

COUNCIL CHAMBERS, MONDAY, JUNE 10, 2013 AT 7:00 P.M.

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

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 June 7, 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, Niemeyer, Glen, Oatman, Goebel. Nays: None. Absent: Harrington, Odom, Krings. The motion carried.

CITIZEN COMMUNICATIONS: None.

REPORTS OF LIAISONS: Councilman Goebel stated that on Thursday through Sunday of last week at the Adams County Fairgrounds the Good Sam campers were having their State meeting. There were 218 campers parked at the Fairgrounds Camp Grounds with about 500 people in attendance. This is a good event to have in Hastings, it was first here in the 1980's and then they went to Kearney because the Fairgrounds didn't have the facilities to accommodate a group of that size. In 1997 or 1998, Sandy Himmelberg spoke to the leadership of that group and got them back to Hastings and they have been here ever since. There is lodging tax on camp grounds and there was a line at Ampride getting fuel when the event was over, so that event did bring in some revenue to Hastings.

Councilman Goebel reported on the Board of Public Works meeting of May 30th. The previous source of wind power that Hastings Utilities had is no longer available because the contract expired. They are continuing to search for another source for wind generated electrical power and there will be a report of how that search is going at the June 13th meeting. Allison Petr of McDermott & Miller presented the 2012 annual audit; Ms. Petr replaces Mike Wassinger who passed away last month. There was approval of a proposal from JEO Engineering to do a Water Rate Study. This study should include the effects that the increase costs of the nitrate, uranium, etc. is going to incur to the Water Department. That study should be ready at about the time the Board of Public Works is working on their next annual budget.

MAYOR'S COMMUNICATIONS: The Mayor announced that former 4th Ward Councilmember Marilyn Will passed away late this morning. Mrs. Will served three terms on the City Council and gave a lot of her time to serving the community.

Moved by Niemeyer, seconded by Goebel that the following items on the Consent Agenda be approved with the exception of Item 2(b), Request of the Hastings Public Library to use the City Parking Lot between 3rd and 4th Streets and Hastings and Denver Avenues on Saturday, June 15, 2013 from 8:00 A.M. to 1:00 P.M. for a "Global Wind Day":

- 1(a) Minutes of the Council Meeting of May 28, 2013.
- 1(b) Minutes of the Worksession of May 21, 2013.
- 2(a) Request of the YWCA of Adams County to close city streets for their annual 4th of July Parade Celebration on July 4, 2013.
- 2(c) Application of Midtowne Mart LLC for a Special Designated License at the City Auditorium on August 2, 2013.
- 4(a) Payroll for the period ending June 8, 2013, paid June 1, 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 attached).

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

The Mayor stated if there were no objections from the Council, we will consider Ordinance No. 4355 (Granting to SourceGas Distribution LLC the right to construct, maintain and operate a gas transmission and distribution system within the limits of the Central Community College area annexed by the City of Hastings).

There were no objections from the Council.

ORDINANCE NO. 4355

AN ORDINANCE GRANTING TO SOURCEGAS DISTRIBUTION LLC, ITS SUCCESSORS AND ASSIGNS, THE RIGHT, PERMISSION AND AUTHORITY TO CONSTRUCT, MAINTAIN AND OPERATE A GAS TRANSMISSION AND DISTRIBUTION SYSTEM, INCLUDING MAINS, UNDER, UPON, OVER, ACROSS AND ALONG THE STREETS, ALLEYS, BRIDGES AND PUBLIC PLACES WITHIN THE LIMITS OF THE CENTRAL COMMUNITY COLLEGE AREA ANNEXED BY THE CITY OF HASTINGS BY ORDINANCE 4279 ADOPTED ON MARCH 14, 2011 (THE "HASTINGS CMC ANNEXED AREA") FOR THE FURNISHING, TRANSMISSION, DISTRIBUTION AND SALE OF GAS WHETHER ARTIFICIAL, NATURAL, MIXED OR OTHERWISE, FOR LIGHTING, HEATING, DOMESTIC, INDUSTRIAL AND OTHER USES WITHIN THE HASTINGS CMC ANNEXED AREA, LIMITING THE TERM OF

SAID GRANT, AND PRESCRIBING THE TERMS AND CONDITIONS UNDER WHICH SAID COMPANY MAY OPERATE

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

Chuck Shoemaker, Chairman of the Board of Public Works, addressed the Mayor and Council and indicated that Hastings Utilities is ready, willing and able and excited about the possibility of serving and providing gas services to Central Community College and we are willing to serve as soon as we legally can. There are issues that we have to deal with in terms of compensation to SourceGas for the facilities out there and we are willing to pay a fair price for those. Central Community College is an important part of our community and we want to provide all the public services we have to offer. Mr. Shoemaker requested that the Council deny the request of SouceGas for a franchise.

