

COUNCIL CHAMBERS, MONDAY, APRIL 7, 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 Skutnik 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 April 4, 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.

CITIZEN COMMUNICATIONS: None.

REPORTS OF LIAISONS: Councilman Goebel reported on the April 3, 2014 Board of Public Works Meeting. The planned outage for WEC I is underway and is still on schedule to be back on line on or about April 15th. Work is progressing on the Fisher Fountain repair and is scheduled to be completed in time for its usual and customary Mother's Day start up. Councilman Goebel stated he hopes people noted on their most recent utility bill that Rate Stabilization Fund money was used to level out the price of your natural gas bill. There is a notice at the bottom of your utility bill that tells you how the Rate Stabilization "rebate" is calculated. Councilman Goebel stated the same sort of event on the natural gas market prices, one, two or three day spike, occurred again in March as it did in February and the Board of Public Works did elect to use Rate Stabilization Fund money again. The next Board of Public Works meeting is April 17th at 9:00 A.M. at the Hastings Utilities Board Room.

MAYOR'S COMMUNICATIONS: The Mayor read a proclamation proclaiming May 1, 2014 as Give Hastings Day.

Jessie Hoeft of 842 North Minnesota stated she is Chairperson for the first ever Give Hastings Day that will take place on May 1, 2014. This is a 24 hour on line event that 50 non-profit organizations in Hastings and Adams County will be participating in. The event is sponsored by the Hastings Community Foundation. There are two ways people can donate and make a difference in our community. You can go on line to www.givehastings.org, browse the non-profit organizations that are participating and learn a little bit more about each non-profit organization, what they are raising money for and who the money benefits. Of course the money we raise is truly important, but the education about these non-profit organizations and what they are, who they are and who they serve here in Hastings is really an important goal that we are trying to achieve with this fund raising event. Keep in mind that you can donate to multiple organizations on line or another way you can donate is by walking your donation into the Hastings Community Foundation office at 800 West 3rd Street, second level in the Heritage Bank building. There will be a host of volunteers there to facilitate your donation from 8:00 A.M. to

8:00 P.M. that day. There has been a generous response from the community as a whole and in turn, we have raised close to \$85,000 in matching money that the non-profit organizations will be able to participate in.

Dean Moors of 321 Pin Tail Circle stated May 1st is going to be a great day for this community and Adams County. We have raised actually \$87,000 because of the hard work of the Hastings Community Foundation, they raised matching dollars which will be used that day to assist the other 50 non-profit organizations to raise money to be part of those bonus dollars. We also have three other prizes that day, a first, second or third prize, which will go to a non-profit organization; the first prize is \$1,500, second prize is \$1,000 and third prize is \$500.00. We are also going to have golden May basket per hour gifts, we have nine \$500 gifts that will be randomly drawn from the list of donors that contributed and those will be given to the non-profit organization of their choice. It is going to be a great day and the winners will be all the non-profit organizations that are part of the day.

Chuck Shoemaker of 815 West 2nd Street and President of the Board of Directors for the Hastings Community Foundation stated we are excited to be the sponsor for this organization and maybe equally as important is how excited we are to have a committee that is putting on this event that has more energy and enthusiasm for the support of our non-profit organizations than anything he has seen for a long time. Jessie Hoeft is the Director of our committee and she is an emerging young leader in the community of Hastings and we are thrilled to have her and all of the activities that she and her committee have brought to this day. We think it is going to be a new and hopefully repeated community event in the years to come to do an awful lot of good things for an awful lot of good organizations in the Hastings community.

Ms. Hoeft stated it wouldn't be possible without such a strong community minded committee and if you see the following people, please thank them when you see them: Dean Moors, Hauli Sabatka, RuAnn Root, Michael Krings, Amy Sandeen, Michele Henke, Cheryl Lockwood, Kaleena Fong, Dr. Corey Stutte, Martha Boyd and Chuck Shoemaker. Stephanie Bliss and Susan Poppe with the Hastings Community Foundation have been very important in this project as well. Ms. Hoeft stated social media is a very important part of this project because we are trying to focus this as an on line giving day so you can also find us on Facebook and Twitter.

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

1(a) Minutes of the Council Meeting of March 24, 2014.

1(b) Minutes of the Worksession of March 18, 2014.

2(a) Application of Murphy's Wagon Wheel, Inc. for a Special Designated License at the Hastings Museum on May 10, 2014.

