

COUNCIL CHAMBERS, TUESDAY, MAY 28, 2013 AT 7:00 P.M.

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

Moved by Niemeyer, seconded by Odom 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 May 24, 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.

Councilmember Peterson entered the meeting at 7:02 P.M.

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

CITIZEN COMMUNICATIONS: None.

REPORTS OF LIAISONS: Councilman Goebel reported on the Mayor's Youth Council. Councilman Goebel reminded Juniors and Seniors at Adams Central, Hastings High and St. Cecilia's that they can still turn in applications for the Mayor's Youth Council for next year. Applications should be turned in at the Administrative Office in City Hall. This program builds leadership skills and shows these young people the value of volunteer work in their community and they do good things for the community and the Hastings area. Future members are chosen by a committee of students and that will be done in mid June.

Councilman Goebel reported on the Board of Public Works Meeting of May 16, 2013. There was a recommendation from staff for an engineering agreement with Black & Veatch for WEC I to meet the MAT (Mercury and Air Toxin) Rule. What has been budgeted is \$350,000 for all the needed upgrades to meet this rule. There was some discussion of a multi-year water plan where the Board of Public Works would be informing people a few years in advance of what they might expect in rate increases for their water. This is necessitated by the work that has to be done on the water system to clean up the nitrates and uranium contaminants. There was a presentation on heat pump and electric heating initiatives; there are possible incentives of \$100 to \$550. There was also a presentation from people at Central Community College on their Renewable Energy Program, we were able to see some of the things they are doing with solar and wind generated electricity.

Councilman Goebel stated he attended the Memorial Day Program at Parkview Cemetery on

May 27th. There was a good program and it was well attended. The staff at Parkview Cemetery had the cemetery looking good.

Councilman Odom stated he also wanted to say how good Parkview Cemetery looked. The Fire Department does put up the flags up for the Memorial Day Services. Councilman Odom stated on June 8th Hastings will be hosting the Nebraska Shrine Soccer Classic at the Tom Osborne Family Complex at Hastings College; the best soccer players in the State will be at this event. The parade starts at 10:00 A.M. and the girls begin their play at 12:00 Noon and the boys begin their play at approximately 2:00 P.M.

The Mayor stated he also attended the Memorial Day Services at Parkview Cemetery and he agrees with Councilmembers Goebel and Odom on how the cemetery looked and how impressive the flags were.

The Mayor stated we will be presenting our Veteran's Home bid in the next couple of weeks. We are going to be very impressed with what our final product is going to be, we can only do what we can do; we don't need to worry about what Grand Island, Kearney and North Platte are doing.

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

- 1(a) Minutes of the Council Meeting of May 23, 2013.
- 2(a) Application of Bullseye's, Inc. for a Special Designated License at the City Auditorium on June 28, 2013.
- 2(b) Application of Richard Kohmetscher for a Special Designated License at the Adams County Fairgrounds on July 27, 2013.
- 2(c) Application of Richard Kohmetscher for a Special Designated License at the Adams County Fairgrounds on August 3, 2013.
- 2(d) Application of Richard Kohmetscher for a Special Designated License at the Adams County Fairgrounds on August 10, 2013.
- 4(a) Payroll for the period ending May 25, 2013, paid May 31, 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, Goebel. Nays: None. Absent: Oatman. The motion carried.

At this time a public hearing was held on the request of Smitty's Enterprises, Inc. to amend the Comprehensive Land Use Plan designation from Urban Residential to Employment/Industrial for parts of J.W. Davis & M.J. Smith Additions.

Randy Chick, Director of the Community Redevelopment Authority, and representing Dennis Smidt, appeared to speak on behalf of the request to amend the Comprehensive Land Use Plan. Mr. Chick 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.

ORDINANCE NO. 4351

AN ORDINANCE OF THE CITY OF HASTINGS, NEBRASKA, AMENDING THE COMPREHENSIVE LAND USE PLAN FOR SAID CITY; TO REDESIGNATE THE DISTRICT CLASSIFICATION AFFECTING THE PROPERTY DESCRIBED IN SECTION ONE OF THIS ORDINANCE; AND TO REVISE THE ORIGINAL DESIGNATIONS (Amending the Comprehensive Land Use Plan designation from Urban Residential to Employment/Industrial for parts of J. W. Davis & M. J. Smith Additions)

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

Councilman Odom 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, Goebel. NAY: None. ABSENT: Oatman. 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. 4351 be passed and adopted?" Upon roll call vote the following Councilmen voted YEA: Harrington, Peterson, Odom, Niemeyer, Glen, Krings, Goebel. NAY: None. ABSENT: Oatman. 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 June 13, 2013.

