

COUNCIL CHAMBERS, MONDAY, AUGUST 12, 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: None.

Moved by Niemeyer, seconded by Peterson 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 August 9, 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. The motion carried.

**CITIZEN COMMUNICATIONS:** None.

**REPORTS OF LIAISONS:** Councilman Goebel reported on the August 1, 2013 Board of Public Works Meeting. The 1<sup>st</sup> Quarter Financial Report from McDermott & Miller was approved. There was approval of an ordinance to be submitted to the City Council, the ordinance allows the discharge of firearms at WEC II. There was discussion on the Fuel Rate Adjustment, the rate stabilization credit on utility bills. They suspended that as of August 1<sup>st</sup>; this was a decrease in the fuel adjustment clause that was put in awhile back. There was approval of doing a peer review study by Black & Veatch Consultants, at a cost of up to \$25,000, to have a look at the utility's well based nitrate and uranium management plan that we saw here a few months ago. The idea being to just have a different engineering firm take a look at the way this plan was proposed and see if we are seeing the whole picture and seeing it right. The next meeting will be August 15<sup>th</sup> at the Board Room at 9:00 A.M.

Councilman Krings recognized all the people involved with Kool-Aid Days this past weekend. Councilman Krings thanked the Kool-Aid Committee and all city staff. It takes a whole town to run these types of events and we are lucky that the town is accepting, not only volunteers, but staff and everybody to help pull off one of the unique, great events this community has.

The Mayor recognized the State Champion Hastings Crush Girls Fast Pitch Softball Team. The State Tournament Championship photo is on display at the ASA Hall of Fame out by the Softball Complex. The team won five out of eleven tournament championships, they won the USSA State Class "B" State Championship in Lincoln, they won the ASA Class "B" State Championship in Hastings and they received 13<sup>th</sup> place in the ASA Northern Nationals in Bloomington, Indiana. These girls are great ambassadors for the City of Hastings traveling to Oklahoma City, Bloomington, Indiana and all throughout Nebraska.

The Mayor recognized Pam Bohmfalk for 20 years of service at the Hastings Public Library, Sheila Nelson for 30 years of service at the Hastings Public Library and Rick Wilbur for 35

years of service at the Hastings Street Department.

The Mayor stated you will notice that there are two vacant chairs here on the Council. Todd Oatman has resigned as First Ward Councilmember. We are still looking for someone to fill the 2<sup>nd</sup> Ward Council seat vacated by Roger Glen. The advertisement for Ward 1 and Ward 2 Council seats will be advertised in the Hastings Tribune tonight. If anyone is interested, please send resumes to City Hall in care of the City Clerk, City Administrator or Mayor.

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

- 1(a) Minutes of the Council Meeting of July 22, 2013.
- 4(a) Payroll for the period ending August 17, 2013, paid August 23, 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).
- 5(a) Department Monthly Reports received and placed on file.
- 6(a) Renewal of Liquor License Applications for the following Class "C" Liquor Licenses for the period of November 1, 2013 through October 31, 2014: 2<sup>nd</sup> Street Slammer Inc., Adams County Ag Society, B & R Stores Inc., Barrel Bar Inc., Bernardo Inc., Budson Inc., Bullseye's Inc., Caribbean Bar & Grill LLC, Charles Thomas Taylor, Disabled American Veterans, Eagles FO Hastings Aerie 592, El Pun Pun Inc., Fucor Inc., Gabriel Sanchez (2), George J. Beckby, Glenda L. McMurray, Hallett Inc., Hamur LLC, Hastings Liquor Mart & Tobacco Row LLC, Highland Operating Company, Kitty's Roadhouse LLC, Michael P. Chase, Midtowne Mart LLC, Murphy's Wagon Wheel Inc., Murphy's at the Track LLC, Restaurant Management Service LLC, Rivals Bar & Grill LLC, Veterans of Foreign Wars, Post 1346, Virginal Wolz, Wanda's LLC, William D. Swenson, Zoul Hospitality LLC. Catering Licenses for the period of November 1, 2013 through October 31, 2014: 2<sup>nd</sup> Street Slammer Inc., Adams County Ag Society, Bullseye's Inc., Eagles Frat Hastings Aerie 592, Kitty's Roadhouse LLC, Midtowne Mart LLC, Murphy's Wagon Wheel Inc., Zoul Hospitality LLC.

