

COUNCIL CHAMBERS, MONDAY, JUNE 24, 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, Krings, Oatman, Goebel. Absent: Peterson.

Moved by Niemeyer, seconded by Harrington 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 June 21, 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, Odom, Niemeyer, Krings, Oatman, Goebel. Nays: None. Absent: Peterson. The motion carried.

CITIZEN COMMUNICATIONS: Chuck Shoemaker, President of the Board of Public Works, addressed the Mayor and Council urging their consideration in the approval of the ordinance change authorizing the Board of Public Works to hire a Human Resources Director. We have gone through a consultant report process and have concluded that this new position will be important to carry out the responsibilities we have at Hastings Utilities towards our employees.

MAYOR'S COMMUNICATIONS: Kaitlyn Grothen of 925 East Lochland Road and President of the upcoming Mayor's Youth Council, addressed the Mayor and Council and stated that one of our past discussions and goals has been getting trash cans put around the Lake Hastings Disc Golf Course. Ms Grothen thanked Mayor Powers and the Council for helping us move ahead with this project. There has been a lot more traffic around the Disc Golf Course among high school kids and college kids. Previously, the Mayor's Youth Council picked up trash around the Lake and we received a lot of positive commentary from the residents that saw us doing that and they were really supportive of the trash cans.

The Mayor recognized Lieutenant Todd Brehm for 15 years of service at the Fire Department, Stanley Mohlman for 35 years at the Parks Department, Mark Evans for 15 years in the Development Services Department and Joyce Mangers for 30 years of service in the Development Services and Parks Department..

The Mayor stated we are trying to set up a HAL (High Ability Learner) and STEM (Science, Technology, Engineering & Math) Program. Approximately 10% to 12%, we feel, of the resident students in this town, be it Adams Central, Hastings Public or St. Cecilians's, can be qualified as HAL & STEM kids. We are going to try and put a program together for these exceptionally gifted children, kindergarten through high school. We had a meeting last week with Hastings College, Hastings High School, Central Community College and a number of parents who have HAL & STEM verified kids. We are going to increase the number of parents and people who are involved in this until we get an actual program going. The Mayor stated if

anybody is interested in this idea, send your e-mail address or send a letter to the Mayor at City Hall and we will add you to the list. We have a number of ideas on how to do this and he would like to put maybe a six to ten night program together with programing being applicable to a certain grade. The Mayor stated he is also going to try and push this through the State Legislature, he has talked with the Governor and with one of the Governor candidates about doing this and they also are very interested, as well as some of our State Senators. The Mayor stated he is hoping that this will be a statewide mandate and that our education system provide this program for these exceptional students.

Moved by Odom, seconded by Goebel that the following items on the Consent Agenda be approved:

- 1(a) Minutes of the Council Meeting of June 10, 2013.
- 1(b) Minutes of the Special Council Meeting of June 11, 2013.
- 2(a) Request of the Adams County Agricultural Society for parade route, parking ban and street closure for Fairfest 2013 parade on July 13, 2013.
- 2(b) Request of Hamur, LLC dba Wine Styles of Hastings for an addition to the liquor license premise at 537 West 2nd Street.
- 4(a) Payroll for the period ending June 22, 2013, paid June 28, 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).
- 6(a) Department Monthly Reports received and placed on file.

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

At this time a public hearing was held on the levying of assessments in Street Improvement District No. 2008-2 (East Lochland Road).

No one appeared to speak in favor.

Anna Stehlik representing Cindy Gottsch Family LLC and Gottsch Feeding Corporation addressed the Mayor and Council in regard to the special assessments. Both of these entities have land that is subject to the proposed special assessment. The special assessment proposed for the Cindy Gottsch Family LLC is in excess of \$73,000 and the special assessment proposed for Gottsch Feeding Corporation is \$2,334. Ms. Stehlik stated the land owned by these entities is

agricultural, the Cindy Gottsch Family LLC has a farm with a single driveway onto Lochland Road East and the Gottsch Feeding Corporation land is the abandoned railroad right-of-way running north from Lochland Road East. We all know that the cost of street improvements is to be assessed in proportion to the benefits to be received by the properties in the district. Ms. Stehlik stated we don't dispute that those road improvements were necessary, but the objection brought by these entities is that the road improvements do not benefit them as agricultural properties as much as other properties in this district. Being Agricultural properties, they are used for moving crops and equipment, whereas the benefits of the road in allowing greater volumes of traffic to travel on Lochland Road East, dust control and easier passage by passenger vehicles just doesn't benefit these farm lands to the same extent as some other properties. Ms. Stehlik stated we would propose that the amount of special assessments allocated to the Cindy Gottsch Family LLC be reduced to \$50,000.

