

COUNCIL CHAMBERS, MONDAY, OCTOBER 13, 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. Absent: None.

Moved by Niemeyer, seconded by Harrington that the Open Meetings Act is posted on the south-east wall of the City Council Chambers and that prior to this meeting a notice was placed in the Hastings Tribune on October 10, 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 reported on the October 2, 2014 Board of Public Works Meeting. The Comparability Study is under way for the 2015 salaries for employees with Hastings Utilities; the data will be available and be used in the upcoming budget. The Board is planning to enter into an agreement with an Omaha company to burn what they call “refined coal”. It is basically an additive that would be put into the coal so that we would have to use less energy and less material to keep down the pollution and the mercury content which is really reduced by using the refined coal. That additive would be done on site, the coal would come by rail as it currently is and be treated before it goes onto the conveyor that takes it into the burner.

Councilman Goebel stated the Mayor’s Youth Council will be meeting on October 14th at 7:00 P.M. in the Council Chambers.

Councilmember Peterson stated the parking lot at Russ’s looks great with the trees that have been planted and she thanked Russ’s for the plantings and thanked city staff for allowing the planting of the trees during their project. Councilmember Peterson stated in regard to the arboretum located near Hastings Museum, there was a dedication this past weekend of the new trees they have planted and she hopes citizens will take the time to walk through the arboretum and see all the wonderful trees they have planted.

CITIZEN COMMUNICATIONS: None.

MAYOR’S COMMUNICATIONS: The Mayor stated the parking lot project is moving along. We are having weekly meetings and we still have a long way to go. We are still putting things together, seeing who is going to be in, who is going to be out and discussing issues we are still dealing with.

Moved by Niemeyer, seconded by Skutnik that the following items on the Consent Agenda be

approved:

1(a) Minutes of the Council Meeting of September 22, 2014.

1(b) Minutes of the Worksession of September 16, 2014.

2(a) Request of the Downtown Center Association and the Business Improvement District for closure of downtown streets for annual Celebration of Lights on November 20, 2014 from 2:00 P.M. to 10:00 P.M.

2(b) Request of Hastings Area Church Women United, Hastings College and others, on behalf of Church World Service, to utilize City streets for a CROP Hunger Walk/5k run on October 19, 2014.

2(c) Request of CSI Bladen, Inc. for a Special Designated License at the Adams County Fairgrounds on November 8, 2014.

4(a) Payroll for the period ending October 11, 2014, paid October 17, 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. (Prepaid 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 application of Pester Marketing Company dba "Alta Convenience 6216" for a Class "D" Liquor License to be operated at 500 South Burlington Avenue.

Rich Spresser of Denver, Colorado and President of Pester Marketing appeared to speak on behalf of the application for a Class "D" Liquor License. Mr. Spresser stated he would answer any questions the Council might have.

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. 2014-36

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HASTINGS, NEBRASKA, that after hearing had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent city ordinances of the City of Hastings, Nebraska:

The Hastings City Council hereby recommends that the application of Pester Marketing Company dba "Alta Convenience 6216" for a Class "D" Liquor License for the license period ending April 30, 2015, at 500 South Burlington Avenue, Hastings, Nebraska, be approved.

BE IT FURTHER RESOLVED, that the City Clerk is directed to transmit a copy of this Resolution to the Nebraska Liquor Control Commission.

Moved by Harrington, seconded by Niemeyer that Resolution No. 2014-36 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 that the Manager Application of Dan J. Stroup in connection with the Class "D" Liquor License of Pester Marketing Company dba "Alta Convenience 6216" to be operated at 500 South Burlington Avenue, be approved. 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 application of Art Bar LLC dba "Art Bar" for a Class "C" Liquor License to be operated at 647 West 2nd Street.

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. 2014-38

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HASTINGS, NEBRASKA, that after hearing had as required by law, consideration of the facts of this

application, the Nebraska Liquor Control Act, and the pertinent city ordinances of the City of Hastings, Nebraska:

That the Hastings City Council hereby recommends that the application of Art Bar LLC dba "Art Bar" for a Class "C" Liquor License for the license period ending October 31, 2015, at 647 West 2nd Street, Hastings, Nebraska, be approved.

BE IT FURTHER RESOLVED, that the City Clerk is directed to transmit a copy of this Resolution to the Nebraska Liquor Control Commission.

Moved by Niemeyer, seconded by Krings that Resolution No. 2014-38 be passed and approved. Roll Call: Ayes: Harrington, Peterson, Odom, Niemeyer, Krings, Hoops, Skutnik, Goebel. Nays: None. The motion carried.

Moved by Goebel, seconded by Skutnik that the Manager Application of Alyssa R. Anders in connection with the Class "C" Liquor License of Art Bar LLC dba "Art Bar" to be operated at 647 West 2nd Street be approved. 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 request of the Hastings Development Services Department to amend Hastings City Code Section 30-205 regarding gas pipe and materials.