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

At this time Kathy Rysiew of 1716 Imperial Drive addressed the Mayor and Council in regard to West 12<sup>th</sup> Street. Ms. Rysiew stated she wanted to follow up from her last visit, she had talked

before about not being able to cross 12<sup>th</sup> Street anywhere between Baltimore Avenue and Marian Road, and that is still an issue. Ms. Rysiew stated her daughter has declared to her that she is riding her bike to the Middle School, therefore, she is in the same dilemma as she was before, does she let her daughter ride her bike or not to the Middle School. Ms. Rysiew stated she does know there was a traffic study done and is sure that it didn't show that there was a need for a traffic light, but then again once the wall is there and people know it is not a safe place to cross so they are not going to be counted on the traffic study because they aren't trying anymore. Ms. Rysiew stated it had been mentioned that perhaps we could put up one of those radar things where people see their speed to encourage them to slow down and she still thinks that would be really great. She did look for it and she didn't see it unless it happened sometime when she was missing it, but with school starting, and she didn't know how these things work, could one possibly be placed there.

The Mayor stated we can talk to the Police Chief about the radar sign, questioned if we still have one.

Police Chief Pete Kortum stated we didn't have a radar trailer at the Police Department, but it is something we would like to have.

Ms. Rysiew stated people speed all along 12<sup>th</sup> Street all the time. Ms Rysiew suggested a nice wide sidewalk since 12<sup>th</sup> Street somehow has missed the mandatory sidewalks. The sidewalk could be located on one side of 12<sup>th</sup> Street.

Councilman Niemeyer stated there was a speed trailer that sat on Marian Road by the Middle School.

Dave Wacker, City Engineer, stated the Police Department had one and maybe it has been traded in, but they did secure one and it was set up around town on enforcement issues. The City Engineer stated there are some devices now that run off of solar energy and 12<sup>th</sup> Street might be one location to place one of those as well as in some school zones, the cost would be approximately \$4,000 to \$6,000 each.

The Police Chief stated he doesn't believe we have a working trailer right now because he has talked about getting one, one that we could use in connection with the Engineering Department.

Councilman Krings stated Healthy Hastings has been the sidewalk police to some degree trying to make sure that we get our infrastructure in our community set up right. This is a broad problem that we have here and there are a couple of ways to look at this. We have a broad issue to deal with in regards to the entire community and knows that Healthy Hastings is continuing to look at that. Councilman Krings asked Ms. Rysiew to join Healthy Hastings if she is so inclined, we would love to have her input because she is very passionate about this subject. Councilman Krings stated 12<sup>th</sup> Street is a problem, it is probably one of the biggest problems we have in this

community and there are a lot of reasons for that. It is built like a freeway, knows when he gets on it he speeds and has gotten picked up before because it is difficult not to speed. Councilman Krings stated there are a lot of streets on the west side of 12<sup>th</sup> Street that don't line up with north/south streets and so when you are trying to cross the street and there is no street on the other side, you have to cross into someone's lawn. Councilman Krings stated he knows that 12<sup>th</sup> Street and Crane Avenue is the intersection that we need to address the most. We need to make it safe for people to get around in our community, to cross our streets and be able to get to where they need to go.

Councilmember Peterson stated she agreed with Councilman Krings and agrees with everything he says, but this is the second time Ms. Rysiew has been to the Council and is hoping on this particular issue that we can get some answers fairly quickly because school is starting and there is no easy way for kids to cross. If you try to cross 12<sup>th</sup> Street, motorists are furious at you and they honk wondering why you have the audacity to think you could cross 12<sup>th</sup> Street. Councilmember Peterson stated she would like to have some kind of report within in the next month or six weeks so that we can get back to Ms. Rysiew. Councilmember Peterson stated if that isn't possible then should would like to know why it isn't possible.

The City Engineer stated he has a lot of data and we conducted a traffic study April 24<sup>th</sup> and April 26<sup>th</sup> in 2012. The City Engineer stated he can make that raw data available to Ms. Rysiew. The City Engineer stated he talked today with the two individuals that watched the traffic and the biggest thing they indicated was the speed and lack of courtesy by drivers. It appeared there were enough gaps for people to actually cross the street; there wasn't really a lot of pedestrians out there, there were more in the afternoons from about 3:00 P.M. to 4:00 P.M. The study was done at the times of 7:00 A.M. to 9:00 A.M., 11:00 A.M. to 1:00 P.M. and 3:00 P.M. to around 5:30 P.M. We also did a speed survey out there and some people, at 2:00 A.M. or 3:00 A.M., have traveled through there at 80 or 90 miles per hour.

