for their families as well. Mr. Ballweg stated he doesn't know what has been established, if there is a committee then he would kind of like to suggest that maybe you have some input from the veterans, veterans might have some thoughts and ideas and maybe some help to push things along a little bit. Mr. Ballweg stated he is glad to see the City taking some interest in it.

The Mayor stated we had two meetings last week and Mr. Long was at both; we had a meeting today which Mr. Long could not attend. The way this thing kind of come out was kind of compressed and unfortunately it seemed like one City had tailored this so they wouldn't lose it, but the Legislature broke up that thing last week and made it more available to everyone of us that bids. The Mayor stated in his opinion, one of the cities is outside the two hour circle, however, Hastings, Kearney, Grand Island and North Platte are bidding on it. We (Mayor, City Administrator, Council President and the key players that have to make the deals outside of the City) met this morning. We have a lot of benchmarks to hit, we have to have environmental surveys done and June 11<sup>th</sup> is when the proposal is submitted. The building will be 400,000 square feet and they want about 45 to 50 acres. They also want a couple of kilns, a wood shop, a Chapel and believes there is also another building. The Mayor stated by the compressed nature of this, he spent virtually all of last week working on this. We are going to take as good a run the City of Hastings has ever taken on a project, we want this facility here. The level of care that would go the local hospital is very substantial, the motel rooms and restaurants would benefit from this, as well as gas stations and shopping. What we are trying to do is create a pastoral setting for them. As we get further into this, we will organize a committee and get a hold of the veterans. The Mayor stated the decision date is scheduled for July 17<sup>th</sup> with construction beginning in 2015.

Councilman Niemeyer stated he heard about this project and the one comment he heard recently is do we want to compete against Grand Island. Councilman Niemeyer stated in his opinion we are not competing against anyone. The State puts this out for bid because they want every community to put their best foot forward and believes that is what Hastings needs to do. We need to put our best foot forward and give the best proposal we can. It is important we do everything we can to do just that, not try to take it away from another community, but put our best foot forward and say this is what we have to offer and let the cards fall where they may.

Councilman Glen stated we have had a couple of meetings already and we have had a short timetable. Councilman Glen thanked the Mayor for all the work he has put into this. We have all the players at the table, we have Hastings College, Good Samaritan Village, Hastings Economic Development Corporation and Mary Lanning Memorial Hospital. We are taking three swings at this and we definitely want it.

The Mayor stated there was a comment in the community about why we didn't jump on this right away and the answer is that we did. We were on this the first day, we just didn't publicize it. We want to make sure that we have all our ducks in a row and all the players at the table. We are not going to go off with some half cocked proposal, we are going with this in order to win.

Councilman Odom stated he is glad to hear that something is going on because he had one call from the veterans association asking what we are doing. It is important to us and it is important to Central Nebraska, it isn't just a Hastings thing. Councilman Odom stated he doesn't believe we are taking something away from another city, we are putting our best foot forward and that is part of competition and competition generally brings good things out, even between cities.

Moved by Odom, seconded by Niemeyer that the Mayor and Committee be given permission to use all assets of the City to pursue a resolution to let everyone know that we are serious about the Veteran's Home being located in Hastings and that it be presented at the proper time by the committee. Roll Call: Ayes: Harrington, Peterson, Odom, Niemeyer, Glen, Krings, Oatman, Goebel. Nays: None. The motion carried.

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

1(a) Minutes of the Council Meeting of April 22, 2013.

2(a) Application of Zoul Hospitality LLC for a Special Designated License at the City Auditorium on September 14, 2013.

2(b) Route and use of city streets for 2013 Healthy Hastings Run For Your Life event to be held June 22, 2013.

2(c) Request of the Relay For Life of Adams County, Nebraska to close City streets on May 31 and June 1, 2013 for Adams County Relay for Life event.

2(d) 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 8, 2013.

2(e) Request of Knights of Pythias to close the half block street of North Denver Avenue from 1<sup>st</sup> Street to the alley on June 9, 2013 for open house and tour of Fraternal Order of Knights of Pythias Lodge #28 (subject to submission of Certificate of Insurance).