At this time a public hearing was held for the purpose of considering the adoption of Plan Modification VII to Redevelopment Plan V (Smitty's Enterprises, Inc. Redevelopment Project).

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. 2013-20

WHEREAS, the Community Redevelopment Authority of the City of Hastings, Nebraska, has prepared the SMITTY'S ENTERPRISES, INC. Redevelopment Plan Modification to Redevelopment Plan V;

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 SMITTY'S ENTERPRISES, INC. Redevelopment Plan Modification, Cost Benefit Analysis, Redevelopment Plan V, 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 SMITTY'S ENTERPRISES, INC. Redevelopment Plan Modification on the 28th day of May, 2013; and

WHEREAS, the Hastings City Council found 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) SMITTY'S ENTERPRISES, INC. Redevelopment Modification for Plan V, 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 Goebel, seconded by Niemeyer that Resolution No. 2013-20 be passed and approved.

The Mayor stated he did go out and talk with Mr. Smidt and looked at his plans and he believes it will be a very nice development.

Councilman Goebel stated he believes the building he has planned really fits in the neighborhood good.

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

At this time the City Clerk advised that her office had received one objection from Saleem Ahmad & Shazia Saleem to the creation of Street Improvement District No. 2013-1 (Merle Avenue from the south right-of-way line of North Shore Drive north to the north right-of-way line of Lakeridge Drive, including the intersections at North Shore Drive and Lakeridge Drive) and no objections to the creation of Street Improvement District No. 2013-2 (Nalan Drive from a point 100 feet north of West 13th street north to the north right-of-way line of the intersection with West 14th Street/Meander Circle, then east on 14th Street a distance of 200 feet from said intersection and west on Meander Circle a distance of 150 feet from said intersection, including intersection of Nalan Drive and West 14th Street/Meander Circle).

The City Engineer's letter states that the property owned by Saleem Ahmad and Shazia Saleem represents 16.69 % of the front footage and state law requires greater than 50% is needed to nullify the ordinance. Therefore, the ordinance creating Street Improvement District No. 2013-1 is valid and confirmed.

Moved by Krings, seconded by Harrington that the Mayor and Council award the contract for LF-2011-V Landfill Phase V Expansion to Siel Construction, Inc. of P. O. Box 222, Franklin, NE 68939 in the amount of \$1,616,104.52 and that the Mayor and City Clerk be authorized to execute the contract documents.

Joe Patterson, City Administrator, stated this is a budgeted item. We are getting close to filling up the current cell. Siel Construction is a company that has worked for us in the past and they do a very good quality of work.

Councilman Odom stated that we are looking at a 1.6 million dollar cell and this isn't the first cell that we have built. Councilman Odom stated he has asked before, and he isn't against this at all, but believes we need to look seriously at a station that we can, through either a public/private partnership or the City doing it themselves, take all the recyclables out of the garbage that is currently going into the landfill. Councilman Odom stated this is at least the third, if not the fourth cell that he has been part of and that is \$4,000,000, \$5,000,000 or \$6,000,000 worth of dollars that we are putting in the ground and we could save significant money if we look seriously at building some type of building where we can separate this stuff, compact it and then put it in the landfill. Councilman Odom stated he is not arguing that we need to do that tonight, but it is something that we need to look seriously at for our next year's budget or for the 2014-2015 budget.

The Mayor stated maybe when we have our Worksession item for the budget we can discuss that a little bit more.

Councilman Niemeyer stated so many times we find we don't get very many bids, but with this particular project we had six bids and he is glad to see that.

Councilman Krings questioned what the estimated life span is for one of these cells.

The City Administrator stated probably six or seven years.

Councilman Krings stated this is Phase V, questioned how many phases are left.

The City Administrator stated we are getting to the point where we are out of room, but we are going to be going up. We have plans in the works to increase the height of the landfill, an engineering study is being done now, so we may, as we run out of ground space, be building cells higher on that same site.

