

COUNCIL CHAMBERS, MONDAY, JULY 22, 2013 AT 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, Krings, Goebel. Absent: Oatman.

Moved by Harrington, seconded by Niemeyer 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 July 19, 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, Krings, Goebel. Nays: None. Absent: Oatman. The motion carried.

CITIZEN COMMUNICATIONS: Bruce Schreiner of Grand Island, Nebraska addressed the Mayor and Council in regard to Ordinance No. 4357, rezoning property at 1239 and 1247 North Burlington Avenue and 1236, 1238, 1240, 1242 and 1244 North Lexington Avenue. Mr. Schreiner stated at the last Council Meeting we provided the Council with some factual information about the situation that exists there as it affects an interested neighbor. We provided a handout that hopefully was read by the Council and also provided a communication subsequent to that pointing out issues that were part of the discussion subsequent to the presentation that he made last time and assumes it is appropriate business courtesy and protocol for us not to have an opportunity to respond to those discussions at the time so he has taken the liberty to do that in an e-mail and hopefully that was helpful to the Council. Mr. Schreiner stated as he reread the minutes of the last Council Meeting he made a few notes. Councilman Niemeyer said, "as far as the neighbor complaining about drainage, there isn't a whole lot to do". Councilman Odom said "it doesn't matter what we do with the rezoning, the issue of the drainage is going to be there anyway and that zoning is not going to cure the drainage problem no matter how we approach this". Mr. Schreiner stated he takes exception to that and his comment to the Council is that the State Law and City Code, wrapping around the State Law, really doesn't give you a choice. You have a statutory requirement to require a site plan on this rezoning of those two particular plats and that requires a site plan and a drainage plan. Mr. Schreiner stated he believes there is an available statute beyond what Mike Sullivan said, "30 days". His comment was that he felt the Administrative Replat fits all the criteria here. He said we can go forward with this as the City Engineer's decision and that too much time has passed for the Council to have authority. He said there is no way for the City nor this Council to have any effect on getting that changed at all, meaning the drainage. He said to Councilmember Peterson that he has not gone back and checked to see if there ever was a site drainage plan; he could have done that. He said to Councilman Krings that the drainage plan was left out 10 years ago and he said that 30 days was required to have brought an action and he does not now know if any process exists where the City could be compelled today to deal with this. Mr. Schreiner stated our comment is very simply we think there is a compulsion and the compulsion is the State Law and City Code that wraps around the State Law which is clear that there is a requirement for a site plan which we

think is the normal course. The normal course would fair out all these issues, so again the bottom line is if you do the right thing, there isn't a problem.

Brad Moncrief owner of properties at 1239 and 1247 North Burlington Avenue and 1236, 1238, 1240, 1242 and 1244 North Lexington Avenue addressed the Mayor and Council in regard to his request to rezone these properties. Mr. Moncreif stated at the last meeting he addressed only the zoning and didn't have the chance to speak about the drainage. Mr. Moncrief stated a little over 10 years ago he tried to work with his neighbor, the neighbor has had the NRD and other various entities out there to discuss the drainage. Mr. Moncreif stated he wanted to get along with his neighbor and he put curbs in so no water flows at all on the south side as far as the driveway goes there because of the curb. Mr. Moncrief stated the property naturally sits this way, he didn't bring dirt onto the property; isn't saying that the land was perfectly level, there was obviously some leveling out there, but there was no dirt brought in to raise this up like they are saying. Mr. Moncrief stated he owns the farthest lot and the whole part of the property slants into his neighbor's property and the only argument he would kind of grant him is that water doesn't sink off pavement so what he did was dig a three to five foot hole on his side, put gravel in there and also toward his side of the line there is gravel on the other side of the fence line and he put up a concrete barrier so that all water that sinks in there should be going into the gravel pit and taking off probably less water than it gets right now. The City Administrator stated he went over there a couple of times, once during a rain and then again when there was no rain; it doesn't drain that bad and again it was draining there naturally the whole time. There is nothing that has been altered or changed, the only thing is that there is concrete now. Mr. Moncrief stated he went to the extra expense to put a gravel pit there to try and take in more water and his argument would be that he is getting less water now. Mr. Moncrief stated he knows the drainage has nothing to do with zoning, this is a neighborhood issue and he has tried to address it, but obviously it will not be addressed and it is something that he and Mr. Schreiner will decide in a court room, but he wanted the Council to know that he has tried and there is nothing more that he thinks he can do and nothing more at this point that he is probably willing to do.