Larry Glazier, Finance Director for Central Community College, also asked the Mayor and Council to deny the request of SourceGas.

There was no motion to suspend the rules.

The Mayor then stated the question was "Shall Ordinance No. 4355 be passed on 1st reading only?" Upon roll call vote the following Councilmen voted YEA: None. NAY: Peterson, Niemeyer, Glen, Oatman, Goebel. ABSENT: Harrington, Odom, Krings. Ordinance No. 4355 fails on 1st reading.

Moved by Niemeyer, seconded by Glen that the Mayor and Council approve the 1st, 2nd and 3rd year projects for the Comprehensive Revitalization CDBG Phases I, II and III. Roll Call: Ayes: Peterson, Niemeyer, Glen, Oatman, Goebel. Nays: None. Absent: Harrington, Odom, Krings. The motion carried.

At this time a public hearing was held concerning an application to the Department of Economic Development for a Community Development Block Grant to be used to implement infrastructure projects for low to moderate income areas of the city, including sidewalk improvements.

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 Peterson that the Mayor and Council approve grant application for Comprehensive Revitalization Phase I CDBG Grant Funding. Roll Call: Ayes: Peterson, Niemeyer, Glen, Oatman, Goebel. Nays: None. Absent: Harrington, Odom, Krings. The motion carried.

RESOLUTION NO. 2013-24

**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 comment respecting the application which for an amount of \$150,000 will be used to implement infrastructure projects in low-to-moderate income areas, including sidewalk improvements; 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 Peterson that Resolution No. 2013-24 be passed and approved.

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

At this time a public hearing was held on the request of Sioux Vista LLC for a Conditional Use Permit to allow a mini-self storage building at 101 South Hastings Avenue.

Marc Hultine of Hastings, Nebraska and representing Sioux Vista LLC, appeared to speak on behalf of the application. Mr. Hultine stated they would like to construct a black chain link fence that would match the existing fencing and it would be placed between the Self Storage Units and Bristol Station. Mr. Hultine stated they also would like the five most westerly units of the storage facility not be enclosed behind the fence because they would be used solely as storage for equipment owned by Sioux Vista.

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.

Moved by Goebel, seconded by Niemeyer that the Mayor and Council approve the request of Sioux Vista LLC for a Conditional Use Permit to allow a self-storage building at 101 South Hastings Avenue, subject to the following conditions:

1. Prior to construction, all building permits shall be applied for and reviewed by the Building Inspector.
2. All exterior lighting shall be of cut-off type to prevent off-site glare.
3. All lighting shall meet the requirements of Tables 305-10 and 305-11 of Section 34-305.5 for heights and shielding, and from 34-505.5c regarding general standards for exterior lighting.
4. All storage shall be kept within an enclosed building.
5. No long term parking outside including but not limited to RV's, trailers, campers, boats or watercraft.
6. Building setbacks shall be the same as in the C-3 District.
7. Two parking spaces shall be provided, plus one additional space for each employee (if any). Internal drives and parking shall comply with Section 34-308 of the City Code for paving requirements.
8. Building heights shall be limited to one story which does not exceed fourteen (14) feet at the eaves.
9. Buildings shall be separated a minimum of thirty (30) feet from one another within self service storage facilities. Storage bays within a single building shall not be interconnected by interior doors or other interior means providing access from one storage bay to another. The dimensions of any storage bay shall not exceed twenty-two (22) feet in the narrowest dimension or thirty-six (36) feet in the widest dimension.
10. A sign shall be limited to one ground pole sign at the entrance to the premises. Not more than thirty-two (32) square feet in area shall be permitted with a

maximum height of ten (10) feet.

11. Commercial Activity: It shall be unlawful for any owners, operator or lessee of any self service storage facility or portion thereof to offer for sale, or to sell any item of personal property or to conduct any type of commercial activity of any kind whatsoever, other than leasing of the storage units, or to permit same to occur upon any area designated as a self service storage facility. Violation of this Section shall be subject to the provisions of Section 34-804 of the Hastings City Code. Any violation may be cause for revocation of the Conditional Use Permit by the City Council.
12. Repair, reconditioning and fabrication are prohibited on site. This provision shall be posted and be included in the tenant lease agreement.
13. An approved plan shall be valid for a period of twenty-four (24) months following the date of approval by the City Council. If construction has not been started within said twenty-four (24) month period the plan shall be null and void unless the time for start of construction has been extended by the City Council.
14. The site shall abut and have no direct access to a city street.
15. Loading docks shall be prohibited and loading areas to storage bays shall be at the same elevation as the means of vehicular access thereto.
16. Landscaping, where applicable, shall be provided in areas outside any fences between the fence and property line.
17. The storage facility shall be enclosed by a six foot high fence which shall match the existing fence in order to clearly separate the storage units from the Bristol Station Resident Center. The five most westerly units of the self storage facility are exempt from the fencing separation because the applicant has agreed to use those units solely for Sioux Vista LLC business storage and not for public rental.

