

COUNCIL CHAMBERS, MONDAY, DECEMBER 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, Hoops, Skutnik, Goebel. Absent: None.

Moved by Harrington, seconded by Niemeyer that the Open Meetings Act is posted on the south-east wall of the City Council Chambers and that prior to this meeting a notice was placed in the Hastings Tribune on December 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: Ayes: Harrington, Peterson, Odom, Niemeyer, Krings, Hoops, Skutnik, Goebel. Nays: None. The motion carried.

REPORTS OF LIAISONS: Councilman Goebel reported on the November 27th Board of Public Works Meeting. The part for the power supply for WEC I that had been sent back to the manufacturer for repair has been replaced and is back on line and running full power after being down for about two and one-half weeks. There was a tube leak in a boiler in WEC II and the last he heard it was still down, but according to Marvin Schultes, Hastings Utilities Manager, we are still down but the repairs have been made and planning to start back up tomorrow. The Board approved the Economic Development Agreement with AGP. The next regular meeting of the Board of Public Works will be on December 12th and they will be looking at the contract for the 42nd Street Sanitary Sewer Extension to Columbine Avenue.

Councilman Goebel stated last Friday he had the chance to meet with the Hastings Youth Leadership Academy which consisted of four groups of freshmen and sophomore students from Adams Central, Hastings High and St. Cecilia's. Each was organizing a project, one group was organizing a movie night for high school students to possibly being held at Adams Central to benefit CASA. A second group was collecting winter clothing, both for adults and students, at all three schools and they will be distributing their collections through the Salvation Army and other places. A third group was collecting monetary donations for Crossroads. The fourth group is in the process of organizing a dodge ball tournament to be held at St. Cecilia's to benefit a local family with some major medical expenses. Councilman Goebel stated he was impressed with this group of students with their ideas, their organization and how they presented it.

CITIZEN COMMUNICATIONS: Franc E. Wagner addressed the Mayor and Council and reminded residents of Hastings and surrounding areas about the incredible opportunity we have to go to our Sister City, Ozu, Japan. In 17 out of 18 years, they have come here to Hastings and every time they come they say what a wonderful place we have to live. As a Sister City relationship, we need to reciprocate by going to see them, we haven't sent an official delegation for seven years. We are planning a trip for 10 days from May 22, 2014 through June 2, 2014. Ms. Wagner stated she recently talked to a friend who knows a couple that signed up for a tour to Japan for exactly the same amount of days and their cost was \$8,000.00. Ms. Wagner stated our

cost is \$2,500 which includes round trip air fare, hotels in Japan and most meals. It is a very economical trip because we will be staying with host families and also have the opportunity to be totally immersed in the culture and be treated royally by them. Ms. Wagner stated if you want to sign up, the first \$100.00 deposit is due Monday, December 16th. Deposits will be refunded before she purchases the tickets if an emergency should come up. Ms. Wagner asked City Councilmembers to consider going because the Japanese people do consider City Council people to be on a higher echelon and they always send at least one person from their City office. Ms. Wagner stated she can be contacted by e-mail at fewagnerII@gmail.com; her e-mail and telephone number will be left with the City Offices if people have questions.

Ron Alexander of 2750 South Ridge Road addressed the Mayor and Council in regard to Resolution No. 2013-57, requesting consent from the Department of Roads to utilize a portion of Highway 281 for the Hastings Marathon to be held on June 21, 2014. Mr. Alexander stated three years ago he was invited to attend the inaugural Hastings Sports Council Meeting. The purpose of the meeting and forming of the group was to unify and coordinate efforts to bring more events to the City of Hastings and to support local businesses, hotels and restaurants. The group brainstormed a variety of events and the common theme of the group was the genuine interest to promote our City. As a result of the meeting, we all talked about different events that might be attractive to bring to the City of Hastings and what he proposed was to be able to host a marathon, half marathon type of event in the City of Hastings. After a lot of discussion, the event started to gain traction and we thought let's start with a half marathon, 10K, 5K and gain some traction before we try to launch a marathon in the 2nd year. Mr. Alexander stated just like last year, we approached Adams County and the City of Hastings for approval for the event. We secured \$2,000,000 of liability insurance per participant per occurrence as we were told this is the standard for these types of events. We also handed flyers out to every single resident in the Lake Hastings and Lochland areas as we were asked to do. We placed volunteers where we were directed and we hired support people as recommended, every thing we were asked to do we obliged. The results of the efforts were over 100 volunteers and with the help of Healthy Hastings and Mary Lanning Health Care we attracted a field of over 300 participants from seven different states in our first year. We did not receive a single complaint from any resident of Hastings, not to say that we received a complaint from somebody outside of the City of Hastings. The response from the community was quite the opposite, they embraced it and we had neighbors that wrote messages to the runners on their streets; it was really a warm reception and that is why we know that Hastings could offer that type of event. In early September of this year, he met with several city staffers to outline adding the marathon to the event and offered to provide whatever information was needed, to meet at anytime to answer questions and ask for guidance in how we could partner to offer the event. Mr. Alexander stated since the September meeting, he received two contacts from city staffers, one asking for more details of the route near Hastings College and then another asking what the name of the event would be. Mr. Alexander stated he approached the City in September to allow ample time to mediate any concerns that you might have prior to voting on the issue. Mr. Alexander stated his sole intent for bringing in an event like this to Hastings is to accomplish four goals and they are 1) to showcase the City of Hastings, 2) to support area businesses, 3) to hold an event that the residents of Hastings and surrounding areas could call their own and 4) to give people a reason on I-80 to turn south