Councilmember Peterson stated now that we have the data, she would like to have a plan established and/or some recommendations brought before the Council real soon. The other thing she hopes is that everyone will keep in mind that even though the numbers may be down, no one is going to try and cross because it is so dangerous.

The Mayor stated he thought the use some extra police enforcement on 12<sup>th</sup> Street and some speed traps in the area will at least get people to slow down and get it figured out.

At this time a public hearing was held on the request of Zion Lutheran Church for an amendment to a Conditional Use Permit to allow a new gym-meeting hall on the property located at 465 South Marian Road.

David Berens of 680 West Oak Ridge appeared to speak on behalf of the amendment to the Conditional Use Permit and stated he would answer any questions the Council might have.

No one appeared to speak in opposition.

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

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

Moved by Harrington, seconded by Odom that the Mayor and Council approve the request of Zion Lutheran Church for an amendment to a Conditional Use Permit to allow a new gym/meeting hall on property located at 465 South Marian Road, subject to the following conditions:

1. A building permit shall be obtained and approved from the Hastings Development Services Department prior to construction.
2. Any and all new signage shall be subject to the Hastings Sign Code Regulations for the R-1 Urban Single Family Residential District, and a sign permit shall be obtained if necessary.
3. Off-Street Parking - At least one (1) parking space shall be provided for each three (3) occupants based upon maximum seating capacity of the nave, or for each three (3) occupants based upon the maximum seating capacity of all meeting areas in the structure exclusive of the nave (whichever is greater) as calculated under the latest edition of the International Building Code which has been adopted by the City. Parking spaces shall be at least eight and one-half (8 ½) feet by twenty (20) feet in size, and all driveways, maneuvering areas and parking areas shall be covered with asphaltic or concrete pavement.
4. Landscaping - All areas of the site not devoted to buildings, structures, parking areas, walkways or driveways shall be covered with one or more of the following: lawn grass, natural or ornamental shrubbery or trees or other landscaping materials.

Councilman Krings asked Mr. Berens if he read the four conditions and were ok with them.

Mr. Berens stated he has seen the four conditions and there are no concerns with them.

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

ORDINANCE NO. 4364

AN ORDINANCE OF THE CITY OF HASTINGS, NEBRASKA, VACATING

TODD BURR SUBDIVISION AS LEGALLY DESCRIBED BELOW; PROVIDING FOR FILING OF SAME WITH THE REGISTER OF DEEDS; REPEALING INCONSISTENT PROVISIONS; AND ESTABLISHING AN EFFECTIVE DATE

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

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. 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. 4364 be passed and adopted?" Upon roll call vote the following Councilmen voted YEA: Harrington, Peterson, Odom, Niemeyer, Krings, Goebel. NAY: None. The passage and adoption of said ordinance having been concurred in by a majority of all members of the Council, the Mayor declared the ordinance adopted and the Mayor signed and approved the ordinance and the City Clerk attested the passage approval of the same and affixed her signature thereto. Effective date of the ordinance is August 28, 2013.

At this time a public hearing was held on the request of Todd Burr to rezone a portion of Todd Burr Second Subdivision formerly known as Todd Burr Subdivision from R-1S Single Family Suburban Residential to A Agriculture.

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. 4365

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 a portion of Todd

Burr Second Subdivision formerly known as Todd Burr Subdivision from R-1S Single Family Suburban Residential to A Agriculture)

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

Councilman Niemeyer 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, Peterson, Odom, Niemeyer, Krings, Goebel. NAY: None. The motion to suspend the rules was adopted by three fourths vote of the Council and the statutory rule was declared suspended for consideration of said Ordinance.

The Mayor then stated the question was "Shall Ordinance No. 4365 be passed and adopted?" Upon roll call vote the following Councilmen voted YEA: Harrington, Peterson, Odom, Niemeyer, Krings, Goebel. NAY: None. The passage and adoption of said ordinance having been concurred in by a majority of all members of the Council, the Mayor declared the ordinance adopted and the Mayor signed and approved the ordinance and the City Clerk attested the passage approval of the same and affixed her signature thereto. Effective date of the ordinance is August 28, 2013.