The City Clerk advised that her office had received no written objections.

The Mayor asked the City Engineer to explain how this was levied and what we did with this.

Dave Wacker, City Engineer, stated this project began in 2005 initially and the project was finally let on August 12, 2011. There was a time period in development of the project that he believes everyone is familiar with. Early on we had given some cost estimates out on the project, the project developed and then basically, through time, the project grew in size. At one point in time he believes we had an estimate of about \$1.3 million and the total project costs now has come in at a little over \$2.0 million. Proportionately, we were able to receive 80% federal funding that amounted to \$1,610,000. In part of the agreement to building the project, we had to put in another \$158,000 cost for right-of-way appraisals and right-of-way acquisitions. The City Engineer stated he, the Mayor and City Administrator attended some Federal meetings and the City agreed to pick up all right-of-way costs; the proportionate share of 20% could not be assessed to the property owners. Therefore, the City has picked up \$34,000 worth of right-of-way costs and also \$86,000 of general construction costs. When you netted out all of the costs, that left the total amount of \$294,427.00 to be assessed against the property owners. By State Law assessments are made on a per frontal foot basis and that amount was divided by the total amount of frontal footage in the district and that came out to around \$44.89 per frontal foot. The Council has in their packet the breakdown and all the accounting on the project. The City Engineer stated this is one of the lesser assessed street improvement projects that we have had in recent Board of Equalizations. A couple of years ago we assessed North Shore Drive and South Shore Drive and after considerable city obligation on the project, the amount was \$97.07 per frontal foot on North Shore Drive and the South Shore Drive district was assessed at the rate of \$127.97 per frontal foot.

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

Moved by Krings, seconded by Niemeyer that the Mayor and Council sit as a Board of

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

RESOLUTION NO. 2013-27

**RESOLUTION MAKING ASSESSMENTS IN STREET
IMPROVEMENT DISTRICT NO. 2008-2**

WHEREAS, Notice has been published as provided by law concerning the levy of special assessments in Street Improvement District No. 2008-2 in the Hastings Daily Tribune on June 14, 2013 and June 21, 2013, and a copy of said Notice has been mailed to all resident and non-resident owners of property in said District No. 2008-2 as provided by law, and

WHEREAS, a hearing has been conducted as provided by law relative to the levy of special assessments in said District 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:

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 all special assessments 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 4.5 percent per annum from the date of this resolution until delinquent; such assessments shall become delinquent as follows: One fifteenth of the total amount shall become delinquent fifty days after such levy, one fifteenth on one year; one fifteenth in two years; one fifteenth in three years; one fifteenth in four years, one fifteen 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 schedules 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 Oatman that Resolution No. 2013-27 be passed and approved.

Councilman Niemeyer questioned if prior to the forming of the paving district, there was an rough estimate given. What he is trying to say is that the residents in that area, prior to the signing off on the paving district had a pretty good idea of what the project was going to cost.

The City Engineer stated initially there was a district that was created and then that district failed, believes there was some representation by the Mayor, at that point in time, on some different scenarios. There was an estimate that was provided, a hand written one in September of 2007 he believes when the district was re-created, as far as what an estimate of cost would be and was also submitted by some of the individuals in the district. The City Engineer stated he also had one that was updated in 2008 that showed at that point in time that it would be about \$38.00 a foot. The City Engineer stated as time went on, the project, based on equipment costs and material costs and inflation, the project grew. We had outlined at the time of the bid opening what the cost was and that was above some of the previous estimates, that was actually the estimate at that point in time in what the contract was ordered at and that was fully disclosed at that point in time; the amount was higher and believes there was discussion that those costs would be proportionately distributed as per other discussions we had had with the neighborhood. The City Engineer stated it is always very difficult when you get into a project that is seven years long, even before final plans are prepared, as far as what an estimate is or a guesstimate at that point in time to actually get hardened fast numbers from a contractor to build a project.