instead of north at Exit 312. Mr. Alexander stated last year his family logged over 1000 and hopefully that shows you the passion of our family to pull this event off. Gary, Indiana just approved to kick off their first marathon this past fall and their Mayor was quoted with following “We believe this marathon is another opportunity to show that the City of Gary is open for business and able to accommodate large scale events. It builds upon our efforts to promote Marquette Park and is another chance to feature Gary’s positive attributes.” Mr. Alexander stated as he indicated in September when he approached the Council, it does take a commitment and willingness to partner to bring an event such as this to Hastings. The State Softball Tournament bids would have never been won without a partnership like this. The New York Marathon was started in 1970 and can’t imagine what their City Council thought when somebody approached them and asked them to shut down subways and all of downtown Manhattan to run a New York Marathon; their City Council overwhelmingly approved it, and look at what it is today. It takes a lot of courage and vision to focus on the reasons why you should have something instead of why you should not.

Tom Harman of 425 South Shore Drive addressed the Mayor and Council regarding Ordinance No. 4380, vacating a portion of Lakeridge Drive in North Shore Heights Subdivision. Mr. Harmon stated he has an ownership interest in the lot that it will be going through to Baltimore Avenue. To be honest, when this was originally going to go through, North Shore was suppose to be rerouted over there, however, it wasn’t and we paid in excess of \$33,000 for street assessments on North Shore Drive. Now it is a block north and we are going to get hit again, and believes it is a waste of good money for the City and for the property owners.

Jim Hemming of 1304 Lakeridge Drive addressed the Mayor and Council in regard to the proposed vacation of a portion of Lakeridge Drive in North Shore Heights Subdivision. Mr. Hemming stated he is currently living within site of the intersection and he sees Baltimore Avenue all the time. There is currently a three way major intersection at Baltimore Avenue and North Shore Drive. This intersection is heavy north/south traffic with automobiles, semi trucks and especially Consolidated Concrete trucks back and forth, loaded with concrete, traveling at a fairly high rate of speed. The intersection also has heavy traffic coming from mainly the south on Baltimore Avenue turning onto Lakeshore Drive, mainly heading to Walmart and other stores, coming back the same way turning south; very few vehicles actually turn north. The proposed new intersection that is being talked about is only 360 feet or 2/10 of a mile between the two of them and to him that will create another potential busy and confusing intersection. Secondly, if Lakeshore Drive is open as a through street from Baltimore Avenue all the way to North Shore Drive going east, it will, he believes, become a race track of cars speeding along residential housing. Quite often there are small children out in the street playing or up on the sidewalks and the reason they are out there is because it is a dead end and they know there are almost no cars there; they really shouldn’t be on the street, but they are. It is a potential hazard with cars running back and forth. Thirdly, with Lakeshore Drive being a dead end, quite often cars come from the east from North Shore Drive and mistakenly go straight ahead onto Lakeridge Drive instead of turning south. What they do, is they come down to the end and see that it is a dead end, they turn around and often speed to about 40 or 50 miles per hour out; again anybody around or a car pulling out could be in deep trouble. Mr. Hemming stated he is in favor

of it not being allowed to be opened up.

Todd Klein of 1214 Lakeridge Drive appeared to speak in favor of Ordinance No. 4380, vacating a portion of Lakeridge Drive in North Shore Heights Subdivision. Mr. Klein stated he has a young family, we have four children and as Mr. Hemming mentioned, there is a lot of people that go through that dead end and he is exactly right, there is a high rate of speed when they turn around as well as when they are coming through. There is no posted speed limits on Lakeridge Drive today, and that is probably because it is marked a dead end avenue. Mr. Klein stated his concern is the high traffic flow that is along North Shore Drive today and will continue to go on Lakeridge Drive if that proposed road is to go through to Baltimore Avenue. There are a lot of concrete trucks, we see a lot of those because there is a lot of development in our area right now. Mr. Klein stated he believes it is a waste of the City's money and taxpayer money to fund any road project to continue that through because of how close it is to the North Shore Drive intersection. Mr. Klein stated he knows there is future development plans further north of our subdivision and hopes that the City Council would consider possibly putting in a thoroughfare further north of our subdivision.

MAYOR'S COMMUNICATIONS: None.

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

1(a) Minutes of the Council Meeting of November 25, 2013.