2(b) Application of Murphy's Wagon Wheel, Inc. for a Special Designated License at the

Hastings Museum on June 7, 2014.

2(c) Application of Murphy's Wagon Wheel, Inc. for a Special Designated License at the Colonial Gardens on June 14, 2014.

2(d) Application of Murphy's Wagon Wheel, Inc. for a Special Designated License at the Colonial Gardens on July 19, 2014.

2(e) Application of Murphy's Wagon Wheel, Inc. for a Special Designated License at Hastings Central Park on April 29, 2014.

2(f) Application of Midtowne Mart LLC for a Special Designated License at the Hastings City Auditorium on June 21, 2014.

4(a) Payroll for the period ending April 12, 2014, paid April 18, 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 attached list of claims).

5(a) Department Monthly Reports received and placed on file.

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

At this time a public hearing and action was held on the request of B & R Stores, Inc. dba Russ's Market for a Conditional Use Permit to allow a parking lot at 1018 West 6th Street which was postponed from the March 24, 2014 Council Meeting.

No one appeared to speak in favor.

No one appeared to speak in opposition.

Joe Patterson, City Administrator, stated the Planning Commission did approve this with nine conditions. This has been an interesting task to get to where we are today with the plan being e-mailed to us this morning. The owners of the property had a little different concept that didn't necessarily meet the requirements of our code as it relates to parking lots. The plan the Council has before them this evening does now meet all those requirements and therefore staff recommends Council approval.

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

The Mayor declared the hearing closed.

Moved by Niemeyer, seconded by Skutnik that the request of B & R Stores, Inc. dba Russ's Market for a Conditional Use Permit to allow a parking lot at 1018 West 6th Street be approved with the following conditions:

1. A six (6) foot high privacy fence or masonry wall shall be constructed along the north lot line of Benedicts Subdivision, Block 1, Lot 6 aka 1018 West 6th Street.
2. The terrace along West 6th Street and North Bellevue Avenue shall be lawn grass and kept maintained.
3. At least one landscape island with ornamental shrubbery and/or ornamental tree/trees shall be located within the parking lot area, but separate from the terrace landscaping.
4. All parking spaces shall meet the minimum dimension requirements of Hastings City Code 34-308(7) for the type and angle of the stall and shall be marked (striped).
5. The parking lot shall not exceed 16 spaces total.
6. Signage shall be limited to one directional sign, as defined in the Hastings City Code, at each entrance/exit and may also include one sign, not to exceed 6 square feet and no taller than 3 feet, at each entrance/exit indicating the parking is for Russ's Market/B & R Stores use only, if they so choose.
7. No storage shall occur on this property.
8. A site plan, including placement of parking spaces, landscaping, screening (privacy fence) and drainage for the parking lot shall be provided to the City of Hastings Development Services Department Building Inspector prior to construction for final approval.
9. Lighting shall be limited to bollard or post style lighting.

Councilmember Peterson questioned where is the privacy fence going to be located.

The City Administrator stated the fence will be located right along the property line on the north side.

Councilmember Peterson stated the map doesn't show any streets and questioned where 6th Street is located.

The City Administrator stated 6th Street would be at the bottom of the drawing.

Councilmember Peterson stated the one-way is the alleyway.

The City Administrator stated that that is correct.

Councilmember Peterson questioned who were the neighbors on 6th Street, she was thinking that the neighbors would be behind, more to the west; what is blocking it to the west.

Rich Cartier, City Planner, stated this lot is on the northeast corner of 6th Street and Bellevue Avenue and the fence is going to go on the north side between the first house that is left now and the empty lot.

Councilmember Peterson questioned Bellevue Avenue, there will be no fence, is that correct.

Mr. Cartier stated they have demolished the house on the corner where this parking lot will be, and the only fence will be between this parking lot and the house to the north of it.

Councilmember Peterson questioned if there are still houses between 6th Street and 7th Street on Bellevue Avenue.

Mr. Cartier stated yes there are.

Councilmember Peterson questioned if we have protection for those homes as well.

Mr. Cartier stated only one house abuts the parking lot.

Councilmember Peterson stated she guesses we really have to push this through, but it is really hard for people like her to have something brought before them when you just got it.

Councilmember Peterson stated she knows it is not staff's fault, but it makes it very difficult because she really doesn't have an idea, would have liked to have seen some pictures or would have liked to have the opportunity to have seen it.