Councilman Krings stated a few of us were lucky enough to sit on this Council for the North Shore and South Shore paving districts. It was dissimilar in the fact that the estimates given versus actual costs, were extremely higher in proportion to what the estimate was. Councilman Krings stated he remembers at that time we had the discussions that we have no legal obligation to take this back to the district for approval again; we followed all the standards that we needed to, but he remembers at that time that we can tell someone what we think the costs are going to be, have them vote on the estimate that we provided for them and then when those costs come back substantially higher, that we have no obligation whatsoever to say "are you still sure you want to do this." Obviously, the decision by the home owners or the property owners is made on an estimate cost. In this particular incidence, it was closer than what it was on the North Shore and South Shore projects. Councilman Krings stated he does believe there is a reality involved, there is a time lapse between when an estimate actually is done and when with that estimate do you need to shut up. Councilman Krings stated he would urge staff to try to continue to find ways that we can, either communicate and/or get the property owners back in the room and have the conversations again so that when there is discrepancy between estimates and final project bids these homeowners aren't surprised by the cost. We must remember that these are estimates and we all need to understand that and there is a time frame, some projects are much much larger than others and this one had an extremely large time frame which obviously is going to cause discrepancy in project costs. Councilman Krings stated he doesn't know what the answer is, but there should be a way to communicate with the property owners in these districts and how we

get them back to making another decision because saddling them with substantially higher costs is not a good way to do it.

Councilman Niemeyer stated in his opinion, with this particular project, he does believe there had been a substantial period of time from when the first paving district was first initiated and failed and the time when the paving district was passed. This particular project is extremely different than the North Shore and South Shore paving districts in the fact that it came relatively close to what it was guesstimated at, within reason, considering the amount of time that it took to work through all the federal requirements, etc. Councilman Niemeyer stated he doesn't feel that this project exceeded excessively over what it was estimated at. There is no way you will ever get the estimate exactly to the project, especially when it takes a period of time to complete. Councilman Niemeyer stated in this particular instance, he thought it came in fairly decent considering the time lapse.

Councilman Goebel asked the City Engineer if he wasn't correct in saying that we do have to form a district before we can go out for bids.

The City Engineer stated the district was basically formed as a financing vehicle for the City of Hastings and also as a vehicle to levy special assessments. That is the reason why you formulate a district, it is a way to capture bonds, float interim financing if so desired and then to levy special benefit to property owners within the district.

Councilman Goebel stated this has to be done before the formal bid process.

The City Engineer stated that that is correct. The Council actually approved an ordinance to create the district and there was a right of remonstrance of 20 days in which the property owners had the ability to object to the creation of the district. If there was greater than 50% objection against the district then the district would be declared invalid. The City Engineer stated as he recalls, there were no objections on the district when it was formed the second time. The Council then approved the plans and specifications and authorized the advertisement for bids which was basically done by the Department of Roads.

Councilman Krings stated he is aware that that is how we create the district, there is a process where we have to go through with all paving districts and we follow them. Councilman Krings stated he wants to make sure that we do a prudent enough job of communicating with our property owners after that bid comes out, at the very minium we need to let them know that costs are going up. It will not make them happy, but at least they are not going to be surprised when they get that bill in the mail. Councilman Krings questioned if there is something that we are not required by law to do that we could do that would make more sense, is there something we could do like get the group together once again and give them an opportunity at that time to move forward or not.

The City Engineer stated again it would be an estimate, there still could be a discrepancy from the time of the award of the contract until the actual equalization. As an example, you may get in on a project and you run into a sub grade problem that wasn't contemplated and maybe you thought you needed only to remove 100 cubic yards of material and re-stabilize, but you end up removing 3,000 cubic yards. You could run into a utility conflict that you didn't think was there. The City Engineer stated we always get caught in an estimate and he gave the best estimate at the time, from the information we had and disclosed on any estimate documents that it was an estimate at this point to be used for reference and that it was subject to change based on final design, final quantities and final bid tabulations. The City Engineer stated he believes after the bid opening, he can remember at least three people out in that area knew that it came in higher. The City Engineer stated he looked back in February of 2008 and we updated an estimate. At that point in time we had projected \$38.79 on a contractor's bid of \$1,295,00; there was actually an earlier estimate that was made about 14 months earlier before plans had even been completely drafted. There was also discussion going on as far as improvements to the project. We followed up with a letter that was sent to the representative to the neighborhood group as far as what the city costs were going to be also. At one point in time, there was some other proposals other than the 80/20 split.