1(b) Minutes of the Council Worksession of November 19, 2013.

2(a) Application of Murphy's Wagon Wheel, Inc. for a Special Designated License at the City Auditorium on January 4, 2014.

2(b) Application of Murphy's Wagon Wheel, Inc. for a Special Designated License at the Hastings Museum on January 4, 2014.

4(a) Payrolls for the periods ending December 7, 2013, paid December 13, 2013, ending December 21, 2013, paid December 27, 2013 and ending January 4, 2014, paid January 10, 2014.

4(b) Authorizing the City Clerk to issue checks against the various funds for payment of claim. (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. (Prepaid claims included in list of claims attached).

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 request of Alan Anderson to rezone Anderson Subdivision, Lot 2, from R-1 Single Family Residential to C-PO Commercial Office Planned District, subject to conditions listed in the ordinance.

Alan Anderson of 702 North Shore Drive appeared to speak in favor of the rezoning of Anderson Subdivision, Lot 2. Mr. Anderson stated as he said at the Planning Commission Meeting, no project has zero impact, but this would be an extremely low impact project on the community. One of the concerns we ran into in the Planning Commission was the fact that it was originally requested to be zoned to C-3 and to give a little history on why it was requested to be C-3 to begin with is the lot on the immediate east where the billboard was was zoned C-3. The Adams County Convention and Visitors Bureau is across the street and it is zoned C-3, actually Mr. Anderson and his partner, Pat Randolph, donated the Adams County Convention and Visitor's Bureau to the City (that building was once known as Munchies & More). When we donated it to the City, we had no idea where they were going to put it. They ended up putting it on North Shore Drive and Mr. Anderson stated he has lived on North Shore Drive for 35 years and that C-3 has had zero impact on him. Mr. Anderson stated all his son wants to do is put a small office space there and the Planning Commission had no problem with C-P3. Hopefully, that would solve some of the neighbors concerns, and again, he has lived on North Shore Drive for 35 years and his son, Corey, grew up on North Shore Drive and we understand the neighborhood. Our biggest concern when we first started was that Lot 1 was awfully narrow and we worried about Mr. Spilinek's trees a little bit so we wanted to make sure if any construction started we would move the lot; we made it wider and we thought we had a good project then. Mr. Anderson stated he gave Mr. Sheets the plat, but had not really talked to him about what his concerns were. Mr. Anderson stated he met with Mr. Sheets a couple of times and actually stood on his back deck and we looked at the lake and his concern was what the view would be of the lake. Mr. Anderson stated we have cranked it a little bit further, we looked out there and he gave Mr. Sheets what the worst case scenario could be and hopefully that has alleviated his problems. Mr. Anderson stated we did the best we could do, we have done everything we can do, we have cranked the lots around and C-3 was probably not they way to start, all we wanted was an office space and C-PO is fine with us. Mr. Anderson stated he is asking the Council to follow the lead of the Planning Commission who unanimously approved this and unanimously approve it this evening so we can move forward. In the event it doesn't get approved, doesn't know what our thoughts would be, guesses we would probably put "For Sale" signs on the lots and doesn't think the next people that would buy it would have the concerns for the neighbors and the neighborhood that we are trying to show.

Dale Spilinek of 301 North Shore Drive appeared to speak in opposition to the proposed rezoning of Anderson Subdivision, Lot 2. Mr. Spilinek stated first of all, if he says anything that the Council disagrees with, we will stop and discuss it. First we had to fight when Highway 281 was changed to get some kind of buffer back when it was taken away. Then they changed the entrance to North Shore Drive so there wouldn't be such a sharp curve because they ended up on his drive and yard all the time. C-3 went on the north side of the road, then we have the Adams County Convention and Visitor's Bureau there now and we had to fight because they wanted to put a gas station right there; anybody in their right mind knows that that would not be the right

place, so we had to stop that. Mr. Spilinek stated then they drew a line on the north side of the road and called it C-3. It was never surveyed or zoned, it was just surveyed now. Then they put an R-1 lot next to him which was on the dam, they put the zoning sign down by the dam so nobody on the lake could see it. Nobody knew this was being done except him, at the time he did not know anything about how things worked, but he does now somewhat. When he went down to see what was going on next to him, he was told that they have to do this or the owner is not going to let the City service the dam which there is no easement across the property at that time. So the City was right back where they started because the City wasn't smart enough to put an easement back on there. When he was showing what was going to be done next to him again, he asked the developer what he was going to do with the south side of this lot; he was told that is for a later time. The people on the lake are going to have to fight what is going in there. Mr. Spilinek stated he asked about the wasteland in between and he was told that the process is in the works, that will be the City's. Over the years, we have called the City about cleaning and mowing this property and we are told each time they can't do anything about it because it is farm ground. Mr. Spilinek asked what is this property right now, C-3, R-1 or farmland. Mr. Spilinek stated R-1 taxes is all that is being paid right now. Mr. Spilinek stated the Council will be voting on the C-PO zoning tonight and that it is the only thing it can be as far as he is concerned or is some of the other surveyed property going to be adopted too. Mr. Spilinek asked the Council to do the right thing for the people of the lake and the City instead of always for one person. Mr. Spilinek stated he would also like the City to do the right thing and own up to their mistakes of the past. He didn't hear an objection from anyone that went through it. Mr. Spilinek stated he didn't know that Mr. Anderson was making a new development and changing it, changing it to a zoned development. Also he notices the C-3 lot down on the end, do you draw a line on the map and say this is C-3 and let whoever gets this property decide what size, doesn't it have to be surveyed and plotted and brought before the Planning Commission; it has never been done as far as Mr. Spilinek could find. C-PO is the best zoning for this lot, but he is still against anything being there.