REPORTS OF LIAISONS: Councilman Goebel reported on the July 11th Board of Public Works Meeting. There was discussion on the sanitary sewer rate ordinance and the sanitary sewer use ordinance, this item was tabled to the next meeting. There was discussion of the allocation formula between different utility departments on how they allocate general administrative costs. Marty Stange, Environmental Engineer at Hastings Utilities, received an invitation to do a presentation on the scrubber operations at the Whelan Energy Center; the scrubber is a device that removes contaminants out of the stack exhaust. Mr. Stange was asked to make a presentation at the Allied Environmental headquarters located in Austria and his expenses will be paid by PPGA.

Councilman Goebel reported on the Mayor's Youth Council. He met with the President and Vice President for next year and they had some good and interesting ideas about some changes they want to make in the Mayor's Youth Council in the coming year.

Councilman Krings thanked all the volunteers and other people for making the Adams County Fair a quality event this year.

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

- 1(a) Minutes of the Council Meeting of July 8, 2013.
- 2(a) Request of Nebraska's Official Soft Drink Foundation for use of parking lot and to close City streets on August 10, 2013 for Kool-Aid Days and the Kool-Aid Cruise of America.
- 2(b) Approving \$5,000 administrative fee for Dutton-Lainson Project.
- 4(a) Payroll for the period ending July 20, 2013, paid July 26, 2013 and the period ending August 3, 2013, paid August 9, 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, Krings, Goebel. Nays: None. Absent: Oatman. The motion carried.

At this time a public hearing was held on the request of B & R Stores (Russ's Market at 611 North Burlington Avenue) for an amendment to a Planned District for property currently zoned C-3PD, Commercial Planned District, due to changes in design, layout and landscaping for the new development at the site.

Pamela Dingman of Engineering Design Consultants of Lincoln, Nebraska, appeared to speak on behalf of the request for an amendment to the Planned District. Ms. Dingman stated we were here about 18 months ago before Russ's Market had an engineer on this project. Once she started putting pencil to paper, there were a number of things that needed to be modified as the design was honed in. Mr. Dingman stated she noted out about 14 of those things in her letter of June 24th to the City Administrator (letter attached to and made a part of these minutes) and that is why we are here tonight. Some of the main things that have been modified with the layout is the gas station has been removed, a mezzanine level has been added for community space and we are requesting that the alley behind the store be changed to one-way in order to improve traffic and be 14 feet wide and eight inches thick. There are also a few other changes noted in the letter.

Andrew Willis of Cline Williams Law Firm addressed the Mayor and Council regarding the

amendment to a Planned District at Russ's Market. Mr. Willis stated he represents B & R Stores and last week this was approved by the Planning Commission, subject to the conditions that have been set forth in the ordinance which have been taken care of or will be taken care of.

Dan Childers of 1004 North Burlington Avenue appeared in opposition to the request of B & R Stores for an amendment to a Planned District. Mr. Childers stated he and his wife own the apartments at 519 North Lexington which will be directly adjacent to the new store and he is all for change and all for improvement and believes Russ's Market will be an improvement to the community. Mr. Childers stated he does have a couple of concerns that he has shared with B & R Stores and his concerns basically revolve around light, sound and the ground cover around the store. Mr. Childers stated the Planned District has changed, it has grown some and pretty well occupies any amount of square foot that is left on the footprint of the parcel of ground and there have been reductions in the required landscaping that was going to be done with the project. Mr. Childers stated we have also had a retaining wall that has been removed to facilitate trucks being able to get into the loading docks which they didn't foresee in the beginning. That wall was designated to be a barrier for sound between the neighbors to the west and that was removed and in its place a six foot privacy fence was recommended. Mr. Childers stated a six foot privacy fence would block the view, but not the sound of semis waiting to unload. Mr. Childers stated he has some possible solutions to some of his concerns and suggests that the Council consider them. First of all, it might help to be able to have no parking on both sides of 6th Street between Lexington Avenue and Burlington Avenue. Currently there is no parking on the south, but it still allows parking on the north. Mr. Childers stated another concern is semis pulling up into the alley behind his property which is currently paved, not to the standard to bear weight and that concrete surface that was put in was privately funded, it wasn't put in by the City. Mr. Childers stated it would be helpful if there was a way to post that alley that would limit the size of trucks that could drive into that alley. Mr. Childers stated he talked with Jane Raybould who had mentioned that in Lincoln they had an issue with one of the stores that dealt with sound and that was corrected because of the noise ordinance in Lincoln, semis that are standing, stopping or unloading, the truck and refrigeration units must be shut off. Mr. Childers stated currently Section 18-113.03 deals with excessive noise, it was more defined for audio systems in vehicles, but it addresses sound levels that are heard greater than 75 feet away.

