

COUNCIL CHAMBERS, MONDAY, OCTOBER 27, 2014 AT 7:00 P.M.

The meeting was called to order in regular session by Mayor Powers with the following members present: Harrington, Odom, Niemeyer, Skutnik, Goebel. Absent: Peterson, Krings, 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 October 24, 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, Odom, Niemeyer, Skutnik, Goebel. Nays: None. Absent: Peterson, Krings, Hoops. The motion carried.

**REPORTS OF LIAISONS:** Councilman Goebel reported on the October 26, 2014 Board of Public Works Meeting. The Board approved Hastings Economic Development ( HEDC) resolutions to forgive performance based forgivable loans for both Thermo King and Drake Tool & Design. Both of those companies have met and exceeded the requirements that were originally set up for those forgivable loans. The Board approved an amendment to the Central Plains Energy Project agreement, basically it is an agreement for purchase of natural gas supply. The next Board of Public Works Meeting is October 30, 2014 at 9:00 A.M. at the Hastings Utilities Board Room. Budget meetings will be on November 5<sup>th</sup> and 6<sup>th</sup> also at the Hastings Utilities Board Room.

Councilman Goebel stated the Mayor's Youth Council will be meeting on October 28, 2014 at 7:00 P.M. in the City Council Chambers.

**CITIZEN COMMUNICATIONS:** None.

**MAYOR'S COMMUNICATIONS:** None.

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

1(a) Minutes of the Council Meeting of October 13, 2014.

2(a) Application of Murphy's Wagon Wheel, Inc. for a Special Designated License at the City Auditorium on December 6, 2014.

2(b) Application of Murphy's Wagon Wheel, Inc. for a Special Designated License at the City Auditorium on November 29, 2014.

4(a) Payroll for the period ending October 25, 2014, paid October 31, 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: Harrington, Odom, Niemeyer, Skutnik, Goebel. Nays: None. Absent: Harrington, Krings, Hoops. The motion carried.

At this time a public hearing was held on the application to the Nebraska Department of Economic Development for a Community Development Block Grant for street improvements in low-to-moderate income areas of the community.

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. 2014-39**

WHEREAS, there has been signed by the City of Hastings on the 23<sup>rd</sup> day of May, 2011, and the State on the 2<sup>nd</sup> day of June, 2011, an agreement providing for the construction of a Federal Aid Project at the following location: Baltimore Avenue, 12<sup>th</sup> Street - 14<sup>th</sup> Street, Hastings

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 URB-5505(4), 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 October 9, 2014, at which time 1 bid was received for the construction of the proposed work, and

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

Werner Construction, Inc., Hastings, NE

Grading, Concrete Pavement, Culverts, General Items: \$876,476.79

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 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 Niemeyer, seconded by Odom that Resolution No. 2014-39 be passed and approved.

Dave Wacker, City Engineer, stated this is the last surface transportation funded project that we will be receiving from the Federal Government. We started in 2014 and submitted a list of candidates as well as the other first class cities around the State and there were a number of projects chosen. The State Department of Roads advertised this project and opened bids on October 9, 2014. The engineer's estimate was \$699,196.60 and the single bid received was \$876,476.79; that means it is \$177,280.00 over the engineer's estimate. The City Engineer stated he, the City Administrator and City Attorney spoke with the Department of Roads officials and our consulting engineer and at this point in time we feel it is in the best interest of the City to move ahead with this project. We did have a wonderful response from the public on this project and 9 out of 10 neighbors along this project did make necessary right-of-way donations or easements for the project and Hastings Utilities did relocate a power line to the east side of the project. We are hopeful to move ahead with the project for construction. The City Engineer stated this will not be an 80/20 match, the way it is laid out is that anything over about \$600,000 we will have to pick up. At this time we are estimating an expenditure of about \$328,000 from our Sales Tax Fund.