The Mayor asked the City Attorney if there was a process where after five or six years that a group can go and say it has been too long. This was completely out of the City's hands, we beat on the Federal Highway Department for five years on this project.

Bob Sullivan, City Attorney, stated as far as somebody coming in and objecting to the levying of the assessment, is that what you are asking.

The Mayor stated no, after five years, if you have an original bid of \$1.3 and it ends up \$2.2, you plan for \$1.3, plus or minus, but when you grow the thing \$800,000 or \$900,000 because of an ineptitude of a group of officials, how does a group get out of it.

The City Attorney stated he believes you can take action as a City Council to back up that process because of financial changes and things beyond our control; believes there are ways to come back and relook at the issue and decide whether or not you are going to go forward with it.

Councilman Krings stated what we have here is a situation where a commitment to the project began initially in 2008 when it was created and it is unfortunate that the price went up, but we have all sat up here long enough and have gone through these and the one thing that worries us is that we have set a standard here in the community and we have done this in an attempt to keep property taxes low and keep our streets improved. It is an unfortunate deal with the agricultural situation, and you are probably right in that you won't see the benefit that others are, but his hope is that down the road that changes and hopes that the value of the property for development or whatever the case may be down the road should change.

Councilman Odom stated he has been through a lot of these and our City Attorney has said there are options if this Council wants to do them. He understands and believes we can set any percentage we want within a reasonable amount of time of what we think it ought to be. Councilman Odom stated he really doesn't know how you do this, this is a very tough issue and if there is a better way to do it, then he would like to know it. If we are going to reduce it, then we need to reduce it by a percentage and everybody gets a percentage of reduction. That might not seem fair, they are requesting a larger amount, but that is kind of the way we have always done it.

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

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

Moved by Goebel, seconded by Krings that the Mayor be authorized to execute Addendum to the SCALES (South Central Area Law Enforcement Services) Agreement to add the City of Cozad.

Councilman Goebel stated including Cozad, it brings another City that is another 15 miles on west and questioned if distance was a problem here or the fact that we already have Dawson County in doesn't make it that big of a deal.

Police Chief Pete Kortum stated no it isn't going be any sacrifice, if they really needed the people we would help in any way we could. As a group, one of the real side benefits is that their dues are the same as ours and everyone else's and we derive some great professional development because of that pool of money and we take advantage of it.

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

Moved by Harrington, seconded by Odom that the Hastings Police Amended and Restated Money Purchase Pension Plan based upon all amendments through the date of certification, including, but not limited to, the changes in plan sections 7.01, 1.36, 1.40, 1.41 and 5.01 be approved.

Joe Patterson, City Administrator, stated this year the Unicameral passed and the Governor signed LB263 which has some minor changes to our Police Pension Plan and by law we are required to adopt those plans locally. There is a letter from Mr. Weinberg that spells out the changes that that particular bill had.

Councilman Harrington asked the City Administrator what kind of fee we pay Mr. Weinberg.

The City Administrator stated he is paid by the hour and it is pretty reasonable; he only charges us for the actual hours he works. Mr. Weinberg represents a good number of other municipalities as they deal with the State changes in Fire and Police Pensions.

Councilman Harrington stated these things are so hard to understand and we are to just pass them.

The City Administrator stated this one is relative easy, but we put a lot of trust in Mr. Weinberg because he is probably the authority on these two pension plans. The City Administrator stated he does understand what Councilman Harrington is saying, a lot of times we will get changes from him and it is kind of like one of those “trust me” things because this is what you need to do to keep your plan in compliance. The City Administrator stated Mr. Weinberg is paid by the hour and if we ask him to come out his meter will start running when he leaves Omaha and probably doesn’t shut off until he get back to Omaha. The City Administrator stated you would probably want him to explain it to the individual committees more so than the Council. The City Administrator stated if the Council wants him to invite Mr. Weinberg out, he will be glad to do so.

Councilman Goebel stated he has been on both of those pension committees for some time and we really haven’t heard of any problems that Mr. Weinberg has had with any of the many other cities that he represents.

Vote on the motion. Roll Call: Ayes: Odom, Niemeyer, Krings, Oatman, Goebel. Nays: Harrington. Absent: Peterson. The motion carried.

Moved by Niemeyer, seconded by Odom that the Law Offices of Weinberg and Weinberg be authorized to proceed with the Plan Revisions for the Hastings Police Amended and Restated Money Purchase Pension Plan and the Hastings Firefighters Pension Plan to be filed with the IRS on or before January 31, 2014. Roll Call: Ayes: Odom, Niemeyer, Krings, Oatman, Goebel. Nays: Harrington. Absent: Peterson. The motion carried.

