

COUNCIL CHAMBERS, MONDAY, SEPTEMBER 22, 2014 AT 7:00 P.M.

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

Moved by Skutnik, 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 September 19, 2014, that notice was posted in three public places, that each Councilmember and Mayor received a copy of the proposed agenda and that an agenda for such meeting, kept continuously current, is available for public inspection and that said meeting is held in open session. Roll Call: Ayes: Peterson, Odom, Krings, Hoops, Skutnik, Goebel. Nays: None. Absent: Harrington, Niemeyer. The motion carried.

**CITIZEN COMMUNICATIONS:** David Rippe, Executive Director of the Hastings Economic Development Corporation, updated the Council on the 3<sup>rd</sup> Street parking lot development project. Mr. Rippe stated after receiving a \$750,000 grant from the State Civic and Community Center Financing, the first public action the Council took was to approve an invitation for redevelopment proposals for the city block north of this building and south of the City Auditorium. In collaboratively developing this invitation, believes it is safe to say that we didn't fully appreciate the size, scope and complexity of the project proposal that was submitted by Chief Industries and WRK, LLC and ultimately proposed by a citizen review committee and accepted by the City Council. Since approving Chief Industries and WRK as developer of record on July 10<sup>th</sup>, we have met on a weekly basis with staff, developers and others to discuss issues such as the highest and best mix of tenants, utility locations, storm sewer routing, optimal scenarios for parking, which pieces of property should or should not be included in the project and how we are going to pay for things. We greatly appreciate the Council's interest, active involvement and support of this project. We have made great progress in 2 ½ months and we are starting to narrow the scope of what this could be. We are here tonight to ask the Council to extend our period of exclusive negotiations with the development team. The bottom line is that we want to be able to take the necessary time to do this project correctly. As such, we would respectfully request that the Council extend our negotiating period until the end of the year as outlined by the request submitted by the development team.

**REPORTS OF LIAISONS:** Councilman Goebel reported on the September 11<sup>th</sup> Board of Public Works meeting. Bill Hitesman of Central Community College discussed with the Board the gas switch over from SourceGas to Hastings Utilities and also talked quite a bit on wind power. The switch over on the natural gas went smoothly and is pleased with the way things are working out for them. With the assistance from our Yahoo Green Cities dollars that Hastings received a few years ago, Central Community College purchased a 1.7 kilowatt wind generator and solar power equipment. The size of both of these units was basically for classroom work, an experimental situation and not real practical generation of much size. What they are looking at

now is the possibility of putting in a 1.2 to 1.7 megawatt wind turbine which would be a significant amount of generation. They are going to put out an RFP and do an engineering study to see if that is feasible. It would be used to not only generate power, but to give Central Community College students some practical experience working with wind generation. The Board made a recommendation for approval of a contract for a mercury removal system that will go into WEC-1. The contract is close to \$700,000 and that is just for the system, the total work order is just short of 1.3 million dollars. The next Board of Public Works Meeting is October 2<sup>nd</sup> at the Hastings Utilities Board Room.

Councilman Goebel stated the Mayor's Youth Council will be meeting at 7:00 P.M. in the Council Chambers on Tuesday, September 23<sup>rd</sup>.

Councilman Goebel stated the public access channel has moved on Charter, it is now on Channel on 181. There is a HPAC Board meeting tomorrow morning, September 23<sup>rd</sup>.

Councilmember Hoops stated Amy Hafer, Public Library Director, was happy to announce that six community members volunteered to comprise the new Friends of the Library Board.

Councilman Odom stated 2015 will be the 20<sup>th</sup> anniversary of the Hastings/Ozu International Exchange organization. On July 22, 2015, there is a planned event, city officials, community members and of course, the 10 or 12 junior high kids that normally come every summer will be here. They would like the Mayor and all Councilmembers to be a part of the event if possible.

**MAYOR'S COMMUNICATIONS:** The Mayor stated this past weekend the world's largest truck convoy was held at the Smith Softball Complex. Captain Gene Boner of the Hastings Police Department accepted the plaque for us this year.

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

- 1(a) Minutes of the Council Meeting of September 8, 2014.
- 2(a) Application of Midtowne Mart LLC for a Special Designated License at the City Auditorium on November 21, 2014.
- 2(b) Application of Midtowne Mart LLC for a Special Designated License at the City Auditorium on October 28, 2014.
- 2(c) Request of Halftime Lounge LLC, 937 South Burlington Avenue, for an addition to the liquor licensed area as well as adding an outdoor liquor licensed area.
- 2(d) Manager Application of Theresa Lynn Parr in connection with the Class "I" Liquor

License of the B.P.O.E. Lodge 159 dba "Hastings Elk Lodge" located at 3050 East South Street.