4(a) Payroll for the period ending May 11, 2013, paid May 17, 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 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.

Moved by Niemeyer, seconded by Glen that the Mayor and Council approve the Preliminary/Final Plat of Rich Lloyd Subdivision. 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, Westbrook Village LLC, to rezone property (proposed Rich Lloyd Subdivision) from Agriculture to R-1 Urban Single Family Residential District.

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. 4346**

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 proposed Rich Lloyd Subdivision from Agriculture to R-1 Urban Family Residential District).

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

Councilman Niemeyer move 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 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. 4346 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 May 29, 2013.

At this time a public hearing was held on the request of Alan Anderson, Westbrook Village LLC, to bring proposed Rich Lloyd Subdivision 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 Harrington, seconded by Glen that the Mayor and Council approve bringing proposed Rich Lloyd Subdivision into the corporate limits of the City of Hastings. 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 the Development Services Department to amend Chapters 10 & 34, Sections 10-102(2), 34-200 and 34-315.01 of the Hastings City Code, by adding language defining Limited Agriculture in specific zoning districts.

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. 4347**

AN ORDINANCE OF THE CITY OF HASTINGS, NEBRASKA, AMENDING HASTINGS CITY CODE CHAPTERS 10 AND 34; ESTABLISHING AN EFFECTIVE DATE; AND REPEALING ANY ORDINANCES OR OTHER PROVISIONS IN CONFLICT HEREWITH

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

Councilman Krings asked staff to comment on this ordinance.

Rich Cartier, City Planner, stated when we rezoned property to R-1A at the request of Hastings College, it came to our attention that the regulations for animals in the R-1A and in Ag were pretty shaky and left it up to the staff's discretion to decide how many animals. We decided to look at what our surrounding communities are doing and finally decided on the addition of a new section to the Code that was more specific to exactly what they can do in the City and then outside of town. We made it much more lax out in the two mile jurisdiction because that is basically more of an Agriculture related area.

Mark Evans, Building Inspector, stated we did look at some of the adjacent communities to make sure we were in similar keeping with how they are regulating that.

Councilman Niemeyer questioned the two mile jurisdiction, outside the City limits is a lot more lenient as far as winged and hooved animals go and questioned what happens when those properties are brought into the City limits, are they grand fathered in or do they have to immediately get rid of their animals.

Mr. Evans stated that Chapter 10 gives them a specific time period, believes it is two years, to bring their property into compliance.

Councilman Krings moved that the statutory rule requiring reading on three different days be suspended; Councilman Niemeyer 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. 4347 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 May 29, 2013.

Moved by Harrington, seconded by Glen that the Mayor and Council sit as a Board of Equalization. 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 levying a special assessment on property located at 702 South Chicago Avenue.

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. 2013-16**

#### **RESOLUTION MAKING ASSESSMENT**

WHEREAS, Notice has been published as provided by law concerning the levy of special assessment on 702 S. Chicago Avenue, Hastings, Adams County, Nebraska, in the Hastings Tribune on April 26, 2013 and May 3, 2013 and a copy of said Notice has been mailed to all resident and non-resident owners of said property as provided by law, and

WHEREAS, a hearing has been conducted as provided by law relative to the levy of special assessments on said Property proposed to be levied against said lots and parcels of ground on account of the construction of the improvements hereinbefore described, and

BE IT FURTHER RESOLVED, that the special assessments are adjusted as follows:

702 South Chicago Avenue - \$510.00.00

BE IT FURTHER RESOLVED, that the said assessment against said lots, parts of lots and parcels of land are hereby declared to be in proportion to the special benefits conferred upon said property by said improvements and not in excess of such benefits or of the cost of the improvements,

BE IT FURTHER RESOLVED, that special assessment above provided for shall become due in fifty (50) days after the date of the passage of this resolution and may be paid within that time without interest, but if not so paid, to bear interest thereafter at the rate of six per centum (6.00%) per annum from the date of this resolution until delinquent; such assessment shall become delinquent as follows: One fifteenth of the total amount shall become delinquent fifty days after such levy; one fifteenth in one year; one fifteenth in two years; one fifteenth in three years; one fifteenth in four years; one fifteenth in five years; one fifteenth in six years; one fifteenth in seven years; one fifteenth in eight years; one fifteenth in nine years; one fifteenth in ten years; one fifteenth in eleven years; one fifteenth in twelve years, one fifteenth in thirteen years; and one fifteenth in fourteen years.

