

COUNCIL CHAMBERS, MONDAY, APRIL 28, 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 Skutnik, seconded by Niemeyer 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 25, 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 April 17, 2014 Board of Public Works Meeting. Councilman Goebel stated WEC I was down for a scheduled outage and it was back on line on April 16th. They had found some cracks in the main steam line to the turbine; that was repaired and understands some further work may need to be done in this area. It was reported that the new Federal Carbon Dioxide and Mercury Regulations are currently met by WEC II and plans are in process to retrofit WEC I to comply with the same regulations. Hastings Utilities applied and was certified by the American Public Power Association as a “reliable public power provider”. This is a three year certification that was based on safety, reliability, system improvement and work force development. Hastings Utilities is only one of three units in Nebraska to receive this Certification. The start up of the addition to the Pollution Control Facility is underway and in progress. The City and other entities, in cooperation, are in the process of updating websites and quite a few changes have been on the Hastings Utilities Website. The public now can get the Board Agenda and Minutes from recent meetings and schedules. The two April Board of Public Works Meetings videos are currently available online. You can either go directly to the Utilities website or through the City’s website to get to that. The next Board of Public Works Meeting is May 1, 2014 at 9:00 A.M. at the Hastings Utilities Board room.

Councilmember Peterson stated last Fall we passed the Complete Streets Policy for Hastings and in that policy there was an Advisory Committee that was supposed to be brought together. The Mayor appointed several different persons to serve on this committee and we had our second meeting about two or three weeks ago. This Advisory Committee is comprised of a person from Hastings Utilities, Planning and Zoning, Healthy Hastings, Hastings City Council and the Street Department. The City Engineer serves as the Chairperson and the meetings are held quarterly. There are three things Councilmember Peterson wanted to share, the idea was to get different sets of eyes looking at what we are doing to make sure that our City is easily accessed by people, be it by bicycles, walking, wheelchairs or whatever modes of transportation you may need and that this is a City that you can get around in. The other thing we looked at as well and that we have put in the policy is that we would actively explore opportunities. When physical conditions warrant, aesthetic landscaping shall be planned whenever a street is newly constructed,

reconstructed or relocated. That means we will start looking at trees, shrubs and bushes trying to make the City even better, in a green way, than what it is. The Advisory Committee, at our last meeting, talked about how would we do this, how can we make something look greener and a more pleasant way to come into the City. One of the projects we had looked at was the Bypass Project up around 42nd Street around the Softball Complex. We can do some landscaping, get trees in and make sure that we have bike paths. Another thing we possibly may be looking at is working on Baltimore Avenue to see if there is room for some trees, there may or may not be, but we are going to start looking at these sorts of things. The Advisory Committee will be meeting every three months and if the public is interested in attending, they are sure welcome to come to. Councilmember Peterson stated she has already met with some people from the Tree Board and there might be a way to get them involved or at least get some information from them.

CITIZEN COMMUNICATIONS: None.

MAYOR'S COMMUNICATIONS: The Mayor stated the last Council Meeting in May falls on May 26th which is Memorial Day so we will move that meeting to Tuesday, May 27th.

The Mayor read a proclamation proclaiming May 18, 2014 through May 24, 2014 as Emergency Medical Services Week.

The Mayor read a proclamation proclaiming May 4, 2014 through May 10, 2014 as Municipal Clerk's Week.

The Mayor reported on "Give Hastings Day" which is a 24 hour fund raiser. It is an event to rally community support for local and charitable causes. This unique one day fund raiser is being organized by the Hastings Community Foundation and will be held on May 1, 2014 from midnight to midnight. Community members are asked to make donations to show support for the local non-profit organizations that positively impact our lives everyday. We are encouraging donors to give above and beyond their normal giving during this one day event. The Mayor stated there are 55 or 56 local charities and he spoke with Jessie and Steph this afternoon and they say they have had incredible response already before it has gotten started. The Hastings Community Foundation brings this event to Hastings with several goals in mind. It will raise awareness of the current philanthropic needs of our community and helps local non-profit organizations identify and cultivate new funding streams. It will inspire donors to increase financial support for their favorite local causes. The Hastings Community Foundation is offering three types of prizes on May 1st to help the "Give Hastings Day" online giving campaign. The first program is matching funds, gifts will be matched proportionately from an \$80,000 bonus bucks pool provided by the Hastings Community Foundation, the Sherwood Foundation, the Spotts Trust, Dutton Lainsen Company, McDermott & Miller CPA, Arthur Anderson Advise Fund, Kerr Family Advise Fund, Shoemaker & Friedewald Advise Fund, Leif Anderson Advise Fund and Martha and Bill Boyd Advise Fund. The second program is the non-profit bonuses, the top three organizations that record the most unique donors will receive non-profit bonuses of