The City Administrator stated obviously the history on this has been typical of the whole project and without being too critical of the developer, at least publicly, we have asked numerous times for things that have not been forthcoming. We had asked for this parking lot design for a number of weeks and if you recall, it had been tabled and then postponed. In a phone call last week, the City Administrator stated he told the developer that we need the parking lot design by Friday in order to get it on this agenda. We went ahead and placed it on the agenda thinking we would have it on Friday and we didn't get it until this morning. The City Administrator stated it meets all of the requirements we spelled out to the developer that it would need to meet. We got more than one parking lot configuration that did not meet the requirements of our Code with regards to parking lots and so after quite a bit of back and forth between the developer, Engineer for the developer, our staff and others involved working on this for probably two or three weeks

at least, we finally got it today, and staff is happy with it. The City Administrator apologized to the Council for not getting it, but you got it about as quickly as we did, but it does meet all the re-requirements that we required the developer to put in the plan.

The Mayor stated it will be a great project when it is finished, but it has been difficult.

Councilman Odom stated he believes one of the things Councilmember Peterson is concerned about possibly is the house to the west, is there any kind of shrubbery planned for the west side next to Bellevue Avenue that would really take care of what he is hearing Councilmember Peterson's concern to be or is there a fence or can we require a fence.

Mr. Cartier stated if you put a fence on the west side, it would create a vision problem for traffic at that corner, but they are putting bushes between the sidewalk and the actual parking lot around the perimeter on the west and south sides; we did require landscaping and they have to sod the terrace as well as replace the sidewalk.

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

The Mayor indicated the Selective Site Development, Inc. has requested that their request for a Conditional Use Permit to construct a wireless communications tower at 227 West 2nd Street be tabled.

Moved by Krings, seconded by Hoops that the public hearing of Selective Site Development, Inc. for a Conditional Use Permit to construct a wireless communications tower at 227 West 2nd Street be tabled.

Councilman Odom questioned if there was a good reason to table it.

The Mayor stated they are looking at an alternate location and probably a better location.

Councilman Niemeyer stated he would agree there would be a better location, but why don't we just go ahead and go with this; in his opinion we should deny this proposed area and just be done with it; why bring it back up again.

Tommy Beeler, representing Selective Site Development, Inc. stated there obviously is a different site we are looking into, but we have not come to an agreement with that other site, therefore, we would like to table this hearing for the next Council Meeting to make sure that we are going with a different site so we can answer any additional questions and maybe make a better proposal on this site than was made to the Planning Commission.

The Mayor questioned if you would be going back to the Planning Commission.

Mr. Beeler stated yes with a new site.

Councilman Odom stated he is fine with tabling it if they are going to go with a new site.

Vote on the motion. Roll Call: Ayes: Harrington, Peterson, Odom, Krings, Hoops, Skutnik, Goebel. Nays: Niemeyer. The motion carried.

At this time a public hearing was held on the request of Peace Lutheran Church for a Conditional Use Permit to allow an expansion and renovation of the existing Church and property at 906 North California.

Gary Ockinga of 1530 North Hewett appeared to speak on behalf of the application for a Conditional Use Permit. Mr. Ockinga stated there is a vacant lot to the east which serves as our parking lot right now, but what we would like to do is build on to our Church and make that the sanctuary. It would be 8,895 square feet and we would have about 82 parking spaces for cars.

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 Peterson that the request of Peace Lutheran Church for a Conditional Use Permit to allow an expansion and renovation of the existing Church and property at 906 North California Avenue be approved with the following conditions:

1. All “new” signage shall be subject to the provisions of the City’s Sign Code for the R-3, Multiple Family Residential zoning district and reviewed by the Building Inspector for compliance.
2. 72 onsite parking stalls shall be provided subject to the City Code. Attendees of the Church should be encouraged to use the “off-street” parking stalls whenever possible and limit on street parking only when no other spaces are available.
3. A building permit must be submitted and approved by the Hastings Development Services Department prior to any construction on the site.
4. The outside of the property, including the playground shall be kept mowed and free of any nuisances as defined in Chapter 18 of the Hastings City Code.
5. Prior to the occupancy by the Church, the site shall be inspected and approved by the Fire Inspector and the Building Inspector so any and all Fire and Building Code violations can be addressed.

