

COUNCIL CHAMBERS, MONDAY, SEPTEMBER 9, 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 Odom, seconded by Niemeyer that the Council approve the Mayor's appointments of Sarah T. Hoops as 2nd Ward Councilmember and Genevieve Skutnik as 1st Ward Councilmember. Roll Call: Ayes: Harrington, Peterson, Odom, Niemeyer, Krings, Goebel. Nays: None. The motion carried.

At this time City Clerk Connie Hartman swore in Sarah T. Hoops as 2nd Ward Councilmember and Genevieve Skutnik as 1st Ward Councilmember.

Ms. Skutnik stated she was thankful for the opportunity to serve the City.

Mrs. Hoops stated she is grateful for the opportunity to serve the community. Mrs. Hoops stated she feels very fortunate to live in Hastings and looks forward to working with the skillful and efficient Mayor, Council and Administration. Mrs. Hoops stated when she casts a vote, she will give her best to listen well and to consider the high quality life, not only for the community of Hastings today, but for the next generation and generations to come.

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 September 6, 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: Harrington, Peterson, Odom, Niemeyer, Krings, Hoops, Skutnik, Goebel. Nays: None. The motion carried.

CITIZEN COMMUNICATIONS: Roger Duering, Nebraska Coordinator for the World's Largest Truck Convoy for Special Olympics, addressed the Mayor and Council regarding the Special Olympics to be held on September 21, 2013. Mr. Duering invited Councilmembers to come out and participate, the Open Ceremony is on Saturday, September 21st at 9:00 A.M. Mr. Duering thanked the Council for allowing the closure of the frontage road between 33rd Street and 42nd Street. The Parks and Recreation Department, Police Department and Fire Department have all helped in the past and we are very appreciative of the help. Mr Duering stated we are estimating that we will raise about \$20,000 for Special Olympics and that money stays here in Nebraska. Mr. Duering stated we will be having athletes from Kearney, McCook, Minden, Grand Island, Nebraska City and of course, Hastings.

Randy Chick, Director of the Business Improvement District, addressed the Mayor and Council in regard to the application from Uptown Experience LLC for Downtown Revitalization Facade funding. Mr. Chick stated he will answer any questions the Council might have.

REPORTS OF LIAISONS: Councilman Goebel stated he has been out to the Special Olympics when the truck convoy takes off and pulls out onto Highway 281. You haven't seen smiles so wide as when those Special Olympic athletes get into those trucks.

Councilman Goebel reported on the August 29th Board of Public Works Meeting. There was discussion of the Hastings Utilities charges for sanitary sewer service to developers; looking at how charges are made and who pays for what when sanitary sewer systems are put in to a new development. There was also a report from the Chamber of Commerce Retail Oversight Committee on the retail survey they did earlier this year. That committee also reported on the future plans for that committee. That committee is funded through Hastings Utilities. The Board did table the Sanitary Sewer Rate & Use Ordinances, these ordinance will set rates for the residential and commercial sewer users. One group that it affects, and there may be some changes, is commercial users that haul waste to the Sanitary Sewer System for disposal from restaurants, septic tanks that are pumped, etc. There may be a different rate schedule that is charged on those. The next meeting will be September 12th at 9:00 A.M. at the Hastings Utilities Board Room.

MAYOR'S COMMUNICATIONS: The Mayor recognized Kathy Schultz for 25 years of service with the Hastings Public Library. Mrs. Schultz stated she has really enjoyed her time at the Hastings Public Library. When she started she took the place of Honey Lou Bonar and remembers thinking she had been there 11 years and what a long time that was.

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

- 1(a) Minutes of the Council Meeting of August 26, 2013.
- 1(b) Minutes of the Budget Worksession of August 20, 2013.
- 2(a) Request of Hastings College Department of Music to utilize City streets for the Melody Round-Up/Homecoming Parade at 10:00 A.M. on September 21, 2013.
- 2(b) Request to close Osborne Drive frontage road from 33rd Street to 42nd Street for Special Olympics truck convoy on September 20 and 21, 2013 (Contingent upon receipt of insurance).
- 4(a) Payroll for the period ending September 14, 2013, paid September 20, 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 attached claims).
- 5(a) Department Monthly Reports received and placed on file.