\$1,500, \$1,000 and \$500 respectively. These matching gifts are sponsored by Hastings College, Hastings Ford and Lincoln, Hastings Chamber of Commerce and the Hastings Economic Development Corporation. The third program is Golden May Day Baskets. Golden May Day Baskets is an hourly prize to reward donor activity and increase a non-profit organization's chances to win prizes. One random donor will be selected each hour on the hour and will have a \$250.00 bonus donation made in their name to the non-profit organization they supported between 9:00 A.M. and 5:00 P.M. These matching bonus prizes are from Heritage Bank, Pinnacle Bank, Wells Fargo Bank, Great Western Bank, Five Points Bank, Bank of Doniphan, Hastings Federal Credit Union and Heartland Bank. The Mayor stated on the first of May, at the time allotted, you will have the unique opportunity to go to www.givehastings.org and make contributions to your favorite charity and projects in Hastings. If you get on the web site you will see a list of all the available foundations that are asking for help with their projects. If the online giving doesn't fit your style, you can go to the Hastings Community Foundation offices at 800 West 3rd Street from 8:00 A.M. to 8:00 P.M. The minimum donation is \$10.00 which gives everyone in town a chance to help out a charity. This is a unique opportunity for all of us in Hastings and hopes this really catches steam. Everyone involved has worked hard on this, i.e., Steph Hermes Bliss, Holly Sabatka, Jessie Hoeft, Amy Sandeen, Chuck Shoemaker, Dean Moors, Hastings Community Foundation Board of Directors, Cheryl Lockwood, etc. The Mayor stated he believes this will turn out a whole lot better than they think and he sure hopes it does.

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

- 1(a) Minutes of the Council Meeting of April 7, 2014.
- 2(a) Request of the Hastings Middle School to close streets for Hastings Middle School Glow and Go 3K/5K event on May 19, 2014.
- 2(b) Request of Murphy's Wagon Wheel, Inc. for a Special Designated License at the City Auditorium on August 2, 2014.
- 2(c) Request of Murphy's Wagon Wheel, Inc. for a Special Designated License at Colonial Estates on August 22 & 23, 2014.
- 2(d) Application of B & R Stores, Inc. for reconstruction to liquor license to increase the licensed area due to new store construction.
- 2(e) Request of Juan Rene Lazo dba "El Tropico" for a Special Designated License at the City Auditorium on May 24, 2014.
- 4(a) Payroll for the period ending April 26, 2014, paid May 2, 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).

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.

The Mayor stated the City Clerk received an e-mail from Selective Site asking that their request for a Conditional Use Permit to construct a wireless communications tower at 227 West 2nd Street be withdrawn.

That the public hearing and action on the request of Selective Site Development, Inc., for a Conditional Use Permit to construct a wireless communications tower at 227 West 2nd Street be brought from the table. Dies for lack of a motion to bring from the table.

At this time a public hearing was held on the application of B.P.O.E. Lodge 159 dba "Hastings Elk's Lodge" for a Class "I" Liquor License to be operated at 3050 East South Street.

Randy Rippen of 3100 Paradise Drive appeared to speak on behalf of the liquor license application. Mr Rippen stated he would answer any questions the Council might have.

No one appeared to speak in opposition.

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

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

RESOLUTION NO. 2014-13

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 B.P.O.E. Lodge 159 dba "Hastings Elk's Lodge" for a Class "I" Liquor License for the license period ending April 30, 2015, at 3050 East South Street, 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 Odom, seconded by Niemeyer that Resolution No. 2014-13 be passed and approved.
Roll Call: Ayes: Harrington, Peterson, Odom, Niemeyer, Krings, Hoops, Skutnik, Goebel.
Nays: None. The motion carried.

Moved by Harrington, seconded by Skutnik that the Manager Application of Selena M. Longoria in connection with the Class "I" Liquor License of B.P.O.E. Lodge 159 dba "Hastings Elk's Lodge" located at 3050 East South Street be approved. Roll Call: Ayes: Harrington, Peterson, Odom, Niemeyer, Krings, Hoops, Skutnik, Goebel. Nays: None. The motion carried.