Councilman Krings stated over the next six or seven years we either have to draw up this plan of going up, we don't have any plans going somewhere else right now.

The City Administrator stated the City Engineer and the Solid Waste Superintendent are more on

top of that than he is, but from his conversations with them they had talked for several years about buying land adjacent to the landfill so we could keep our infrastructure in place. They are not talking about that as often as they used to, so that tells him that they are thinking of going up as opposed as to going out.

The Mayor stated he thought, if he heard right, the City Engineer stated it would give us another 20 to 30 years if we went up, however, the more we separate the more time we are going to get. We need to do a better job of recycling.

Councilman Krings stated that that is correct, all of that discussed together has merit because now we may have to start looking at land purchase and/or engineering costs to go up. All of this stuff is more cost, more time and then having a long term plan in place for the next 50 years; what are we going to do as a community with regards to it because he believes when you start looking at a facility as Councilman Odom is talking about then the initial reaction is that this is going to be a lot of money, and it might be, but when you starting looking at a 50 year plan, then we start looking at how much time that will buy us and how much money and then it becomes very relevant.

Councilman Goebel stated some of the things that can be taken out of that trash that is now just dumped into the ground is plastics, aluminum cans and metal cans. They can be recycled and those are some of the things that do not biodegrade in the soil.

Councilman Odom stated we have a very good recycler here in town, but it is one of those things that we talked about a long time ago and it didn't happen and that was unfortunate because we probably could have done this building for about \$500,000 and probably extended the landfill, instead of 30 years, maybe an extra 10 to 15 years out of that just from the stacking and compaction process.

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

Moved by Harrington, seconded by Krings that the Mayor and Council approve six foot high solid privacy fence at 928 South Denver Avenue as requested by Gary & Judy Smith. Roll Call: Ayes: Harrington, Peterson, Odom, Niemeyer, Glen, Krings, Goebel. Nays: None. Absent: Oatman. The motion carried.

Moved by Niemeyer, seconded by Goebel that the Mayor be authorized to execute Lease Agreement Addendum #2 between the City of Hastings Police Department and the State of Nebraska for office rental for the Nebraska State Patrol. Roll Call: Ayes: Harrington, Peterson, Odom, Niemeyer, Glen, Krings, Goebel. Nays: None. Absent: Oatman. The motion carried.

Moved by Goebel, seconded by Glen that the Mayor be authorized to execute loan agreement with Geneva State Bank to finance the purchase of telephone & mapping equipment for the Hastings/Adams County 911 Center. Terms of the loan shall be: Not to exceed 4 years, 1.75% interest, for an amount of \$157,460.08 with a semi annual payment. Funds from the 911 Wireless Surcharge Funds to be used to pay the loan over the term. Roll Call: Ayes: Harrington, Peterson, Odom, Niemeyer, Glen, Krings, Goebel. Nays: None. Absent: Oatman. The motion carried.

RESOLUTION NO. 2013-23

WHEREAS, there has been signed by the City of Hastings on the 23rd day of May, 2011, and the State on the 2nd day of June, 2011, an agreement providing for the consideration of a Federal Aid Project 9th Street, Burlington Avenue to Elm Avenue, and

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 URB-5514(4), 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 May 23, 2013, at which time two bids were 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. of Hastings Nebraska
Bituminous: \$733,778.06

NOW THEREFORE, in consideration of the above facts, the City Council of the City of Hastings, by this resolution, takes the following official 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 Odom, seconded by Glen that Resolution No. 2013-23 be passed and approved. Roll Call: Ayes: Harrington, Peterson, Odom, Niemeyer, Glen, Krings, Goebel. Nays: None. Absent: Oatman. The motion carried.

Moved by Niemeyer, seconded by Krings that the Council approve the following appointments to the Housing Authority:

- Pat Kern to replace Louis Pratters, term to expire July 1, 2018.
- Susan Esch to replace Jacque VonDerfecht, term to expire July 1, 2018.

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

Moved by Niemeyer, seconded by Goebel there being no further business to come before the Council, the meeting adjourn at 7:25 P.M. Roll Call: Ayes: Harrington, Peterson, Odom, Niemeyer, Glen, Krings, Goebel. Nays: None. Absent: Oatman. The motion carried.

APPROVED:

Mayor

ATTEST:

City Clerk

(S E A L)

5-28-2013