

COUNCIL CHAMBERS, MONDAY, MARCH 10, 2014 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 Niemeyer, seconded by Odom 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 March 7, 2014, 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 February 27th Board of Public Works Meeting. On March 1st, Hastings Utilities started use of an integrative power pool that changes the way wholesale electrical power is marketed and distributed in the Southwest Power Pool. It is rather complicated, but he believes it will really make the sale and distribution of our excess power at Hastings Utilities and PPGA power from Unit II a lot more efficient. It relies a little bit more on the computer instead of human being decisions and it is done on a more timely manner. Instead of making say an hourly decision, it is made in five minute increments, therefore, you can keep up with the rise in the price and shut the power off when the price falls. Councilman Goebel stated that Unit I has a scheduled outage for the 1st of April to run for a couple of weeks and Unit II has an outage scheduled for April 18th. Councilman Goebel stated in February there was a one day spike in the gas rates that caused about a \$250,000 extra cost to people on the Hastings Utilities Gas System. It was kind of a fluke thing, it was a combination of supply and demand and it occurred on a really cold day when the demand is high. Councilman Goebel stated if something wasn't done by the Board of Public Works, this would cause quite an increase in our purchase gas adjustment charges on our March bill. The Board of Public Works made the decision to use dollars from the Rate Stabilization Fund to level out this spike in the price. Councilman Goebel asked everyone on the Hastings Utilities Gas system to check their April bill, there will be a line on there that will show you exactly how much affect it had on your bill, believes it is 15 cents per unit. Councilman Goebel stated the SourceGas appeal for the Central Community College gas system was settled recently and the ruling was in favor of Hastings Utilities.

CITIZEN COMMUNICATIONS: None.

MAYOR'S COMMUNICATIONS: None.

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

- 1(a) Minutes of the Council Meeting of February 25, 2014.
- 1(b) Minutes of the Worksession of February 18, 2014.
- 4(a) Payroll for the period ending March 15, 2014, paid March 21, 2014.
- 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).

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

The Mayor stated the City has received a request from B & R Stores to table their request for a Conditional Use Permit for a parking lot at 1018 West 6th Street.

Moved by Niemeyer, seconded by Krings that the public hearing and action on the request of B & R Stores dba Russ's Market for a Conditional Use Permit to allow a parking lot at 1018 West 6th Street be tabled to the March 24, 2014 Council Meeting. 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 Gaylord Johnson to rezone Gaylord Johnson Subdivision from A, Agriculture to R-1A, Single Family Large Lot Residential.

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. 4390

AN ORDINANCE OF THE CITY OF HASTINGS, NEBRASKA, TO AMEND THE OFFICIAL ZONING DISTRICT MAP OF THE CITY OF HASTINGS, NEBRASKA AS PROVIDED IN SECTION 34-105 OF THE OFFICIAL HASTINGS CITY CODE; TO REZONE THE PROPERTY DESCRIBED IN SECTION ONE OF THIS ORDINANCE FROM A, AGRICULTURE TO

R-1A, SINGLE FAMILY LARGE LOT RESIDENTIAL; TO REPEAL ANY ORDINANCES IN CONFLICT HEREWITH; AND TO PROVIDE WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT (Rezoning Gaylord Johnson Subdivision from A, Agriculture to R-1A Single Family Large Lot Residential)

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

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, Hoops, Skutnik, Goebel. NAY: None. The motion to suspend 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. 4390 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 March 26, 2014.

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

At this time a public hearing was held regarding the recommendation of the City of Hastings Electrical Board to amend Hastings City Code Sections 29-101, 29-107 and 29-108, Electrical Code.

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. 4389

AN ORDINANCE OF THE CITY OF HASTINGS, NEBRASKA, TO AMEND SECTIONS 29-101, 29-108 AND 29-107 OF THE OFFICIAL CITY CODE; TO ELIMINATE THE PROVISION THAT BRANCH CIRCUITS SHALL NOT BE SUPPLIED BY GROUND FAULT OR ARC FAULT CIRCUIT INTERRUPTERS FOR SMOKE ALARMS; TO PROVIDE FOR THE USE OF NON-METALLIC CABLE IN CERTAIN INSTANCES; TO PROVIDE A REQUIREMENT FOR SERVICE MASTS WHERE THE MAST IS USED TO SUPPORT THE ELECTRICAL DROP TO A BUILDING OR STRUCTURE; ESTABLISHING AN EFFECTIVE DATE; AND REPEALING ANY ORDINANCES OR OTHER PROVISIONS IN CONFLICT HEREWITH

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

Mark Evans, Building Inspector, stated Section 29-107 is a section that would allow non-metallic cable in multi-family dwellings. There was some discussion and it went to the Electrical Board, they recommended approval for multi-family dwellings where it was not attached. It would essentially allow products like romax wiring in multi-family dwellings, it would not apply to buildings downtown, but Randy Chick, Director of the Business Improvement District, recommended that we look at extending that to apply to the buildings downtown. The ordinance the Council has before them is kind of a compromise position, it is very similar to what Grand Island does and a little bit more restrictive than Kearney, but the Electrical Board, CRA, BID and staff all feel that this is a good position and staff is recommending approval of the ordinance.

