

COUNCIL CHAMBERS, MONDAY, JULY 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. Nays: None.

Moved by Niemeyer, seconded by Skutnik that the Open Meetings Act is posted on the southeast wall of the City Council Chambers and that prior to this meeting a notice was placed in the Hastings Tribune on July 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 stated on July 22<sup>nd</sup> the Central Community College Natural Gas System was cut over from SourceGas to Hastings Utilities. The SourceGas people worked very well with the people from Hastings Utilities getting the cut over made. This will give Hastings Utilities a good customer and it will also decrease the gas bill for Central Community College by 30%. Councilman Goebel reported on the July 17<sup>th</sup> Board of Public Works Meeting. The Pollution Control Center construction upgrades are complete, 60% of the material is going through the new part. Wholesale Electrical Sales have been good so far this year. They are on a little bit different method of sales of wholesale power and does seem to be working out well for Hastings Utilities. Hastings Utilities did purchase 160 acres of farm land with irrigation equipment near the Pollution Control Center which will give a good long term solution to the sludge use situation. Material will not have to be hauled that far and it will be on property that Hastings Utilities owns, they will have control of how it is done. They do have an agreement with a neighboring farmer to farm the land in the years that it is not used for sludge application. The appointment of Lee Vrooman as Director of Operations was approved. Mr. Vrooman is replacing Ron Sanders who is retiring the first of August. The next Board of Public Works Meeting is July 31<sup>st</sup> at 9:00 A.M. at the Hastings Utilities Board Room.

Councilmember Peterson reported on the Complete Streets Committee. They will be looking at the need for planting more trees in a specified area out by the Softball Complex. They also talked about the possibility of doing an educational piece which will go back to the Healthy Hastings group because people are using our streets for running, but sometimes they are running in the same direction of vehicles rather than facing vehicles. Councilmember Peterson stated this Fall trees will be planted on East 12<sup>th</sup> Street from approximately where the Hastings College football field is located west to Elm Street. Councilmember Peterson stated the City Council, approximately two years ago, voted on a grant that we were receiving to look at how we could update our sidewalks. We have divided the City in different wards and sidewalks are being selected for updating and upgrading. Councilmember Peterson stated if anyone has ideas on how we can continue to be a complete streets community or green community, please contact her.

Councilman Odom stated he plans to continue talking with Zero Waste who is a group that works with recycling, landfill and more green oriented things. Councilman Odom stated he has spoken with Jack Newlun, Solid Waste Superintendent, once or twice about it and he is continuing those conversations and hopes to have something put together to help us assess what we have in our landfill, what is coming in on a daily basis. There also may be some monies in the future that are available for a campaign of some type to help promote recycling.

Councilman Odom stated 2015 will be the 20<sup>th</sup> anniversary of the signing of the Hastings-Ozu, Japan Sister City Relationship. We have had every year, but one, 20 students come visit Hastings from Ozu, Japan and we have had a teacher who was an elementary school teacher in Ozu, Japan come to Hastings and visit Adams Central and the Hastings School District for a six or eight week period and learn about our educational system and taught about theirs. A Planning Committee has been formed and hopefully we can have support from the City and hopefully use some tax dollars to promote this celebration. There is a lot the City can do and hopes the Council will support that. Ozu, Japan is very excited about coming back and having some type of celebration. Omaha and Hastings are the only two Nebraska cities that have a sister city relationship with Japan. It is an excellent business market and we have had several Japanese people that have come to look at our businesses and industries and some businesses have had good relationships with people from Japanese companies.

**CITIZEN COMMUNICATIONS:** None.

**MAYOR'S COMMUNICATIONS:** None.

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

- 1(a) Minutes of the Council Meeting of July 14, 2014.
- 1(b) Minutes of the Special Council Meeting of July 10, 2014.
- 2(a) Request of MRC for use of City streets for the 4<sup>th</sup> Annual MRC Days 5k on August 16, 2014.
- 2(b) Request of Nebraska's Official Soft Drink Foundation for use of parking lot and to close City streets on August 9, 2014 for Kool-Aid Days and the Kool-Aid Cruise of America.
- 2(c) Application of Richard Kohmetscher for a Special Designated License at the Adams County Fairgrounds on August 30, 2014.
- 2(d) Application of Murphy's Wagon Wheel, Inc. for a Special Designated License at the

City Auditorium on August 20, 2014.