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

At this time a public hearing was held on the request of Werner Construction Company to rezone a portion of the NW ¼, Section 9, Township 7 North, Range 9 West (north side of East 7<sup>th</sup> Street) from A Agriculture to I-2 Heavy Industrial.

Ray Smith of Werner Construction Company appeared to speak on behalf of the application to rezone and stated he would answer any questions.

No one appeared to speak in opposition.

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

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

ORDINANCE NO. 4367

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 (Rezoning NW ¼, Section 9, T7N, R9W, north side of East 7<sup>th</sup> Street, from A Agriculture to I-2 Heavy Industrial)

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

Councilman Niemeyer 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, Peterson, Odom, Niemeyer, Krings, Goebel. NAY: None. The motion to suspend the rules was adopted by three fourths vote of the Council and the statutory rule was declared suspended for consideration of said Ordinance.

The Mayor then stated the question was “Shall Ordinance No. 4367 be passed and adopted?” Upon roll call vote the following Councilmen voted YEA: Harrington, Peterson, Odom, Niemeyer, Krings, Goebel. NAY: None. The passage and adoption of said ordinance having been concurred in by a majority of all members of the Council, the Mayor declared the ordinance adopted and the Mayor signed and approved the ordinance and the City Clerk attested the passage approval of the same and affixed her signature thereto. Effective date of the ordinance is August 28, 2013.

At this time a public hearing was held on the request of Jerry Goebel to rezone Meggan Subdivision, Lot 5 from R-1 Urban Single Family Residential District to R-3 Multiple Family Residential.

Jerry Goebel of 3560 South Smokey Hill Road appeared to speak on behalf of the application to rezone. Mr. Goebel stated he owns Lots 1 through 4 which have several four-plexes on them and we have Lot 5 where we want to add another unit.

Joe Vanderpool of 500 North 6<sup>th</sup> Avenue appeared to speak in opposition to the rezoning request. Mr. Vanderpool stated he owns the lot directly south of the lot proposed to be rezoned and does appreciate the recommendation of the Planning Commission to include a fence but we are still against the apartment building. We have some concerns with that, the first thing is we would like to know that if a fence is going to be included when it is going to be put in there, would it be put in before the structure is done or would it be installed after and who would enforce when that would go in there. Maintenance along with that, there is a strip of land north of the Vanderpool property that is two to three feet wide that he currently maintains along with Mr. Goebel, who is responsible for the maintenance on the north side of the property. We have had a brief discussion before and Mr. Goebel told him that everybody before me had to maintain the lot north of there. It appears as though that belongs to our property, if a fence goes up who would be in charge of maintaining north of there. There are some trees along the fence line, what

would need to happen with those trees if a fence is put up, along with the Vanderpool's existing white fence, would it be destroyed. Mr. Vanderpool stated on the Agenda Item Summary Sheet it says

a four unit apartment building would be constructed and questioned if it would capped at one in the future if it is rezoned, could a second unit be put on the lot also. Mr Vanderpool stated he and his wife are in the process of getting their papers together to have their property rezoned to R-1 so that it fits in with the rest of the neighborhood. When we purchased the house four years ago, we purchased it under the assumption that it was an R-1 zoning and we only learned it was Light Industrial zoning through this process. Under the City Administrator Comments, it states a previous action was deadlocked and former Mayor Sheehy broke the tie, questioned what has really changed to make that be different at this point in time.

