

COUNCIL CHAMBERS, MONDAY, NOVEMBER 24, 2014 AT 6:00 P.M.

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

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 November 21, 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, Krings, Hoops, Skutnik, Goebel. Nays: None. Absent: Peterson. The motion carried.

Moved by Niemeyer, seconded by Krings that the Mayor and Council go into Executive Session to discuss personnel at 6:05 P.M. Roll Call: Ayes: Harrington, Odom, Niemeyer, Krings, Hoops, Skutnik, Goebel. Nays: None. Absent: Peterson. The motion carried.

Councilmember Peterson entered the Executive Session at 6:45 P.M.

Moved by Krings, seconded by Goebel that the Mayor and Council to out of Executive Session into Regular Session at 6:52 P.M. Roll Call: Ayes: Harrington, Peterson, Odom, Niemeyer, Krings, Hoops, Skutnik, Goebel. Nays: None. The motion carried.

The Mayor declared a short recess at 6:53 P.M.

The meeting reconvened at 6:55 P.M. with the following members present: Harrington, Peterson, Odom, Niemeyer, Krings, Hoops, Skutnik, Goebel. Absent: None.

**REPORTS OF LIAISONS:** Councilman Goebel reported on the November 24, 2014 Board of Public Works Meeting. Councilman Goebel stated Ordinance No. 4409 was postponed by the Council to the January 12, 2015 Council Meeting and he would like to consider that ordinance at the December 8, 2014 Council Meeting. The next Board of Public Works Meeting is December 11, 2014 at 9:00 A.M. at the Hastings Utilities Board Room.

Councilmember Hoops stated the Public Library recently received its gold accreditation. Hastings was one of the four cities out of 36 that received the gold accreditation, everyone else received silver. Councilmember Hoops commended Library Director Amy Hafer for her work in achieving this.

**CITIZEN COMMUNICATIONS:** None.

**MAYOR'S COMMUNICATIONS:** The Retired Teacher's Association presented a check in the amount of \$663,623.95 which represents 29,429 volunteer hours that the retired teachers

have spent throughout our community.

Fire Chief Kent Gilbert introduced Curtis Smith, the new Assistant Fire Chief.

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

- 1(a) Minutes of the Council Meeting of November 10, 2014.
- 2(a) Authorizing the City of Hastings to execute Release of Easement with Physicians Building Partnership (Hastings Utilities).
- 2(b) Authorizing the City of Hastings to execute Release of Easement with Bonnavilla Plaza Corporation (Hastings Utilities).
- 4(a) Payroll for the period ending November 22, 2014, paid November 28, 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) Approval of payment to Werner Construction, Inc. for \$157,786.47 for 2013 Comprehensive Revitalization Supplemental Project (13-CR-108) and corresponding draw down #3.
- 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 2015 Hastings Utilities 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. 4419**

AN ORDINANCE OF THE CITY OF HASTINGS, NEBRASKA, ESTABLISHING FAIR AND EQUITABLE RATES FOR THE CONSUMPTION OF WATER FROM THE WATER DISTRIBUTION SYSTEM OF THE CITY OF HASTINGS,

NEBRASKA; ESTABLISHING THE EFFECTIVE DATE FOR SAID RATES; AND  
REPEALING ANY ORDINANCES OR OTHER PROVISIONS IN CONFLICT  
THEREWITH

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

Councilman Krings 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, 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. 4419 be passed and 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 January 1, 2015

**RESOLUTION NO. 2014-42.** . .Authorizing the Board of Public Works of the City of Hastings to expend an amount not to exceed \$30,000 for the benefit and support of the Hastings Area Chamber of Commerce during 2015. (Resolution attached to and made a part of these minutes).

Moved by Niemeyer, seconded by Peterson that Resolution No. 2014-2 be passed and approved. Roll Call: Harrington, Peterson, Odom, Niemeyer, Krings, Hoops, Skutnik, Goebel. Nays: None. The motion carried.

**RESOLUTION NO. 2014-43.** . .Authorizing the Board of Public Works of the City of Hastings to expend an amount not to exceed \$100,000 for the benefit and support of the Hastings Economic Development Corporation during 2015 and 2016. (Resolution attached to and made a part of these minutes).

Moved by Skutnik, seconded by Hoops that Resolution No. 2014-43 be passed and approved. Roll Call: Ayes: Harrington, Peterson, Odom, Niemeyer, Krings, Hoops, Skutnik, Goebel. Nays: None. The motion carried.