Bryan Reeser of 610 North Bellevue Avenue appeared in opposition to the request of B & R Stores for an amendment to a Planned District. Mr. Reeser stated currently they are making our lives miserable with this construction. His front yard is torn up and his backyard has been torn up for the last three years because they have gotten rid of the houses on Lexington Avenue, all the drainage goes right into his backyard. Mr. Reeser stated the runoff from all this has gone into his shop ruining the grade in his shop to where he cannot concrete his floor now. Mr. Reeser stated we hardly have anyplace to park and traffic has increased in the alleyway to the point where people are hanging out in the alley and vandalizing vehicles. Mr. Reeser questioned if they were planning on staging trucks in the alley, hopes not because the alley is where his garage is at.

Lindell Lyons of 606 North Bellevue Avenue appeared in opposition to the request of B & R Stores for an amendment to a Planned District. Mr. Lyons stated he has some of the same concerns Mr. Reeser has about the traffic in the alley. A gentlemen mentioned removing the parking on 6th Street, but our neighborhood relies heavily on on street parking and no parking on 6th Street would really put a damper one of his neighbors and himself because we park extra vehicles over there sometimes. Mr. Lyons stated one of his concerns is the height of the alley because he put in a new driveway back there 16 or 17 years ago and the City made him pour it at a certain height so that it would match up to the existing gravel alley, doesn't want to have to go in there and spend thousands of dollars to replace some of his concrete because the grade on the alley is not correct. Mr. Lyons stated the traffic on 6th Street has just gotten awful.

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. 4362

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 DESIGNATION (Amending Russ's Market Subdivision from C-P3 Commercial Business with a Planned District Overlay to a C-P3 Commercial Business with a Planned District Overlay with conditions)

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 questioned if staff has looked at parking in the area, the level of the alley and drainage from the alley side to the concerns of the neighbors.

Rich Cartier, City Planner, stated we are still waiting for the drainage plan and that is one of the conditions in the ordinance. Mr. Cartier stated he looked at the off-street parking in the parking lot and they do meet the requirements for that, however, he did not address the parking on the street as part of this.

Councilman Odom stated it is real important that we do talk about drainage, we don't want situations happening or things that we are doing today causing other problems that are unintended. Councilman Odom questioned if generally we lower these alleys a little bit so that the waters are running through the alley to the streets.

Dave Wacker, City Engineer, stated normally things are cut down anywhere from about six inches to a foot. Some of the concepts for design would have an inverted crown in it which means the center of the alley would have a "V" in it that would be at probably a 2% grade, a couple inches of depression in the center. Ms. Dingman is working on developing that, we did submit kind of a preliminary concept for alley grades about four months ago and Ms. Dingman is working on the parking lot drainage and the street drainage through Lexington Avenue. Hopefully, we will be getting all that resolved in the next month or so.

Councilman Odom stated he doesn't believe this generally comes back to the Council once we approve this and all of the conditions are met, but will staff or will someone on staff be talking with the folks in the adjacent alley about what is going to happen, how it is going to work and their ability to get in and out of their houses, how do we normally handle that.

The City Engineer stated we sure can, he can talk with Ms. Dingman and when we get a plan together he would be more than happy to have a neighborhood meeting.

Councilman Odom stated he believes that is real important because we have people here that have a couple of questions and concerns, they are coming forward and asking for some relief in one case to at least help with some drainage and if there is a way we can help with that then he thinks we certainly ought to. Councilman Odom stated he believes this is a great project and like a lot of people, he is very excited. We have a good company here and hopes we can work out the issues that people have brought up and make sure we get them taken care of.