Councilman Goebel stated this is a very unique building and what Mr. Hultine has proposed will spruce up the area.

Rich Cartier, City Planner, stated the conditions of the Conditional Use Permit do include Mr. Hultine's request regarding the fencing and the five westerly units for use by Sioux Vista.

Vote on the motion. Roll Call: Ayes: Peterson, Niemeyer, Glen, Oatman, Goebel. Nays:

None. Absent: Harrington, Odom, Krings. The motion carried.

Moved by Niemeyer, seconded by Oatman that the Mayor and Council approve the Final Plat of Westbrook Village 15th Addition. Roll Call: Ayes: Peterson, Niemeyer, Glen, Oatman, Goebel. Nays: None. Absent: Harrington, Odom, Krings. The motion carried.

At this time a public hearing was held on the request of Alan Anderson to bring proposed Westbrook Village 15th Addition into 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 Glen, seconded by Niemeyer that the Mayor and Council approve the request of Alan Anderson to bring proposed Westbrook Village 15th Addition into the corporate limits of the City of Hastings. Roll Call: Ayes: Peterson, Niemeyer, Glen, Oatman, Goebel. Nays: None. Absent: Harrington, Odom, Kings. The motion carried.

At this time a public hearing was held on the request of Werner Construction to rezone the South 610 feet (more or less) of the East 1,043 feet (more or less) except Union Pacific Railroad Property on the East thereof in the Northwest Quarter of Section 9, Township 7 North, Range 9 West of the 6th P.M. from Agricultural to I-1 Heavy Industrial.

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. 4352

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 the south 610 feet (more or less) of the East 1,043 feet (more or less) except Union Pacific Railroad Property on the East thereof in the Northwest Quarter of Section 9, Township 7 North, Range 9 West of the 6th P.M. from Agricultural to I-1 Heavy Industrial

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

There was no motion to suspend the rules.

The Mayor then stated the question was “Shall Ordinance No. 4352 be passed on 1st reading only?” Upon roll call vote the following Councilmen voted YEA: Peterson, Niemeyer, Glen, Oatman, Goebel. NAY: None. ABSENT: Harrington, Odom, Krings. Ordinance No. 4352 passes on 1st reading only.

ORDINANCE NO. 4353

AN ORDINANCE OF THE CITY OF HASTINGS, NEBRASKA, VACATING EAST 7TH STREET, AS PUBLIC RIGHT OF WAY, BUT RETAINING IT AS A PUBLIC UTILITY EASEMENT, AS LEGALLY DESCRIBED BELOW; PROVIDING FOR FILING OF SAME WITH THE REGISTER OF DEEDS; REPEALING INCONSISTENT PROVISIONS; AND ESTABLISHING AN EFFECTIVE DATE (Vacating the East 46 feet of the North 33 feet of the Southwest Quarter and the East 46 feet of the South 33 feet of the Northwest Quarter all being in Section 9, Township 7 North, Range 9 West of the 6th P.M., Adams County, Nebraska)

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

There was no motion to suspend the rules.

The Mayor then stated the question was “Shall Ordinance No. 4353 be passed on 1st reading only?” Upon roll call vote the following Councilmen voted YEA: Peterson, Niemeyer, Glen, Oatman, Goebel. Nays: None. Absent: Harrington, Odom, Krings. Ordinance No. 4353 passes on 1st reading only.

Moved by Niemeyer, seconded by Glen that the Mayor and Council approve the Preliminary/ Final Plat of CMF Subdivision. Roll Call: Ayes: Peterson, Niemeyer, Glen, Oatman, Goebel. Nays: None. Absent: Harrington, Odom, Krings. The motion carried.

RESOLUTION NO. 2013-25

RESOLUTION ACCEPTING THE WORK AND THE CERTIFICATE OF THE CITY ENGINEER IN STREET IMPROVEMENT DISTRICT NO. 2008-2

WHEREAS, the City of Hastings, Nebraska did heretofore enter into contracts for the construction of improvements in Street Improvement District No. 2008-2 (East Lochland Road from U. S. Highway 281 east to a point 436 feet east of North First Avenue) which contract was duly approved by the Mayor and City Council and executed in accordance with such action.