Richard Johnson of 523 North 6<sup>th</sup> Avenue appeared to speak in opposition to the request for rezoning. Mr. Johnson stated we have been here before with Mr. Goebel and we sat in the Mayor's office with with Mr. Goebel, Kevin Willett, Mayor Sheehy, City Engineer and him and there was an agreement to let Mr. Goebel change his two lots (3 and 4) to R-3P so he could put apartments in the house where he lived at that time and build other units, but that Lot 5 would remain R-1 and he would basically build a single family dwelling. Mr. Johnson stated we are up against that right now, the Council approved that and it is in the minutes. That lot should remain R-1, it is a bumper between what is R-1 and his apartments. Mr. Johnson stated rezoning this will affect the neighborhood, it should remain R-1 and Mr. Goebel can absorb the difference between him wanting to sell a house there or put up apartments and us trying to sell our homes when it comes time for us to sell them. It will create more traffic with 9<sup>th</sup> Street being closed by Hastings College and there will be added traffic to 9<sup>th</sup> Street, 7<sup>th</sup> Street and 2<sup>nd</sup> Street. It is kind of a raceway from Elm and 2<sup>nd</sup> Street over to 7<sup>th</sup> Street, right down 2<sup>nd</sup> Avenue and 6<sup>th</sup> Avenue. Mr. Johnson stated we have rental units to the south of us, to the west of us and we don't need a lot more. Mr. Goebel stated he was planning to build one unit, but he believes he will build more on that lot and if this is approved he will build more because the lot will handle it because it is just as big as the lot where he has three units on.

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. 4366

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 Meggan Subdivision,

Lot 5 from R-1 Urban Single Family Residential to R-3 Multiple Family Residential)

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

Councilmember Peterson asked if the City had the answers to the questions that were asked tonight.

Rich Cartier, City Planner, stated the fence would be put up prior to construction and the Building Inspector would enforce that as part of the building permit. The fence would go on the property line, but doesn't believe the trees sit right on the property line so the trees would be on whichever side of the fence they fall on. The fence would be maintained by Mr. Goebel since it is his responsibility. Mr. Cartier stated he believes the Council could place any kind of conditions on the rezone as far as limiting one four unit apartment if you so wished. Mr. Cartier stated with the fence, it will sit on one or the other's property so which ever side of the property line it sits is who is responsible for it.

The Mayor stated the Vanderpool's questioned what would happen with their white fence.

Mr. Cartier questioned if the white fence is on the property line.

Mr. Vanderpool stated he has been told it is on the property line, but he hasn't check into that.

Mr. Cartier stated the Building Inspector is going to look at the permit and review and see that it makes sense.

Councilman Goebel stated the ordinance states that a six foot high solid privacy fence be placed along the south property line. It doesn't go on to say anything about maintenance of the fence. Councilman Goebel stated he feels this six foot high privacy fence is a legitimate request, but believes it should be placed on the property where the apartment building is going to go, definitely on the property not on the property line.

Mr. Cartier stated the City Code states when you get a fence permit you can build the fence right along the property line or three feet in from the property line. That can be added as a condition, although it should be stated that Mr. Goebel would be responsible for that three feet on the other side up to the property line.

Councilman Goebel stated "perpetual maintenance of the fence" should also be added.

The Mayor stated those kind of deals worry him because then over time someone forgets whose is what and then there is a property dispute.

Councilman Goebel questioned if there would be a survey done and property stakes put in the ground where the property line is before construction.

Mr. Cartier stated yes, the Building Inspector requires that the property pins be visible at the time of construction so that he can go out and inspect.

Councilman Harrington stated he wondered to what extent are we going back on promises that have been made in the past, knows we can't be bound by other Councils. Councilman Harrington stated he would like to get a history from somebody.

The Mayor stated that was before anyone on this Council.

Councilman Niemeyer stated in 1989 when he first moved to Hastings, he and his family lived on Thomas Drive, which is essentially this same neighborhood. There were four-plexes on Thomas Drive and it was very nice to be able to move from the City into a mixed use or residential area. Councilman Niemeyer stated he does know there are a lot of new single family homes that have been built in that area, but doesn't know that having the apartments there have driven values of any R-1 zoned property down. Councilman Niemeyer stated he would like to get a real handle on what the real argument is as far as having an apartment building right next to you or even in the same neighborhood because there are apartment buildings scattered throughout that neighborhood that have been there for years and years, at least 25 years. Rezoning this property to R-3 isn't a problem in his mind. This particular parcel of ground, according to information in our packets, has been zoned and rezoned and talked about periodically over the years. Councilman Niemeyer stated we have building codes that says what kind of structure you can put there, but if Mr. Goebel does his best effort and we, as a Council and the Planning Commission has made requirements on him to minimize the impact to the neighbors, he then doesn't see a problem with the rezoning.

Councilman Odom stated if he looks at Mr. Goebel's property correctly, he now has two four-plex apartment units south of the house where you used to live.