Councilman Niemeyer questioned if the conditions in the ordinance are ok with B & R Stores.

The representative of B & R Stores indicated they have no problems with the conditions listed.

Councilman Goebel stated if we possibly change the level of that alley and it affects someone's paved driveway, how is that reconciled.

The City Engineer stated he would say the developer should, in good faith, take care of that expense; it would be his recommendation that if there is a concrete piece that comes out that ties into it and there is a change in grade he would say that is something the developer should pick up.

Councilman Goebel questioned if that would be in the ordinance or is that just standard operating procedures.

Bob Sullivan, City Attorney, stated you would probably need to make an amendment to the ordinance as an additional condition, otherwise there would be no obligation.

Councilman Goebel stated he would hate to have somebody that has put in a concrete driveway

back there and then there is a six inch jump on or jump off when the City comes through and changes that alley.

Mr Willis stated he thinks that is part of the plan (site plan/drainage plan) and then obviously just good workman like construction at that point. Mr. Willis stated it sounds like a good plan, just wasn't sure exactly where that was going. If there is any negative effects, to say that the store should necessarily pay for them just sounds a little vague right now. They will comply with the drainage plan and good workman like construction and make sure it is done up to code and up to what needs to be done.

Councilman Goebel stated what he is concerned about is the gentlemen with the concrete driveway that comes up the alley. At the present time the height of the drive matches the height of the alley and if that alley has to be lowered or raised six or eight inches for the drainage plan, then who is going to fix that jump up or drop off.

Mr. Willis stated he thinks that would be a part of the construction.

Councilman Niemeyer stated essentially what we are trying to get across is that if the drainage plan requires a grade difference that B & R Stores, as the developer, would go in and fix the driveway to match the grade of the new alley.

Mr. Willis stated that makes sense.

Councilmember Peterson stated she wants to talk a little about the green spaces that are proposed. Councilmember Peterson stated she knows there are changes in the plan because of the elimination of the gas station, were green spaces increased.

Ms. Dingman stated we did not increase the amount of green space provided in this plan because of the amount of parking that is required on this site. The parking really extends nearly to the property line of the north side and actually a few feet past the property line on the south side. The City Engineer and she worked with the sidewalk in particular on the north side, moving it right up against the back of the parking lot so we could maximize the green strip there between the curb and the sidewalk. On the south side of the store we have left a space between the parking lot and the sidewalk. We did not change any of the right-of-way or anything on the other side of the property line to the east because that is right-of-way owned by the Nebraska Department of Roads.

Councilmember Peterson questioned if it was altered or is there a decrease.

Ms. Dingman stated there hasn't been a net decrease of green space on site.

Councilmember Peterson stated she is looking at the plan and she understands the trees and the

plantings, but questioned what the open circles are.

Jim Hutchinson of Hutchinson Architects stated the open circles in the parking lot are frontier elms which are shade trees.

Councilmember Peterson questioned the lighting, do we look at light pollution in the City and do we have ordinances for pollution.

Mr. Cartier stated Mark Evans, the City's Building Inspector, reviews all of the lighting and makes sure that they are compliant with our City Code. Mr. Cartier stated he didn't know if you could make them go above and beyond what is required.

Councilmember Peterson stated she didn't believe that we could make anybody go above and beyond, would hope people would want to go above and beyond especially when you have neighbors that are worried about the lighting.

Mr. Hutchinson stated we address that anyway for light pollution, we tried to address the light overflowing into any residential district and keep the lighting on the parking lot and the wall packs on the outside of the building are intended not to go into any kind of residential district.

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, Peterson, Odom, Niemeyer, 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. 4362 be passed and adopted?" Upon roll call vote the following Councilmen voted YEA: Harrington, Peterson, Odom, Niemeyer, 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 August 7, 2013.

The Mayor stated now that the police officers are here he wanted to at this time recognize Sergeant Bill Mann on his retirement from the Hastings Police Department. Sergeant Mann has worked for the Hastings Police Department for 37 years and acted as Interim Police Chief between Chief Thoren and our current Chief, Chief Kortum.

Chief Kortum invited everyone to a retirement reception for Sergeant Mann at the Hastings Police Department on July 23rd from 1:30 P.M. to 3:00 P.M.