Delinquent installments shall bear interest at the rate provided by law until paid and shall be collected in the usual manner for the collection of taxes. Installments may be prepaid at anytime at the option of the property owner as provided by law.

AND BE IT FURTHER RESOLVED, that a certified copy of said assessment schedule be filed by the City Clerk with the City Treasurer and with the County Treasurer and the County Clerk of Adams County, as provided by law.

Moved by Goebel, seconded by Niemeyer that Resolution No. 2013-16 be passed and approved.

Councilman Krings questioned how did we get to this point.

Joe Patterson, City Administrator, stated we get to this point because we do have some property owners in Hastings that neglect their property. We target those properties over the course of time to get them cleaned up. When it is all said and done and the property owner ignores the letters we send, then we go in and we have to take care of it ourselves; we have to mow it to keep the neighborhood up. We contract that mowing out to a gentlemen that does that for the Development Services Department. Over the course of time, we incur costs in doing that and what we have found is that if we continue to be ignored by the property owners, then we have to go through this process in order to gain ownership of the property. That basically is the end game, if we can show the course or the expenses that have been incurred in maintaining this, we would acquire the property and probably demolish the home that is on it if it is deemed to be in

such a condition where it has to be demolished and then we would resell the lot, usually at a loss, but it is a mechanism by which we try to keep up dilapidated properties in town.

The Mayor stated that he believes over the course of all of our service on the Council that we have not done very many of these. We have a NEAT Committee that responds to complaints from neighbors or from people in town that see dilapidated property which decreases their property values. It filters through the NEAT Committee and then it goes to the City Administrator and we make the contacts.

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 Harrington that the Mayor and Council adjourn as a Board of Equalization. Roll Call: Ayes: Harrington, Peterson, Odom, Niemeyer, Glen, Krings, Oatman, Goebel. Nays: None. The motion carried.

At this time Bobbi Pettit, Community Planner with the South Central Economic Development District, gave a presentation on the status of Project 12-CR-008, Comprehensive Revitalization Grant. (Presentation attached to and made a part of these minutes).

The Mayor stated this is a great tool we are going to be able to use. With the ongoing funding and our match we can do a lot of projects to help the NEAT Committee. The Mayor stated he talked with a member of the Habitat for Humanity this past week and he indicated that they have done either 13 or 18 habitat projects, but the problem now is they can get the land, but it is the money they need to help with the funding of doing the project itself.

Councilman Odom questioned if Eastside Boulevard was one of the areas that was low to moderate.

Ms. Pettit stated no she didn't believe it is.

Councilman Odom stated if we have changes in what we want to do within the area in anyway shape or form, does that affect this application.

Ms. Pettit stated you can make changes, however, you cannot go outside of the boundaries. It has to be projects that the community has deemed, however, they have to directly benefit low to moderate income residents..

Councilman Odom stated when you say whole community, we are not talking about a public vote on every little project.

Ms. Pettit stated no, however, that is why the information she has put in the study reflects work

that has been done by the entire City.

Councilman Odom stated this is really a good program and similar programs have been used in the past, many years ago particularly on the south side. It is very good to see something that we can use some place other than the south side.

Councilman Krings stated we have a lot of organizations, including city staff that work hard on these type of issues, but we also have other organizations, i.e., Chamber of Commerce Retail Oversight Committee, Hastings Economic Development Corporation and Community Redevelopment Authority. All these organizations work together because they recognize we need a comprehensive look at what it takes to bring development into the community. It isn't just one thing, it just isn't focusing on sidewalks or homes, it is a comprehensive look at all the things that we need to do in a community to help make it a viable place for people to want to live and therefore, drive people to want to develop and bring their businesses in to make money and to grow their business.