6. No unnecessary uses such as a day care facility, school or kindergarten shall be permitted on site. Children's activities, nurseries or "Sunday School" are specifically allowed during Church related functions only.

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 request of The Gathering Place, LLC to rezone 1053 South Wabash Avenue from I-1, Light Industrial to C-3, Commercial Business to allow for an adult daycare center in the existing building.

Gary Barrera of 214 North Denver and Vivian Sullivan of 1103 North Bellevue appeared on behalf of the application for rezoning 1053 South Wabash. Mr. Barrera stated they are planning to turn the old VFW building into an adult daycare center. Hastings currently has an adult daycare center, but they only allow people that have a diagnosis of different mental disabilities. We are trying to pick up the slack and take all the other people they won't take. We hope to be able to provide services to them through the workday; family members that work and still take care of their loved ones will have a place where they can bring them.

The Mayor asked if this will be a 24 hour operation.

Mr. Barrera stated no, it would just be daytime hours, Monday through Friday, however, since it has kind of gotten out, we are getting requests to maybe do it sometimes late in the afternoon or early evening.

The Mayor asked if there would be a huge remodeling project involved with this.

Mr. Barrera stated no, we are actually going to take it as is; it is handicap accessible and has a kitchen. We have met with the Fire Marshall and Building Inspector and they have a few things they want us to bring up to Code which we will abide by. We will also be looked at by Health and Human Services before we are able to get a license.

Councilman Krings asked Mr. Barerra if he has been in contact with Respite Care that deals with this kind of thing.

Mr. Barerra asked if he meant health care.

Councilman Krings stated no, Respite Care is an organization that is very similar only it is providing services for those who take care of people with disabilities.

No one appeared to speak in opposition.

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

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

ORDINANCE NO. 4392

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 PROPERTY DESCRIBED IN SECTION ONE OF THIS ORDINANCE FROM I-1 LIGHT INDUSTRIAL TO C-3, GENERAL BUSINESS; TO REPEAL ANY ORDINANCES IN CONFLICT HEREWITH; AND TO PROVIDE WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT (Rezoning 1053 South Wabash Avenue from I-1, Light Industrial to C-3, General Business)

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

Councilman Krings moved that the statutory rule requiring reading on three different days be suspended; Councilman Odom 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. 4392 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 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 April 23, 2014.

At this time a public hearing was held on the application of 201 N. Lincoln Enterprises LLC dba “Paul’s Cigar Bar” for a Class “CCB” Liquor License to be operated at 201 North Lincoln Avenue.

Paul Hamelink of 213 North Lincoln appeared to speak on behalf of the application. Mr. Hamelink stated he has formed the 201 N. Lincoln LLC and intends to put a cigar bar at 201 North Lincoln which is the basement or garden level of the building which is where he lives and owns. Mr. Hamelink stated he would answer any question the Council may 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. 2014-10

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 201 N. Lincoln Enterprises, LLC dba "Paul's Cigar Bar" for a Class "CCB" Liquor License for the license period ending October 31, 2014, at 201 N. Lincoln Avenue, Hastings, Nebraska, 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 Niemeyer, seconded by Goebel that Resolution No. 2014-10 be passed and approved. Roll Call: Harrington, Peterson, Odom, Niemeyer, Krings, Hoops, Skutnik, Goebel. Nays: None. The motion carried.

Moved by Harrington, seconded by Hoops that the Mayor and Council approve Manager Application of Paul C. Hamelink in connection with the Class "CCB" Liquor License of 201 N. Lincoln Enterprises LLC dba "Paul's Cigar Bar" located at 201 N. Lincoln Avenue. Roll Call: Ayes: Harrington, Peterson, Odom, Niemeyer, Krings, Hoops, Skutnik, Goebel. Nays: None. The motion carried.

Moved by Odom, seconded by Hoops that the Mayor and Council award contract to Nebraska Machinery Co. of 14648 Shepard Street, Omaha, NE 68138, for one (1) 826H Trimble Cab Indicator System with Base and Rover in the amount of \$84,840.00. Payment to be made as follows:

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| Payment Upon Delivery (½ of Bid Total) | \$42,420.00 |
| Principal To Be Financed | \$42,420.00 |
| Interest Rate | 3% |
| Period | 1 Annual |
| 1 Annual Payment in Arrears | \$43,692.60 |

Dave Wacker, City Engineer, stated this last week we received the final certification for the DEQ documents for a landfill cell that we will put into operation in May of this year. The cell was basically constructed by Siel Brothers out of Franklin, Nebraska and they have used this new technology as are a lot of other earth working contractors today. This is kind of state of the art of what most contractors are doing today on construction projects and we hope to optimize earth moving, compaction and space management at the Landfill. This item was included in the

budget.