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. 4405

AN ORDINANCE OF THE CITY OF HASTINGS, NEBRASKA, TO AMEND SECTION 30-205 OF THE OFFICIAL CITY CODE; TO PROVIDE FOR THE USE OF VIEGA; ESTABLISHING AN EFFECTIVE DATE; AND REPEALING ANY ORDINANCES OR OTHER PROVISIONS IN CONFLICT HEREWITH

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

Steve Johnson, Gas/Plumbing Inspector for the City of Hastings, stated viega pipe is recognized in the 2009 National Fuel Gas Code. It was introduced in Europe in the 1980's and in the United

States in 1990 and he believes it is a good product.

The Mayor asked if viega is a steel composite or just steel.

Mr. Johnson stated it is just steel and the contractors feel they can get this in a tight space whereas welding a pipe or threading a pipe that isn't steel is very difficult.

Councilman Niemeyer moved that the statutory rule requiring reading on three different days be suspended; Councilmember Skutnik 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. 4405 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 October 29, 2014.

At this time a public hearing was held concerning 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.

Moved Niemeyer, seconded by Harrington that the Council approve application of Gangestad properties for the Final Plat of Burlington North Second Subdivision. Roll Call: Ayes: Harrington, Peterson, Odom, Niemeyer, Krings, Hoops, Skutnik, Goebel. Nays: None. The motion carried.

Moved by Skutnik, seconded by Goebel that the Council approve the application of Gary and Elizabeth Lehn for the Preliminary/Final Plat of North Shore Heights Second Addition. Roll Call: Ayes: Harrington, Peterson, Odom, Niemeyer, Krings, Hoops, Skutnik, Goebel. Nays:

None. The motion carried.

Moved by Peterson, seconded by Niemeyer that the Council approve the application of Alex Quinn for the Preliminary/Final Plat of Quinn Subdivision Number 3. 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 be authorized to execute addendum to the South Central Area Law Enforcement Services (SCALES) agreement by adding the Central City Police Department.

Captain Gene Boner of the Hastings Police Department stated SCALES was started about 10 years ago and was meant to allow area law enforcement agencies to pool resources in an effort to be able to acquire equipment and other tools of the trade which could be shared amongst the various agencies that are part of the Interlocal Agreement. This addendum is adding the Central City Police Department as part of the SCALES Agreement.

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

Moved by Peterson, seconded by Niemeyer that the Mayor be authorized to execute Collective Bargaining Agreement between the City and Fraternal Order of Police Lodge 9.

Joe Patterson, City Administrator, stated he wanted to recognize City Attorney Dave Ptak and Personnel Technician Kim Still for their help in negotiating this contract. It was a smooth negotiation despite the fact that we lost Grand Island out of our array and picked up Beatrice. We cleaned up a lot of language in the contract and the FOP has already ratified the contract.

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

ORDINANCE NO. 4410

AN ORDINANCE OF THE CITY OF HASTINGS, NEBRASKA, VACATING A PORTION OF SPENCER BROTHERS PARK ADDITION TO THE CITY OF HASTINGS, ADAMS COUNTY, NEBRASKA, AND RETAINING THE PUBLIC UTILITY EASEMENT CONTAINED THEREON; PROVIDING FOR FILING OF THIS WITH THE REGISTER OF DEEDS OF ADAMS COUNTY, NEBRASKA; REPEALING INCONSISTENT PROVISIONS; AND PROVIDING WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT

Said Ordinance was read by title and thereafter Councilman Odom moved for passage of the

ordinance, which motion was seconded by Councilman Harrington.

The City Administrator stated there are a number of street right-of-ways and alleys that were, we believe, originally intended to be vacated following the transition from the housing development which was Spencer Park during and after World War II. This is needed for Good Samaritan Village to go ahead and do some additional building they plan to do.

Councilman Niemeyer 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. 4410 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 October 29, 2014.

Moved by Odom, seconded by Niemeyer that the Council approve the following appointments made by the Mayor:

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| Board of Adjustment: | Reappoint Tom Wissing, term to expire 7/1/2017
Reappoint Tom Krueger, term to expire 7/1/2017 |
| Board of Appeals: | Appoint Brad Hamburger, term to expire 11/1/2019 |
| Planning Commission: | Appoint Sandra Shutt, term to expire 2/1/2017
Appoint Keith Napier Chairman, term to expire 2/1/2015 |
| Housing Authority: | Reappoint Doug Pauley, term to expire 7/1/2017
Appoint Marilyn “Irene” Dunbar, term to expire 7/1/2019 |
| Museum Board: | Reappoint Mike Howie, term to expire 7/1/2019 |
| Pension Board: | Reappoint Dan Anderson, term to expire 7/1/2017
Reappoint Patrick Duggins, term to expire 7/1/2018
Reappoint Doc Coulter, term to expire 7/1/2019 |

10-13-2014

Library Board: Appoint Brad Beahm, term to expire 7/1/2018

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

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

APPROVED:

Mayor

ATTEST:

City Clerk

(S E A L)