

COUNCIL CHAMBERS, MONDAY, JULY 14, 2014 AT 7:00 P.M.

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

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 July 11, 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, Goebel. Nays: None. Absent: Skutnik. The motion carried.

CITIZEN COMMUNICATIONS: None.

REPORTS OF LIAISONS: Councilman Goebel reported on the June 26, 2014 Board of Public Works Meeting. McDermott & Miller presented the 1st Quarter Financial Review of Hastings Utilities. There was approval of writing off about \$30,000 worth of uncollectible accounts. This is for accounting purposes only, Hastings Utilities does not ever discontinue collection efforts on unpaid accounts. The Board also approved the writing of Ordinance No. 4395 regarding the repair of water lines under public right-of-way. The next Board of Public Works Meeting is July 17, 2014 at 9:00 A.M. in the Hastings Utilities Board Room. They will be discussing an agreement to purchase land for application of sludge from the Wastewater Treatment Plant and they will be discussing the approval of a recommendation of appointment of a new Director of Operations to replace Ron Sanders who is retiring next month.

Councilmember Hoops reported on the Library Board Meeting. The Council should have received the resume of Fawn Gernstein whom the Mayor will be appointing to the Library Board this evening.

MAYOR'S COMMUNICATIONS: The Mayor recognized Jack Newlun for 30 years of service with the Hastings Solid Waste Department.

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

1(a) Minutes of the Council Meeting of June 23, 2014.

2(a) Application of Murphy's Wagon Wheel, Inc. for a Special Designated License at the Masonic Temple on August 27, 2014.

2(b) Application of Midtowne Mart, LLC for a Special Designated License at the City Auditorium on October 11, 2014.

4(a) Payrolls for the period ending July 5, 2014, paid July 11, 2014 and the period ending July 19, 2014, paid July 25, 2014.

4(b) Authorizing the City Clerk to issue checks against the various departments 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 departments for payment of prepaid claims. (Pre-paid claims included in list of claims attached).

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

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

Moved by Niemeyer, seconded by Goebel that the public hearing on the request of Hastings College to close 9th Street from Elm Avenue to Ash Avenue as part of the project for the renovation of their campus be brought from the table. Roll Call: Ayes: Harrington, Peterson, Odom, Niemeyer, Krings, Hoops, Goebel. Nays: None. Absent: Skutnik. The motion carried.

The Mayor asked Don Jackson, President of Hastings College, to give a presentation on their proposal for 9th Street. (Presentation attached to and made a part of these minutes).

Lyle Fleharty, member of the Board of Trustees and Chairman of the Hastings College Building and Grounds Committee, stated the Board of Trustees have discussed the 9th Street closure with the College's administration for many years and feel strongly that it is an important way to bring the two halves of the campus together.

Mr. Fleharty read into the record the following letter from Cal Johnson, a member of the Hastings College Board of Trustees, who was unable to attend tonight's meeting:

The City of Hastings has established a precedent and willingness to close streets in the past when it made good economic sense for the applicant/institution that was making the request and the City of Hastings. Historically, the City of Hastings has been willing to close streets when it is in the best interest of the applicant and the city. A few examples that set this precedent include:

1. The closure of 6th Street between Lincoln and Hastings Avenues on behalf of Hastings Public Schools. The Hastings Public Schools desired to close the street because it ran through the Middle School campus. The approval of the closure occurred in the 1950's and allowed for the Hastings Public Schools to obtain a contiguous piece of ground for the school.
2. The closure of Briggs Avenue from 14th Street to 18th Street on behalf of Hastings Senior High School and the YMCA.
3. The closure of Webster Avenue north of 16th Street on behalf of the Champions Fitness Center (now the YMCA).
4. The closure of St. Joseph Avenue north of 7th Street to 8th Street on behalf of Mary Lanning Memorial Healthcare. This example is nearer to the center of town. There used to be a street that separated the hospital from the parking lot. The closure occurred 25-30 years ago.
5. The closure of 5th Street between Burlington and Lexington Avenues on behalf of First St. Paul's Lutheran Church.
6. The closure of Lexington Avenue between 6th Street and 7th Street on behalf of Russ's IGA. This example is current in the people of Hastings' minds due to the newly opened Russ's Market. The closure of this street allowed Russ's to create a double block.

Mr. Fleharty stated because of the north growth of the Hastings College campus, hundreds of students cross 9th Street everyday to attend classes at the Gray Communications Center, Fuhr Music Hall and the Fleharty Educational Center. We, the Trustees, and Hastings College, feel this is important not only for our current students, but for the generations of perspective students attending Hastings College in the future.

Doug Halvorson, Landscape Architect with Olsson Associates, went over the proposed plan for the campus. Mr. Halvorson stated when we turn this in to a pedestrian oriented core, it will mean the loss of 77 parking spaces on 9th Street but they will be replaced by new parking spaces in three different locations.

Donna Dill of 810 Waynoka appeared to speak in favor of the closure of 9th Street from Elm to Ash Avenues. Ms. Dill stated she didn't believe closing 9th Street from Elm Avenue to Ash Avenue will be a big problem with driving a couple of extra blocks. Hastings College needs this project and encouraged the Mayor and Council to support the request.

