

COUNCIL CHAMBERS, TUESDAY, MAY 27, 2014 AT 7:00 P.M.

The meeting was called to order in regular session by Mayor Powers with the following members present: Peterson, Niemeyer, Hoops, Skutnik, Goebel. Absent: Harrington, Odom, Krings.

Moved by Niemeyer, seconded by Hoops 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 May 23, 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: Peterson, Niemeyer, Hoops, Skutnik, Goebel. Nays: None. Absent: Harrington, Odom, Krings. The motion carried.

**REPORTS OF LIAISONS:** Councilman Goebel reported on the May 15<sup>th</sup> Board of Public Works Meeting. The rejuvenation work on Fisher Fountain has been completed, it really looks nice and needed to be upgraded and maintained as it was. An electrical tie from the Whelan Energy Center to the Sutton area was lost in the recent storm, but with two other interconnects that the Whelan Energy Center has, Hastings Utilities generation was still on the electrical grid with no connection problems. Whelan Energy Center II was back on line May 8<sup>th</sup> from a scheduled outage. The Board approved an amendment to the Coal Supply Contract with AGP as a part of an Economic Development Agreement with AGP. There was a presentation of different possible disposal methods of bio-solids from the Pollution Control Center. There wasn't a lot of discussion of what may or may not be done in the future, it was just an informational presentation. At the May 29<sup>th</sup> Board of Public Works meeting, there will be discussion of the application options of the bio-solids on the agenda. Also on the agenda is discussion of the informal bidding policies that Hastings Utilities has.

Councilmember Peterson stated she had received a phone call and then an e-mail from one of her constituents concerning some changes that were happening in their alleyway (behind Russ's IGA). Councilmember Peterson stated she had asked her to send an e-mail explaining what her concerns were. The e-mail she received was well written and made some sense and she in turn forwarded that e-mail on and also did phone conversations with the City Administrator and City Engineer. Councilmember Peterson stated when people think of City Hall or city government, they don't think of caring people or people who have high skills that will go out of their way to meet the community, talk with them about their concerns and work with them. Councilmember Peterson stated both the City Administrator and City Engineer went out and met with the neighbors and later that night she got a phone call from one of the neighbors and said they were so surprised that people would come out, especially the City Administrator and the City Engineer, and speak with the neighbors in the alleyway and communicate with them. Councilmember Peterson stated she wanted to publicly thank the City Administrator and City Engineer for doing the good stuff that they always do.

The Mayor congratulated the committee that did a presentation at The Lark on the rebranding of

our town. The purpose of rebranding a town is to get the excitement going and get people with fresh ideas involved. Every few years people rotate, people move, people die or new people move in. You try and keep your town enthusiastic and eager to help other people and that is why we rebrand.

The Mayor stated he had an e-mail from a gentleman questioning our wheel tax and half cent sales tax. After the Mayor had replied, the gentleman sent an e-mail thanking him for letting him know, he had heard it one way and now he knows the real story. The Mayor asked the City Engineer to give a brief explanation of where our \$340,000 is going and where our \$900,000 is going.

Dave Wacker, City Engineer, stated the Wheel Tax generates between \$300,000 and \$340,000 a year and the income from the half cent sales tax generates about \$900,000 a year. We have been putting a program together the last few years of around \$1,250,000 worth of work to be done. Currently the downtown 2<sup>nd</sup> Street project is one of those projects that is underway, we also have University Avenue over by Hastings College that is under construction, Oswego Avenue is going to be overlaid later on this week, "D" Street is currently under construction, Franklin Avenue from U.S. Highway 6 up to "E" Street will be under construction. Most recently the Mayor and Council awarded a number of projects and one of the most high profile projects is going to be the North Baltimore Avenue project from North Shore Drive up to Lochland Road and Adams County will be paying for one-half of that project which is about a half million dollars. Adams Central Road is going to get overlaid from 12<sup>th</sup> Street to a mile north and we have several other street projects that currently are under contract. The City Engineer stated last year 9<sup>th</sup> Street was overlaid and we used 80% Federal money and we matched that 20% with Wheel Tax dollars and also Sales Tax dollars. The City Engineer stated we have 485 lane miles of streets to maintain and there is about \$70,000,000 worth of work to be done. The City Engineer stated we are trying to address as much as we can with the budget we have each year.

**CITIZEN COMMUNICATIONS:** None

**MAYOR'S COMMUNICATIONS:** None.

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

1(a) Minutes of the Council Meeting of May 12, 2014.

2(a) Request of the Adams County Agricultural Society for parade route, parking lot use and street closure for Fairfest 2014 Parade on July 12, 2014.

4(a) Payroll for the period ending May 24, 2014, paid May 30, 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: Peterson, Niemeyer, Hoops, Skutnik Goebel. Nays: None. Absent: Harrington, Odom, Krings. The motion carried.

