

COUNCIL CHAMBERS, MONDAY, AUGUST 26, 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 Harrington 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 23, 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.

REPORTS OF LIAISONS: Councilman Goebel stated on August 17th he was at a meeting for the Hastings Mural Project. This project is the sixth in a series of six murals that is being done in the Midwest. They have been done in Oklahoma, Kansas, Missouri, Arkansas and Texas and we are the sixth state and Hastings is the City for Nebraska. The lead artist is Dave Lowenstein and he is assisted by Amber Hansen and Becca Harrison; Kaleena Fong is the Hastings Community Art Council President and she is the project manager for this mural. They will be painting a mural on the backside of the Depot Plaza over the next couple of months. Councilman Goebel stated they are looking for a lot of community involvement from both adults and children. They are headquartered in the Stein Building and if anyone is interested, please stop by there or contact Kaleena Fong at the Adams County Convention and Visitor's Bureau.

Councilman Goebel stated on August 25th the Mellon Roast Car Show was held at Brickyard Park. There were over 200 cars at the show from Nebraska, Kansas and Colorado and from Noon to about 2:30 P.M. there was a steady stream of people coming through. Councilman Goebel thanked the Parks Department, Electrical Inspector Lewis Seberg and Police Chief Kortum for helping out with this event.

Councilman Goebel reported on the Board of Public Works Meeting of August 15th. Al Meyer reported that WEC I was struck by lightning on August 11th, it damaged the control panel and one of the induced draft fans. It is now repaired and back on line, WEC II had no damage to it. The next meeting is August 29th at 9:00 A.M. at the Hastings Utilities Board Room.

MAYOR'S COMMUNICATIONS: Coed Classes C, D, E and F Softball were held this past weekend at the Smith Softball Complex. There were 80 teams in town for this event and the Mayor thanked the City Administrator and the Parks Department for their work on this event.

The Mayor stated the Oregon Trail Rodeo is in town this weekend.

Councilman Goebel stated he neglected to mention the Rocky Mountain Vintage Racing team will be at MPH this Friday, Saturday and Sunday and should draw a big crowd.

Councilman Harrington stated he received an e-mail from a group of citizens that wanted to thank the Parks Department and everyone that helped in the removal of a bee hive that was discovered in a tree during some construction on 12th Street.

The Mayor stated the beehive was six feet long and two feet wide

Parks & Recreation Director Jeff Hassenstab stated the tree was half way removed by the Parks Department and the beehive was discovered by a Hastings College Professor who is a bee specialist. He contacted us and we helped him remove the tree and he took and preserved the hive. Mr. Hassenstab stated he estimated 15,000 bees in this hive.

CITIZEN COMMUNICATIONS: Jerry Goebel of 3560 South Smokey Hills Road addressed the Mayor and Council in regard to his request to rezone Lot 5 of Meggan Subdivision. Mr. Goebel stated he is planning on doing just the one unit using the same floor plan as we have on the other building. The unit would be approximately 1680 square feet so it isn't oversized by any means compared to the housing around the area. Mr. Goebel stated he doesn't believe it is out of character for the neighborhood because there is a lot of R-3 zoning mixed in with the R-1 zoning.

Joe Vanderpool of 600 North 6th Avenue addressed the Mayor and Council in regard to Mr. Goebel's request for rezoning of Lot 5, Meggan Subdivision. Mr. Vanderpool stated he and his wife own the property directly north of the lot proposed for rezoning and they are against having it rezoned.

Richard Johnson of 523 North 6th Avenue addressed the Mayor and Council in regard to Mr. Goebel's request for rezoning of Lot 5, Meggan Subdivision. Mr. Johnson stated he has heard this all before and he is not in favor of Mr. Goebel rezoning and putting in an apartment.

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

- 1(a) Minutes of the Council Meeting of August 12, 2013.
- 2(a) Request of Cottonwood Market Days Committee for use of city parking lot at 3rd Street and Hastings Avenue and closure of 4th Street from Hastings Avenue to Denver Avenue from Friday, October 18, 2013 through Sunday, October 20, 2013 for Cottonwood Market Days.
- 4(a) Payroll for the period ending August 31, 2013, paid September 6, 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. The motion carried.