Robert Johnson of 1014 East 7th Street appeared to speak in favor of the closure of 9th Street from

Elm to Ash Avenues. Mr. Johnson stated he has a strong support for this project. Hastings College is a tremendous asset for not only Hastings, but also the County and surrounding area. Hastings College and the City of Hastings have almost identical histories in terms of length and cooperation. Hastings College never would have been built if it hadn't been for the support from the City of Hastings. Hastings College does a great deal for Hastings and Hastings has always done a great deal for Hastings College. Hastings College needs to grow and succeed and this is one thing we, as citizens, can do to help Hastings College do that very thing. One thing that hasn't been mentioned, but is a big item to him, is safety. Mr. Johnson stated he looks at that block on 9th Street between Ash Avenue and Elm Avenue as a dangerous area. There are lots of cars being parked there and there is lots of foot traffic all along that block, plus the vehicle traffic and the site lines are not that good. You don't get a good vision at 9th Street and Ash Avenue nor at 9th Street and Elm Avenue because of the parked cars and the foot traffic. Mr. Johnson stated we can find other ways to travel without having to have that one block, but does believe that 7th Street and Elm Avenue is going to be a congested area and doesn't want to move one dangerous thing and then create another one. Concurrent with this, there needs to be improvements at 7th Street and Elm Avenue.

Matthew Baack of Hastings, Nebraska and a local business owner, appeared to speak in favor of the closure of 9th Street from Elm to Ash Avenues. Mr. Baack stated he wanted to focus mainly on the economic impact Hastings College has on all businesses. As an attorney in Hastings, it is probably hard to measure the economic impact that students have on his particular profession, but his clients, whether it is a local restaurant owner or a local retail business, benefit greatly from the economic impact of Hastings College.

Alice Throckmorton of 922 East 9th Street appeared to speak in favor of the closure of 9th Street from Elm to Ash Avenues. Mrs. Throckmorton stated for the past 50 years she has lived at the corner of 9th Street and 2nd Avenue. There have been many changes in the traffic flow during that time and over the last few years we have noticed that we hardly ever went down 9th Street because it was slow moving. We will adjust easily and believes everyone can adjust to a new route. The other thing she is glad about is the lowering of the speed along 9th Street, it really is very prominent sometimes.

Dave Rippe, Executive Director of the Hastings Economic Development Corporation, appeared to speak in favor of the closure of 9th Street from Elm to Ash Avenues. Mr. Rippe stated Hastings College is a unique economic engine for the Hastings community, not only is Hastings College one of our community's leading employers, it also attracts over 1,000 temporary and permanent residents to Hastings every year that, but for Hastings College, would not be here renting houses, going out to eat, frequenting our retailers or attracting friends, family and athletic competitors to do the same and stay in our local hotels. A 2006 study at Vanderbilt University discussed objectively measuring the impact of colleges and universities on their local economies. One of the challenges outlined by the study is the inability to visualize a community devoid of its associate institution. The study suggests that you try to conceptualize Boston without Harvard

University and he would challenge anyone to conceptualize Hastings without Hastings College. Given the challenges facing small liberal arts colleges and universities today, it is incumbent on our community to support our college. The importance of public/private partnerships is something that our organization has discussed increasingly and at great length with the Council and the Board of Public Works over the last five years. In doing so together, we have created a local incentive program that we have used to help companies like Drake Tool & Design and Thermo King. We have created an Innovative Economic Development Agreement that allowed us to help AGP. We helped Dutton Lainson secure a community development block grant from the State of Nebraska from which we use some of the repayments to help local entrepreneurs and Hastings College graduates like Andy and Abby Vrbas who have added employment and have grown their soap company. Last year area employers contributed over \$200,000 to purchase new manufacturing machinery and equipment and throughout our downtown there are numerous brick and mortar examples of the value and the rewards of public and private partnerships. The political will and support for economic success in this community is tremendous. Our community works best when we work together and Hastings College operates an increasingly competitive arena, Hastings College is an integral component of our local economy and of our greater community. If closing 9th Street can help Hastings College better realize its goals and objectives, and enhance their efforts, Hastings will undoubtedly be better for it. The Hastings Economic Development Corporation is in favor of the Council and the City of Hastings supporting Hastings College for the closure of 9th Street.

Jessica Meeske of 1125 North Lincoln and a member of the Hastings College Board of Trustees appeared to speak in favor of the closure of 9th Street from Elm to Ash Avenues. Mrs. Meeske stated not only is her neighborhood impacted by this because she lives very close to 12th Street and Burlington Avenue and while it is not close to the Hastings College campus itself, with much of this traffic, not just going to 7th Street, but 12th Street, this is the thoroughfare that we would take to get into the community. We don't see it as a problem, we see it as a being a good thing.