Mr. Goebel stated that is correct, that was part of the planned district. We originally wanted to do the two lots and have four units out there, but the agreement was to take Lot 5 out and use our house and only put up three at the time. Mr. Goebel stated with Lot 5, it is small enough and with fire flow requirements and everything, there is no way we can put up more than one unit.

Councilman Odom stated his concern is that there is a planned district to the north and believes it should also be a planned district on this particular lot. Councilman Odom stated as he looks at it, one four-plex is something that could be built, but also knows that depending on how you arrange the building, whether it be two story or three story and how you put your setbacks in, there are a number of different ways to now add something more than a single four-plex building. Councilman Odom stated his concern is that years ago this was one of the boundary

lines, the Willett's were in an Industrial Zone and the reason that stayed Industrial was they also owned part of the land where the expansion of the mobile home park occurred. Councilman Odom stated he is not going to vote in favor of the way this is sitting right now, he would consider a Planned District.

Councilman Krings stated this is a situation where we have single family residential seaming against multi-residential properties. At some point there is going to be that seam and as a community we have to decide where that is. Councilman Krings stated it seems to him that it makes sense, with the properties to the north, and he is kind of torn on this, but one thing that kind of resonates with him a little bit was somebody has to be that property that has to be right next to it and maybe who owns that property might be relevant because the owner, if Mr. Goebel was forced to put a single family unit according to the zone it is now, would have the responsibility then of trying to sell the property or absorb whatever impact being adjacent to a multi-use family building. Councilman Krings stated he would be against suspending the rules on this ordinance, but the ordinance itself he is going to approve with the intent that we are going to have two more readings on this and spend some more time talking to staff.

Councilmember Peterson stated if we would vote the way the ordinance is written now, does it guarantee that only one unit would be built.

Mr. Cartier stated no, the ordinance doesn't guarantee the construction of only one unit.

Councilmember Peterson questioned if there would be room for an additional unit or units.

Mr. Cartier stated the Council could make it an R-3 Planned District and condition everything that you are concerned about, including only one unit allowed, fence three feet off the property line, etc.

The Mayor stated you also have the option to table or postpone while we do more research also.

Councilman Krings stated if we approve the first reading as it is, we could make some adjustments for the Planned District later on at that time, we would have two more readings to potentially look at all the stipulations we are concerned about.

Councilman Goebel questioned what would be the easiest, does like what Mr. Cartier said, to get restrictions put in there for only one unit, set the fence back three feet, perpetual maintenance by the owner and all of those things that we are concerned about. Councilman Goebel stated he didn't like approving this on first reading tonight, never likes to vote for anything that he really is not in favor of.

Bob Sullivan, City Attorney, stated that tabling something will automatically bring it back to the Council at the next meeting. Postponing would bring it back to the Council date specific.

Councilman Odom stated no one is asking anybody to vote for something they are against, but he will be voting against it at this point. Councilman Odom stated he has no problem moving this forward on first reading, but he will be voting against it. Councilman Odom questioned how many votes do we need to move it forward.

The City Attorney stated you need five votes to move it forward and if you are looking for further information from staff and maybe the individuals that are promoting the zoning change, you might want to postpone it until you can get a new recommendation, but it may or may not come up at the next meeting.

Councilman Niemeyer stated he has heard enough discussion and he is not against a multi-family unit here.

Moved by Niemeyer, seconded Odom that the passage of Ordinance No. 4366 be tabled.

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

The City Attorney stated to table you need a majority of the Council, there are eight actual seats, but only six present. Those two vacant seats are abstain or no votes because they aren't here and because they are abstain or no votes, it would be a tie and the Mayor can break the tie on the tabling issue, he can be the fifth vote.

Tie vote being cast, the Mayor voted Aye to break the tie and the motion to table passes.

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

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

The City Clerk advised that no objections were filed in regard to the creation Alley Improvement District No. 1 (North Kansas Avenue to St. Joseph Avenue between 1<sup>st</sup> and 2<sup>nd</sup> Streets).

Moved by Niemeyer, seconded by Odom that the Mayor and Council approve Telecommunications Right-of-Way License Agreement with Glenwood Telecommunications, Inc. Roll Call: Ayes: Harrington, Peterson, Odom, Niemeyer, Krings, Goebel. Nays: None. The motion carried.