Doc Coulter of 643 North Shore Drive appeared in opposition to the proposed rezoning of Lot 2, Anderson Subdivision. Mr. Coulter stated this is a residential area, but he and his neighbors are sort of feeling fear and despair and the sense of hopelessness right now; fear that if we don't take this that something even worse will happen, sort of despair because even though a large number of neighbors visited the Planning Commission Meeting, all eight members voted to approve the application; they didn't listen or they didn't hear the residents. A bit of hopelessness because it certainly seems from the Planning Commission that this decision was made prior to the hearing, it was a done deal and it was not going to change. If you have looked at the minutes from the Planning Commission, you certainly could get that sense. Mr. Coulter stated he is also concerned that we are making decisions or basing decisions on this application and following a decision that was either an error or a mistake or really poor public policy when we put commercial zoning to allow billboards to go in there. Mr. Coulter stated this Council didn't do it, a prior Council apparently did. Mr. Coulter stated he is not feeling quite so hopeless, believes this City Council will listen to the citizens and believes this City Council will step up and do what is right and pass on this proposal.

Norm Sheets of 300 North Shore Drive appeared in opposition to the proposed rezoning of Lot 2, Anderson Subdivision. Mr. Sheets stated we see that this is going to change a zoning of a lot, it doesn't say which lot. Is it Lot 1, Lot 2 or Lot 3, would like to make sure we know what lot is potentially going to be zoned C-PO. There has been a lot of discussion on this and he is pretty well aware that land that is there is going to be developed into something and what it is is that it is getting narrowed down. Mr. Sheets stated he did have some conversations with Mr. Anderson and he seemed pretty willing to set up and position his buildings that he would build there to compensate for a view for the neighbor, which is primarily him and he appreciated that. Mr. Sheets stated hopefully that it goes through the way he had told him and he would hope Lot 2, is rezoned to what has been presented to you people as C-PO. Mr. Sheets stated he doesn't totally agree with everything here, but believes this is probably as good as something that we would probably get there at any other time and hopefully things are followed through the way we have discussed them and the way that the Council is going to vote on what is presented to you.

The Mayor stated it looks like Lot 2 on our map is C-O, did we not get an updated map.

Councilman Goebel stated there was a revision on Friday that came out in an e-mail.

Rich Cartier, City Planner, stated currently Lot 2 is zoned R-1 and Lot 1 is zoned R-1.

Howard Sheley of 518 South Shore Drive appeared to speak in opposition to the proposed rezoning of Lot 2, Anderson Subdivision. Mr. Sheley stated it looks like there might be a little bit of confusion here and you can correct him if he is wrong, but Anderson Subdivision, Lot 1 is an R-1 zoning.

The Mayor stated that that is correct.

Mr. Sheley stated moving down east, Anderson Subdivision, Lot 2 is currently zoned R-1 and it is being proposed to be changed to C-PO.

The Mayor stated the plan is that it would be a C-PO.

Mr. Sheley stated he agreed with Mr. Sheets, those of us that live out there really appreciate what we have and it is a residential zoned area and we would really like to keep it at that. We don't want another C-3 there or anything like that. It is a wonderful place to live, great family place and even a nice place for the ducks and geese. Mr. Sheley stated if we have to have it, probably a C-PO that is carefully planned so it doesn't mess up the neighborhood is what it should be. Mr. Sheley stated he would prefer nothing, but that probably is not going to happen since that area probably will be changed and if it has to be changed then C-PO is better than a C-3.

Mr. Spilinek questioned if the C-3 on the map now is being discussed tonight.

The Mayor stated we are discussing Lot 2 tonight which is proposed to be C-PO.

Mr. Spilinek stated he is talking about Lot 3.

The Mayor stated we are not talking about Lot 3 tonight, only Lot 2.

Mr. Spilinek asked the Council if they could tell him what the law says about making anything C-3, it never has been surveyed, but it is now surveyed.

The Mayor stated we have to address what is on the agenda tonight, we can't go and address something that is not on the agenda.

Mr. Spilinek stated he is afraid that with the way things have been done in the past, that this is drawn up and it will go through. Mr. Spilinek stated he went down and checked a few things and the first thing they told him is that that is C-3, it is on the map. Mr. Spilinek stated to him it isn't C-3, the taxes are on an R-1.