Moved by Skutnik, seconded by Goebel that the Mayor and Council approve the request of Rick Schmidt for a medical retirement from the City of Hastings Police Department.

Councilman Goebel stated he is a member of the Police Pension Committee and we have met on this issue and considered Mr. Schmidt's request. We would recommend that the Council deny the application.

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

Moved by Odom, seconded by Peterson that the Mayor and Council approve awarding contract to Werner Construction, Inc. in the amount of \$318,540.81 for Project No. M-330(81), 7th Street-Burlington Avenue to Bellevue Avenue Street Widening.

Councilman Odom questioned if there wasn't some question on the reaction from Russ's as to the cost.

Dave Wacker, City Engineer, stated Russ's is aware of the bid as submitted. He was in Lincoln last Tuesday and met with the Russ's Stores representatives and went through the bid. The City Engineer stated we would like to have seen a little bit better price, but the timetable in which they wanted the work completed and the amount of items that are on the table right now, this is an acceptable bid. Russ's Stores has agreed, through e-mail, to go ahead and recommend award of the bid.

Councilman Goebel questioned how is the payment on this worked out.

The City Engineer stated there is a Redevelopment Agreement for TIF (Tax Increment Financing) funding that is associated with the project. This project entirety will be repayable back to the City from their funds. The project won't be completed and certified until the entire project is completed. The City Engineer stated he would propose that as progressive payments are made to the contractor by the City, we then would bill Russ's Stores.

Vote on the motion. Roll Call: Ayes: Harrington, Peterson, Odom, Niemeyer, Krings, Hoops,

Skutnik, Goebel. Nays: None. The motion carried.

Moved by Krings, seconded by Hoops that the Mayor and Council award to Vontz Paving, Inc. in the amount of \$992,886.06, Project No. 2014 Resurfacing Projects.

The Mayor stated the County Board needs to approve the Baltimore Avenue-North Shore to Lochland Road and Adams Central Avenue-12th Street to North City limits projects and he would ask the Council to amend the amount to \$326,857.31.

Moved by Odom, seconded by Niemeyer that the motion be amended to change the amount from \$992,886.06 to \$326,857.31 for resurfacing of Projects R-1 through R-5. Roll Call: Ayes: Harrington, Peterson, Odom, Niemeyer, Krings, Hoops, Skutnik, Goebel. Nays: None. The amendment is passed and approved.

Councilman Goebel stated he was glad to see that we had two bidders on this project and that the successful bidder was a local contractor very much in line with the Engineer's estimates.

Vote on the main motion as amended. Roll Call: Ayes: Harrington, Peterson, Odom, Niemeyer, Krings, Hoops, Skutnik, Goebel. Nays: None. The motion as amended is passed and approved.

RESOLUTION NO. 2014-14

WHEREAS, all departments of the City of Hastings, Nebraska, including Hastings Utilities, employ approximately 370 full-time employees who provide a variety of services to the citizens of the City of Hastings and surrounding area; and

WHEREAS, through retirements, attrition or termination, it is necessary for the City of Hastings to hire persons to fill positions which are open as a result of said retirements, attrition or terminations; and

WHEREAS, it is in the best interest of the City of Hastings and its citizens to ensure that the persons who are hired to fill positions are hired in a consistent, open and competitive process in order to find the best qualified person for said position; and

WHEREAS, it is in the best interest of the City of Hastings that the consistent, open and competitive process include the screening of persons applying for positions to determine their qualifications for the open position, as well as a competitive interview and selection process which will result in the best qualified candidate being recommended to the appointing authority for approval.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL

OF THE CITY OF HASTINGS, NEBRASKA, that the City of Hastings, Nebraska hereby declares that it shall be the policy of the City of Hastings from this point forward that all exempt positions from the superintendent level and above shall be hired using a consistent, open and competitive process and shall be publicly advertised using the best sources available whether those sources be local, state or national sources commensurate with the position to attract a qualified pool of applicants.

BE IT FURTHER RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF HASTINGS, NEBRASKA, that the foregoing hiring process include, but not be limited to, a competitive interview and selection process which will result in the best qualified candidate being recommended to the appointing authority for approval.

Moved by Skutnik, seconded by Peterson that Resolution No. 2014-14 be passed and approved.