Mrs. Meeske stated she is also a small business owner with a business on 7th Street and doesn't see this as having a negative impact on her small business. One of the things that citizens and residents have to realize is when you make the decision to purchase a home, just like she did being close to the corner of 12th Street and Burlington Avenue, there are benefits and risks that go with that. In the case where you are living close to a school, an institution or a hospital, you should know that decisions will be made in the future that are strategic to those institutions and places for the betterment for their long time future. There are also benefits to that including the benefit of rising property value to something that is close to these places. Mrs. Meeske stated she certainly understands with a home near Burlington Avenue, that as Burlington Avenue becomes more commercialized it means more noise in her backyard, but that is what she understood when she purchased her home. Mrs. Meeske stated this very much looks like and sounds like what she remembers when chairing the Middle School Bond Committee Project several years ago. Many in the room spoke in favor of the current location of the Middle School and many spoke in opposition for the exact same reasons. In closing she would just ask you to

think about what is the greater good, not just the convenience of the individual, but what is it going to mean for the greater good of our community, whether it be students that go to our K thru 12 schools, for higher education or for things like hospitals. Mrs. Meeske stated she thinks this is certainly one of those instances of greater good.

Ben Reimer of 923 North Shore Drive appeared to speak in favor of the closure of 9th Street from Elm to Ash Avenues. Mr. Reimer stated he just graduated from Hastings College last May and while at Hastings College he lived on 7th Street and walked to class everyday. The Student Union and the dorm rooms are the center part, but something that hasn't been talked about as much are the apartments which are more east between 9th and 12th Streets. A lot of his friends live there and they would be much more enticed to walk to class or bike to class which would slow down traffic and maybe some of the speeding issues on 9th Street beyond Ash Avenue. Mr. Reimer stated he also served as Vice President of the Student Association and he did a lot of planning of events. We are limited to where we can have central meeting places for students, we used Altman Hall which is kind of by the residence hall on the south side of campus, but if we have this closed off this would be a great place to have students meet. As a former student at Hastings College, this would be great for the campus and be able to unite the campus a little bit better.

Abby Vrbas of Hastings, Nebraska and a recent graduate of Hastings College appeared to speak in favor of the closure of 9th Street between Elm and Ash Avenues. Mrs. Vrbas stated her husband is also a graduate of Hastings College and they crossed 9th Street quite often and believes that closing 9th Street will increase safety as well as availability for students to walk and bike across campus. Mrs. Vrbas stated she and her husband just purchased a house at 9th Street and Cedar Avenue which is very close to the campus and would be directly impacted by the closing of 9th Street and we definitely believe it would be a positive impact on our community and as a neighbor of Hastings College. Mrs. Vrbas stated she and her husband are business owners in Hastings so we have a vested interest in the community and we believe that closing 9th Street would be a positive thing for both the community and Hastings College.

Marvin Hughes, owner of property at 714 West 5th Street, appeared to speak in opposition to the closure of 9th Street between Elm and Ash Avenues. Mr. Hughes stated this issue isn't really about the people being against Hastings College, this is more fundamental than that. The question he has always had, and can't find the answer in law, is where did the City Council get the constitutional authority to take public property, which is a right-of-way, and give it to a private entity. The only place he can find any hoops in this thing has to do with common law and even Adams County had something similar come up about closing a road, not a main road, but a minimum maintenance road that served a few people to access things they need to get done. Mr Hughes stated the only adversarial thing he can find from the people who want to use against the City closing this is they need to use the street. Until the City can show that it has absolute constitutional authority to deprive people of their right-of-way then he believes we need to look for another solution. Hastings College will continue to grow whether 9th Street is closed

or remains open. Mr. Hughes stated he has two recent graduates from Hastings College as part of his business at the old Middle School and they do a tremendous job. Mr. Hughes stated he believes that the creativity needs to kind of inject itself here to where we could leave 9th Street open and if they want to build over it, we could leave an easement so people could continue to use 9th Street. It is kind of like going down to Lincoln, Nebraska, around the 16th and 17th Streets area and because of all these kids and all this safety and all this university activity, we need to close those streets off, but Lincoln has the discipline to say no. Mr. Hughes stated we need to embrace what Hastings College is doing for us and for the students, but doesn't believe closing the street is the answer. Mr. Hughes stated he was out there when they were trying to tear down the science building and that was one time where he thought that 9th Street ought to have been closed, it was a train wreck. The point is that closing the street is not the answer, it is not going to cause Hastings College to not grow or to grow more, there are other avenues.

Nadeen Debban of 1304 East 9th Street appeared to speak in opposition to the closure of 9th Street from Elm to Ash Avenues. Ms. Debban stated there are only three thoroughfares from east to west in Hastings and that is 7th, 9th and 12th Streets. If we close 9th Street, people are going to be bypassing Hastings and going to Grand Island to do business because they are going to take the Bypass Road and go around and if they end up on Burlington Avenue to the north, they are going to keep going, they are not going to visit the businesses that are in Hastings. Ms. Debban stated she only goes on 7th Street when she goes to the grocery store, everything else is down 9th Street. When 9th Street was temporarily closed, she had to bypass either to 12th Street or 7th Street and with the cost of gas, it impacted how many times she left her home with her car.