WHEREAS, contract for the work in Street Improvement District No. 2008-2 has now been fully completed according to the terms and stipulations of the plans and specifications according to the report and recommendations of the City Engineer.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Hastings, Nebraska, that the certificate of completion and the recommendations of acceptance by the City Engineer and the work completed in Street Improvement District No. 2008-2 be and hereby are accepted, and that the improvements constructed under the contract referred to above and the City Engineer's final statements of cost relative to said District be and hereby are accepted.

Moved by Niemeyer, seconded by Glen that Resolution No. 2013-25 be passed and approved.

Councilman Niemeyer asked the City Engineer if the erosion control problem and the problem with the driveway has been taken care of.

Dave Wacker, City Engineer, stated the State has been out to inspect so the erosion control problem has been taken care of and the driveway will be taken care of as well.

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

RESOLUTION NO. 2013-26

RESOLUTION ACCEPTING THE PLAT AND SCHEDULE OF ASSESSMENTS AS PREPARED BY THE CITY ENGINEER FOR SPECIAL ASSESSMENTS PROPOSED TO BE LEVIED IN STREET IMPROVEMENT DISTRICT NO. 2008-2 IN THE CITY OF HASTINGS, NEBRASKA AND SETTING A HEARING DATE RELATIVE TO THE LEVY OF SAID SPECIAL ASSESSMENTS

BE IT RESOLVED by the Mayor and City Council of the City of Hastings as follows:

Section 1. That the City of Hastings has heretofore accepted the work of the contractor in Street Improvement District No. 2008-2 and the City Engineer has prepared and pre-

sent to the Mayor and City Council a plat and schedule of assessments proposed to be levied in said District.

Section 2. That said plat and schedule of assessments in Street Improvement District No. 2008-2 are hereby ordered to be received and placed on file in the City Offices.

Section 3. That the Mayor and City Council will meet as a Board of Equalization at 7:00 P.M. on the 24th day of June, 2013, in the City Council Chambers at the City Hall in Hastings, Nebraska.

Section 4. That the attached notice of said meeting and hearing is hereby approved and the City Clerk is authorized and instructed that said notice be published in two (2) issues of the Hastings Tribune newspaper as provided by law, said dates to be established by the City Clerk.

Section 5. That the City Clerk be and hereby is instructed to mail a copy of said Notice to all known resident and non-resident owners of property in Street Improvement District No. 2008-2 and to any other party appearing to have a direct interest in such action or proceedings.

Section 6. That at said time and place, the Mayor and City Council of said City will grant hearing to all persons interested and will pass a resolution making said special assessments as provided by law.

Moved by Niemeyer, seconded by Peterson that Resolution No. 2013-26 be passed and approved.

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

RESOLUTION NO. 2013-22

RESOLUTION COMMITTING THE CITY TO PARTICIPATE IN THE JOINT LAND USE STUDY SPONSORED BY THE SOUTH CENTRAL ECONOMIC DEVELOPMENT DISTRICT

Whereas, the City of Hastings, Nebraska, desires to work toward achieving compatibility between the Greenlief Training Site Military Installation and neighboring civilian communities by a joint compatible land use planning and control process conducted by the local governmental entities in cooperation with the local military installation; and

Whereas, the City of Hastings, Nebraska desires to establish further communication and collaboration with the Nebraska Army National Guard and other governmental entities

surrounding the Greenlief Training Site in south central Nebraska; and

Whereas, the City of Hastings, Nebraska desires information that will enable the County to make informed land use decisions; and

Whereas, the City of Hastings, Nebraska wishes to join with South Central Economic Development District, the Nebraska Army National Guard, the US Department of Defense, and the governmental entities surrounding the Greenlief Training Site Military Installation in the formation of a Policy Committee to direct the Joint Land Use Study.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF HASTINGS that the City Engineer be authorized and directed to proceed with the formulation of any and all guidelines, documents or other memoranda between Adams County and other participating entities to complete a Joint Land Use Study.

Moved by Goebel, seconded by Oatman that Resolution No. 2013-22 be passed and approved. Roll Call: Ayes: Peterson, Niemeyer, Glen, Oatman, Goebel. Nays: None. Absent: Harrington, Odom, Krings. The motion carried.

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

APPROVED:

Mayor

ATTEST:

City Clerk

(S E A L)

6-10-2013