Councilman Goebel stated over the past couple of weeks he has talked to a lot of people and listened to a lot of people on this matter. Councilman Goebel stated he really believes in our hiring practices that if we do not advertise and do a competitive process that we really cut out some real possibilities sometimes. There is always the question of do we promote somebody within or do we advertise widely and look at external candidates also. There are advantages in any given situation, there may be an advantage one way in another situation and in another situation another way. If we don't have a process that opens it up to both possibilities, both internal and external candidates, then he believes one person's decision has a chance of cutting out just the person we need. The Board of Public Works on their agenda for their May 1st meeting will be discussing the process for filling exempt from City Service positions. Councilman Goebel stated he would be in favor of tabling the Council's action on this until such time as the Board of Public Works acts on this. Councilman Goebel stated he would really like to see a uniform policy between the City of Hastings Non-Utilities employees and City of Hastings Utilities employees on this matter. The only way to allow all possible candidates is to make sure that in these exempt positions it is opened up to external and internal candidates.

Councilmember Peterson stated when you read the resolution it says the departments of the City of Hastings, including Hastings Utilities, asked Councilman Goebel if that is different from what he is saying.

Councilman Goebel stated not different in intent at all, doesn't think that in the resolution we should single out Hastings Utilities.

The Mayor questioned if Councilmember Goebel meant to have a blank policy saying all 400 positions relative to the City of Hastings are covered under a hiring practice whether they are exempt or non-exempt.

Councilman Goebel stated he would like to see the Board of Public Works put that sort of policy

in place also.

Councilmember Peterson stated Hastings Utilities is considered a department of the City, therefore we could take “Hastings Utilities” out of the resolution and it still would be for everyone wherever they may work within the City of Hastings and that does make sense, why does the Board of Public Works need to write something different.

Councilman Goebel stated one reason is that they have it on their agenda that they are going to write something, to establish a process for filling these positions. If the process they come up with is in line with this one, then we can write this for all Hastings employees.

Councilmember Skutnik questioned why we would need to when it is a City policy.

Councilman Goebel stated he supposed you wouldn't really have to, but he would like to see Hastings Utilities establish that process.

Councilman Krings stated he is somewhat confused here, believes by removing the designation of Hastings Utilities, he is hearing Councilman Goebel say he still intends this to cover Hastings Utilities.

Councilman Goebel stated that that is correct.

Councilman Krings stated he isn't sure what we would be accomplishing on Thursday besides them ratifying a policy that they already now fall under. If this resolution passes tonight as is or with the amendment to remove the words “Hastings Utilities”, his understanding is that Hastings Utilities falls within this resolution. Regardless of what Hastings Utilities does, of course we would love for them to ratify whatever is brought to them instead of disagreeing, but who knows. Councilman Krings stated he believes when the day is done, this resolution would include that practice. Councilman Krings stated he is just a little unclear what Thursday's accomplishment would be or what our goal would be.

Councilman Niemeyer stated he agrees with Councilman Krings, if we are the ultimate governing body within the City of Hastings and Hastings Utilities falls under our ultimate jurisdiction then we should be the ones setting the policy. Obviously, we would want their input on this, and possibly we have had, and it seems pretty general to him that it is a little bit redundant for the Board of Public Works to just come up with a policy of their own when they already fall under the City's policy. Councilman Niemeyer stated he agrees with Councilman Krings that if we pass this tonight, regardless of what the Board of Public Works does at their meeting on Thursday, they would still fall under this resolution.

Councilman Odom stated his concern is a little bit like Councilman Goebel's. The first thing

you have to do is go down to the second sentence of the resolution where it says “approximately 370 full time employees who provide a variety of services”. Councilman Odom stated he doesn’t see the sense in singling out one department; if we are going to list one then we need to list them all which I think is not needed, we are all one City and we have a Board that runs Hastings Utilities, but we also have a Board that, for whatever reason coincidentally while we are talking about it, has ended up with at least a request from their management he guesses to kind of reaffirm the current way that they are doing it and we would like to see a little bit different way. Councilman Odom stated it seems to him that it is better for us to take what we have for a resolution, see where the differences are, if there are any, and make the changes and then we would have the Board affirming of where we want to go and we can simply make the final approval at our next Council Meeting. Councilman Odom stated he doesn’t see that we need two different meetings where we have two different groups talking about it which we all have the right to do. Councilman Odom stated he does approve of Resolution No. 2014-14 without Hastings Utilities, one department listed, otherwise let’s list them all.