Harold Lee of 1015 Pine Knoll Road appeared to speak in opposition to the closure of 9th Street from Elm to Ash Avenues. Mr. Lee stated if 9th Street is closed, how will people get around through those smaller streets that can't hold a lot of traffic and get to where they have to go. A lot of people will not invest in Hastings College, he would agree that Hastings College does make a good effort with the community and the kids, but closing 9th Street is not the answer to Hastings College growing. As Mr. Hughes stated, Hastings College can grow even if 9th Street is left open. There are other opportunities that Hastings College can take to actually help their students with student safety. Last year or the year before, there was an incident on Ash Avenue where one of the college students was driving drunk and ran over a four year old child and put the child in the hospital. These students that attend Hastings College are not kids, they are adults and they can watch how they cross the street and yet they do speed up and down on 9th Street and Ash Avenue a lot and it is really dangerous with kids living in and around there. Mr. Lee stated he is strongly against Hastings College closing 9th Street and they should look at other opportunities to make Hastings College better. Mr. Lee stated he hopes the City Council will do what is right for the community and not close 9th Street.

Jackie Maynard of 510 East 7th Street, which is about three houses west of the corner of 7th Street and Turner Avenue, stated she really isn't against what Hastings College wants to do, she just has some concerns. Mrs. Maynard stated she is worried about the corner of 7th Street and Turner

Avenue. They have angular parking and if you look to the east when you are on Turner Avenue you can't always see onto 7th Street. 7th Street is already a very busy street and by closing 9th Street, 7th Street is going to be even busier. Mrs. Maynard stated in regard to the map, she doesn't understand how people get to the parking lot in the very center. Mrs. Maynard stated one of the reasons they moved to Hastings was because of Hastings College, it was one of the attractions.

Lee Saathoff of 904 North 6th Avenue appeared to speak in opposition to the closure of 9th Street from Elm to Ash Avenues. Mr. Saathoff stated one of the concerns he has is the intersection of 7th Street and Elm Avenue. There are going to have to be upgrades if 9th Street is closed. You are giving Hastings College a street and they should be responsible for some upgrades. Hastings College has paid for projects in the past, they helped pay for the paving on North 6th Avenue.

Laverne Schreiner of 1110 East 9th Street appeared to speak in opposition to the closure of 9th Street from Elm to Ash Avenues. Mrs. Schreiner stated she heard how they were going to re-route traffic from 9th Street down Ash Avenue over to the parking lot which means there is going to be a lot of traffic on Ash Avenue because they can't go down 9th Street.

Helena Wilson of 839 North 4th Avenue appeared in opposition to the closure of 9th Street from Elm to Ash Avenues. Mrs. Wilson stated you have people come to town to see their kids or come to town for the different camps that Hastings College offers during the summer, and if you close that there is no place for them to park without them having to walk a great distance. They use that area in front of the Student Union, but if you close that they then have no place to park. With the drawing shown tonight, if you come to town people are not going to know that in the center, which is behind the Chapel, that that is going to be a parking spot, people won't know how to get there. By closing 9th Street, you are denying your own clientele and people who are wanting to come access to parking where they need to.

Larry Wilson of 839 North 4th Avenue appeared in opposition to the closure of 9th Street from Elm to Ash Avenues. Mr. Wilson read a letter that was in the Voice of the People in tonight's paper from John Schiefelbein that says "The Hastings City Council should reject the request of Hastings College to close 9th Street. I reluctantly come to this conclusion because I believe that Hastings College is a great institution. Closing 9th Street will cause more traffic on 7th Street, I observed this when 9th Street was temporarily closed in the past year. This will endanger children who live north of 7th Street and have to cross it to go to school and use the Pioneer Spirit Trail. During the closure, I saw children and some adults struggling with traffic to cross 7th Street when they were using the trail. Everyone wants Hastings College to continue to have a nice campus, however, it is not worth the risk of lives to do so. Hastings College has done a wonderful job designing 12th Street along the north edge of the campus and is sure they could design something along 9th Street that would be attractive, yet not be disruptive to the surrounding neighborhood. I hope Hastings College, the City Council and the Mayor do the right thing by leaving 9th Street open". Mr. Wilson stated if he understands it right, across from

the new science building there is going to be a 20 plus parking lot installed between Oswego and University. Talk about safety, with 20 parking spots there and students parking and crossing Ash Avenue, which is going to become a main thoroughfare, every 50 minutes there will be classes in and out and there will be students going back and forth and cars coming in and out, there will be a lot of congestion. Mr. Wilson stated he believes a good alternative would be to take all the parking off of 9th Street between Elm and Ash Avenues, narrow it down so it is just a straight street; that way students can see any car coming down 9th Street and don't have to worry about walking out from behind a car and the cars driving down 9th Street will be able to see the students very easily. You can also slow down traffic by installing a speed bump on Ash Avenue and Elm Avenue and maybe some yellow flashing lights like they do at other schools. Mr. Wilson stated he does believe there are alternatives, two years ago when we met with Hastings College they agreed that they would talk about compromise and they would call us, but two years later now one has called about discussing any kind of compromise. Mr. Wilson stated he believes there is a compromise if people are willing to sit down and look at it.

Bill Ries of Hastings, Nebraska appeared in opposition to the closure of 9th Street from Elm to Ash Avenues. Mr. Ries stated that he and his wife have lived at University Avenue and North 4th Avenue for over 50 years. We like the location and we like Hastings College, but believes there are other ways that it can be done as has other people who are opposed to the closing have said. If they are definitely going to close 9th Street, the City should do some planning on 7th Street to widen it to accommodate all the extra traffic that is going to be in that area. There will be more accidents unless there are lights installed. Mr. Ries stated he is definitely opposed to closing 9th Street, we use it a lot.