**RESOLUTION NO. 2014-44**

BE IT RESOLVED by the Mayor and Council of the City of Hastings, Nebraska (the “City”), as follows:

Section 1. The Mayor and Council of the City hereby find and determine that it is necessary and appropriate to declare on behalf of the City the official intent of the City to issue tax-exempt bonds and in addition, to declare the reasonable expectations of the City to reimburse certain expenditures with the proceeds of such bonds as proposed to be issued by the City in connection with the proposed project as described below.

Section 2. This resolution shall stand as statement of the City’s official intent under Regulation Section 1.150-2 of the regulations of the United States Treasury and for such purpose the following information is hereby given:

1. A general functional description of the project for which expenditures may be made and reimbursement from bonds proceeds provided is as follows:

Capital improvements to the City’s Combined System to be made during 2015 pursuant to the City’s Six-Year Capital Improvements Program (Gas, Water, Pollution Control, and Street Lighting Departments), or otherwise, including, without limitation, additions, improvements, extensions and reconstruction of existing facilities, new gas, water and sewer mains, vehicles and other equipment.

2. The maximum principal amount of debt expected to be issued for such project is \$15,000,000.

Moved by Niemeyer, seconded by Goebel that Resolution No. 2014-44 be passed and approved.

Councilman Goebel stated this has to be listed as an intent to issue, but they are going to be looking at other possible means of funding; there is some State of Nebraska funds possible.

The Mayor stated there will be funds, he was a member of that Board and we talked about that about three weeks ago. There will be money and he said he wanted to make sure that we are earmarked.

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

#### **RESOLUTION NO. 2014-45**

WHEREAS, the Board of Public Works has approved the 2015 Hastings Utilities Budget and recommended approval to the Hastings City Council; and

WHEREAS, the Hastings City Council has held a public hearing on the 2015 Hastings Utilities Budget in accordance with Neb. Rev. Stat. 18-2801 et. seq.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HASTINGS, NEBRASKA:

1. The 2015 fiscal year budget of Hastings Utilities beginning on January 1, 2015, a copy of which is attached hereto and made a part of this resolution, is hereby approved.
2. By adoption of the 2015 Capital Budget the Board of Public Works is hereby authorized to acquire all necessary right-of-way easements for other contracts in land by purchase, if possible, or by condemnation, if necessary, for those projects included in the 2015 Hastings Utilities Budget.
3. The Board of Public Works is hereby authorized to advertise for bids for any capital projects included in the 2015 Hastings Utilities Budget in accordance with state statutes.
4. The Board of Public Works is hereby authorized to implement the Hastings Utilities Pay Schedules which are part of the approved budget and are hereby approved, including the addition of the position of Director of Safety, and a change in title from Credit and Collection Supervisor to Credit & Collection Representative. These pay schedules which are based on a consultant's comparability study, reflect a 4.61% increase for the year 2015.

Moved by Odom, seconded by Niemeyer that Resolution No. 2014-45 be passed and approved.

Councilman Odom stated both of our budgets (City and Hastings Utilities) are quite comprehensive and the Hastings Utilities Budget is a very very big one compared to the City's and there are some issues that come up that we need to discuss next year and he would hope that the Mayor would consider working with the Board of Public Works, City Administrator and City Attorney to work through any items where we might have a better way to work and manage our government.

The Mayor stated we will work with the Board of Public Works, City Council and Administration on both sides. Maybe we can do some things like synchronizing our budgets. It will be a great discussion for us to join the two boards together and discuss the upcoming years.

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

Moved by Harrington, seconded by Niemeyer that the Mayor and Council award bid for furnishing one (1) 2014 Caterpillar, Model 938K, Rubber Tired Loader for the Street Department to Nebraska Machinery in the net amount of \$243,851.00 with the following terms:

Bid Total	\$243,851.00
Payment Upon Delivery	\$ 50,000.00
Annual Installments (4)	\$ 51,285.16
Interest Rate	2.25%

The Mayor asked if this is replacement equipment.

City Engineer Dave Wacker stated we are buying this equipment outright and it will be used in snow removal if we have it this year. We decided to keep some of the machines because we have a limited amount of snow removal equipment; we are not getting the help as we have in previous years from hired contractors to assist in snow removal. This piece of equipment has been laid out in our five year capital equipment replacement program.

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

Moved by Skutnik, seconded by Peterson that the Mayor and Council approve the Community Development Block Grant Addendum Request for 2013 Comprehensive Revitalization Supplemental Project (13-CR-108) to extend the contract termination date from January 9, 2015 to July 9, 2015.

City Administrator Joe Patterson stated this just extends the date and allows the City Engineer's Office to finish a project that won't be done by January 9, 2015.