Councilman Goebel stated he knows this project was advertised for bids by the State Department of Roads and he knows their advertising method is just a straight set forward item that they do for all projects, but again we only got one bid on the project, is there anything we can do in our advertising to get more contractors involved in road repair in the City of Hastings.

The Mayor stated he didn't know what it would be, it is expensive to get into the business and finding the talent to run jobs. The Mayor stated he didn't know what the future holds for road

building in Hastings.

The City Engineer stated we do the best job we can, we advertise our own projects through the Omaha World Herald, the Lincoln Builders Bureau, the Kearney Builders Bureau, the Grand Island Builders Bureau and the Hastings Builders Bureau. We do use construction market data, we also use another firm out of Georgia that does post all of our bid lettings and our lettings currently for the City are posted online. The results of bids are posted on our City website. The City Engineer stated we are doing everything we can to encourage bidding in the City of Hastings.

Joe Patterson, City Administrator, stated it is frustrating when you only get one bid for a project. Mobilization fees for contractors just here in Hastings are over \$100,000. The City Administrator stated the main reason he supported moving forward with this is that this is the last Federal Aid project. It doesn't mean we won't be getting Federal money, we are getting it in a different way without all the Federal strings attached. The City Administrator stated if the City Engineer and his people and Olson Associates who did the design work hadn't put so much time and effort into this project, his recommendation to the Council would be to not do it. This really is the last of a series of projects that have been frustrating for our Engineering Department, it needs to be done. We looked at what if we shelved the idea of concrete and milled it and put in an asphalt overlay where we do get competitive bids from a second contractor, but ultimately decided that with all that was in place and with the funds available through the one half cent sales tax, we would go ahead and recommend approval, but if this continues to be a pattern in the future, we probably will not.

Councilman Goebel stated with these Federal funds at this point in time, it is a take it or lose it situation.

The City Administrator stated that that is exactly right. If you decide you don't want to do it because of the one bid and that bid being higher than the estimate, then you are basically leaving \$600,000 on the table.

Councilman Goebel stated we have way too much time, effort and money in this project already.

The City Administrator stated that that was exactly his mindset on it, if we weren't so far down the road to get this thing done, he would have recommended against awarding the bid. It would be wonderful to have more people bidding, we have had a lot of contacts with other bidders and we have had some people willing to come in and bid, but not at the level you would hope.

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

**ORDINANCE NO. 4409**

AN ORDINANCE OF THE CITY OF HASTINGS, NEBRASKA, TO AMEND ARTICLE 1, SECTION 32-109 OF THE OFFICIAL CITY CODE DEALING WITH THE BOARD OF PUBLIC WORKS AND EMPLOYEES, POWERS GENERALLY, AND PURCHASES; TO PROVIDE FOR THE REPEAL OF ANY ORDINANCES OR SECTIONS OF THIS CODE THAT IS INCONSISTENT HEREWITH; TO PROVIDE FOR AN EFFECTIVE DATE; AND TO PROVIDE FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM

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

Councilman Goebel stated in looking at the ordinance and attending the most recently held Board of Public Works meeting, he believes we really need some more information and some more discussion on this before we take any action. Councilman Goebel stated he would hate to pass this as is and then two meetings down the road have to turn it around.

Moved by Goebel, seconded by Odom that Ordinance No. 4409 be postponed to the first meeting in January, 2015 (January 12, 2015). Roll Call: Ayes: Harrington, Odom, Niemeyer, Skutnik, Goebel. Nays: None. Absent: Peterson, Krings, Hoops. The motion carried.

Moved by Odom, seconded by Skutnik there being no other business to come before the Council, the meeting adjourn at 7:16 P.M. Roll Call: Ayes: Harrington, Odom, Niemeyer, Skutnik, Goebel. Nays: None. Absent: Peterson, Krings, Hoops. The motion carried.

APPROVED:

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Mayor

ATTEST:

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City Clerk

10-27-2014

(SEAL)