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. 4397

AN ORDINANCE OF THE CITY OF HASTINGS, NEBRASKA TO VACATE THAT PART OF EAST 9TH STREET RIGHT-OF-WAY LYING EAST OF THE EAST LINE (EXTENDED SOUTH) OF NORTH ELM AVENUE AND THE WEST LINE (EXTENDED NORTH) OF NORTH ASH AVENUE AND CONTAINING 53,754 SQ. FT. (1.23) ACRES), MORE OR LESS; TO RESERVE EASEMENTS FOR ANY EXISTING OR FUTURE UTILITIES LOCATED ON, OVER OR UNDER THE STREET SO VACATED ALONG WITH THE RIGHT TO GO ONTO SAID PREMISES FOR THE PURPOSE OF CONSTRUCTING, REPLACING OR EXPANDING SUCH UTILITIES; AND TO PROVIDE JUNE 1, 2015, AS THE EFFECTIVE DATE OF THIS ORDINANCE; AND TO PROVIDE FOR THE PUBLICATION OF THIS ORDINANCE IN ITS ENTIRETY OR IN PAMPHLET FORM

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

The Mayor asked the City Attorney to talk a little bit about the conditions included in the Redevelopment Agreement.

Dave Ptak, City Attorney, stated that back in December of 2012 the City entered into an agreement with Hastings College that have a number of contingencies related to the closure of 9th Street. Those contingencies include (1) that the street would not be considered closed until such time as the College made plans for and constructed an additional 77 off-street parking spaces so that the stalls lost would be replaced, (2) The College agrees to pay for an amount equal to the actual direct cost of reconstructing 9th Street for two blocks east of the intersection of 9th Street and Ash Avenue. This would include everything except the intersection of 9th Street and Ash Avenue and it would be done according to plans and specifications approved by the City and they would agree to pay for that within 30 days after the project was completed, (3) The College would bear all costs associated with the relocation of utilities required in connection with the construction of the project, including street lighting and (4) the College would agree to replat all of their property on or after June 1, 2015 into one lot with all platted easements. These are all contingencies that would have to be met by Hastings College before the closure of 9th Street would take place pursuant to this agreement and that is why the effective date of this ordinance is not for almost year.

Councilman Niemeyer stated he feels it is important that everybody up here gives their two cents or at least allows everybody out there to have the opportunity to understand where we are coming from as far as when he goes to make a vote on this particular item. This is something that we have dealt with for quite some time and everybody can agree that Hastings College is an intricate part of Hastings and the community and that the economic impact of Hastings College is tremendous; Hastings College is the second leading employer in the City. Councilman Niemeyer stated those types of reasons weigh very heavily with his decision on this particular issue. Is there another option, there probably is another option, but the question is what makes the most sense, what is best for everybody. Some of the issues brought up is the safety on 7th Street, relocation of parking on 9th Street and the traffic down Ash Avenue, but you cannot leave 9th Street open and leave the parking the way it is. Those cars are going to have go somewhere, you are going to have to relocate parking somewhere and whether you leave 9th Street open or you close 9th Street, if you relocate the parking stalls to another location you have already increased the traffic in that location. Councilman Niemeyer stated for him and looking at the plan of Hastings College, closing 9th Street and adding that pedestrian mall area like they want to do makes a lot of sense, not only for families that are looking to send their kids to Hastings College, but also for students that are at Hastings College to have a meeting place during the summertime when they have the different camps . Younger kids go to these camps and they need to have an area where they can cross in a safe manner. As far as safety on 7th Street and 12th Street, those are busy streets and whatever we do here today may increase the traffic by an

amount, but it is not taking and adding a significant safety risk on top of a safety risk already. Councilman Niemeyer stated there are some issues that need to be addressed, but he believes this makes sense for the City and he is going to be voting in favor of it.

Councilman Goebel stated when he entered college a number of years ago in Kearney, there was a north/south and east/west street at every block through the entire campus. If he would get back to West Hall soon enough he could park his car right in front. The campus, over the last several years, has changed all that, their streets are all closed and it is a walking campus and it is much more efficient and it covers an area much larger than what Hastings College does and as far as he knows, has not hampered traffic in the area. Councilman Goebel stated something he has thought about a number of times over the past several years with Hastings College is that there are areas that students need to get to to the east of Ash Avenue and 9th Street. Councilman Goebel stated he goes through that area a lot and students needing to get to the tennis courts or the physical education center typically walk right down 9th Street, there is not an adequate sidewalk there. Councilman Goebel stated as he understands it, when Hastings College pays for the development of the paving from Ash Avenue to 2nd Avenue, it will include good sidewalks on both sides, street lights and curb and gutter. Councilman Goebel stated the City will pay for the construction of the intersection at 9th Street and 2nd Avenue. Councilman Goebel stated he too will be voting in favor of the closure of 9th Street.

Councilman Harrington asked the City Engineer to review what the traffic study revealed when 9th Street was temporarily closed.