Councilman Krings wanted to verify that 39th Street to 42nd Street will be open because of the YMCA soccer games that will be taking place.

Police Chief Kortum stated the barricades will be set up at 39th Street so trucks can get in and out at Pepsi; 42nd Street will not be closed.

Mr. Duering stated what they do is kind of leave it open until 10:00 A.M. and that is when it is shut down for about 10 minutes and then we are out on Highway 281.

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

At this time a public hearing was held on setting property tax levies.

No one appeared to speak in favor.

No one appeared to speak in opposition.

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

The Mayor declared the hearing closed.

RESOLUTION NO. 2013-37

**RESOLUTION ESTABLISHING PROPERTY TAX REQUIREMENT
FOR FISCAL YEAR 2013-2014**

WHEREAS, Neb. Stat. §77-1601.02 provides that the property tax request for the prior year will be the property tax request of the current year for purposes of the levy set by the County Board of Equalization unless the governing body sets the tax request at a different amount; and

WHEREAS, after notice published in the Hastings Tribune, the Hastings City Council conducted a public hearing on September 9, 2013, to obtain public comment on the City of Hastings' property tax request and tax rate.

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

1. That the assessed valuation for tax year 2013 certified by the Adams County Assessor is \$1,108,605,685.

2. That the total property tax request for the City of Hastings is:

General Fund	\$ 2,567,643.75
Museum Fund	\$ 751,065.00
Debt Service Fund	\$ 1,751,396.85
 TOTAL	 \$ 5,070,105.60
 Community Redevelopment Authority	 \$ 285,000.00
 TOTAL	 \$ 5,355,105.60

3. That the levy set by the City of Hastings is \$0.456236.

4. That a copy of this Resolution be certified and forwarded to the Adams County Clerk.

Moved by Harrington, seconded by Skutnik that Resolution No. 2013-37 be passed and approved. Roll Call: Harrington, Peterson, Odom, Niemeyer, Krings, Hoops, Skutnik, Goebel. Nays: None. The motion carried.

At this time a public hearing was held on the proposed 2013-2014 Annual Budget for the City of Hastings.

No one appeared to speak in favor.

No one appeared to speak in opposition.

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

The Mayor declared the hearing closed.

ORDINANCE NO. 4368

AN ORDINANCE TO ADOPT THE BUDGET STATEMENT TO BE TERMED THE ANNUAL APPROPRIATION BILL; TO APPROPRIATE SUMS FOR THE NECESSARY EXPENSES AND LIABILITY; TO PROVIDE FOR AN EFFECTIVE DATE

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

Moved by Peterson, seconded by Goebel that the 2013-2014 Annual Budget be amended to increase the appropriation for the Mayor's Youth Council from \$1,000 to \$2,000.

Councilmember Peterson stated this will enable us to send two members of the Mayor's Youth Council to the National League Cities Leadership Conference. Students weren't able to go in the current fiscal year, and she would like to see them able to attend this next fiscal year.

Councilman Niemeyer stated he is supportive of the Mayor's Youth Council, however, that budget has been \$1,000 for several years to fund various activities within the City. Councilman Niemeyer stated he believes \$1,000 is an appropriate amount of money and to add another \$1,000 to send kids to the National League of Cities in Seattle, Washington this next year isn't an appropriate use of tax dollars. If these kids want to go to the National League of Cities Meeting he would support that and would be in favor of that, but feels they should pay for it on their own; we shouldn't ask the residents of Hastings to pay for it

Councilman Goebel stated he sponsored a couple of young men to the National League of Cities Meeting in Phoenix, Arizona two years ago. The two young men that went, President of the Mayor's Youth Council at that time and President elect of the Mayor's Youth Council, were in a meeting with Councilman Goebel and while walking out of the meeting those two young men had about 20 to 30 minutes worth of questions for him. Councilman Goebel stated he was absolutely impressed with what they had gotten out of that meeting. Councilman Goebel stated a topic that has been brought up by the Council for the last couple of months is filling the nine seats (Mayor & Council). Councilman Goebel stated the type of person he wants sitting up here is the type of students we have on the Mayor's Youth Council, people that are educated, informed, interested and concerned about local politics. Councilman Goebel stated we have had \$1,000 in the budget every year for the Mayor's Youth Council and last year none of that \$1,000 was spent, but we are not able to carry money over in that account from year to year.