Moved by Niemeyer, seconded by Krings that the Mayor and Council award contract for Duncan Field Renovation Project DFR-2013 to Carmichael Construction of 1012 West 18th Street, Hastings, Nebraska, 68901, in the amount of \$2,797,000 Base Bid, \$6,700 Alternate Bid #2 and \$30,400 Alternate Bid #4, for a total bid of \$2,834,100.

The City Engineer stated we received three bids on the project. The Engineer's Estimate was \$2,667,810.00 and we received a bid from Sampson Construction in the amount of \$3,300,000, a bid from Farris Construction in the amount of \$2,946,412 and the low bid received was from Carmichael Construction in the amount \$2,797,000. We also listed some alternatives that the group who worked on the project thought would be beneficial and the first alternate was to do additional masonry restoration and tuck pointing on the entire outfield wall, the second alternate provided for adding some aluminum picnic tables on the second floor concourse area, the third alternate involved the cost for removal, cleaning, restoration and reinstallation of the bleacher system using the existing panels and the 4th alternate provided for putting in all new bleacher seating and the 5th alternate was a deduction item for substituting a black vinyl coated chain length fence in lieu of an ornamental fence. After the bids were opened we met with the low bidder and the discussion was to select Alternate #2 and Alternate #4. We discussed using the existing bleachers for rehabilitation in the parks. The total bid package that we are asking the Council to consider is for the Base Bid of \$2,797,000, Alternate #2 on the picnic tables in the amount of \$6,700 and Alternate #4 for removing the existing bleachers and replacing with new bleachers in the amount of \$30,400 for a total bid \$2,834,100. There is a completion date on the project of May 16, 2014.

Joe Paterson, City Administrator, stated he wanted to recognize Parks and Recreation Director Jeff Hassenstab and the City Engineer for their efforts in working with the engineering firm that was hired for this. The City Administrator stated we are going to fund it through our General Fund to avoid the cost of issuing bonds and paying the interest on bonds. We will be paying the General Fund back with the sales tax dollars as they come in.

The Mayor stated we had a strategy meeting with our bond counsel last week and thought instead of borrowing money at 2% or 3%, we would use the money we have and just finish this project off.

Councilman Goebel stated we did not add Alternate #1 which was the masonry and tuck pointing work on the outfield wall and questioned if that is something that we need to do pretty soon.

The City Engineer stated it is something that needs to be done, but basically it got into costs, this contractor bid \$405,000 on it and we had ranges on the bid opening from \$250,000 to \$405,000. It strictly got to be a budgetary concern at this point in time, but yes it is something that needs to be addressed.

Councilman Goebel questioned if this is something that won't be affected by the other work that

is done there.

The City Engineer stated no, it would be the perimeter, the Elm Street and South Street sides. There is some removal on the north and west sides which is part of the project development.

The Mayor stated the block wall on the west side will be gone, but the pillars will remain.

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

Moved by Goebel, seconded by Odom that the Mayor and Council approve the ten (10) year License Agreement with Glenwood Telecommunications Inc., P. O. Box 97, Blue Hill, Nebraska 68930 for the annual payment of \$90.00. Roll Call: Ayes: Harrington, Peterson, Odom, Niemeyer, Krings, Goebel. Nays: None. Absent: Oatman. The motion carried.

Moved by Harrington, seconded by Niemeyer that the Mayor and Council approve Melissa Vinzant, South Central Economic Development District, as grant administrator for 12-DTR-107, Downtown Revitalization Phase II. Roll Call: Ayes: Harrington, Peterson, Odom, Niemeyer, Krings, Goebel. Nays: None. Absent: Oatman. The motion carried.

Moved by Odom, seconded by Krings that the Mayor and Council approve Fair Housing item for Downtown Revitalization Phase II and affirmatively further Fair Housing by publicizing information provided during a Fair Housing Workshop presented by the Hastings Development Corporation. Roll Call: Ayes: Harrington, Peterson, Odom, Niemeyer, Krings, Goebel. Nays: None. Absent: Oatman. The motion carried.

ORDINANCE NO. 4357

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 1239 North Burlington from R-3 Multiple Family Residential and C-PO Commercial Office Planned District to C-PO Commercial Office Planned District, rezoning 1247 North Burlington from R-3 Multiple Family Residential and C-O Commercial Office to C-O Commercial Office and reducing the size of the R-3 Multiple Family Residential District for 1236, 1238, 1240, 1242 and 1244 North Lexington Avenue)

Said Ordinance was read by title and thereafter Councilman Goebel moved for passage of the

ordinance on 2nd reading only, which motion was seconded by Councilmember Peterson.