Moved by Odom, seconded by Oatman that the Job Description and Pay Schedule for the Human Resources Director be approved.

Councilman Harrington asked how did Hastings Utilities get to this point of needing this position.

Mr. Shoemaker stated it originally came from a couple of the board members interest in considering the number of employees that Hastings Utilities has and their experience with dealing with human resources issues in their private businesses. They had some questions about

whether in fact we were large enough and complicated enough that we really had a need for a full time human resources person. A consultant, John Cripe and Associates, was hired and we asked them to come in and do an evaluation of our operation and look at how the human resources function was currently being handled and who was handling it. The who is not just one person, it is multiple people handling various parts of it. The evaluation part was handled by the Manager at Hastings Utilities, some of the hiring was handled a little further down the organizational chart and some of the employee relations in another place. We had a variety of people doing parts of the human resources function. The consultant evaluated what was happening, where in fact the human resources functions were being handled and then as a follow up to what he did, he went through the process of evaluating whether in fact we were appropriately handling those. Mr. Shoemaker stated he believes the consultant had some questions about that and they gave us information back that caused us to be concerned that we really probably could handle human resources function a little bit better than we currently are and that it would be more appropriate to handle those functions through one central person. Since then we have had some discussions with Councilmembers, especially our liaisons, about exactly how this all fits together with the City side of city government, the City's human resources function and the City's Human Resources professional that the City has on staff that we are partly funding. Mr. Shoemaker stated he doesn't believe we are at the end of that road, believes we are more at the beginning of that road of figuring out whether there is a place for more coordination between the City side and the Utilities side in terms of the human resources function, but he is pretty sure that on the Utilities side we have already concluded that we see a need for this new person to centralize and handle, at a level that is appropriate for the size of our organization, and at the same time still using the facilities we have used through the City's Human Resources Office. We are not planning on backing up from the contribution that we give to the City for the human resources function or backing up financially or pulling our use of the City's Human Resources Officer away. We are planning to continue to use the human resources time, information and experience that we have been using in the past. We see that as being grounds for continued discussion about whether a longer time combination of the City side and Utilities side is an appropriate road to travel. We haven't made that decision and doesn't believe anybody has made that decision yet, we have started some discussions and had some good discussions about that and we plan on continuing to have those discussions.

Councilman Harrington questioned what incident started the discussions.

Mr. Shoemaker stated it was not one incident or one individual at all, the people on our board that have had more experience with human resources basically had concluded in their own mind that they didn't see our human resources function being handled exactly the way, as a general rule, that an organization that has 200 plus employees should be handling its human resources function. We, through the influence of a couple of our board members, decided we needed to take a look at this and we needed to figure out if there was an issue that we should be concerned about. Mr. Shoemaker stated he didn't have any conclusions when he started the process, and

we did go through Bill Harding, our employment attorney, on helping us select a person to hire to look at our organization. Mr. Shoemaker stated through John Cripe & Associates and evaluations of our activities, his conclusion was that we needed a person on an ongoing consistent full time basis, more assistance to make sure that our hiring practices were appropriate, our evaluations were appropriate and our disciplinary practices were appropriate. Mr. Shoemaker stated, and Marvin Schultes would agree, that staff was resistant to this at the beginning because we have handled our own human resources function for a long time and we don't feel like we have had major incidences individually that have brought us to this point and we don't want to have that. That is really why we started the process and why we have gotten to the place where we are and we see going down the road in the future a need for this so we don't have those problems.

Councilman Harrington stated the reason he asked is that we have always said Hastings Utilities and the City of Hastings should work together more, isn't this a step backward and shouldn't this should be a joint venture as the City Attorney is.

