

COUNCIL CHAMBERS, MONDAY, SEPTEMBER 8, 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, Skutnik, Goebel. Absent: Hoops.

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 September 5, 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, Skutnik, Goebel. Nays: None. Absent: Hoops. The motion carried.

REPORTS OF LIAISONS: Councilman Goebel reported on the August 28, 2014 Board of Public Works Meeting. The NERC Audit was presented and no problems were found. The Board approved an Interlocal Agreement with the Little Blue NRD (Natural Resource District) for Water System Funding Assistance. Noel Nienhueser was promoted to Electric Distribution Superintendent effective upon the retirement of Jon Yocom in October, 2014.

Councilman Goebel reported on the Mayor's Youth Council Meeting of August 25, 2014. Jade Spady was elected President, Breanna Jacobitz was elected Vice President and Ben Kiolbasa was elected Secretary-Treasurer.

CITIZEN COMMUNICATIONS: None.

MAYOR'S COMMUNICATIONS: The Mayor recognized Police Officer Norma Rust for 35 years of service with the Hastings Police Department.

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

- 1(a) Minutes of the Council Meeting of August 25, 2014.
- 1(b) Minutes of the Budget Worksession of August 19, 2014.
- 2(a) Application of American Legion Argonne #61 (Sutton) for a Special Designated License at the Adams County Fairgrounds on October 15, 16, 17 and 18, 2014.
- 2(b) Application of Hilburn Enterprises, Inc. for a Special Designated License at the City Auditorium on October 3, 2014.
- 2(c) Request of Hastings College to utilize City streets for the Melody Round-Up Parade at 10:00 A.M. on September 27, 2014.

2(d) Application of Richard Kohmetscher for a Special Designated License at the Adams County Fairgrounds on October 18, 2014.

4(a) Payroll for the period ending September 13, 2014, paid September 19, 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, Skutnik, Goebel. Nays: None. Absent: Hoops. The motion carried.

RESOLUTION NO. 2014-30

APPROVING LEVY AUTHORITY FOR THE COMMUNITY REDEVELOPMENT AUTHORITY

WHEREAS, the Community Redevelopment Authority of the City of Hastings, Nebraska (CRA), has by Resolution adopted July 15, 2014, submitted a request to the City Council of the City of Hastings for property tax levy allocation; and

WHEREAS, the City Council of the City of Hastings adopted Resolution No. 2014-23 approving the property tax levy for the CRA of Two Hundred Ninety Thousand Dollars (\$290,000) on the 28th day of July, 2014; and

WHEREAS, the CRA subsequently amended its Resolution on August 19, 2014, to increase its property tax levy allocation and is asking the City Council of the City of Hastings to approve its amended levy request 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-nine Thousand Six Hundred Dollars (\$299,600).

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 \$299,600 be approved.

Moved by Skutnik, seconded by Niemeyer that Resolution No. 2014-30 be passed and approved. Roll Call: Ayes: Harrington, Peterson, Odom, Niemeyer, Krings, Skutnik, Goebel. Nays:

None. Absent: Hoops. The motion carried.

At this time public hearing was held on setting property tax levies.

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 2014-29

**RESOLUTION ESTABLISHING PROPERTY TAX REQUIREMENT
FOR FISCAL YEAR 2014-2015**

WHEREAS, Neb. Rev. Stat §77-1600.02 provides that the property tax request for the prior year will be the property tax request of the current year for purposes of the levy set by the County Board of Equalization unless the governing body sets the tax request at a different amount; and

WHEREAS, after notice published in the Hastings Tribune, the Hastings City Council conducted a public hearing on September 8, 2014, to obtain public comment on the City of Hastings' property tax request and tax rate.

NOW THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Hastings, Nebraska, as follows:

1. That the assessed valuation for tax year 2014 certified by the Adams County Assessor is \$1,152,344,132.
2. That the total property tax request for the City of Hastings is:

General Fund	\$2,772,197.84
Museum Fund	\$ 751,065.00
Debt Service Fund	<u>\$1,734,146.40</u>
TOTAL	<u>\$5,257,409.24</u>
 Community Redevelopment Authority	 \$ 299,600.00
TOTAL	\$ 5,557,009.24

3. That the levy set by the City of Hastings is \$0.456236.
4. That a copy of this Resolution be certified and forwarded to the Adams County Clerk.

Moved by Harrington, seconded by Niemeyer that Resolution No. 2014-29 be passed and approved. Roll Call: Ayes: Harrington, Peterson, Odom, Niemeyer, Krings, Skutnik, Goebel. Nays: None. Absent: Hoops.