4(a) Payroll for the period ending September 27, 2014, paid October 3, 2014.

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

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

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

Moved by Odom, seconded by Hoops that the Mayor and Council sit as a Board of Equalization.

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

At this time a public hearing was held on the levying of assessments in the Business Improvement District (BID).

Randy Chick, Director of the Business Improvement District, appeared to speak in favor of levying of assessments in the BID. Mr. Chick stated we created a Resolution of Intent in May or June of this year and last month the Council passed an ordinance to re-create the BID for another five years. The step tonight is basically our funding mechanism, you will be sitting as a Board of Equalization and assessing properties within the district to meet the budget needs of the BID. This year's budget is \$60,000 and as you will recall, we set the budget amount and divide the total valuation of the BID into that budget amount to come up with the rate. The total valuation this year is \$21,466,000, therefore, the rate is .00279 cents per hundred. On a \$100,000 BID property, the owner would pay approximately \$279.00 per year. Each year during the five year ordinance you will go through this process.

No one appeared to speak in opposition.

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

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

**RESOLUTION NO. 2014-31**

**RESOLUTION MAKING ASSESSMENTS IN THE BUSINESS  
IMPROVEMENT DISTRICT OF THE CITY OF HASTINGS, NEBRASKA**

WHEREAS, a notice has been published as provided by law, concerning the levy of

special assessments in the Downtown Business Improvement District in the Hastings Tribune on September 2, 2014, September 9, 2014 and September 16, 2014.

WHEREAS, a public hearing has been conducted as provided by law relative to the levy of special assessments in said District.

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF HASTINGS, NEBRASKA, that after full consideration of the schedule of assessments to be made for the cost of activities to be undertaken with the District, all as outlined in Ordinance No. 4399, Section 6, and of the objections to the assessments shown in said schedule filed by:

None

that said schedules be and the same are hereby corrected as follows:

None

and after full consideration, appraisalment and apportionment of the special benefits conferred upon the property shown in said schedules, the Mayor and City Council find that said properties are especially benefitted by said improvements in the amounts shown on said schedule, and that the amounts are in proportion to the special benefits, or of the cost of the improvements; and

BE IT FURTHER RESOLVED, that said schedule of assessments be and the same are hereby approved as herein corrected; and

BE IT FURTHER RESOLVED, that there be and there is hereby assessed and levied as a special tax against and upon each of the lots, parts of lots and parcels of land liable to be assessed for the cost of improvements located in the Business Improvement District as shown in said schedules, the respective sum expressed in figures set opposite to each of the same as corrected by this resolution, said assessments being levied against said lots, parts of lots and parcels of ground on account of the activities to be undertaken as hereinbefore described; and

BE IT FURTHER RESOLVED, that said assessments against said lots, parts of lots and parcels of land are hereby declared to be in proportion to the special benefits conferred upon said property by said improvements and not in excess of such benefits or of the cost of the improvements; and

BE IT FURTHER RESOLVED, that all special assessments above provided shall become due in fifty (50) days after the date of the passage of this resolution and may be paid within that

time without any interest, but if not so paid, they shall become delinquent and bear interest thereafter at the rate of fourteen percent (14%) per annum, and shall be collected in the usual manner for the collection of taxes.

AND BE IT FURTHER RESOLVED, that a certified copy of said assessment schedule shall be filed by the City Clerk with the City Treasurer and the Adams County Clerk of Adams County, as provided by law.

Moved by Odom, seconded by Peterson that Resolution No. 2014-31 be passed and approved. Roll Call: Ayes: Peterson, Odom, Krings, Hoops, Skutnik, Goebel. Nays: None. Absent: Harrington, Niemeyer. The motion carried.

Moved by Skutnik, seconded by Hoops that the Mayor and Council adjourn as a Board of Equalization. Roll Call: Ayes: Peterson, Odom, Krings, Hoops, Skutnik, Goebel. Nays: None. Absent: Harrington, Niemeyer. The motion carried.

At this time a public hearing was held on revising the 2013-2014 Annual Budget.