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. 4381

AN ORDINANCE OF THE CITY OF HASTINGS, NEBRASKA, FOR THE PURPOSE OF AMENDING THE OFFICIAL ZONING DISTRICT MAP OF THE CITY OF HASTINGS, NEBRASKA 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; TO REVISE THE ORIGINAL DESIGNATIONS; AND TO PROVIDE WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT (Rezoning Lot 2, Anderson Subdivision from R-1, Urban Single Family Residential to C-PO, Commercial Office Planned District, with conditions)

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

Councilman Niemeyer stated since he has been on the Council, which has been six years, this thing has come up three times, this is the third time. It has changed hands and at least three different people have wanted to develop it and it has always been the same thing. With the neighborhood on North Shore Drive, there are a few residents there that won't be happy unless that area is left vacant. There was discussion at the Planning Commission Meeting about leaving

Lot 1 residential so that a house could be built and asked Mr. Anderson if there are plans to put a spec house on there or if that lot is going to be left vacant until it is sold.

Mr. Anderson stated at the present time what the plans are is that his son is going to build a house there and then his office will be beside it on Lot 2.

Councilman Niemeyer stated then you are planning to build a house there.

Mr. Anderson stated his son his planning on building a home there, his son actually owns the property; he wanted an office close to his house. The only way there would be a spec house is if it wasn't approved. Whenever he sells his house at Westbrook, and it might be several years, then he will build a house, that is his lot.

Councilman Niemeyer stated he is somewhat concerned about it in the fact that we have had this come up recently within the last year and we denied it and it was for a small office. Councilman Niemeyer stated just for the spirit of just being consistent, if we were to approve this, then we are not being consistent with the way we are voting on things.

Councilman Goebel stated the last rezoning request was for a C-O, not a C-PO.

Mr. Cartier stated the request before was just for straight commercial office and it was on the lot that would have been close to the existing neighbor. Now it will be down further because Mr. Anderson's son wants to build a house between the office and the existing neighborhood.

Councilman Goebel stated we are actually two steps away from that application, we not only have a more restrictive zoning where this is limited to fewer than 20 employees, but we also have another residential lot in between potentially to be owned by the same people.

Councilman Niemeyer stated that is his only point in bringing it up, he wanted to clarify for everyone else that may be listening to this that on face value we are not just voting on this. A year ago they wanted to put an office building there and we denied it, but now we are allowing it; there are conditions that have been changed.

Councilman Harrington stated it seems like we have two kinds of zoning issues that come before us. One is very easy, there is a line drawn on the map and it affects one or two people and it is no big deal and then we have these kinds where we have a neighborhood that is concerned and an individual that wants to do something with his property. Councilman Harrington stated he believes we all agree that they are both legitimate. We are always dealing with an imperfect world here and believes C-PO rezoning is a reasonable approach in an imperfect world.

Councilman Goebel stated in looking at the map again, even on the revised map that came out Friday, Lot 2 is marked as C-O, but if we pass this ordinance, it will definitely be C-PO.

Mr. Cartier stated the zoning on the plat is irrelevant. The surveyor put it on there, but even if this was approved and went through and was recorded, the zoning on a plat is not a legitimate source of zoning. Zoning is always by ordinance so whatever your ordinance is approved as that is what the zoning is.

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, 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. 4381 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 December 25, 2013.

At this time a public hearing was held regarding progress on The Lark Tourism Development CDBG (12-TD-001), the Downtown Revitalization Phase II Project (12-DTR-107) and the Dutton Lainson Economic Development CDBG Project (10-ED-020).

Melissa Vinzant, Grant Administrator for the City's Community Development Block Grant projects, stated these three projects have progressed far enough to have a second public hearing to let the public know about what is going on. The Lark Tourism Development Project, which is the renovation of a downtown building to be a performing arts center, is substantially complete. They had a soft opening on December 6th that went really well. Randy Chick is overseeing the Downtown Revitalization projects, we have a facade improvement project going on downtown and a couple of different projects will be coming up. The Dutton Lainson Economic Development project was an economic development loan that the City received for Dutton Lainson. Part of that was forgivable and part of that the company is paying back over a period of 60 months. That money then will be able to be reused in the community without those federal strings attached.

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 Odom, seconded by Harrington that the Mayor and Council approve the Fair Housing Action Item for Comprehensive Revitalization Supplemental Grant Community Development Block Grant Funds to pave a portion of East "D" Street. Roll Call: Ayes: Harrington, Peterson, Odom, Niemeyer, Krings, Hoops, Skutnik, Goebel. Nays: None. The motion carried.