Councilmember Skutnik stated she agrees with Councilmembers Krings and Niemeyer, believes there needs to be one policy, why spend more time developing a second one and then having it brought back and then going back and forth on it. If this is what we think is needed, then we should go forward with it.

Councilman Krings stated on the tabling or not, if we felt like there has been enough input and discussion by the different entities involved and as he sits here and thinks, he is for this policy as it stands. It is business sense, most businesses or organizations would fall within this practice. Councilman Krings stated we could discuss this further with both the Board of Public Works and the individuals involved with all of our other departments. Councilman Krings stated if there is a chance we are not sure about this then it probably is worth tabling from that standpoint. Councilman Krings stated he is not looking for necessarily that the Board of Public Works do it first, he just simply thinks that there might be an opportunity to discuss it more, not any policy, nothing like that. If we need to discuss it more then that would be a reason to table it in his opinion as opposed to looking for some sort of vote or something by the Board of Public Works.

Councilmember Peterson stated if a motion is made to table, she will be voting against that. Councilmember Peterson stated she really doesn’t understand the discussion here, the resolution says “all departments of the City of Hastings” and that includes all departments including Hastings Utilities. If we have to delineate so we are sure that they are going to be included in this that is fine and if we don’t that is fine. What we are asking is that when positions become open because of retirement or termination that we open it up so that all can apply and searches be done whether it be locally, state or nationally, both external and internal, it is good business. Councilmember Peterson stated apparently the Board of Public Works is already thinking of doing this, that is fine, but we have already done it for them. Councilmember Peterson stated you can take out the words “Hastings Utilities” in this resolution as long as everyone understands that all means all.

Councilman Odom stated he and Councilman Goebel have chatted a little bit about this because we are both liaisons to the Board of Public Works and we believe it is good to make sure that we are talking and doing our jobs. We have given them the authority to set up their own Human Resources Department, and we already had one. In some ways we treat them differently, they are a little bit different in that they are an entity where their budget brings in dollars and our budget asks for dollars; it is a little bit different, but they are still City employees. We ask the Board to run it and manage without our overseeing what goes on. Councilman Odom stated he does support this resolution, but he would like to make sure that we have everyone on board, from both the Board of Public Works and the City Council. Councilman Odom stated if the Board of Public Works came back with something completely different and would not be in agreement or make sure we had everything understood in what we are trying to do then he would be more than willing to vote for this as it is written, even though he doesn't like one department singled out. It is a good resolution and it is something we ought to do.

Moved by Krings, seconded by Odom that Resolution No. 2014-14 be amended to strike "including Hastings Utilities".

Councilman Niemeyer stated we can strike names and we can debate that issue, doesn't know how much we need to do that, but still he feels a little bit like the tail wagging the dog here. If Hastings Utilities is part of the City as a City department, then it is the City's responsibility to set the hiring practices. That is not saying we are taking their authority to manage or to choose who they hire, but if you are looking to have a uniform hiring practice among all departments within the entire City, why are we waiting for a single department to come up with their policy to see if it fits with ours. Unless you are going to let the tail wag the dog in this particular instance then we should write a comprehensive policy and everyone follow it. It is a hiring policy, it is not saying who you can hire, it is just saying this is the City of Hastings hiring policy. Councilman Niemeyer stated he doesn't see why we need to strike a name or even include a name as far as that goes or wait until Thursday for another Board to decide what they want to have written.

Councilman Harrington stated he agrees with Councilman Niemeyer, this is a good policy which simply makes sense on many different levels.

Councilman Goebel asked the City Attorney if we strike "including Hastings Utilities", is there any question at all that Hastings Utilities is still included.

Dave Ptak, City Attorney, stated surprisingly enough the initial draft of this resolution did not have "including Hastings Utilities" in it because he considers Hastings Utilities to be a department of the City and that we are one City. By striking "including Hastings Utilities" we are not changing the intent or the purpose of the policy.

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

4-28-2014

Vote on the passage of Resolution No. 2014-14 as amended. 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 to into Executive Session to discuss litigation at 7:50 P.M. Roll Call: Ayes: Harrington, Peterson, Odom, Niemeyer, Krings, Hoops, Skutnik, Goebel. Nays: None. The motion carried.

Moved by Niemeyer, seconded by Skutnik that the Mayor and Council go out of Executive Session into Regular Session at 8:15 P.M. whereupon the Mayor declared the meeting adjourned. 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)