Councilman Krings stated what is in front of us for approval is what staff and the Planning Commission are on board with.

Mr. Evans stated the Planning Commission recommended a little more broader approach, but staff was uncomfortable with that. We met with the Mr. Chick and some of the other folks involved and we came to a position that everybody felt they were comfortable with the language the Council has before them.

Councilman Krings stated that Section 29-101 and Section 29-108 are staff and Planning Commission approval, but only staff is proposing and the Planning Commission did not recommend Section 29-107.

Mr. Evans stated that is right. There was some disagreement with Section 29-107, we met and got everybody on the same page. What the Council has before them is a position that everyone is comfortable with.

Councilman Goebel stated something that would really be good is if there is anyway possible,

and there may not be, that we could get an agreement, amongst Grand Island, Kearney and Hastings in the electrical and plumbing so that we had reciprocity amongst the cities on our licenses and we had a code that was the same. Councilman Goebel stated he believes that would cut out an awful lot of problems similar to this. Councilman Goebel stated he is on the Electrical Board and he is on board with the changes as written in the ordinance.

Councilman Krings 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 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. 4389 be passed and adopted?” Upon roll call vote the following Councilmen voted YEA: Harrington, Peterson, Odom, Niemeyer, Krings, Hoops, Goebel, Skutnik. 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 March 26, 2014.

Moved by Niemeyer, seconded by Hoops that the Council approve the Insurance Service Group Interlocal Cooperation Agreement to secure Property Casualty and Workers’ Compensation Insurance proposals and secure the services of an insurance broker and that the Mayor and City Clerk be authorized to execute said Agreement.

Joe Patterson, City Administrator, stated this an Interlocal Agreement with Papillion, LaVista and Holdrege and eventually North Platte and Kearney might become a part of it. Hastings, Papillion, LaVista, Holdrege and North Platte are at the end of their three year commitment to the League Association of Risk Management (LARM) and are looking at other options besides that particular coverage. A couple of the cities, LaVista and Holdrege, are in need of the Interlocal Agreement due to the lid levy imposed by the State and so that prompted the idea of the Interlocal Agreement. The City Attorney has been working with the City Attorneys of Papillion and LaVista to draft an Interlocal Agreement that all parties can live with. The next step would be securing the services of a broker and really what this does is give us the joint purchasing power of those four cities as we move forward in looking for insurance coverage.

The Mayor questioned if Hastings would be tied to the exposure of other cities.

The City Administrator stated we would not, we would have our own Work Comp modifier, we are in with Hastings Utilities on that, and we would be looking at probably changing our deductibles, assuming a little more of the risk locally and saving the money on the premium side.

The broker would represent all the cities in the Interlocal Agreement and then we would put a RFP (Request For Proposals) out for insurance proposals. We would also be able to tailor our own coverage the way we want to based on our risk tolerance.

The Mayor asked if the other cities have approved this.

The City Administrator stated all other cities have approved this at their respective Council Meetings.

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 Goebel that the Mayor and Council approve awarding of contract for truck cab and chassis to Hastings Ford of Hastings, Nebraska for a total cost of \$32,560.00, in
cluding the two options for \$1,013.00 and a trade-in of \$12,000.00 and awarding of contract for line body and aerial device to Altec Industrial of St. Joseph, Missouri for a total cost of \$84,898.00; grand total of \$117,458.00.

Councilman Goebel stated we did have two local bidders on the cab and chassis and the truck will be delivered to Altec Industries in St. Joseph, Missouri to have the body installed. There will be local warranty on the vehicle as well.

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

The Mayor excused himself from chairing the meeting for the 2nd readings of annexation Ordinance Nos. 4385, 4386 and 4387 because he does have a conflict of interest with one of the areas. Councilman Krings chaired the meeting as this time.