Moved by Skutnik, seconded by Hoops that the Mayor and Council approve the application of the Adams County Roads Department on behalf of Ivan & Glenna Bengston, Richard & Harriet McFeely and Rod & Sue Jensen for a six foot high privacy fence in the front yards at 5235 North Columbine Avenue, 1205 East 42nd Street and 4160 North Columbine Avenue. Roll Call:

Ayes:

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

ORDINANCE NO. 4380

AN ORDINANCE OF THE CITY OF HASTINGS, NEBRASKA, VACATING A PORTION OF LAKERIDGE DRIVE IN NORTH SHORE HEIGHTS SUBDIVISION, TO THE CITY OF HASTINGS, ADAMS COUNTY, NEBRASKA, AND RELEASING THE PUBLIC UTILITY EASEMENT CONTAINED THEREON; PROVIDING FOR FILING OF THIS ORDINANCE WITH THE REGISTER OF DEEDS OF ADAMS COUNTY, NEBRASKA; REPEALING INCONSISTENT PROVISIONS; AND PROVIDING WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT (Vacating western 275.80 feet approximately of platted street right-of-way known as Lakeridge Drive which lies adjacent to Lots 1 and 2, North Shore Heights Subdivision)

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

Marvin Schultes, Hastings Utilities Manager, stated Hastings Utilities already has utilities on the east end of this right-of-way and his recommendation would be that if the Council decides to vacate the right-of-way that you maintain a public utility easement.

Councilman Krings questioned how many lots between the current property on the corner of North Shore Drive and Baltimore Avenue between that property and this right-of-way.

Mr. Cartier stated there are two properties.

The Mayor stated one property is already developed.

Mr. Cartier stated there is a lot to the north of the street and there is a lot to the south of the street.

Councilman Krings stated there is a lot to the north of the current property on the corner between that and this right-of-way.

Mr. Cartier stated that would be Lot 2 of North Shore Heights Subdivision.

Councilman Krings stated that is on the north side of Lakeridge Drive.

Mr. Cartier stated that that is correct.

Councilman Krings stated then there is only one property there and he would have a street on three of the four sides of his property line.

Mr. Cartier stated that that is correct.

Councilman Krings stated his personal opinion is obviously we have to keep the utilities and stuff there, but he really doesn't see the point in having a street one lot north of an intersection, why have more concrete.

Dave Wacker, City Engineer, stated it is a little bit more detailed than that. We follow Subdivision Regulations and in the Subdivision Regulations lay out there is the connect ability and circulation of lots and blocks for emergency services and egress. Actually, there has been a lot of changes on the plats that have been filed. At one point in time, 31st Street or Martin Avenue was to continue from east to west. If you vacate this street section, many of the other interior lots will not meet the 1325 feet requirement to an access point as outlined in Section 38-301 of the City Code. If you remove this, you are basically negating or invalidating some of the approvals of the plats that were previously made.

Councilman Krings asked what does that mean, are we going to get arrested.

The City Engineer stated what that means is is that you are in conflict with the City Code, your access points to some lots are going to be 1325 feet. You set up those access points to insure that no lot has to drive more than 1325 feet.

Councilman Krings stated he still doesn't like where this street is and he doesn't like the idea of one lot having three streets all the way around it. Councilman Krings stated he doesn't believe we need an another intersection that close to North Shore Drive.

Councilmember Skutnik stated one issue the City Engineer said was connect ability and for emergency, but isn't there a street coming off of North Shore Drive to the north and isn't that enough for emergency.

Fire Chief Kent Gilbert stated his understanding of it is that Azalea Acres would be one of them

that was the north one that was vacated. The other one was Martin Avenue, so your next intersection would actually be the one clear north and you only have one intersection that is on the south. If you were to take a similar strip of land in town, that would be quite a ways without an intersection. In regards to the Fire Department, one of the things we looked at was the travel distance and we kind of picked the high school. It is almost the same distance either way you go, but for people that are closer to that to get their children to the high school, then they would need to go clear back through North Shore. The thing that slows traffic is curves and for the Fire Department, curves are probably more of a problem than distance. The Fire Chief stated it appears to him that most of the roads north have been vacated so you would only have one intersection until you hit the road north of WalMart for that area to go out through.

Councilman Krings stated we are trying to identify the map, our maps shows a road to the east of the lot in question connecting Lakeridge Drive to North Shore Drive and questioned if the road is in place or is it just a right-of-way.

The City Engineer stated there is a Street Improvement District that has been created for that particular street, which is Merle Avenue, and that will be built this next year.

Councilman Odom stated he doesn't know that there is any emergency reason for doing away with this street right-of-way, not that he is against it, but he wanted to make sure we do it right. If we are going to be doing something that is conflicting with our City Code, and as much as he hates putting something off until January, he would rather do that than do something tonight that is going to be in conflict with our City Code. Councilman Odom stated he isn't aware of any emergency that this presents to the landowners at this point, he would like this discussed at the next Worksession so we can get a better understanding of what the City Engineer is talking about. Councilman Odom stated he does have some concerns about the number of intersections we have here and where they are placed and he wants to make sure that we have plenty room for police, fire and ambulance to get into whatever may develop into the future.