Dave Wacker, City Engineer, stated we had a trial period, October 1, 2010 to November 15, 2010 in which we closed 9th Street from Elm to Ash Avenues. We did traffic counts prior to the closure and we did traffic counts during the closure. On 9th Street, currently with the area that is under consideration for closure, it carried four years ago and still carries about 3,400 cars per day. What happened during that closure period is that we saw quite a migration to 7th Street. You would see an increase of about 1500 to 1600 cars per day on 7th Street and 12th Street actually picked up another 300 or 400 cars a day during that period and that was one of the considerations that was looked at on the new 12th Street project. Plans in the future are to widen that out and provide for three lanes for capacities if 9th Street is closed. Several people from the community have commented about changes along 7th Street. The traffic study that was conducted does show some concerns or considerations along 7th Street. At 7th Street and Elm Avenue, there is most likely going to be the need for a turning lane, not only a left hand turning lane, but also a right hand turning lane so there would be some intersection improvements that are necessary at that location. The report also recommends possibly a three way stop at that location which would have three stop signs placed at that location or a traffic signal. The report focused on a number of warrants that you look at during traffic engineering aspects and during peak hour times, Noon to around midday, there are warrants there for lights or traffic control at that intersection. The way warrants work, you have to satisfy each and every hour out of an 8

hour period and four years ago that wasn't met. The City Engineer stated if 9th Street is closed, one of the things we will look at is improvements on 7th Street. Another recommendation that was looked at was the number of diagonal parking that are prevalent along 7th Street that may have to be revamped, some may have to be removed. The Traffic Study did conclude there was plenty capacity, with the new 12th Street that is being improved and with future improvements planned along 7th Street, that traffic can be accommodated in the area with modifications. That is one of the things the City Council will have to consider in upcoming budget years with this project.

Councilman Harrington stated he believes we are going to have some challenges on 7th Street going forward, but in his mind that is another question not to be forgotten, but certainly that goes beyond this. Tonight we are reminded that there are no perfect answers and as several have said, we are asked to look at the big picture and he believes the big picture is probably the vitality and the growth of Hastings College. Councilman Harrington stated he is going to support this request, but we need to be mindful that there probably will be challenges that we will have to address. Councilman Harrington stated he was glad to hear Hastings College restating their commitment to being good neighbors, believes them and believes all of us here will hold them to that standard. Councilman Harrington stated the big picture is clear, we need to vote to approve the Hastings College's request and make the most of the situation and be mindful that these problems aren't going to go away, but they probably can be addressed.

Councilmember Peterson stated she too will be voting in favor of the closure of 9th Street between Elm and Ash Avenues. Councilmember Peterson stated she is appreciative when people come forward and talk about 7th Street. Councilmember Peterson stated we have done so many studies and some of it was on 7th Street. We had the Police and Fire Departments give us input and there was not any impact. Councilmember Peterson stated she is very excited about this for a variety of reasons, obviously the economic impact and as a "green" person, it is about time that people start walking and riding bikes.

Councilmember Hoops stated her first concern also was regarding the entries for traffic flow on 7th Street and specifically elementary school children in particular, walking and biking to and from their schools, Alcott Elementary as well as St. Michael's elementary students who ride the bus to St. Cecilia and walk from there and also St. Michael's Middle School and High School. Councilmember Hoops stated she believes it would be prudent to have a conversation with someone at Alcott Elementary and with someone at Hastings Catholic Schools about what are their student's needs, would a flashing yellow light do some good or maybe a crossing guard at certain times of day like they have at the Middle School. Is a change necessary at all, maybe not, but she doesn't believe any of us know specifically what those school's needs are and believes it would be gracious of the City to open the channels of communication with them asking that if the schools have any concerns to voice them. Councilmember Hoops stated she didn't believe it was unreasonable for Hastings College to request the closing of their host city, especially if they be-

lieve it will improve the experience of their students and staff by making the environment of their campus more walkable. Councilmember Hoops stated she would be voting in favor of the closure.

The Mayor stated he agrees with the Councilmembers that have spoken. First and foremost, those people who are impacted by this need to understand we understand that it is an inconvenience for you and it is an unfortunate inconvenience just as it has been in similar situations where we have made decisions to close streets. We understand that, but as in those other scenarios, the ones he has been a part of and can assume the ones that he hasn't been a part of that had been mentioned earlier, it was seeing the larger picture and understanding what the gain from the community is as a whole as opposed as to what the loss of the property owners around the project are. At least the ones that were named and the ones he is aware of, that as a community we ought to be pretty happy with the decisions we have made. The Mayor stated we need to rethink how cities need to be laid out, the idea of having blocks, square blocks, isn't the way it is anymore. The ability to get around now has changed a lot since our community was laid out a long time ago and believes now we have, not only rights, but the responsibility, as a Council, to do everything we can to help grow businesses and organizations in our community, whether it is Hastings College, whether it is any of our manufacturers here in town or our hospitals, just about anybody. It doesn't always make sense, but it is our responsibility to do everything we can as a community to not only get out of their way, but help in any way we can to help them grow as businesses and organizations. One of the questions he has had throughout this is he doesn't know if closing 9th Street that Hastings College is going to be better off for it because that isn't his job. The people at Hastings College have told us they need to do this to make this a better campus and to improve their organizations and he has to trust them and he is going to trust them because he believes that is what their job is to do.