4(a) Payroll for the period ending August 2, 2014, paid August 8, 2014.

4(b) Authorizing the City Clerk to issue checks against the various funds for payment of claims. (Claims attached to and made a part of these minutes).

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

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

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

At this time a public hearing was held on the proposed creation of the Business Improvement District (BID).

Randy Chick, Director of the BID, appeared to speak in favor of the creation of the BID. Mr. Chick thanked the Mayor and Council, as well as previous Mayors and Councils, for their support of the BID over the past 28 years. While many things have changed during this period of time, our basic goals are still the same. Downtown revitalization is all about restoring value, if businesses don't see value in the area, they won't be here, if customers don't see value, they aren't going to be here and if property owners aren't able to get sufficient rental income, they aren't going to come to the table with their dollars to reinvest in their properties. In the end, we hope to continue to show Hastings area residents and visitors that downtown Hastings is a great place to work, shop, play and live. Mr. Chick provided to the Council some information on what the BID does do. (Handout attached to and made a part of these minutes). Mr. Chick stated that over the past five years, the district valuation has increased from approximately 19.1 million dollars to approximately 21.3 million dollars which is an increase of approximately 11.5%. How this affects property owners in the district is that it is basically a decrease in their assessment rate and that assessment rate has gone down about 7.3% over that period of time. An owner of a property valued at \$100,000 in 2009 was paying approximately \$296.00 because the rate was approximately .296681 and if the value of the property stayed the same, they now are paying approximately \$275.00. The BID Board believes the programs provided by the district are having a positive affect on downtown property owners and the community as a whole. On behalf of the BID Board he would respectfully request the Council's support for re-creation of the BID for another five years.

Tom Balfour of 3000 Parklane Drive appeared to ask the BID and Council to take a look at the property lines. Mr. Balfour stated he owns property at 922 West 1<sup>st</sup> Street and right now it is just a warehouse and next door is BG&S Transmission; the property line is on the west side of those

buildings and we are asking that you look at that and redo the property lines. Mr. Balfour stated he doesn't feel their business is going to get help from the City on anything over there. If you drive by there, the City Parking Lot is across the street and the weeds are three foot tall in it, nothing seems to be helping our business over there, plus the doors on our building are locked at all times.

Tom Quinn of Raynor Garage Doors appeared to speak in opposition to the BID. Across the street from them are storage units which really isn't part of the City anyway. Seems like the city is kind of more towards the east rather than where his business is at.

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. 4399**

AN ORDINANCE OF THE CITY OF HASTINGS, NEBRASKA, TO CONTINUE THE EXISTENCE AND AUTHORITY OF THE BUSINESS IMPROVEMENT DISTRICT; ESTABLISHING THE PURPOSE FOR SUCH DISTRICT; PROVIDING THAT REAL PROPERTY WITHIN THE DISTRICT SHALL BE SUBJECT TO SPECIAL ASSESSMENTS; DESCRIBING THE BOUNDARIES OF THE BUSINESS IMPROVEMENT DISTRICT; ESTABLISHING THE PROPOSED METHOD OF ASSESSMENT TO BE IMPOSED WITHIN THE DISTRICT; PROVIDING FOR PENALTIES FOR FAILURE TO PAY SPECIAL ASSESSMENTS; REPEALING ORDINANCES IN CONFLICT WITH THIS ORDINANCE; PROVIDING FOR SEVERABILITY; AND PROVIDING WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT

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

Councilman Niemeyer stated he knows that the BID boundaries, at one point in time, extended a lot further than they do today. Councilman Neimeyer stated he understands some of the comments because he had an office that was just across on the other side of Lexington Avenue for awhile that was in the BID at one point. Councilman Niemeyer stated as things are today, there is a lot of emphasis in the downtown area that really hasn't crossed over Burlington Avenue yet to get to some of the areas that are still in the BID. Councilman Niemeyer asked Mr. Chick if he would give a little explanation on maybe some of the efforts that are being put forth in those areas.