Moved by Niemeyer, seconded by Odom that Ordinance No. 4380 be postponed to the January 27, 2014 Council Meeting. Roll Call: Ayes: Harrington, Peterson, Odom, Niemeyer, Krings, Hoops, Skutnik, Goebel. Nays: None.

RESOLUTION NO. 2013-57. . . . Requesting written consent of the Nebraska Department of Roads to temporarily utilize a portion of the state highway system for the "Hastings Marathon" be held on June 21, 2014. Resolution attached to and made a part of these minutes.

Councilman Niemeyer stated Healthy Hastings and Mr. Alexander and his group did a tremendous amount of work last year to put on the half marathon, 10K and 5K. It was very well attended and the neighborhood really got into the whole thing. An event like this would rank right up there with the Whoopers and Hoopers Tournament and a lot of other things that bring a lot of outside dollars into the community. Councilman Niemeyer stated he is in favor of it and

would like to see the Council support it.

The Mayor asked the City Administrator and City Attorney if we are comfortable with the level of insurance coverage.

The City Administrator stated he posed that question to the City Attorney just a few moments ago.

The City Attorney stated there is nothing in the City Code specifically on insurance limits.

Councilman Harrington stated he is certainly for this event, but believes we need to proceed with an abundance of precaution relative to insurance given the City's history. Councilman Harrington stated he just wants to be made comfortable that all the i's have been dotted and t's all crossed before we get too far.

Councilman Odom questioned what questions haven't been answered, we first talked about this in warmer weather and it seems like we have had several months to get whatever questions are still there answered. Councilman Odom stated he believes this happens to be one of those very good projects and we have done triathalons in the City using Lib's Pool, Lake Hastings and a number of different ways to make those things work which attracts 100 to 125 people for four or five years. Councilman Odom stated he would like to see us move forward with this and believes it can bring in a lot of people for a short period of time to Hastings. Councilman Odom stated he feels comfortable asking the Department of Roads for permission to use the State highways or even take them over.

The City Attorney stated this resolution marries a new state statute that requires any community wishing to close any State or Federal highway to get permission from the Nebraska Department of Roads. That has to be given to the Nebraska Department of Roads at least 30 days prior to the event so we are plenty early as far as asking the Nebraska Department of Roads to look at this, but if you look in the resolution, those are direct quotes out of the statute and one of the things that it makes us responsible for is all the liability that goes with that. The State will not accept liability for closing Highway 281 on that particular project and that is what caused the abundance of caution as far as the insurance. The City Attorney stated he hasn't seen the actual route that has been designed, but that is probably, from our standpoint, looking at one of the key exposure areas the City could have because of the amount of traffic that Highway 281 could handle at any one particular time regardless of the time of day. It is one of the major thoroughfares obviously in the community so he believes the insurance is a key element of this and doesn't want to make it cost prohibitive as far as having the event, but his job is to advise on how to protect the City and he would be remiss if he didn't share those things with the Council.

Councilman Goebel stated he too is in favor of the project, it sounds like something that would be good for the City, but one concern he has, and he mentioned the same thing at the

Worksession, is the cost for the traffic control devices we would need to close Highway 281 and other streets. Councilman Goebel stated he supposes the City would pay for the traffic control devices, how would this work. Councilman Goebel stated he couldn't vote for this, even though he really supports the project, without knowing a little bit more detail about our costs. Is there any way we could get some data on this before we make a decision.

The City Administrator stated we met last week on this issue with staff, Councilmember Krings and the Mayor and were under the impression that the whole course had to be barricaded, but since have learned that that is not the case. Apparently, they run a lot of these without barricades and markings. There is a certain amount of risk that someone takes when they run in one of these and they sign a waiver before they run knowing that they will be running down a road that is open to traffic. We should probably sit down with the applicant and determine who is going to pay for the cost of setting up the barricades and closing Highway 281. Closing Highway 281 and rerouting for that short period of time is not a big issue to him as opposed to having to go out and have this company out of Omaha come out that did all the pylons for paving issues and striping issues, it would have been many, many thousands of dollars to be able to pull that off. We were under the impression that we had to shut down even the Bypass Road, but after the meeting we found out that that is not the case. They run on it and the majority of that is in the County and the organizers will have to make sure they have the County's blessing as well, but they don't shut it down to traffic. Highway 281 would be our issue, both financial and liability because once we take over that road section, we become responsible for safely routing the traffic around the route.

Councilmember Peterson stated she is really excited about this and asked Mr. Alexander where he came up with the amount of \$2,000,000 per person.

Mr. Alexander stated the \$2,000,000 per occurrence per person was given to us when we applied last year for the half marathon, 10K and 5K. They said in order to hold the event on the streets that we had to have that amount of coverage.

The Mayor stated he would like some research done on that, we learned a lesson the hard way by taking cash out of our budget and it took years for us to recover from that. The Mayor stated he also is in favor of this event, he just wants to make sure we are covered adequately because last time we were supposedly covered, but we weren't and it cost of us a lot of money and exposure.