At this time the City Administrator presented the 2013-2014 Annual Budget for the City of Hastings. (Presentation attached to and made a part of these minutes).

The Mayor stated one thing residents need to know is that we have been hitting the long term debt extremely hard. Our long term debt, he believes, is 7.6 or 7.8 million dollars and the City Administrator and City Treasurer did a what if and there is a possibility in two and one-half to three and one-half years we could be at zero debt.

RESOLUTION NO. 2013-35

APPROVING LEVY AUTHORITY FOR THE COMMUNITY  
REDEVELOPMENT AUTHORITY

WHEREAS, the Community Redevelopment Authority of the City of Hastings, Nebraska, has by Resolution adopted July 16, 2013, submitted a request to the City Council of the City of Hastings for property tax levy allocation as follows:

1. The amount of revenue sought to be raised from the levy of a tax on the taxable revenue of real property help defray the expenses of the Authority is Two Hundred Eight-Five Thousand Dollars (\$285,000).

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hastings, Nebraska, that the final allocation of levy authority for the Community Redevelopment Authority in the amount of \$285,000 is hereby approved.

Moved by Krings, seconded by Niemeyer that Resolution No. 2013-35 be passed and approved. Roll Call: Ayes: Harrington, Peterson, Odom, Niemeyer, Krings, Goebel. Nays: None. The motion carried.

The Mayor asked for a little background on Ordinance No. 4363 before Council takes action.

Marvin Schultes, Hastings Utilities Manager, stated this is a maintenance tool at the Energy Center to knock the slag that is built up on the boiler. We didn't have the problem in Unit I, but Unit II has a boiler where the slag is building up and this is a maintenance way to get it down. It is something that is used in other powers plants across the country.

ORDINANCE NO. 4363

AN ORDINANCE OF THE CITY OF HASTINGS, NEBRASKA, ESTABLISHING CONDITIONS FOR DISCHARGE OF FIREARMS AND WEAPONS WITHIN THE CITY OF HASTINGS, NEBRASKA; ESTABLISHING THE EFFECTIVE DATE FOR SAID ORDINANCE; AND REPEALING ANY ORDINANCES OR OTHER PROVISIONS IN CONFLICT THEREWITH

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

ordinance, which motion was seconded by Councilman Niemeyer.

Councilman Krings moved that the statutory rule requiring reading on three different days be suspended; Councilman Niemeyer seconded the motion to suspend the rules and upon roll call vote the following Councilmen voted YEA: Harrington, Peterson, Odom, Niemeyer, Krings, Goebel. NAY: None. The motion to suspend the rules was adopted by three fourths vote of the Council and the statutory rule was declared suspended for consideration of said Ordinance.

The Mayor then stated the question was "Shall Ordinance No. 4363 be passed and adopted?" Upon roll call vote the following Councilmen voted YEA: Harrington, Peterson, Niemeyer, Krings, Goebel. NAY: None. The passage and adoption of said ordinance having been concurred in by a majority of all members of the Council, the Mayor declared the ordinance adopted and the Mayor signed and approved the ordinance and the City Clerk attested the passage approval of the same and affix her signature thereto. Effective date of the ordinance is August 28, 2013.

Moved by Harrington, seconded by Goebel that the following appointments made by the Mayor be approved:

Museum Board - Appoint Jeremy Anderson, term to expire July 1, 2018.  
Appoint Katherine Hamilton, term to expire July 1, 2018

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

Moved by Niemeyer, seconded by Peterson that the Mayor and Council to into Executive Session at 8:28 P.M. to discuss the City Attorney position. Roll Call: Ayes: Harrington, Peterson, Odom, Niemeyer, Krings, Goebel. Nays: None. The motion carried.

Moved by Krings, seconded by Odom that the Mayor and Council go out of Executive Session into Regular Session at 8:40 P.M. Roll Call: Ayes: Harrington, Peterson, Odom, Niemeyer, Krings, Goebel. Nays: None. The motion carried.

Moved by Niemeyer, seconded by Krings there being no further business to come before the Council, the meeting adjourn at 8:40 P.M. Roll Call: Ayes: Harrington, Peterson, Odom, Niemeyer, Krings, Goebel. Nays: None. The motion carried.

APPROVED:

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8-12-2013

Mayor

ATTEST:

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City Clerk

( S E A L )