Councilmember Peterson wanted to thank both individuals who came up and spoke and thinks she has a little better understanding on what is going on. It sounds as Mr. Moncrief has tried to do or is doing some things and that information was nice to have this time since we didn't have it last time. Councilmember Peterson stated she has not heard the extensive amount of damage that has occurred to the property to the south. Councilmember Peterson stated as was mentioned last time and mentioned again tonight this may be more of a civil issue rather than a city issue.

Councilman Niemeyer moved that the statutory rule requiring reading on three different days be suspended; Councilman Krings seconded the motion to suspend the rules and upon roll call vote the following Councilmen voted YEA: Harrington, Peterson, Odom, Niemeyer, 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.

Councilman Odom stated he wanted to thank staff for including a map and believes it is really good that we have these included in our packets, it makes it a lot easier for us to view the lay of the land or at least the topographical look and believes we should have this in all of our packets in the future.

The Mayor then stated the question was "Shall Ordinance No. 4357 be passed and adopted on 2nd and final reading?" Upon roll call vote the following Councilmen voted YEA: Harrington, Peterson, Odom, Niemeyer, 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 August 7, 2013.

RESOLUTION NO. 2013-33

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

Section 1. The Mayor and Council hereby find and determine that it is necessary and appropriate to declare an official intent to issue tax-exempt bond anticipation notes or bonds by the City and, in addition, the City's reasonable expectations to reimburse certain expenditures with the proceeds of such bond anticipation notes or bonds as proposed to be issued by the City in connection with the construction of certain street improvements and related appurtenant improvements now being or to be constructed in the City of Hastings, Nebraska.

Section 2. This resolution shall stand as a statement of the official intent of the City

under Regulation Section 1.150-2 and for such purpose the following information be given:

- a. A general functional description of the project for which expenditures may be made and reimbursement from bond anticipation notes or bond proceeds provided is construction of improvements consisting of street improvements and related appurtenant improvements in and for the City of Hastings, Nebraska, including streets to be improved under authority of Section 55-4,101 Reissue Revised Statutes of Nebraska, 2009 and including streets and sidewalks to be improved under authority of improvement districts created under authority of Sections 16-609 through 16-637 and 19-2417 through 19-2419, Reissue Revised Statutes of Nebraska, 2012. Improvements which are to be covered by this resolution are listed on Exhibit "A" attached thereto and included herein by reference.
- B. The principal amount of notes or bonds expected to be issued by the City for that portion of improvements pertaining to this reimbursement resolution is estimated to be \$1,800,000.

Moved by Odom, seconded by Harrington that Resolution No. 2013-33 be passed and approved.

The City Engineer stated this is a reimbursement resolution that involves several projects of which the City has entered into contract with. It would be mainly the 12th Street Project that is currently under contract, the 9th Street Project that is under contract and some future resurfacing projects that we have in our One & Six Year Plan. This will allow the City to float Highway Revenue Bonds if we need cash to basically fund the 20% improvements for the projects. We are not committed to borrow the money if we do not wish to, but this also sets a cap on the amount for future bonding needs.

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

Moved by Krings, seconded by Niemeyer that the Mayor and Council go into Executive Session at 8:10 P.M. to discuss the City Attorney position. Roll Call: Ayes: Harrington, Peterson, Odom, Niemeyer, Krings, Goebel. Nays: None. Absent: Oatman. The motion carried.

Moved by Niemeyer, seconded by Krings that the Mayor and Council to out of Executive Session into Regular Session at 8:25 P.M. Roll Call: Ayes: Harrington, Peterson, Odom, Niemeyer, Krings, Goebel. Nays: None. Absent: The motion carried.

Moved by Niemeyer, seconded by Krings there being no further business to come before the Council, the meeting adjourn at 8:25 P.M. Roll Call: Ayes: Harrington, Peterson, Odom, Niemeyer, Krings, Goebel. Nays: None. Absent: Oatman. The motion carried.

7-22-2013

APPROVED:

Mayor

ATTEST:

City Clerk

(S E A L)