Councilmember Peterson stated since the conception of the Mayor's Youth which has been seven or eight years ago, we have had wonderful students. These are our future leaders and these are the folks who are going to go on to college and hopefully will come back to our community with skills to give back to us with a better understanding of government. Councilman Goebel is correct when he says these students learn so much.

Councilman Odom stated he had the opportunity a couple of years ago to attend the meeting in Phoenix. The two young men did an excellent job, they attended the meetings and didn't have to be supervised every second of the day. Councilman Odom stated \$1,000 isn't really a lot of money depending on where the meetings are, and the Mayor's Youth Council does do fund raising to help with the expense of this. Councilman Odom stated the Council does send one or two people to the National League of Cities meetings and we need to use the information. This extra \$1,000 is an investment in our future and helps gives them an opportunity to really see how government works.

Councilman Harrington stated he also is supportive of the amendment, it is a good investment.

Vote on the amendment. Roll Call: Ayes: Harrington, Peterson, Odom, Krings, Hoops, Skutnik, Goebel. Nays: Niemeyer. The amendment is passed and approved.

Councilman Niemeyer moved that the statutory rule requiring reading on three different days be suspended; Councilmember Skutnik seconded the motion to suspend the rules and upon roll call vote the following Councilmembers voted YEA: Harrington, Peterson, Odom, Niemeyer, Krings, Hoops, Skutnik, 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. 4368 as amended be passed and adopted?” Upon roll call vote the following Councilmen voted YEA: Harrington, Peterson, Odom, Niemeyer, Krings, Hoops, Skutnik, 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 October 1, 2013.

RESOLUTION NO. 2013-38

**RESOLUTION AUTHORIZING ALLOWABLE ONE PERCENT (1%)
INCREASE IN RESTRICTED FUNDS**

WHEREAS, LB989 (1998) places a budget lid on restricted funds of governmental units of 2.5% for fiscal year 2013-2014; and

WHEREAS, an additional 1% increase in restricted funds budget authority is allowed if approved by at least 75% of the governing body; and

WHEREAS, to provide budget flexibility in future years of non-property tax revenue such as sales tax, state highway allocation funds, cigarette tax, etc., it is advantageous to approve an additional restricted funds increase of 1% for carry-over purposes.

NOW THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Hastings, Nebraska, that the allowable 1% increase in restricted funds is hereby approved.

Moved by Harrington, seconded by Krings that Resolution No. 2013-38 be passed and approved. Roll Call: Ayes: Harrington, Peterson, Odom, Niemeyer, Krings, Hoops, Skutnik, Goebel. Nays: None. The motion carried.

RESOLUTION NO. 2013-36. . .Annual Fee Resolution. (Resolution attached to and made a part of these minutes).

Moved by Goebel, seconded by Niemeyer that Resolution No. 2013-36 be passed and approved.

Councilman Odom questioned if we had everything up to date, there were a couple of changes we were going to make.

Joe Patterson, City Administrator, stated yes, however we are still waiting for some information on the semi-truck parking and we will be coming back to the Mayor and Council soon probably with an amendment to the resolution.

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

At this time a public hearing was held on the proposed application for \$250,000 CDBG Funds for infrastructure improvements, including street repair within a specified low to moderate target area.

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.

RESOLUTION NO. 2013-42

**RESOLUTION AUTHORIZING CHIEF ELECTED OFFICIAL TO SIGN
AN APPLICATION FOR CDBG FUNDS**

WHEREAS, the City of Hastings, Nebraska, is an eligible unit of a general local government authorized to file an application under the Housing and Community Development Act of 1974 as amended for Small Cities Community Development Block Grant Program, and

WHEREAS, the City of Hastings, Nebraska, has obtained its citizens' comments on community development and housing needs; and has conducted public hearing(s) upon the proposed application and received favorable public comment respecting the application which for an amount of \$250,000 will be used for infrastructure improvements including street repair within a specified low to moderate target area of the city and grant administration, and

NOW, THEREFORE, BE IT RESOLVED BY

The City Council of the City of Hastings, that the Mayor be authorized and directed to proceed with the formulation of any and all contract documents or other memoranda between the City of Hastings and the Nebraska Department of Economic Development so as to effect acceptance of the grant application

Moved by Odom, seconded by Niemeyer that Resolution No. 2013-42 be passed and approved.