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

Moved by Skutnik, seconded by Odom that the Mayor and Council approve Interlocal Agreement with South Central Economic Development District (SCEDD) and Adams County for Project No. JG-2013, Joint Land Use Study for Military Plan, at the Greenlief Center and that the Mayor and City Clerk be authorized to execute said Agreement.

The City Engineer stated last summer, the City was approached as well as Adams County and the Villages of Glenvil, Harvard and Clay Center, to get involved in a joint Land Use Study for the Greenlief Military Base located just east of Hastings. This is a Federal grant that will be pursued through the Department of Defense and the South Central Economic Development District (SCEDD) will be administering the grant funds for the project and acting as the administrator. We have had several meetings at which we first of all set up the scope of services and the tasks for the project, a lot of it is dealing with compatible land use around Greenlief as it expands and land uses in the immediate area and the towns around the Greenlief Military Base. A national search was conducted for a contractor or engineering consultant that has done these plans with other military locations across the country. The City Engineer stated he was involved, as well as County officials and other representatives on our Steering Task Force, to select a consultant to go ahead with the plan and Matrix Design of Fair Oaks, California was selected for the project. Their fee is about \$149,000 to follow through with this plan, it is going to be close to about two years to accomplish. There was a difference of opinion between the State Attorney General's Office and some of the brass at the Department of Defense on whether SCEDD was a quasi governmental agency qualified to basically administer the grant. At one point in time, just a few months ago, they were looking at leaning on the City of Hastings to basically make the grant and administer it. In the last month or two, they got these details worked out and SCEDD will be the administrator for the project. The total cost is about \$180,000 and SCEDD will be paid for their participation and administration. The other local agencies (City of Hastings, Adams County, the Villages of Glenvil, Harvard and Clay Center) have to put up a 10% match. There is basically a shortage of any cash match that is available from local sources in the community, therefore, the military is going to accept in-kind services for the participation of local entities in the project. The City Engineer stated his office, along with Lindsey Stone and Kim Jacobitz, will be assisting and we will be tracking our time throughout this process. There will be a number of meetings with the community, landowners and small towns as this plan develops. They are trying to use this as a model for the State and possibly after the work is done here, the military base in Ashland will probably follow through with a Joint Land Use Study Plan. The Adams County Board of Supervisors considered this resolution at their meeting last Tuesday and it was approved.

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

Moved by Skutnik, seconded by Niemeyer that the Mayor and Council approve the execution of the Application for Federal Assistance with the Federal Aviation Administration and approve Amendment Number 1 to Agency Agreement between the City of Hastings and Nebraska Department of Aeronautics for Project No. 3-31-0040-013-2014 (Rehabilitate Runway 14/32 Pavement-Hastings Airport) and authorize the Mayor and City Clerk to execute said documents.

The City Engineer stated we have been working on runway repairs for about the last year and a half. The plans are currently being advertised and will be opened on April 21st in Lincoln. This will provide for the repair of some concrete panels on the main runway. The approval this evening basically approves the Federal grant for the project and authorizes the Mayor and City Clerk to accept the Federal funds.

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

The Mayor asked the City's Environmental Attorney, Mike Sullivan, to speak on the Settlement Agreements with Travelers and the Excess Insurers before Council acts on it.