At this time a public hearing was held on the proposed 2014-2015 Annual Budget for the City of Hastings.

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. 4404

AN ORDINANCE TO ADOPT THE BUDGET STATEMENT TO BE TERMED THE ANNUAL APPROPRIATION BILL; TO APPROPRIATE SUMS FOR THE NECESSARY EXPENSES AND LIABILITY; TO PROVIDE FOR AN EFFECTIVE DATE

Said Ordinance was read by title and thereafter Councilman Odom moved for passage of the ordinance; which motion was seconded by Councilman Krings.

Councilmember Skutnik 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, Skutnik, Goebel. NAY: None. ABSENT: Hoops. 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. 4404 be passed and adopted?" Upon roll call vote the following Councilmen voted YEA: Harrington, Peterson, Odom, Niemeyer, Krings, Skutnik, Goebel. NAY: None. ABSENT: Hoops. 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 October 1, 2014.

RESOLUTION NO. 2014-28

**RESOLUTION AUTHORIZING ALLOWABLE ONE PERCENT (1%)
INCREASE IN RESTRICTED FUNDS**

WHEREAS, LB 989 (1998) places a budget lid on restricted funds of governmental units of 2.5% for fiscal year 2014-2015; and

WHEREAS, an additional 1% increase in restricted funds budget authority is allowed if approved by at least 75% of the governing body; and

WHEREAS, to provide flexibility in future years of non-property tax revenue such as sales tax, state highway allocation funds, cigarette tax, etc. increase it is advantageous to approve an additional restricted funds increase of 1% for carry-over purposes.

NOW THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Hastings, Nebraska, that the allowable 1% increase in restricted funds is hereby approved.

Moved by Harrington, seconded by Niemeyer that Resolution No. 2014-28 be passed and approved. Roll Call: Ayes: Harrington, Peterson, Odom, Niemeyer, Krings, Skutnik, Goebel. Nays: None. Absent: Hoops. The motion carried.

RESOLUTION NO. 2014-27. . .Annual Fee Resolution (Attached to and made a part of these minuets).

Moved by Skutnik, seconded by Goebel that Resolution No. 2014-27 be passed and approved. Roll Call: Ayes: Harrington, Peterson, Odom, Niemeyer, Krings, Skutnik, Goebel. Nays: None. Absent: Hoops. The motion carried.

Moved by Niemeyer, seconded by Skutnik that the Mayor and Council award the bid to J.I.L. Asphalt Paving Company of P. O. Box 2135, Grand Island, Nebraska, 68802 for Project SSCPL-2014 Smith Softball Complex Parking Lot in the amount of \$188,313.00. Roll Call: Ayes: Harrington, Peterson, Odom, Niemeyer, Krings, Skutnik, Goebel. Nays: None. Absent: Hoops. The motion carried.

Moved by Odom, seconded by Niemeyer that the Council approve the acceptance of NDEQ Storm Water Management Grant Funds and authorize the Mayor to execute the Inter-Government Agreement. Roll Call: Ayes: Harrington, Peterson, Odom, Niemeyer, Krings, Skutnik, Goebel. Nays: None. Absent: Hoops. The motion carried.

Moved by Goebel, seconded by Odom that the Mayor and Council approve Change Order No. 1 to contract with Judds Brothers Construction for Stack CEMS Enclosure Extension at WEC-1 for a net addition of \$26,855.36. Roll Call: Ayes: Harrington, Peterson, Odom, Niemeyer, Krings, Skutnik, Goebel. Nays: None. Absent: Hoops. The motion carried.

Moved by Harrington, seconded by Skutnik that the Mayor and Council approve Interlocal Agreement between the Little Blue NRD (Natural Resource District) and the City of Hastings for a Municipal Water System Assistance Program. Roll Call: Ayes: Harrington, Peterson, Odom, Niemeyer, Krings, Skutnik, Goebel. Nays: None. Absent: Hoops. The motion carried.

Moved by Niemeyer, seconded by Skutnik that the Mayor and Council approve extending the deadline for Phase I of the Community Development Block Grant for the Comprehensive Revitalization for sidewalk improvements in order to combine Phase I with Phase II.

Councilman Krings asked the City Administrator on why we would need the extension.

Joe Patterson, City Administrator, stated we received a three year \$350,000 grant for sidewalks, however, we were unable to complete last year's project so we are requesting that Phase I be extended, we would combine it with Phase II of this year's project and have one remaining year left.

