

## **COUNCIL WORKSESSION, TUESDAY, JANUARY 20, 2015 AT 5:00 P.M.**

The meeting was called to order by Council Vice President Goebel with the following members present: Odom, Niemeyer, Hoops. Absent: Harrington, Krings, Skutnik.

Others present: David Wacker, Kent Gilbert, Pete Kortum, Jeff Hassenstab, David Ptak, Michele Bever, Lorie Schiefelbein, Kimberly Jacobitz.

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 posted on the bulletin board at the City Building, 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. The motion carried.

### ***Presentation of Hastings Public Access Channel (HPAC) Annual Report.***

Lorie Schiefelbein, HPAC Program Director, stated she was there to request that the Hastings City Council continue the 1% payment to HPAC from Charter in 2015. She stated that these funds allow for the public education and government programming that HPAC provides. She reviewed with Council the budget statement for 2015. Ms. Schiefelbein stated they spent nearly \$16,000.00 on equipment last year and that they partnered with Hastings Utilities to do equipment upgrades in their board room as well as updates in the City Council Chambers. She reviewed with Council the agencies that use the HPAC programming as well as the regularly scheduled programs. She told Council there are over 130 agencies that are currently using the Community Bulletin Board with 120 messages in constant rotation during the day. Ms. Schiefelbein told Council they still get complaints that in town they can't get the Hastings Public Access Channel with their cable provider. *(Handouts attached and made part of original minutes.)*

### ***Presentation on e-cigarettes—Michele Bever, South Heartland District Health Department.***

Michele Bever, South Heartland District Health Department Executive Director, stated she was asked to talk about e-cigarettes, their health impact, FDA regulations and what other communities are doing in regard to e-cigarettes. She stated that last May the State passed a resolution encouraging entities to include e-cigarettes in no smoking regulations and policies. She reviewed with Council the health impact of e-cigarettes which included polluting of the air due to the fact that e-cigarette vapor contains things other than water that can cause cancer and other health issues. She told Council that the Nebraska Clean Indoor Air Act doesn't prohibit e-cigarettes since the product is not lit, but is electronic. Ms. Bever stated it is good to have government and other organizations doing their own policies because the e-cigarette appearance is so similar to the conventional cigarette and it can be confusing. She talked about the proposed "deeming" rule and that the FDA is proposing to extend its authority to cover additional products that meet the definition of a tobacco product. She indicated that if this rule is established, they will be better able to regulate sales to minors, vending machine sales and product ingredients. *(Handouts attached and made part of original minutes.)*

Councilmember Harrington entered the meeting at 5:26 P.M.

Councilmember Niemeyer questioned if there has been a decrease in the use of e-cigarettes.

Ms. Bever stated there has been a huge increase in youth use of e-cigarettes.

Ms. Bever told Council that 40 states have laws prohibiting Electronic Nicotine Delivery Systems (ENDS) sales to minors. She indicated some of the benefits of prohibiting the use are: preserves clean indoor air, supports the tobacco free norms and supports smoke free law enforcement. She stated that nothing yet warrants that e-cigarettes are safe and aren't emitting harmful chemicals and pollutants.

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Ms. Bever stated that in Lincoln and Lancaster County they are passing resolutions including e-cigarettes as part of their tobacco free policies. She indicated making this change didn't seem like it was an issue and they really didn't receive any negative feedback.

David Ptak, City Attorney, stated that there is really nothing in the Hastings City Code regarding the Nebraska Clean Indoor Act so we have to rely on State Statutes. He handed out to Council a draft of proposed changes to our current code regarding e-cigarettes. He told Council he has a big concern regarding e-joints and included an article in his handout. He explained that with the e-joint you can get a 150 hits of marijuana with no smoke and no smell. Mr. Ptak told Council they need to think about policy or code changes and how they want to define e-cigarettes and similar products because the e-joint is not electric, it is pre-loaded.

Council Member Harrington asked if there is a good argument for e-cigarettes and that maybe it helps people trying to quit smoking.

Ms. Bever indicated that most users are dual users and not breaking the habit of smoking.

Council Member Goebel stated that he posed the question about e-cigarettes to the Mayor's Youth Council and they were concerned about the image it promotes to youth and that it looks the same as a regular cigarette. He stated he would like to see this get included in the City Code.

Mr. Ptak announced to Council that the City was a recipient of the WellE Award for their wellness program. He stated that the issue of e-cigarettes as well as other issues have been discussed by the City Employee Wellness Committee. He indicated they were proud to receive the award and told Council the committee has put a lot of work into the program for employees.

***Discussion of water park admission fees, rates, etc. in lieu of minimum wage increase.***

Mr. Hassenstab indicated that the minimum wage went up on January 1, 2015 to \$8.00. He said they have on average 150 seasonal employees with 90 of them being employed at the Aquacourt. He handed out to Council information showing the increase in Aquacourt staff wages for 2014, 2015 (\$15,000.00 increase) and 2016 (\$19,000.00 increase) due to the minimum wage increase over the next two years. He stated that it is a significant increase. He also handed out to Council information showing the Aquacourt annual revenues and expenditures with a \$13,562.84 net profit in 2014. Mr. Hassenstab indicated to Council that with the new minimum wage increases, they would be losing money. He says they have to stay competitive to get kids to work for them and can't lower the number of staff needed because they are at the bare minimum now. He passed out to Council proposed increases in 2015 Aquacourt fees. They proposed to leave the youth 5-15 fee the same and increase adults and seniors by \$1.00. He also indicated they would leave the passes for youth 5-15 the same and increase the various season passes available \$10.00 to \$25.00 each. He stated in comparison, Grand Island is already a \$1.00 higher and are looking to raise their fees also. *(Handouts attached and made part of original minutes.)*

Council Member Niemeyer stated that he felt a nominal increase each year won't be felt as much as a large increase in two years.

Council Member Goebel stated that he liked leaving the youth fees the same.

Mr. Hassenstab indicated the family pass is still a very good deal and it is a good time to raise the cost of it.

***Discussion of format changes to the City Council Agenda and procedure changes for ordinance suspension of rules.***

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Mr. Ptak stated he had observed things he would like Council to consider changing regarding format and procedures for the agenda. He stated he didn't feel they were necessarily doing it wrong, just in an unusual way. He stated that most public bodies adopt their agenda by motion and that the public notice only needs to be read and does not need a motion and vote of approval as has currently been done. He also discussed ordinance passage and defined for Council an eight step procedure for adoption of ordinances. *(Handout attached and made part of original minutes.)*

Council Member Odom questioned how they need to go about implementing this.

Mr. Ptak stated they wanted Council's input and approval before making any change.

Councilmember Hoops left the meeting at 5:50 P.M.

Moved by Odom, seconded by Niemeyer that the Mayor and Council go into closed session at 5:55 P.M. for the discussion of land sale negotiations. The motion carried.

Mr. Ptak indicated to Council that they needed to add discussion of litigation to the closed session.

Moved by Odom, seconded by Harrington that the Council go into closed session for the discussion of land sale negotiations and litigation at 5:55 P.M. The motion carried.

Moved by Odom, seconded by Niemeyer that the Mayor and Council resume open session at 6:27 P.M. The motion carried.

Moved by Niemeyer, seconded by Odom there being no further business to come before the Council, the meeting be adjourned at 6:28 P.M. The motion carried.