The City Engineer stated this is the "D" Street project which was scheduled to be completed on November 26<sup>th</sup>, but the weather hit about two weeks ago so we have had to shut construction down on that project. After talking with South Central Economic Development District, they agreed that it would be more prudent to finish in the spring of 2015.

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

Moved by Odom, seconded by Goebel that the Mayor and Council approve Melissa McMinn of South Central Economic Development District, Inc. as CDBG Certified Grant Administrator for the 2013 Comprehensive Revitalization Phase I Supplemental Contract (13-CR-108). Roll Call: Ayes: Harrington, Peterson, Odom, Niemeyer, Krings, Hoops, Skutnik, Goebel. Nays: None. The motion carried.

Moved by Skutnik, seconded by Hoops that the Mayor and Council approve contract with South Central Economic Development, Inc. as well as the authorization of the Mayor to execute the contract for grant administration services in an amount not to exceed \$15,000 for 2013 Comprehensive Revitalization Phase I Supplemental Contract (13-CR-108). Roll Call: Ayes: Harrington, Peterson, Odom, Niemeyer, Krings, Hoops, Skutnik, Goebel. Nays: None. The motion carried.

Moved by Harrington, seconded by Niemeyer that the Mayor and Council approve Melissa McMinn of South Central Economic Development District, Inc. as CDBG Certified Grant Administrator for the 2014 Comprehensive Revitalization Phase II Contract (14-CR-008). Roll Call: Ayes: Harrington, Peterson, Odom, Niemeyer, Krings, Hoops, Skutnik, Goebel. Nays: None. The motion carried.

Moved by Niemeyer, seconded by Skutnik that the Mayor and Council approve contract with South Central Economic Development District, Inc. as well as the authorization of the Mayor to execute the contract for grant administration services in an amount not to exceed \$15,000 for 2014 Comprehensive Revitalization Phase II Contract (14-CR-008). Roll Call: Ayes: Harrington, Peterson, Odom, Krings, Hoops, Skutnik, Goebel. Nays: None. The motion carried.

### **RESOLUTION NO. 2014-46**

WHEREAS: City of Hastings is developing a transportation project for which it intends to obtain Federal funds;

WHEREAS: City of Hastings as a sub-recipient of Federal-Aid funding is charged with responsibility of expending said funds in accordance with Federal, State and local laws, rules, regulations, policies and guidelines applicable to the funding of the Federal-aid project;

WHEREAS: City of Hastings and NDOR wish to enter into an Engineering Service Agreement to provide Construction Engineering Services for the Federal-aid project.

BE IT RESOLVED: by the City Council of the City of Hastings, Nebraska that:

Vern Powers, Mayor of the City of Hastings, is hereby authorized to sign the attached construction engineering services agreement between the City of Hastings and NDOR.

NDOR Project Number: URB-5055(4)

NDOR Control Number: 42704

NDOR Project Description: Baltimore Avenue, 12<sup>th</sup> - 14<sup>th</sup> Street

Moved by Niemeyer, seconded by Goebel that Resolution No. 2014-46 be passed and approved. Roll Call: Ayes: Harrington, Peterson, Odom, Niemeyer, Krings, Hoops, Skutnik, Goebel. Nays: None. The motion carried.

### **RESOLUTION NO. 2014-49**

WHEREAS, the Mayor and Council of the City of Hastings, Nebraska believe that discrimination in housing, employment and public accommodations jeopardize the foundations of a free and democratic society; and

WHEREAS, such discrimination also threatens the Constitutional rights and privileges of the citizens of Hastings; and

WHEREAS, the Mayor and Council of the City of Hastings desire to guarantee the equality of rights contained in the Constitution of the United States and the Laws of the State of Nebraska and make a firm commitment to eliminate prejudice, intolerance, disorder and discrimination in housing based on race, color, religion, gender or ethnicity.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Hastings, Nebraska that to further Fair Housing, a representative from the City of Hastings will speak to an elementary school class about the Fair Housing rights of the children and their families.

Moved by Odom, seconded Harrington that Resolution No. 2014-49 be passed and approved. Roll Call: Ayes: Harrington, Peterson, Odom, Niemeyer, Krings, Hoops, Skutnik, Goebel. Nays: None. The motion carried.

Moved by Skutnik, seconded by Hoops there being no further business to come before the Council, the meeting adjourn at 7:19 P.M. Roll Call: Ayes: Harrington, Peterson, Odom, Niemeyer, Krings, Hoops, Skutnik, Goebel. Nays: None. The motion carried.

APPROVED:

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Mayor

ATTEST:

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City Clerk

( S E A L )

11-24-2014