At this time a public hearing was held regarding the status of Project 12-CR-008, Comprehensive Revitalization Grant, funded through the Department of Economic Development by a Community Development Block Grant.

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 Mayor and Council approve the Comprehensive Revitalization Strategy for Comprehensive Development CDBG 12-CR-008. 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 extending the Community Redevelopment Authority (CRA) waiver of fees for the removal of CRA owned properties at the Hastings Landfill for the period of April, 2007 through April, 2016. 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 the Complete Streets Policy for Hastings, Nebraska.

Councilman Niemeyer stated he is certainly in favor of this policy, the only thing he reads is that in regards to the administration, forming an advisory committee that would meet quarterly, is concerned about adding another meeting to our staff. Is that necessary and would it slow down the process in some cases, especially with some resurfacing projects. Councilman Niemeyer stated he is 100% in favor of the policy, but questioned whether we need an advisory committee or not; if that is something staff wants then he is all for that, but if it is something that will just add an extra meeting to their busy schedule already then he would be in favor of eliminating just that portion only.

Councilman Krings stated specifically on that issue, we have worked with the City Engineer and his staff on this policy. Councilman Krings stated he is not sure the policy states that it is required that every project come in front of the advisory committee. The intent of this was, and then after discussions with city staff, at this time it seems as though the decision of what projects are being undertaken and how they are being completed is left up completely to the City Engineer and his staff. The concern with that, and he believes in our meetings the City Engineer agreed, is that they would like some direction instead of it just falling on their desk and saying "we chose this and this is how it is done". Our indication from the City Engineer was that he welcomed such a committee to help bounce things off of so it doesn't lie solely on him to make a decision.

Councilman Niemeyer stated that was his concern, if this is something the City Engineer and his staff wants, then he has no problem with it.

Councilman Krings asked the City Engineer his thoughts.

Dave Wacker, City Engineer, stated we don't have a problem with the advisory committee, other opinions are always welcome. This is just another tool of education for the public on how projects develop and how it comes about.

Councilman Krings stated what has impressed him about this process is recognizing how important something like this is to development in our community and believes it can play a big and important role. Healthy Hastings is about creating a healthier community. Obviously, if we can make people more willing and less afraid to go out into our communities and be physically active they are going to be healthier and we are going to have a more vibrant development able community. The feedback we have gotten from the community is that people are excited about us finally recognizing, as a community, how important it is to recognize all the users of our infrastructure.

Councilmember Peterson stated when she first got on the Council she got into a conflict with a developer over the sidewalks. The issues that were raised at the time are now issues that are just common sense and it has been nice to see the change. Councilmember Peterson stated she has a daughter who has some significant needs and we often have to use a wheelchair and a lot of the

neighborhoods in the ward she represents don't have sidewalks and for her to visit friends or for her to visit other family members is very difficult and we would have to push her wheelchair out in the street. Councilmember Peterson stated another thing she likes about this also is the need for green spaces, it is a wonderful change.

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

**RESOLUTION NO. 2013-19**

WHEREAS, there has been signed by the City of Hastings on the 25<sup>th</sup> day of October, 2010, and the State on the 2<sup>nd</sup> day of November, 2010, an agreement for providing for the construction of a Federal Aid Project adjacent to Osborne Sports Complex, 12<sup>th</sup> Street, Elm Avenue-6th Avenue, Hastings

WHEREAS, in the above agreement, the City has pledged sufficient funds to finance its share of the cost of the construction of this project identified as STPAA-5516(7), and

WHEREAS, the above mentioned agreement provided that the City would pay costs as set forth in the agreement, and

WHEREAS, the State and the City received bids for the construction of this project on April 18, 2013, at which time one bid was received for the construction of the proposed work, and

WHEREAS, the following contractor(s) for the items of work listed has/have been selected as the low bidder(s) to whom the contract(s) should be awarded:

Werner Construction, Inc., Hastings, Nebraska  
Grading, Concrete Pavement, Culverts, Water Main, Seeding, Electric, General Items:  
\$2,817,812.70

NOW THEREFORE, in consideration of the above facts, the City Council of the City of Hastings, Nebraska, by this resolution, takes the following action:

1. If for any reason the Federal Highway Administration rescinds, limits its obligations, or defers payment of the Federal share of the cost of this project, the City hereby agrees to provide the necessary funds to pay for all costs incurred until and in the event such Federal funds are allowed and paid.
2. The Council hereby concurs in the selection of the above mentioned contractor(s) for the items of work listed, to whom the contract(s) should be awarded.