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. 4407**

AN ORDINANCE TO AMEND ORDINANCE NO. 4368 WHICH ADOPTED THE 2013-2014 BUDGET STATEMENT; TO PROVIDE ADDITIONAL APPROPRIATION FOR THE NE WIRELESS 911 FUND AND THE SELF-INSURED HEALTH FUND; TO PROVIDE AN EFFECTIVE DATE

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

Councilman Odom, 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: Peterson, Odom, Krings, Hoops, Skutnik, Goebel. NAY: None. ABSENT: Harrington, Niemeyer. 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. 4407 be passed and adopted?” Upon roll call vote the following Councilmen voted YEA: Peterson, Odom, Krings, Hoops, Skutnik, Goebel. NAY: None. ABSENT: Harrington, Niemeyer. 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 23, 2014.

Moved by Odom, seconded by Peterson that the Council award to Kidwell of 5609 1<sup>st</sup> Avenue, Suite C-2, Kearney, NE 68847 the bid for replacement of telephone system in all City of Hastings facilities and that the Mayor be authorized to sign contract after delivery of performance bond.

Joe Patterson, City Administrator, stated Captain Boner of the Police Department is really the individual that worked on this, along with a committee of staff and a couple of Councilmembers. We received three proposals for a new phone system. We have been working on this for about two years and the committee unanimously recommended that we go with the Kidwell bid of \$106,811.00.

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

Moved by Goebel, seconded by Skutnik that the Mayor and Council approve awarding of contract for WEC-1 Mercury Removal System to ADA-E, Inc. of Naperville, Illinois in the amount of \$698,100. Roll Call: Ayes: Peterson, Odom, Krings, Hoops, Skutnik, Goebel. Nays: None. Absent: Harrington, Niemeyer. The motion carried.

Moved by Krings, seconded by Hoops that the Mayor and Council approve extension of the negotiation deadline with WRK and Chief for the proposed Downtown development to December 31, 2014. Roll Call: Ayes: Peterson, Odom, Krings, Hoops, Skutnik, Goebel. Nays: None. Absent: Harrington, Niemeyer. The motion carried.

Moved by Skutnik, seconded by Hoops that the Mayor and Council approve grant application for 2014 Supplemental Funding for Comprehensive Revitalization CDBG.

The City Administrator stated Melissa Vinzant of South Central Economic Development Corporation who administers our CDBG funds is at this meeting if the Council has any questions. These funds are an opportunity for us to ask for some additional monies that were not claimed by other cities to go into street resurfacing because we do have a match in our Street Fund with the half cent sales tax dollars. This basically allows us to parlay from the half cent sales tax dollars as a match and give an additional \$250,000 next summer for additional street resurfacing which we desperately need. It will not have a negative impact on the sidewalk

replacement.

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

**RESOLUTION NO. 2014-37**

**RESOLUTION AUTHORIZING CHIEF ELECTED OFFICIAL TO SIGN  
AN APPLICATION FOR CDBG FUNDS**

WHEREAS, the City of Hastings, Nebraska is an eligible unit of a general local government authorized to file an application under the Housing and Community Development Act of 1974 as amended for Small Cities Community Development Block Grant Program; and

WHEREAS, the City of Hastings, Nebraska, has obtained its citizens' comments on community development and housing needs; and has conducted public hearing(s) upon the proposed application and received favorable public comment respecting the application which is for an amount of \$250,000 for street improvements and general grant administration in low-to-moderate income areas; and

**NOW THEREFORE BE IT RESOLVED BY**

City Council of the City of Hastings, that the Mayor be authorized and directed to proceed with the formulation of any and all contracts, documents or other memoranda between the City of Hastings and the Nebraska Department of Economic Development so as to effect acceptance of the grant application.

Moved by Skutnik, seconded by Goebel that Resolution No. 2014-37 be passed and approved. Roll Call: Ayes: Peterson, Odom, Krings, Hoops, Skutnik, Goebel. Nays: None. Absent: Harrington, Niemeyer. The motion carried.

**RESOLUTION NO. 2014-32**

WHEREAS, there has been signed by the City of Hastings on the 27<sup>th</sup> day of July, 2010, and the 30<sup>th</sup> day of July, 2010, an agreement providing for the construction of a Federal Aid Project at the following location: The trail begins at 22<sup>nd</sup> Street and Osborne East (terminus of Phase IIB trail) and adjacent to American Legion Wayside Park, continuing northeasterly along the Old Union Pacific Railroad ROW to 42<sup>nd</sup> Street and Turner Street (Hastings Soccer Fields) and then westerly along 42<sup>nd</sup> Street (Prairie Ridge Park) to 42<sup>nd</sup> Street and Osborne Drive East.