Councilmember Peterson asked the City Engineer if this would be starting in 2015, when can we start looking at some of the issues we need to be looking at for 7th Street.

The City Engineer stated we have the One & Six Year Plan coming up in January and if this closure is approved, we will be working with Hastings College because there are a number of improvements that will be occurring from Ash Avenue to 3rd Avenue, some intersection redesign. Obviously the Elm Avenue and 7th Street intersection is one that should be looked at. Councilmember Hoops brought up some possible school crossings and those things can be addressed in the upcoming budget for this next year.

Councilman Harrington moved that the statutory rule requiring reading on three different days be suspended; Councilman Niemeyer seconded the motion to suspend the rules and upon roll call vote the following Councilmen voted YEA: Harrington, Peterson, Odom, Niemeyer, Krings, Hoops, Goebel. NAY: None. ABSENT: Skutnik. 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. 4397 be passed and adopted?” Upon roll call vote the following Councilmen voted YEA: Harrington, Peterson, Odom, Niemeyer, Krings, Hoops, Goebel. NAY: None. ABSENT: Skutnik. 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 June 1, 2015.

The Mayor declared a recess at 8:20 P.M.

The meeting reconvened at 8:23 P.M. with the following members present: Harrington, Peterson, Odom, Niemeyer, Krings, Hoops, Goebel. Absent: Mayor Powers, Councilmember Skutnik.

At this time a public hearing was held on the request of the Community Redevelopment Authority to modify and amend Redevelopment Area II located at 123 South Hastings Avenue.

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. 2014-22

WHEREAS, the Community Redevelopment Authority of the City of Hastings, Nebraska’s plan for Redevelopment Area No. 2 has previously been approved by the Mayor and City Council of the City of Hastings; and

WHEREAS, the Community Redevelopment Authority of the City of Hastings, Nebraska has prepared the Diecker Construction, Inc. Redevelopment Project Plan Modification to said plan for Redevelopment Area No. 2; and

WHEREAS, the Community Redevelopment Authority has forwarded said Plan Modification to the Hastings Planning Commission for its review and recommendations as to the consistency with the plan for Redevelopment Area No. 2 and conformity with the general plan for the development of the City of Hastings; and

WHEREAS, the Planning Commission conducted a review of the Plan Modification to the plan for Redevelopment Area No. 2, and the general plan for the development of the City of Hastings; and

WHEREAS, the Planning Commission finds that the Diecker Construction, Inc. Redevelopment Project Plan Modification is consistent with the plan for Redevelopment Area No. 2, and conforms with the general plan for the development of the City of Hastings;

NOW THEREFORE, in consideration of the foregoing recitals, the Mayor and City Council of the City of Hastings, Nebraska, here by adopts the following resolution:

BE IT RESOLVED that the Mayor and City Council of the City of Hastings, Nebraska, does hereby recommend approval of the Diecker Construction, Inc. Redevelopment Plan Modification to the plan for Redevelopment Area No. 2, a copy of which is attached hereto marked Exhibit "A" and incorporated herein by this reference.

Moved by Harrington, seconded by Niemeyer that Resolution No. 2014-22 be passed and approved. Roll Call: Ayes: Harrington, Peterson, Odom, Niemeyer, Krings, Hoops, Goebel. Nays: None. Absent: Skutnik. The motion carried

At this time a public hearing was held on the request of the Development Services Department to amend Hastings Zoning Code Chapter 34, Section 212, regarding amendments to the zoning district known as Campus Institutional District, CMP.

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. 4398

AN ORDINANCE OF THE CITY OF HASTINGS, NEBRASKA, TO AMEND SECTION 34-212 OF THE OFFICIAL CITY CODE REGULATING CAMPUS AND INSTITUTIONAL USES; 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 Odom moved for passage of the ordinance, which motion was seconded by Councilmember Hoops.

Councilman Niemeyer moved that the statutory rule requiring reading on three different days be suspended; Councilman Harrington seconded the motion to suspend the rules and upon roll call vote the following Councilmen voted YEA: Harrington, Peterson, Odom, Niemeyer, Krings, Hoops, Goebel. NAY: None. ABSENT: Skutnik. 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 asked for a quick overview of what we are doing.

Mark Evans, City Building Inspector, stated the CMP District is for large campuses, the hospital, Hastings College, Central Community College, etc. The ordinance that was passed in 2009 wasn't really very conducive to campus organizations adopting that or moving to that district. We identified those items that were roadblocks and tried to remove them or modify them so that we could go ahead and facilitate the movement of our campus uses to this District which in turn allows them to present a Master Plan for approval which helps us anticipate needs as a City, prepare infrastructure, etc. It also helps clear the way for development by those campuses when they have new building projects.

The Mayor then stated the question was "Shall Ordinance No. 4398 be passed and adopted?" Upon roll call vote the following Councilmen voted YEA: Harrington, Peterson, Odom, Niemeyer, Krings, Hoops, Goebel. NAY: None. ABSENT: Skutnik. The passage and adoption of said ordinance having been concurred in by a majority 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 July 30, 2014.

At this time a public hearing was held on the request of Mary Lanning Healthcare Systems to rezone property from C-O, Commercial Office and R-3, Multiple Family Residential to CMP, Campus Institutional District.