Mr. Shoemaker stated he doesn't believe this is a step backward. It might not be a giant step forward, but does believe it is a step forward and that we will be in a position with an individual in our employment that has the capabilities. We have had some discussions with the consultant about this issue, about whether in fact the person we are talking about would appropriately be a combined employee, where they would reside and who they would report to would be a question we would all have to discuss and respond to. Mr. Shoemaker stated the response we got from the consultant was that you have enough issues to deal with this on your own and that you can use a full time person on your own. Mr. Shoemaker stated down the road there may very well be a place when we get to the point where we want the human resources function at Hastings Utilities to be handled in a professional way. The combination of the function between the two sides of city government might very well be something that is in our future. We have had those discussions and had the questions raised. We are not opposed to looking at that, but we think that we have the need for this function at Hastings Utilities right now and would like to go forward with this on our side alone, not exclusive of the City side, but understanding that is not perhaps what you are ready to do right now; the discussions we have had have told him that that is the case. That is something that may very well be down the road when we see who we have hired, we see what his rate of work is, what his ability to handle the functions that we have at Hastings Utilities are and maybe in fact he finds himself needing more work and that at that time is maybe when we start talking this.

Councilman Goebel stated he was at all of the Board of Public Works and some of the committee meetings when this was discussed and he is very comfortable with how it is proposed that we proceed here. Something that was seen at Hastings Utilities that kind of convinced him that this is a good plan is that human resource functions were being performed by several different people. It isn't because incompetent people were handling those actions at all nor that gross errors in judgment were made or anything like that, but it was just a real fragmented thing.

Councilman Krings stated he is going to mirror some of Councilman Harrington's sentiments. First and foremost, he does think that this is an important position; is actually kind of surprised that with the size of the organization that Hastings Utilities is that we really don't have a dedicated person in some way, shape or form. The regulations and the stuff coming down and trying to manage all these different people and positions is extremely important. Councilman Krings stated this needs to be done, however, he is a little concerned in the discussions of this coming up that at least some point of joint responsibility wasn't discussed. Councilman Krings stated he is a little concerned that by approving this position, this position can be put into place at Hastings Utilities and then we are pretty much done talking about it. We have assurances, he hopes, from the Board of Public Works that that is not the case so he is going to trust that that is going to be the way it is, but does think we need to continue to have those discussions and how this department or this area can work together. It is very likely that we could see more opportunities for that because once you start to get a person in there we will realize what we are kind of missing and how we can do things better.

The Mayor stated there have been ongoing discussions with Mr. Shoemaker, Mrs. DeWalt, the Mayor and City Administrator. We have talked about this being the front gate to a full blown Personnel Department. The Mayor stated originally he was against it, but after we talked and some assurances were made, he is comfortable with this and this is a start to combining services. The Mayor stated he thinks some things are going to happen in the next six months that maybe will speed that along, we aren't ready to make any announcements on that, and the Council hasn't discussed it really, but he can see some of this coming together into a department that will save the City money and also protect our employees.

Councilman Odom stated he certainly supports this. He has had many conversations with Councilman Goebel and the Board of Public Works about this. His concern all along has been what happens to our current employee and Mr. Shoemaker stated very distinctly that that has never been out of the mix, it is always part of it, but that Board is really looking at what is going on within Hastings Utilities. Together we are looking at 300 plus employees and so we are certainly big enough, the one retired human resource person he has talked to sent him some information just basically backing that up and supporting what their person gave them. We could easily get by with two or three in a department. Councilman Odom stated his bigger concern is, much like Councilman Harrington and he has expressed this to the Board of Public Works, is that he would like to move faster towards making it a one department instead of having one at Hastings Utilities and one at the City Building. Councilman Odom stated we have a Civil Service Commission for all of our employees and we are required to have that for our union employees.

The City Administrator stated by statute, the Police and Fire Departments, whether union or not, are under Civil Service. We use the same group for a Merit Service Board as we do the Civil Service, but they don't serve as the Civil Service Board when they are dealing with a Parks or Street employee.

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

The City Clerk advised that her office had received no written objections to the creation of Street Improvement District No. 2013-3 (Wendell Drive from existing paving north to West 33rd Street and West 33rd Street from existing paving west to Wendell Drive).

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 Odom moved for passage of the ordinance on 2nd reading only, which motion was seconded by Councilman Oatman.

Councilman Goebel 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: Harrington, Odom, Niemeyer, Krings, Oatman, Goebel. NAY: None. ABSENT: Peterson. 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. 4352 be passed and adopted on 2nd and final reading?” Upon roll call vote the following Councilmen voted YEA: Harrington, Odom, Niemeyer, Krings, Oatman, Goebel. NAY: None. ABSENT: Peterson. 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 July 10, 2013.