Moved by Odom, seconded by Niemeyer that Ordinance No. 4366 (rezoning Lot 5 Meggan Subdivision from R-1 Urban Single Family Residential to R-3 Multiple Family Residential) be brought from the table. Roll Call: Ayes: Harrington, Peterson, Odom, Niemeyer, Krings, Goebel. Nays: None. The motion carried.

Moved by Odom, seconded by Niemeyer that Ordinance No. 4366 be amended to add the following conditions:

1. A six foot high privacy fence subject to City Code Regulations prior to construction of the apartment building.
2. The fence shall be placed three feet inside the south property line and extended from the City right-of-way to the east property line.
3. The fence shall be erected and maintained by the property owner at all times.
4. The three foot area to the south of the fence located within Lot 5 shall be kept free of nuisances including weeds, tall grass and trash.
5. Lot 5, Meggan Subdivision shall never exceed the construction of one building containing no more than four residential units and six off-street parking stalls all of which shall be subject to City Code Regulations. Exterior decks, porches and a utility shed allowed subject to City Code.
6. Any additional construction on the site would require City Council approval.

Roll Call: Ayes: Harrington, Peterson, Odom, Niemeyer, Krings, Goebel. Nays: None. The amendment is passed and approved.

Councilman Odom stated he agrees with a lot of things that were said at the last Council Meeting and understands everything that is going on here and from the developer's standpoint, he understands where he is coming from. As he remembers working with this years ago, the reason we zoned this as an R-1 was that the developer was moving close to the one house, and if he remembers right, the person that would be building the house next to the three piece property

would be the developer. Councilman Odom stated he cannot support this rezoning, it is a mixed use area, but for himself, he has to agree with what the Planning Commission did years ago which was not to restrict the developer, but to have the developer construct the R-1 house to be sold.

Councilman Krings moved that the statutory rule requiring read 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. 4366 as amended be passed and adopted?" Upon roll call vote the following Councilmen voted YEA: Harrington, Niemeyer, Krings, Goebel. NAY: Peterson, Odom. With the two vacant Council seats acting as "Nay" votes, the Mayor voted Nay to break the tie and Ordinance No. 4366 as amended fails.

At this time a public hearing was held on the application of Bosselman Pump & Pantry dba "Pump & Pantry #24" for a Class "D" Liquor License to be operated at 1630 East South Street.

Brandi Bosselman of Grand Island, Nebraska appeared to speak on behalf of the application and stated she 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.

RESOLUTION NO. 2013-39

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HASTINGS, NEBRASKA, that after hearing had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent city ordinances of the City of Hastings, Nebraska:

The Hastings City Council hereby recommends that the application of Bosselman Pump & Pantry, Inc. dba "Pump & Pantry #24" for a Class "D" Liquor License for the license period ending April 30, 2014 at 1630 East South Street be approved.

BE IT FURTHER RESOLVED, that the City Clerk is directed to transmit a copy of this Resolution to the Nebraska Liquor Control Commission.

Moved by Harrington, seconded by Niemeyer that Resolution No. 2013-39 be passed and approved. Roll Call: Ayes: Harrington, Peterson, Odom, Niemeyer, Krings, Goebel. Nays: None. The motion carried.

Moved by Krings, seconded by Niemeyer that the Mayor and Council approve the Manager Application of Brian T. Fausch in connection with the Class "D" Liquor License of Bosselman Pump & Pantry, Inc. dba "Pump & Pantry #24" located at 1630 East South Street. Roll Call: Ayes: Harrington, Peterson, Odom, Niemeyer, Krings, Goebel. Nays: None. The motion carried.

Moved by Niemeyer, seconded by Goebel that the Council approve the submission to Nebraska Department of Environmental Quality (NDEQ) for Storm Water Management Grant Funds and that the Mayor be authorized to execute grant application. 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 approve the License agreement with Great Plains Communications, Inc., 1600 Great Plains Centre, P. O. Box 500, Blair, Nebraska 68008, for the annual payment of \$55.26. Roll Call: Ayes: Harrington, Peterson, Odom, Niemeyer, Krings, Goebel. Nays: None. The motion carried.