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

Moved by Harrington, seconded by Krings that the Mayor and Council approve the request of Barrett & Liesel Hogan to increase the permitted fence height at 1309 Highland Drive. Roll Call: Ayes: Harrington, Peterson, Odom, Niemeyer, Krings, Skutnik, Goebel. Nays: None. Absent Hoops. The motion carried.

Moved by Niemeyer, seconded by Skutnik that the Mayor and Council approve the Real Estate Purchase Agreement between Hastings Catalyst Partners-Hospitality LLC, and Hastings Catalyst-Housing LLC and the City of Hastings, Nebraska for Lots 1 through 24, Block 15, Original Town (Parking Lot between North Hastings Avenue and North Denver Avenue and West 3rd Street and West 4th Street).

Councilman Krings asked the City Attorney for a summary of this.

Dave Ptak, City Attorney, stated the Real Estate Purchase Agreement is contingent upon the following four conditions:

1. Inspection - Buyer or Buyer's authorized agent shall have the right to inspect the property, at Buyer's expense, to determine the condition of the Property which inspection may include, but shall not be limited to, a Phase I Environmental Site Assessment, flood plain determination, wetlands delineation, geotechnical soils report, and an ALTA Survey; and Buyer shall have received

satisfactory reports or results of the inspections Buyer shall deem necessary. Such reports or results shall be deemed satisfactory in Buyer's sole discretion.

2. Redevelopment Agreement - Buyer and Seller shall have entered into a redevelopment agreement for the redevelopment of the Property, which shall include without limitation the authorization of tax increment financing for the Project anticipated to be not less than \$3,500,000 and the City's construction and development obligations relating to the Project.
3. Land Use Approvals - Buyer shall have received all necessary governmental approvals including, without limitation: (I) any required zoning approvals to allow Buyer to use the Property for its intended purpose which may include a conditional use permit; and (ii) subdivision of the Property necessary to create the legal lots of record to be conveyed to HCP1 and HCP2, respectively, for the Two (2) or more parcels required for the Project.
4. Remonstrance Period - Seller shall have approved the sale of the Property in compliance with all applicable laws and regulations, and the remonstrance period required pursuant to Nebr. Rev. Stat. § 16-202 shall have been completed and satisfied.

Councilmember Peterson questioned if she was correct in saying the sale is null and void if the above conditions are not met.

The City Attorney stated that that is correct.

Councilman Odom stated the tax increment financing is \$3,500,000 then.

The City Attorney stated he is not sure what the tax increment financing will be, but it can't be less than the \$3,500,000.

Councilman Krings stated we are not selling the property tomorrow where new ownership is going to take it over.

The Mayor stated he and Dave Rippe, Director of the Economic Development Corporation, have been working on the project negotiations for at least a year. This is a complicated and large project and when it is put together, it will be a good thing for Hastings. It will bring 300 to 400 people downtown which will help our downtown, which we are trying to rebuild.

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

ORDINANCE NO. 4406

AN ORDINANCE OF THE CITY OF HASTINGS, NEBRASKA, TO
AUTHORIZE THE SALE OF CITY PROPERTY; TO PROVIDE THE TERMS
OF SALE AND AUTHORIZE THE MAYOR TO EXECUTE AND DELIVER A
QUIT CLAIM DEED TO THE PROPERTY; TO PROVIDE FOR A REMON-
STRANCE TO SAID SALE AS PROVIDED BY LAW; AND TO PROVIDE WHEN
THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT

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

Councilman Niemeyer moved that the statutory rule requiring reading on three different days be suspended; Councilman Goebel seconded the motion to suspend the rules and upon roll call vote the following Councilmen voted YEA: Harrington, Peterson, Odom, Niemeyer, Krings, Skutnik, Goebel. NAY: None. ABSENT: Hoops. 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. 4406 be passed and adopted?" Upon roll call vote the following Councilmen voted YEA: Harrington, Peterson, Odom, Niemeyer, Krings, Skutnik, Goebel. NAY: None. ABSENT: Hoops. 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 September 24, 2014.

Moved by Niemeyer, seconded by Krings there being no further business to come before the Council, the meeting adjourn at 7:22 P.M. Roll Call: Ayes: Harrington, Peterson, Odom, Niemeyer, Krings, Skutnik, Goebel. Nays: None. Absent: Hoops. The motion carried.

APPROVED:

Mayor

ATTEST:

City Clerk
(S E A L)

9-8-2014