ORDINANCE NO. 4353

AN ORDINANCE OF THE CITY OF HASTINGS, NEBRASKA , VACATING A PORTION OF EAST 7TH STREET IN THE CITY OF HASTINGS, NEBRASKA; RETAINING SAME AS A PUBLIC UTILITY EASEMENT; 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 Harrington moved for passage of the ordinance on 2nd reading only, which motion was seconded by Councilman Niemeyer.

Councilman Krings moved that the statutory rule requiring reading on three different days be suspended; Councilman Goebel seconded the motion to suspend the rules and upon roll call vote the following Councilmen voted YEA: Harrington, Odom, Niemeyer, Krings, Oatman, Goebel. NAYS: None. ABSENT: Peterson. 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. 4353 be passed and adopted on 2nd and final reading?” Upon roll call vote the following Councilmen voted YEA: Harrington, Odom, Niemeyer, Krings, Oatman, Goebel. NAY: None. ABSENT: Peterson. 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 July 10, 2013.

ORDINANCE NO. 4030

AN ORDINANCE OF THE CITY OF HASTINGS, NEBRASKA, AMENDING CHAPTER 32 OF THE HASTINGS CITY CODE PERTAINING TO THE BOARD OF PUBLIC WORKS; ADDING POSITIONS AND DELETING POSITIONS; PROVIDING AN EFFECTIVE DATE; AND REPEALING ANY ORDINANCES OR OTHER PROVISIONS IN CONFLICT THEREWITH (Adding position of Director of Human Resources)

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

Councilman Odom 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: Harrington, Odom, Niemeyer, Krings, Oatman, Goebel. NAYS: None. ABSENT: Peterson. 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. 4340 be passed and adopted?” Upon roll call vote the following Councilmen voted YEA: Harrington, Odom, Niemeyer, Krings, Oatman, Goebel. NAY: None. ABSENT: Peterson. The passage and adoption of said ordinance having been concurred in by a majority of all members of the Council, the Mayor declare the ordinance adopted and the City Clerk attested the passage approval of the same and affixed her signature thereto. Effective date of the ordinance is August 1, 2013.

RESOLUTION NO. 2013-29

SUPPLEMENTAL PROJECT PROGRAM AGREEMENT NO. 1-BM1103

Whereas, City of Hastings and Nebraska Department of Roads (NDOR) have previously executed Project Program Agreement BM1103 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 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: URB-5514(4)
NODOR Control Number: 42705
Project Location: 9th Street, Burlington to Elm Avenues

Moved by Odom, seconded by Krings that Resolution No. 2013-29 be passed and approved. Roll Call: Ayes: Harrington, Odom, Niemeyer, Krings, Oatman, Goebel. Nays: None. Absent: Peterson. The motion carried.

REPORTS OF LIAISONS: Councilman Goebel reported on the Board of Public Works meeting of June 13th. It was mentioned that the Pollution Control Center project is on schedule

and is scheduled to be operational by the DEQ requirement date. The Board approved the job description and salary schedule for the position of Director of Human Resources. Kevin Schawang gave a presentation about security in several different areas, this included cyber security, cameras, personnel security, computer hacking, etc. The next meeting will be on June 26th at the Board Room.

Councilman Krings stated the Hastings High School Rodeo was held this past weekend and he wanted to thank everyone involved with that. On Saturday, the first Healthy Hastings Run For Fun For Your Life Challenge was held, we had over 350 participants and he thanked Ron Alexander, Jeff Hassenstab, Anne Hessler and Becky Sullivan for help with that.

At this time the Mayor asked for nominations for Council President.

Moved by Odom, seconded by Niemeyer that Councilmember Michael Krings be nominated as President of the Council.

Moved by Odom, seconded by Goebel that the nominations for Council President be closed.
Roll Call: Ayes: Harrington, Odom, Niemeyer, Krings, Oatman, Goebel. Nays: None.
Absent: Peterson. The motion carried.

Moved by Odom, seconded by Goebel that Councilmember Michael Krings be approved as Council President by acclamation. Roll Call: Ayes: Harrington, Odom, Niemeyer, Oatman, Goebel. Nays: None. Abstain: Krings. Absent: Peterson. The motion carried.

Moved by Niemeyer, seconded by Odom there being no further business to come before the Council, the meeting adjourn at 8:12 P.M. Roll Call: Ayes: Harrington, Odom, Niemeyer, Krings, Oatman, Goebel. Nays: None. Absent: Peterson. The motion carried.

APPROVED:

Mayor

6-24-2013

ATTEST:

City Clerk

(S E A L)