RESOLUTION NO. 2013-40

WHEREAS, the City of Hastings entered into an Interlocal Agreement with the League Association of Risk Management on September 22, 2003; and

WHEREAS, the City of Hastings, in cooperation with other Nebraska Municipalities, has retained a consultant to review our insurance needs; and

WHEREAS, the consultant's initial report indicates there is likelihood that the City of Hastings may be able to realize a cost savings and enhanced service levels by virtue of accepting bids from conventional insurance companies and/or exploring different insurance alterations.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Hastings that adoption of this Resolution shall serve as official notice to the Nebraska Department of Insurance and the Executive Director of the League Association Risk Management that the City of Hastings intends to terminate its coverage effective October 1, 2014.

Moved by Goebel, seconded by Odom that Resolution No. 2013-40 be passed and approved.

Joe Patterson, City Administrator, stated we have been a member of the League Association of Risk Management (LARM) for about ten years. We have seen a lot of changes in LARM over

those 10 years. We can't go out for competitive bids unless we give notice of termination. We have been looking at alternatives to LARM for about a year, along with several other communities in the State that are members of LARM. We have to get this action through Council, notify the State Department of Insurance and we also have to notify all of the LARM members. Fremont has just gone through this process because they are renewing right now and we are renewing a year from now. Whether we stay a member of LARM or not is not a question now, it is taking this action to basically open up our membership and decide, based on competitive proposals and other alternatives, whether or not we want to stay with LARM, self-insure to a certain stop-loss or buy conventional insurance. We have talked to other cities about forming a second consortium of cities that may be interested in pooling. All of these things are in the works, it is a matter of a process we are going through and this is the first step. The City Administrator stated he is not saying we are leaving LARM, not recommending that to the Council at this point in time because we don't know. We don't know what the future is going to bring, but we have to give notice to them 90 days out. This gives notice much longer than 90 days, but if we are working on an alternative, and we have an insurance consultant working with this consortium, we almost have to do it now so we get permission from the Department of Insurance. If we don't get permission from the Department of Insurance, it is not wise and prudent to spend a lot of money on a consultant for a different plan.

Councilman Goebel stated if we do the study and decide we want to stay in LARM, after we have given this notice, does LARM have to let us stay.

The City Administrator stated he thinks they would want us to. We have been a very good deal for LARM, we send them a lot of money and doesn't believe they want to lose us nor some of the other cities of our size. Kearney left LARM a few years ago and has looked at alternatives and has saved quite a bit of money by self-insuring their Workers Comp to a \$100,000 stop loss. Their City Manager has been really involved and looking to being a member of the new consortium. Conservative/Traditional Insurance is also an alternative as is staying with LARM. The City Administrator stated he has in the past been a very strong supporter of LARM, conceptually it is very good, however there has been a lot of changes in LARM. We have gone through a number of third party administrators in the last couple of years and it has been tumultuous.

The Mayor stated if we go to a consortium, we need to be with like minded cities. We have some cities that don't have the programs in place that maybe first class cities have and isn't sure we want to go in that direction, to have our city exposed to huge a loss from a town that doesn't maybe have programs in place like we our City does. We by far are not the only City talking about this, there are six to ten that are talking about it also.

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

Councilman Krings stated contrary to what you see in Washington and many other places, it is ok to disagree; doesn't think any differently of his colleagues that made a vote different than what he had. We will continue to move on and that is the way it should be done and that is the way it works here. More importantly, we have empty Council seats and we have had two election years where we have had zero interest in people running against different candidates for City Council. We have to have an interest in people getting involved in their community and serving city government in some way shape or form or we can't function properly. Councilman Krings stated he is ok with what happened this evening, isn't upset in anyway shape or form, but he is concerned about the lack of interest or the passive nature of people not wanting to get involved in their local city government.

Moved by Krings, seconded by Niemeyer there being no further business to come before the Council, the meeting adjourn at 7:35 P.M. Roll Call: Ayes: Harrington, Peterson, Odom, Niemeyer, Krings, Goebel. Nays: None. The motion carried.

APPROVED:

Mayor

ATTEST:

City Clerk

(S E A L)