Mr. Chick stated regarding the boundaries and how those are created, probably 15 years ago it was a much larger boundary area. The district extended from the train tracks to 7<sup>th</sup> Street and

then Baltimore Avenue on the west and basically took in most of 2<sup>nd</sup> Street coming to the east and then went all the way to Minnesota Avenue so there were a lot of properties involved. There was a lawsuit in the late 1990's regarding the district and at that time the Mayor and Council established a board to look at recreating the BID and look at the boundaries. A lot of changes were made, one change was in the boundaries, and there was also a lot of discussion on apartment buildings that were in the district, rental properties, but they were residential. The District was then downsized to basically encompass everything that was zoned C-2 or Industrial in that particular area. Multi-family residential which was included in the district before was taken out. That is kind of how some of those boundary lines were adjusted and that came from a six month discussion with BID property owners and BID board members; a recommendation went back to the Mayor and Council to adopt new boundaries. Mr. Chick stated we have basically been going on those same boundaries now for probably the last 15 years. We have had board members that have wanted to extend those boundaries past what they currently are and then we have had other discussions about reduction of boundaries, however, we never could really develop a consensus. Mr. Chick stated in terms of public improvements, at 2<sup>nd</sup> Street and Lexington Avenue we have some planters down there, we do some Christmas lighting on some of the buildings, but not all the buildings on that section. Our lighting program doesn't extend all the way to the east or all the way to 4<sup>th</sup> Street either. It kind of depends on where we can get power to run that program. Not everybody receives a planter, bike rack or bench; those are usually dispersed depending upon traffic, both pedestrian and vehicle. Mr. Chick stated we continue to work on all parts of the district, not necessarily with public improvements, but on projects. We are currently working on a substantial project on the west side of Burlington Avenue that we hope to have some information on in the next couple of months. Mr. Chick stated he didn't think it was possible to have a public improvement of some sort in front of every property owner's building, that would be very difficult, but we try and disperse those on an as needed basis and where they make sense.

Councilman Niemeyer stated that is why he wanted to give Mr. Chick an opportunity to explain, it isn't always the tangible things that the BID is doing, there are intangible things like the projects that you are working on that may encompass areas that are on the outer borders of the BID area.

Mr. Chick stated that is correct, when this district was created back in 1986, there were 27 store front vacancies and that might have just been on 2<sup>nd</sup> Street and when you have something like, that it affects the entire area, not just 2<sup>nd</sup> Street, but all the streets around it, it affects your community as well. The goal of this body is to continue to make improvements whether they be public or just maintenance, to encourage investment and to increase value. There was obviously a point in time when the value was very low, but now our residential rents are the highest in the City, our commercial rents are not, but in most of our renovated properties, those are at least double what they were before. Mr. Chick stated it is not just one thing that helps or turns this thing around, it is the entire scope of things we continue to work on that will eventually get us to where we want to be. Sometimes it is difficult to see the benefit when you are on the fringe of

the district, but we have a strong core and we believe that radiates out, not just through the down-town, but through the entire community.

Councilman Niemeyer moved that the statutory rule requiring reading on three different days be suspended; Councilman Krings seconded the motion to suspend the rules and upon roll call vote the following Councilmen voted YEA: Harrington, Peterson, Odom, Niemeyer, Krings, Hoops, Skutnik, Goebel. NAY: None. The motion to suspend the rules was adopted by three fourths vote of the Council and the statutory rule was declared suspended for consideration of said Ordinance.

The Mayor then stated the question was “Shall Ordinance No. 4399 be passed adopted?” Upon roll call vote the following Councilmen voted YEA: Harrington, Peterson, Odom, Niemeyer, Krings, Hoops, Skutnik, Goebel. NAY: None. The passage and adoption of said ordinance having been concurred in by a majority of all members of the Council, the Mayor declared the ordinance adopted and the Mayor signed and approved the ordinance and the City Clerk attested the passage approval of the same and affixed her signature thereto. Effective date of the ordinance is August 13, 2014.

Moved by Niemeyer, seconded by Harrington that the License Agreement with Hastings Outdoor Power for occupation of public right-of-way be approved. Roll Call: Ayes: Harrington, Peterson, Odom, Niemeyer, Krings, Hoops, Skutnik. Nays: None. The motion carried.