At this time a public hearing was held on the application of Besi & Toni LLC dba “Napoli’s Italian” for a Class “T” Liquor License at 3001 West 12<sup>th</sup> Street, Suite 9- Hastings Imperial Mall.

No one appeared to speak in favor

No one appeared to speak in opposition.

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

The Mayor declared the hearing closed.

### **RESOLUTION NO. 2014-17**

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 Besi & Toni LLC dba “Napoli’s Italian” for a Class “T” Liquor License for the license period ending April 30, 2015, at 3001 West 12<sup>th</sup> Street, Suite 9 - Hastings Imperial Mall, 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 Hoops, seconded by Skutnik that Resolution No. 2014-17 be passed and approved.

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

Moved by Niemeyer, seconded by Peterson that the Mayor and Council approve the Manager Application of Rabie Zakuti in connection with the Class “T” Liquor License of Besi & Toni LLC

dba “Napoli’s Italian” located at 3001 West 12<sup>th</sup> Street, Suite 9 - Hastings Imperial Mall. Roll Call: Ayes: Peterson, Niemeyer, Hoops, Skutnik, Goebel. Nays: None. Absent: Harrington, Odom, Krings. The motion carried.

Moved by Niemeyer, seconded by Goebel that the Mayor and Council approve Telecommunications Line Right-Of-Way License Agreement with Hastings College.

The City Engineer stated this is a request from Hastings College to basically install a fiber optic connection line on campus underneath Ash Avenue from some electrical vaults or from some communication vaults for service. We license installations under public right-of-way, the biggest purpose for location is so that we have it on inventory so we know where things are in the placement of additional utilities in the future. There is no charge on this, Hastings College is a good neighbor and is unlike some of the agreements that the Council has been approving where the carriers are actually charging a fee, this would be for internal use. The biggest approval is to allow them to be there so that we know where they are if there are any concerns with relocation due to street widening or other utility purposes in the future which they would have to relocate at their cost.

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

### **ORDINANCE NO. 4393**

AN ORDINANCE OF THE CITY OF HASTINGS, NEBRASKA, TO AMEND SECTION 18-118 OF THE OFFICIAL CITY CODE DEALING WITH NUISANCES GENERALLY; TO PROVIDE FOR AN APPEAL OF A NOTICE TO ABATE A NUISANCE; TO BRING SAID SECTION OF THE CITY CODE INTO COMPLIANCE WITH NEB. REV. STAT. §16-230; TO ESTABLISH AN EFFECTIVE DATE; AND TO REPEAL ANY ORDINANCES OR OTHER PROVISIONS IN CONFLICT HEREWITH

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

The Mayor then stated the question was “Shall Ordinance No. 4393 be passed on first reading only?” Upon roll call vote the following Councilmen voted YEA: Peterson, Niemeyer, Hoops, Skutnik, Goebel. NAY: None. ABSENT: Harrington, Odom, Krings. Ordinance No. 4393 passes on first reading only.

### **ORDINANCE NO. 4394**

AN ORDINANCE OF THE CITY OF HASTINGS, NEBRASKA, TO AMEND SECTION 40-102 OF THE OFFICIAL CITY CODE DEALING WITH PARKING ON RESIDENTIAL LOTS; TO ESTABLISH AN EFFECTIVE DATE; AND TO REPEAL ANY ORDINANCES OR OTHER PROVISIONS IN CONFLICT HEREWITH

Said Ordinance was read by title and thereafter Councilmember Hoops moved for passage of the

ordinance on first reading only, which motion was seconded by Councilman Niemeyer.

The Mayor then stated the question was “Shall Ordinance No. 4394 be passed on first reading only?” Upon roll call vote the following Councilmen voted YEA: Peterson, Niemeyer, Hoops, Skutnik, Goebel. NAY: None. ABSENT: Harrington, Odom, Krings. Ordinance No. 4394 passes on first reading only.

Moved by Skutnik, seconded by Niemeyer that the Mayor and Council go into Executive Session at 7:25 P.M. to discuss personnel. Roll Call: Ayes: Peterson, Niemeyer, Hoops, Skutnik, Goebel. Nays: None. Absent: Harrington, Odom, Krings. The motion carried.

Moved by Niemeyer, seconded by Peterson that the Mayor and Council go out of Executive Session into Regular Session at 8:10 P.M. Roll Call: Ayes: Peterson, Niemeyer, Hoops, Skutnik, Goebel. Nays: None. Absent: Harrington, Odom, Krings. The motion carried.

Moved by Peterson, seconded by Niemeyer there being no further business to come before the Council, the meeting adjourn at 8:10 P.M. Roll Call: Ayes: Peterson, Niemeyer, Hoops, Skutnik, Goebel. Nays: None. Absent: Harrington, Odom, Krings. The motion carried.

APPROVED:

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Mayor

ATTEST:

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City Clerk

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