WHEREAS, in the above agreement, the City has pledged sufficient funds to finance its share of the cost of the construction of this project identified as ENH-1(50), and

WHEREAS, the above mentioned agreement provided that the City would pay costs as set forth in the agreement, and

WHEREAS, the State and the City received bids for the construction of this project on September 4, 2014, at which time 1 bid was received for the construction of the proposed work, and

WHEREAS, the following contract for the items of work listed has been selected as the low bidder to whom the contract should be awarded:

Werner Construction, Inc. of Hastings, Nebraska

Grading, Concrete Pavement, Culverts, General Items: \$829,399.11

NOW THEREFORE, in consideration of the above facts, the City Council of the City of Hastings, by this resolution, takes the following official action:

1. If for any reason the Federal Highway Administration rescinds, limits its obligations, or defers payment of the Federal share of the cost of this project, the City hereby agrees to provide the necessary funds to pay for all costs incurred until and in the event such Federal funds are allowed and paid.
2. The Council hereby concurs in the selection of the above mentioned contractor for the items of work listed to whom the contract should be awarded.
3. The Council hereby authorizes the Mayor to sign the contract with the above mentioned Contractor for the above mentioned work on behalf of the City.

Moved by Odom, seconded by Peterson that Resolution No. 2014-32 be passed and approved.

Dave Wacker, City Engineer, stated we have been working on these federal aid projects using enhancement funds, which recently have been renamed "alternative funds" for projects that are other than street related purposes. Both projects were advertised by the Department of Roads and a bid opening did occur on September 4<sup>th</sup>. The Engineer's Estimate was \$1,227,083.14 and one bid was received from Werner Construction of Hastings in the amount of \$1,353,383.67. This morning he, the City Administrator and the City Attorney were involved in a phone conversation from the Department of Roads Contract Office. The Department of Roads has further reviewed this single bid, is concerned with the one bid and the amount it is over. Their position is that they are going to recommend the rejection of this bid. They have also indicated that they will re-advertise and a new bid letting will be conducted on November 13, 2014. The City Engineer

stated we were concerned about future trail projects, preserving the funds that have been set aside or allocated towards work here in Hastings and we were assured that funding will be preserved for projects in the near foreseeable future. The City Engineer stated the percentage that currently is slated for this project is 60.48% Federal funds and the local match would be 39.52%. We are hopeful that that will continue. There was a resolution on the agenda this evening that was going to lift the \$500,000 Federal cap that was previously placed on both projects based on the bid received, but again the State has indicated to us they will not follow through with the awarding of the contract. The City Engineer stated he is asking for no action or basically to reject the bid this evening.

The City Attorney stated it is important to know that this was a State bid letting and not a local bid letting and it is the State's action in rejecting these bids, not anything that the City had to do with this. We are hopeful, as the City Engineer has said, that by rebidding this in November, we will have some additional bidders and maybe do a little better in getting this project finally let.

Councilman Krings stated the resolutions read concurring with the State, concurring to him means that a vote of approval means we concur to deny it.

The City Attorney stated that is the way it was written when it was put on the agenda, but he would prefer the Council take no action on these four items.

Councilmember Peterson withdrew her second.

Councilman Odom withdrew his motion.

Moved by Skutnik, seconded by Peterson that item 4(a), Resolution No. 2014-32, item 4(b), Resolution No. 2014-34, item 4(c), Resolution No. 2014-33 and item 4(d), Resolution No. 2014-35 be removed from the City Council Agenda. Roll Call: Ayes: Peterson, Odom, Krings, Hoops, Skutnik, Goebel. Nays: None. Absent: Harrington, Niemeyer. The motion carried.

The Mayor stated the project across the street is going great. We are taking it slow, there are lots of different plans out there that we are kind of looking at and we are going to have a good selection of a number of items we can do. The Mayor stated he is glad the Council approved extending the contract so that we can take the time we need to take.

Moved by Krings, seconded by Goebel there being no further business to come before the Council, the meeting adjourn at 7:45 P.M. Roll Call: Ayes: Peterson, Niemeyer, Krings, Hoops, Skutnik, Goebel. Nays: None. Absent: Harrington, Odom, The motion carried.

APPROVED:

9-22-2014

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Mayor

ATTEST:

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City Clerk

( S E A L )