Moved by Hoops, seconded by Skutnik that the Mayor and Council approve the request of Alyssa Anders, Art Bar, to utilize city right-of-way for outdoor seating on the sidewalk at 627 West 2<sup>nd</sup> Street, Hastings, Nebraska, subject to the following conditions:

1. The outer 5 feet of the sidewalk shall remain clear and unobstructed at all times, to allow normal pedestrian use.
2. The outdoor seating shall consist of no more than 4 tables with seating for patrons of the Art Bar, as shown in the attached dimensioned area.
3. The seating area shall be only for patrons of the Art Bar, and shall not be rented, leased or sold to or used by any third party.
4. Sale or consumption of alcohol is not expressly prohibited, but requires approval through the Liquor Control Commission, prior to use of this space for the sale or consumption of alcohol.

5. Remove items for seasonal snow removal activities.

Councilman Krings asked what is the Art Bar.

Mr. Chick stated Alyssa Anders' mother, Marla Anders is the owner of the Barn Festival which takes place a couple of weekends a year. She does a lot of art work and sells a lot of art work on line and through the festival. The art part of the Art Bar will be the products that Marla Anders produces and the bar part right now is a coffee and espresso bar.

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 Niemeyer that the Mayor and Council approve Allocation Agreement regarding the Diecker Construction, Inc. Redevelopment Project. Roll Call: Ayes: Harrington, Peterson, Odom, Niemeyer, Krings, Hoops, Skutnik, Goebel. Nays: None. The motion carried.

### **RESOLUTION NO. 2014-23**

#### **APPROVING LEVY AUTHORITY FOR THE COMMUNITY REDEVELOPMENT AUTHORITY**

WHEREAS, the Community Redevelopment Authority of the City of Hastings, Nebraska, has by Resolution adopted July 15, 2014, submitted a request to the City Council of the City of Hastings for property tax levy allocation as follows:

1. The amount of revenue sought to be raised from the levy of a tax on the taxable revenue of real property help defray the expenses of the Authority is Two Hundred Ninety Thousand Dollars (\$290,000).

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hastings, Nebraska, that the final allocation of levy authority for the Community Redevelopment Authority in the amount of \$290,000 be approved.

Moved by Skutnik, seconded by Goebel that Resolution No. 2014-23 be passed and approved. Roll Call: Ayes: Harrington, Peterson, Odom, Niemeyer, Krings, Hoops, Skutnik, Goebel. Nays: None. The motion carried.

The Mayor asked the City Administrator to comment on Resolution No. 2014-24 before the Council discusses and takes action on it.

Joe Patterson, City Administrator, stated when the Council passed this last Spring, there was a little bit of confusion on the part of some staff as to which positions would be impacted. The original resolution indicated Superintendents and above, however, not every department has Superintendents, therefore, this is basically cleaning that up and saying it is salaried positions, salaried positions are FLSA exempt and there would be no room for misinterpretation on what is involved. It is the feeling of staff that in order to adequately advertise nationally, sometimes you have to go out as long as 30 days to make sure these positions are advertised in periodicals and on the web where people that would be qualified would be looking.

**RESOLUTION NO. 2014-24**

WHEREAS, all departments of the City of Hastings, Nebraska, 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; and

WHEREAS, the Mayor and City Council previously adopted Resolution No. 2014-14 on April 28, 2014, regarding the hiring process for open city positions and now wish to amend the resolution and clarify what city positions Resolution No. 2014-14 applied to:

NOW, THEREFORE, in consideration of the foregoing recitals, the Mayor and City Council hereby adopt the following resolution:

**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 positions exempt under the Fair Labor Standards Act (FLSA) shall be hired using a consistent, open and competitive process and shall be publicly advertised for a minimum of thirty (30) days using the best sources available whether those sources**

be local, state or national sources commensurate with the position which shall be open until filled in order 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 Harrington, seconded by Niemeyer that Resolution No. 2014-24 be passed and approved. Roll Call: Ayes: Harrington, Peterson, Odom, Niemeyer, Krings, Hoops, Skutnik, Goebel. Nays: None. The motion carried.

Moved by Odom, seconded by Skutnik there being no other business to come before the Council, the meeting adjourn at 7:31 P.M. Roll Call: Ayes: Harrington, Peterson, Odom, Niemeyer, Krings, Hoop, Skutnik, Goebel. Nays: None. The motion carried.

APPROVED:

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Mayor

ATTEST:

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City Clerk

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