Councilman Niemeyer asked the City Attorney if the resolution we are voting on tonight is just asking for written permission from the Department of Roads to close it, we are not saying the marathon is a done deal. We still have time to answer a lot of questions and fine tuning.

Councilman Krings stated we are not talking about approving the route tonight, we are only asking for permission to close down a state highway from 5:00 A.M. to 10:00 A.M. one day between 16th Street and North Shore Drive. When we talk about liability for these runners, we

are talking about if they were to get hurt during the race. If any one of them were to get hurt anywhere on the race that is what this liability insurance is for. Councilman Krings stated someone having an accident through the barricades or through the detour has nothing to do with runner liability. We are talking about two different things here, we are talking about running the race and any accidents that may or may not occur while running that race and we are talking about closing down a street and assuming some level of liability for a state highway.

Councilman Krings stated we have been talking about this for a long time and we need to start getting some questions answered if we have questions. Regardless of what happens tonight, whether this is approved or not approved, he would ask staff to get Mr. Alexander in a room and let's ask the questions, let's move on here. Everybody says they want this to happen, but yet we can't seem to get any traction; it shouldn't be that difficult to get some traction on this.

Remember tonight we are only talking about the closure and detour of a state highway.

Councilman Krings stated he doesn't know if the City has the resources to do this or not, but he believes we can work out something. If we need to bring in somebody else to shut down this portion of the highway or other costs incurred, he is sure Mr. Alexander would be willing to look at those costs and see what we can do to make this happen. Mr. Alexander was asked to get \$2,000,000 last year and that is the number we used this year, we need to be careful when adding. When you add on \$3,000,000 to \$5,000,000 insurance to each runner for the closure of a state highway, does that make sense for the exposure of closing down the highway and adding it on for all 350 runners in the half marathon, the 10K or 5K. Councilman Krings thanked Mr. Alexander for coming to the Council and doing it the right way, we have to be real careful about sending a message that says when you bring it to the City, it is going to fail; just do it and don't tell anybody; that is the message we could be sending. Councilman Krings stated he will tell you there are races that cross state highways in this town and they are great events and he doesn't want them to go away. Councilman Krings stated he thinks we need to quit asking "Why this won't work" and start asking "How can we make this happen". We have an event that everyone in this room has said is a great event, we really want it to happen, but let's make it happen then. It is that simple, we look at projects and we say here are the reasons why we can't do this and Councilman Krings is saying let's look at them and say whatever we gotta do to make it happen, let's get everybody in a room, act like adults and we will get the answers we need to make this happen.

Councilman Odom stated he agrees with Councilman Krings, but he would like to hear all answers to all questions regarding liability, set up, barricading and all of those things by the second meeting in January. It is nice to say get together, but the second meeting in January is not quite two months, but it is almost 30 days after the holidays and we should be able to get that information together.

Councilman Krings stated the reason we are here, and every body says we have plenty of time, but runners are picking their races already. The Lincoln marathon entry opens up here pretty quick and that thing fills up in a hurry. For this event to work, we need to start moving and let's get this taken care of and then we can answer the questions and do whatever we need to do.

The City Attorney stated Councilman Niemeyer is absolutely correct, all this is is the resolution to send to the Nebraska Department of Roads to get permission to close Highway 281 between 16th Street and North Shore Drive.

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

RESOLUTION NO. 2013-58

WHEREAS, the City of Hastings, Nebraska, is proposing to apply for assistance from the Nebraska Department of Roads' SAFE ROUTES TO SCHOOL PROGRAM for the purpose of traffic signal/intersection pavement marking improvements, and

WHEREAS, the City of Hastings, Nebraska, has available funds to finance the activity until reimbursed by the Safe Routes to School Program, and the financial capability to operate, maintain, and manage the completed project in a safe and attractive manner for public use; and

WHEREAS, the proposed application and supporting documents were made available for public review at a properly announced City Council meeting of the City of Hastings, Nebraska;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF HASTINGS, NEBRASKA, that the City of Hastings, Nebraska shall hereby apply for assistance from the Nebraska Department of Roads' Safe Routes to School Program for the purpose of traffic signal/intersection pavement marking improvements.

Moved by Krings, seconded by Skutnik that Resolution No. 2013-58 be passed and approved.

The City Administrator stated this is a grant application, it is non-matching, it is a way to try to accomplish some of the safe routes to school issues like a traffic signal at 5th Street and some other traffic control items on 12th Street to try to make our routes a little safer. The Healthy Hastings group came, as well as Becky Sullivan, were wondering if we were going to be putting together some information and the City Engineer has put this together for the Council's approval.

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

Moved by Niemeyer, seconded by Skutnik 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, Hoops, Skutnik, Goebel. Nays: None. The motion carried.

12-9-2013

APPROVED:

Mayor

ATTEST:

City Clerk

(S E A L)