ORDINANCE NO. 4385

AN ORDINANCE OF THE CITY OF HASTINGS, NEBRASKA, TO EXTEND THE BOUNDARIES AND INCLUDE WITHIN THE CORPORATE LIMITS OF AND ANNEX TO THE CITY OF HASTINGS, NEBRASKA, CERTAIN CONTIGUOUS AND ADJACENT LANDS OUTSIDE OF THE CITY OF HASTINGS, ADAMS COUNTY, NEBRASKA; AND TO PROVIDE FOR SERVICE BENEFITS THERETO (Annexing the 5th and final 20% of Central Logistics into the limits of the City of Hastings).

Said Ordinance was read by title and thereafter Councilmember Skutnik moved for passage of the ordinance on 2nd reading only, which motion was seconded by Councilman Harrington.

The Mayor then stated the question was “Shall Ordinance No. 4385 be passed on 2nd reading only?” Upon roll call vote the following Councilmen voted YEA: Harrington, Peterson, Odom, Niemeyer, Krings, Hoops, Skutnik, Goebel. NAY: None. Ordinance No. 4385 passed on 2nd reading only.

ORDINANCE NO. 4386

AN ORDINANCE OF THE CITY OF HASTINGS, NEBRASKA, TO EXTEND THE BOUNDARIES AND INCLUDE WITHIN THE CORPORATE LIMITS OF AND ANNEX TO THE CITY OF HASTINGS, NEBRASKA, CERTAIN CONTIGUOUS AND ADJACENT LANDS OUTSIDE OF THE CITY OF HASTINGS, ADAMS COUNTY, NEBRASKA; AND TO PROVIDE FOR SERVICE BENEFITS THERETO (Annexing the 3rd 20% of Centennial Plastics-HEDC into the limits of the City of Hastings).

Said Ordinance was read by title and thereafter Councilmember Hoops moved for passage of the ordinance on 2nd reading only, which motion was seconded by Councilman Odom.

The Mayor then stated the question was “Shall Ordinance No. 4386 be passed on 2nd reading only?” Upon roll call vote the following Councilmen voted YEA: Harrington, Peterson, Odom, Niemeyer, Krings, Hoops, Skutnik, Goebel. NAY: None. Ordinance No. 4386 passed on 2nd reading only.

ORDINANCE NO. 4387

AN ORDINANCE OF THE CITY OF HASTINGS, NEBRASKA, TO EXTEND THE BOUNDARIES AND INCLUDE WITHIN THE CORPORATE LIMITS OF AND ANNEX TO THE CITY OF HASTINGS, NEBRASKA, CERTAIN CONTIGUOUS AND ADJACENT LANDS OUTSIDE OF THE CITY OF HASTINGS, ADAMS COUNTY, NEBRASKA; AND TO PROVIDE FOR SERVICE BENEFITS THERETO (Annexing the 2nd 20% of PMP, LLC into the limits of the City of Hastings)

Said Ordinance was read by title and thereafter Councilmember Peterson moved for passage of the ordinance on 2nd reading only, which motion was seconded by Councilman Goebel.

The Mayor then stated the question was “Shall Ordinance No. 4387 be passed on 2nd reading only?” Upon roll call vote the following Councilmen voted YEA: Harrington, Peterson, Odom, Niemeyer, Krings, Hoops, Skutnik, Goebel. NAY: None. Ordinance No. 4387 passed on 2nd reading only.

Mayor Powers resumed chairing the meeting.

ORDINANCE NO. 4391

AN ORDINANCE OF THE CITY OF HASTINGS, NEBRASKA, TO AMEND SECTION 8-107 OF THE OFFICIAL CITY CODE TO ADD AN ADDITIONAL LOCATION WHERE ALCOHOLIC LIQUOR MAY BE SERVED ON PROPERTY OWNED BY THE STATE OF CERTAIN GOVERNMENTAL SUBDIVISIONS THEREOF; TO REPEAL ANY ORDINANCES IN CONFLICT HEREWITH; AND TO PROVIDE WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT

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

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, 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. 4391 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 March 26, 2014.

Moved by Odom, seconded by Niemeyer that the Council approve the Mayor's appointment of Eric Barber to the Museum Board, term to expire March 10, 2019. Roll Call: Ayes: Harrington, Peterson, Odom, Niemeyer, Krings, Hoops, Skutnik, Goebel. Nays: None. The motion carried.

Moved by Harrington, seconded by Niemeyer there being no further business to come before the Council, the meeting adjourn at 7:25 P.M. Roll Call: Ayes: Harrington, Peterson, Odom, Niemeyer, Krings, Hoops, Skutnik, Goebel. Nays: None. The motion carried.

APPROVED:

3-10-2014

Acting Mayor

ATTEST:

City Clerk

(S E A L)