Councilman Goebel asked the City Administrator if part of the additional one-half cent sales tax that goes for streets be used for matching on this.

The City Administrator stated it certainly can.

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

Moved by Peterson, seconded by Krings that the Mayor and Council approve the application from Uptown Experience LLC for Downtown Revitalization Facade funding (CDBG Contract #12-DTR-107) in the amount of \$285,000 and that the draw down of funds be authorized.

Mr. Chick stated about a year and a half ago we started this process first with an application for Downtown Revitalization Funds for Planning. To reach the second phase, which we are in now, we had to go through a planning process and we used CDBG Funds of \$30,000 for Phase I Planning and matched that locally. After a few months of planning, we developed a Downtown Revitalization Plan which we then submitted to the State for our Phase II funding. Phase II funding is \$350,000, plus \$112,000 local match. Our application for that was accepted and believes that the funding we set aside was \$462,000 in funds between CDBG Funds and the match. \$21,000 of that goes to Administrative, South Central Economic Development District is our grant administrator for the project and that left us with about \$442,000 in funds remaining. Out of that, \$385,000 was to be utilized for facade improvements and the balance of approximately \$52,000 was for other public projects that were identified in our plan. Mr. Chick stated this particular project involves the former Uerling's vacant lot and two buildings to the west of that were all three eventually owned by the Community Redevelopment Authority. We have a proposal from a developer, about a 1.2 million dollar project; the biggest issue with this project is the facade on the north side of the building is a disaster and the east side wall is worse. It was involved in the fire as you will recall back in 2006 and has not looked very good for a long period of time. We have a developer willing to spend some private dollars and we are trying to do our part to make the outside look great. The plan identified this as one of our catalyst projects and that is why the funds are being spent that way.

Councilman Krings stated we have received a lot of recognition from across the State about our

downtown. It is important to recognize why it has gotten to where it is today. First of all, Randy Chick has worked very hard and he applauds him for all the work he has done in helping as both the Director of the Business Improvement District and Director of the Community Redevelopment Authority. It is important to recognize funds like this from the State, not only recognize them, but find a way to get them and Mr. Chick has done an outstanding job of finding them. Councilman Krings stated the investors and a lot of people in our community have invested in the downtown. They do it because it is a business decision of course, but believes they do it for more than that as well and his guess is because they understand how important a vibrant downtown is to our community. They go out on a limb sometimes and spend their resources to help develop our downtown. The Uptown Experience project will be a phenomenal project, we have seen some drawings and we have an idea of what it is going to be when it is all said and done.

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

Moved by Odom, seconded by Niemeyer that the annual update on the Local Emergency Planning Committee (LEPC) be tabled. Roll Call: Ayes: Harrington, Peterson, Odom, Niemeyer, Krings, Hoops, Skutnik, Goebel. Nays: None. The motion carried.

Moved by Odom, seconded by Goebel that the Mayor and Council approve the award of a contract for a 45 foot Sheave Height Hydraulic Derrick (B.I. 2.63, Page 11) to Altec Industries of St. Joseph, Missouri, in the amount of \$126,855.00 including the \$10,000 trade in, and that the Mayor and City Clerk be authorized to enter into contract with said company accordingly. Roll Call: Ayes: Harrington, Peterson, Odom, Niemeyer, Krings, Hoops, Skutnik, Goebel. Nays: None. The motion carried.

Moved by Krings, seconded by Skutnik that Resolution No. 2013-41 (Approving 2013 Local Emergency Operations Plan) be tabled. Roll Call: Ayes: Harrington, Peterson, Odom, Niemeyer, Krings, Hoops, Skutnik, Goebel. Nays: None. The motion carried.

Moved by Niemeyer, seconded by Goebel there being no further business to come before the Council, the meeting adjourn at 7:40 P.M. Roll Call: Harrington, Peterson, Odom, Niemeyer, Krings, Hoops, Skutnik, Goebel. Nays: None. The motion carried.

9-9-2013

APPROVED:

Mayor

ATTEST:

City Clerk

(S E A L)