3. The Council hereby authorizes the Mayor to sign the contract(s) with the above mentioned Contractor(s) for the above mentioned work on behalf of the City.

Moved by Harrington, seconded by Goebel that Resolution No. 2013-19 be passed and approved.

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

Nays: None. The motion carried.

**RESOLUTION NO. 2013-21**

**SUPPLEMENTAL PROJECT PROGRAM AGREEMENT NO. 1-BL1080**

WHEREAS: City of Hastings and Nebraska Department of Roads (NDOR) has previously executed Project Program Agreement BL1080 for a transportation project for which the Local Public Agency (LPA) would like to obtain Federal funds;

WHEREAS: City of Hastings understands that it must continue to strictly follow all Federal, State and local laws, rules, regulations, policies and guidelines applicable to the funding of the Federal-aid project; and

WHEREAS: City of Hastings and NDOR wish to enter into Supplemental Project Program Agreement No. 1 setting out modifications and/or additional duties and/or funding responsibilities for the Federal-aid project.

BE IT RESOLVED: by the City Council of the City of Hastings, Nebraska that:

Vern Powers, Mayor of the City of Hastings, Nebraska is hereby authorized to sign the attached Project Program Supplemental Agreement No. 1 between the City of Hastings and the NDOR.

City of Hastings is committed to providing local funds for the project as required by the Project Program Agreement and any Supplemental Project Program Agreements.

NDOR Project Number: STPAA-5516(7)

NDOR Control Number: 42292

Project Location: 12<sup>th</sup> Street, Elm Avenue - 6<sup>th</sup> Avenue

Moved by Niemeyer, seconded by Odom that the Mayor and Council approve Resolution No. 2013-21. Roll Call: Ayes: Harrington, Peterson, Odom, Niemeyer, Glen, Krings, Oatman, Goebel. Nays: None. The motion carried.

**ORDINANCE NO. 4350**

AN ORDINANCE OF THE CITY OF HASTINGS, NEBRASKA, CREATING A STREET IMPROVEMENT DISTRICT WITHIN THE CITY OF HASTINGS TO BE KNOWN AS STREET IMPROVEMENT DISTRICT NO. 2013-3; DEFINING THE BOUNDARIES OF SAID DISTRICT AND PROPERTY CONTAINED THEREIN; AND, PROVIDING FOR THE CONSTRUCTION OF IMPROVEMENTS THEREIN (Wendell drive from existing paving north to West 33<sup>rd</sup> Street & West 33<sup>rd</sup> Street from existing paving west to Wendell Drive, including intersection of Wendell Drive and West 33<sup>rd</sup> Street)

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

Councilman Krings stated he doesn't believe typically if we are creating street improvement districts suspension of the rules would be good, but isn't the developer requesting this.

The City Engineer stated that that is correct.

Councilman Niemeyer 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. 4350 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 May 29, 2013.

Moved by Niemeyer, seconded by Krings that the Mayor and Council go into Executive Session to update the Council on the veteran's home proposal at 8:35 P.M. Roll Call: Ayes: Harrington, Peterson, Odom, Niemeyer, Glen, Krings, Oatman, Goebel. Nays: None. The motion carried.

Moved by Odom, seconded by Krings that the Mayor and Council go out of Executive Session into Regular Session at 8:59 P.M. Roll Call: Ayes: Harrington, Peterson, Odom, Niemeyer, Glen, Krings, Oatman, Goebel. Nays: None. The motion carried.

5-13-2013

Moved by Peterson, seconded by Harrington there being no further business to come before the Council, the meeting adjourn at 8:59 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 )