Mr. Sullivan stated we have been dealing with the environmental issues for the City for 30 years now and in 2008 we filed suit against our insurance carriers to recover some of the money we have spent responding to environmental matters and that litigation has gone on for quite a few years. We finally reached a settlement actually about a year ago and it has taken us about a year to reduce that settlement to written agreements. Mr. Sullivan stated he finally now has two agreements, one with Travelers Insurance Company which was the main insurance carrier for both the City and Hastings Utilities at that time, and the other with seven other insurance companies who provided excess or umbrella coverage. This took quite awhile because not only were there eight insurance companies involved in these negotiations, but also the EPA has to approve the agreements as well as the Department of Justice. The Board of Public Works has approved the agreements and with the Mayor's signature, we will have all the signatures on this agreement. Mr. Sullivan stated basically the settlement is that the insurance companies will pay us \$4.8 million. In 2010, we settled with EPA on 2nd Street, we were the only party there who was considered to be liable and we negotiated that for quite awhile. Part of our settlement was that we would pay EPA about 50% of any insurance settlement after we recovered our costs. Our costs were about \$1.8 million to pursue this litigation and so that is paid back first and the remaining \$3.0 million is split roughly 50/50 between EPA, City of Hastings and Hastings Utilities. Mr. Sullivan stated the net amount payable to the City of Hastings/Hastings Utilities group will be the \$1.8 million, plus about \$1.5 which is in the neighborhood of \$3.3 million.

The Mayor stated when he became Mayor we really pushed this, but we have lived it now for

five and a half years. We are talking about getting checks within the next 90 days or so, probably won't get all of it for another five or six months. We have one more carrier we will pursue that is not part of this agreement, we have talked about pursuing that group and when we get this done, we will address that issue.

Moved by Odom, seconded by Goebel that the Mayor be authorized to execute Settlement Agreements with Travelers and the Excess Insurers. Roll Call: Ayes: Harrington, Peterson, Odom, Niemeyer, Krings, Hoops, Skutnik, Goebel. Nays: None. The motion carried.

Moved by Krings, seconded by Odom that the Mayor and Council approve the filing of a grant application for \$750,000 from the State of Nebraska for the City Auditorium HVAC improvements. Roll Call: Ayes: Harrington, Peterson, Odom, Niemeyer, Krings, Hoops, Skutnik, Goebel. Nays: None. The motion carried.

RESOLUTION NO 2014-11

RESOLUTION APPROVING THE PLANS, SPECIFICATIONS AND ESTIMATE OF COST FOR STREET IMPROVEMENT DISTRICT NOS. 2013-1, 2013-2 AND 2013-3 IN THE CITY OF HASTINGS, NEBRASKA, AS PREPARED BY THE CITY ENGINEER AND DIRECTING THE ADVERTISEMENT FOR BIDS

BE IT RESOLVED, by the Mayor and City Council of the City of Hastings, Nebraska:

That the plans, specifications and estimate of cost prepared by the City Engineer and filed in the office of the City Clerk for the construction of improvements in Street Improvement District Nos. 2013-1, 2013-2 and 2013-3, in the City of Hastings, Nebraska, be and the same are hereby approved and the City Clerk is directed to advertise for bids in the form of the notice or notices prepared by the City Engineer which are hereby approved.

Moved by Harrington, seconded by Skutnik that Resolution No. 2014-11 be passed and approved. Roll Call: Ayes: Harrington, Peterson, Odom, Niemeyer, Krings, Hoops, Skutnik, Goebel. Nays: None. The motion carried.

RESOLUTION NO. 2014-12

RESOLUTION APPROVING THE PLANS, SPECIFICATIONS AND ESTIMATE OF COST FOR STREET IMPROVEMENT PROJECT M-330(81) - IN THE CITY OF HASTINGS, NEBRASKA, AS PREPARED BY THE CITY ENGINEER AND DIRECTING THE ADVERTISEMENT FOR BIDS

BE IT RESOLVED, by the Mayor and City Council of the City of Hastings, Nebraska:

That the plans, specifications and estimate of cost prepared by the City Engineer and filed in the office of the City Clerk for the construction of improvements in Street Improvement Project No. M-330(81) Street Widening 7th Street - Burlington to Bellevue Avenues, in the City of Hastings, Nebraska, be and the same are hereby approved and the City Clerk is directed to advertise for bids in the form of the notice or notices prepared by the City Engineer which are hereby approved.

Moved by Niemeyer, seconded by Hoops that Resolution No. 2014-12 be passed and approved. Roll Call: Ayes: Harrington, Peterson, Odom, Niemeyer, Krings, Hoops, Skutnik, Goebel. Nays: None. The motion carried.

Moved by Niemeyer, seconded by Krings there being no further business to come before the Council, the meeting adjourn at 7:54 P.M. Roll Call: Ayes: Harrington, Peterson, Odom, Niemeyer, Krings, Hoops, Skutnik, Goebel. Nays: None. The motion carried.

APPROVED:

Mayor

ATTEST:

City Clerk

(S E A L)