David Patterson, Director of Engineering at Mary Lanning Healthcare Systems, appeared to speak on behalf of the request to rezone from C-O and R-3 to CMP. Mr. Patterson stated with him is Greg Smith of Architect Design. We have provided the Master Plan which provides some long term goals, some short term goals and building projects that we have for our campus. By being a campus plan, it helps to integrate into the community a little bit better and helps the City anticipate some of our plans. One of our long term plans includes a potential medical office building and some of the short term plans or immediate needs include a chiller plant and some signage that we would like to put on the building to help with our branding. The chiller plant is something we would like to do very soon and it is kind of driving this whole process. The chillers provide the air conditioning for the hospital and the current ones are at the end of life and new codes require those chillers to be put into a plant that we have designed. We would like to start on the plant this fall.

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. 4396

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 OF THIS ORDINANCE FROM R-3, MULTIPLE FAMILY RESIDENTIAL AND C-O, COMMERCIAL OFFICE TO CMP, CAMPUS INSTITUTIONAL DISTRICT; TO REPEAL ANY ORDINANCES IN CONFLICT HEREWITH AND TO PROVIDE WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT (Rezoning property owned by Mary Lanning Healthcare Services from R-3, Multiple Family Resident and C-O, Commercial Office to CMP, Campus Institutional District)

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

Councilman Goebel moved that the statutory rule requiring reading on three different days be suspended; Councilman Harrington seconded the motion to suspend the rules and upon roll call vote the following Councilmen voted YEA: Harrington, Peterson, Odom, Niemeyer, Krings, Hoops, Goebel. NAY: None. ABSENT: Skutnik. 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. 4396 be passed and adopted?" Upon roll call vote the following Councilmen voted YEA: Harrington, Peterson, Odom, Niemeyer, Krings, Hoops, Goebel. NAY: None. ABSENT: Goebel. 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 July 30, 2014.

Moved by Harrington, seconded by Peterson that the Council approve awarding contract for Project AIP No. 3-31-0040-13 to American Pavement Solutions, Inc. of 1455 Gruber Road, Green Bay, Wisconsin 54313, in the amount of \$339,230.10 and that the Mayor, City Clerk and

City Attorney be authorized to execute contract documents.

Councilman Goebel stated he noticed there was a possibility of amending this to a 15% increase and asked the City Engineer if he is working on that or giving it some thought.

The City Engineer stated yes we are. The contract has to be awarded first of all and then there will be a possible change order to 15% of the amount as the Federal limit and that will be brought before the Council at a later date for consideration. We have to use up our entitlement money, we have funds available to us and this time we received a good bid so we still have some Federal money that is available to us so we are going to try to capitalize on that as much as possible.

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

Moved by Niemeyer, seconded by Odom that the Council approve Telecommunications Line Right-Of-Way License Agreement with Glenwood Telecommunications, Inc. for an annual payment of \$57.84. Roll Call: Ayes: Harrington, Peterson, Odom, Niemeyer, Krings, Hoops, Goebel. Nays: None. Absent: Skutnik. The motion carried.

The Mayor asked Marvin Schultes, Utilities Manager, to comment on Ordinance No. 4395 before the Council takes action.

Mr. Schultes stated right now the ordinance repairs the water services under the paving if it is residential, this ordinance expands it to all services 1 ½ “ or less if they are leaking under the public right-of-way.

ORDINANCE NO. 4395

AN ORDINANCE OF THE CITY OF HASTINGS, NEBRASKA, TO AMEND SECTION 32-602 OF THE OFFICIAL HASTINGS CITY CODE PERTAINING TO THE RESPONSIBILITY FOR INSTALLATION AND REPAIRS, ETC. FOR WATER SERVICE AND WATER SUPPLY PIPES; TO PROVIDE AN EFFECTIVE DATE; AND TO REPEAL ANY ORDINANCES OR OTHER PROVISIONS IN CONFLICT HEREWITH

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

Councilman Niemeyer moved that the statutory rule requiring reading on three different days be suspended; Councilmember Hoops seconded the motion to suspend the rules and upon roll call vote the following Councilmembers voted YEA: Harrington, Peterson, Odom, Niemeyer,

Krings, Hoops, Goebel. NAY: None. ABSENT: Skutnik. 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. 4395 be passed and adopted?” Upon roll call vote the following Councilmen voted YEA: Harrington, Peterson, Odom, Niemeyer, Krings, Hoops, Goebel. NAY: None. ABSENT: Skutnik. 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 July 30, 2014.

Moved by Hoops, seconded by Niemeyer that the Council approve the Mayor’s appointment of Fawn Gernstein to the Library Board, term to expire July 14, 2018. Roll Call: Ayes: Harrington, Peterson, Odom, Niemeyer, Krings, Hoops, Goebel. Nays: None. Absent: Skutnik. The motion carried.

Moved by Niemeyer, seconded by Goebel there being no further business to come before the Council, the meeting adjourn at 8:33 P.M. Roll Call: Ayes: Harrington, Peterson, Odom, Niemeyer, Krings, Hoops, Goebel. Nays: None. Absent: Skutnik. The motion carried.

APPROVED:

Mayor

ATTEST:

City Clerk

(S E A L)

7-14-2014