

CITY OF HASTINGS, NEBRASKA

MINUTES OF CITY COUNCIL REGULAR MEETING

Tuesday, February 24, 2015

Pursuant to due call and notice thereof, a Regular Meeting of the City Council of the City of Hastings, Nebraska was conducted in the Council Chambers of City Hall, 220 N. Hastings Avenue, on February 24, 2015.

The meeting was called to order at 7:00 p.m. in regular session by Mayor Powers with the following members present: Harrington, Duval, Odom, Niemeyer, Krings, Skutnik, Goebel. Absent: Hoops.

Moved by Niemeyer, seconded by Skutnik that the Agenda for the February 24, 2015 Regular Meeting be adopted. Official Notice of the meeting was given in the Hastings Tribune on Friday, February 20, 2015. Roll Call: Ayes: Harrington, Duval, Odom, Niemeyer, Krings, Skutnik, Goebel. Nays: None. The motion carried.

Mayor Powers read the Public Notice—Pursuant to the Nebraska Revised Statute Section 84-1412, the public is advised that a copy of today's agenda and all reproducible written material which will be discussed at today's meeting is located at the back of the Council Chambers. Also, a current copy of the Nebraska Open Meetings Act is posted on the south wall of the Council Chambers which is accessible to members of the public.

REPORTS OF LIAISONS: Councilmember Goebel reported on the Board of Public Works meeting held on February 12, 2015. The Board approved the purchase of a truck cab and chassis and accepted bid of \$43,000 from the Hastings Parks Department for the trade-in. Delivery will be in early 2016. The Board extended the agreement to burn refined coal at both WEC 1 and WEC 2. The Board also voted to replace all street lights with LED lights and fixtures, to be completed in the next five years. The next meeting for the Board is this Thursday, February 26, 2015 at 9:00a.m. in the Hastings Utilities Board Room.

Councilmember Odom stated that he met recently with the Hastings International Exchange Organization. A celebration is planned for that Organization's 20th Anniversary on July 22, 2015 at Lochland Country Club. The Mayor of Ozu, Japan, City Officials, Students, and other adults from their City at large will be visiting Hastings at that time. A group of thirty-eight are expected to make the trip from Ozu.

CITIZEN COMMUNICATIONS:

Michelle Beaver, Executive Director, South Heartland District Health Department, located at 606 N. Minnesota Avenue, Suite 2 stood to speak on the One & Six Year Plan for streets. (Handout was given to City Council and is attached and made part of these minutes.)

Don Jackson, 724 East 7th Street, President of Hastings College, stood to speak in support of Ordinance 4397 vacating a portion of East 9th Street between Elm Avenue and Ash Avenue.

Roger Selley, 917 Ronan Drive, stood to speak regarding Ordinance 4397 vacating a portion of East 9th Street between Elm Avenue and Ash Avenue.

MAYOR'S COMMUNICATIONS:

Mayor Powers and City Attorney, Dave Ptak, spoke regarding Special Election information.

Mayor Powers recognized the service anniversaries for Allen Meyer, 35 Yrs. Service as of 2/25/15; Ronald Cox, 15 Yrs. Service as of 2/28/15; Myron Sadler, 35 Yrs. Service as of 3/3/15.

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

- 1(a) Minutes of the Council Meeting of February 9, 2015.
- 2(a) Application of Midtowne Mart, LLC for a Special Designated License at the Adams County Fairgrounds on April 11, 2015.
 - (b) Application of B.L.U.E. for a Special Designated License at the Frances Consbruck Chapman Gymnasium, 301 W. 7th Street, on April 17, 2015.
- 4(a) Payroll for the period ending February 28, 2015, paid March 6, 2015.
 - (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, Duval, Odom, Niemeyer, Krings, Skutnik, Goebel. Nays: None. The motion carried.

2(a) At this time a public hearing was held on the 2015 Incremental Annexation of PMP, LLC and Centennial Plastics–HEDC.

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.

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

ORDINANCE NO. 4423

AN ORDINANCE OF THE CITY OF HASTINGS, NEBRASKA, TO EXTEND THE BOUNDARIES AND INCLUDE WITHIN THE CORPORATE LIMITS OF AND ANNEX TO THE CITY OF HASTINGS, NEBRASKA, CERTAIN CONTIGUOUS AND ADJACENT LANDS OUTSIDE OF THE CITY OF HASTINGS, ADAMS COUNTY, NEBRASKA; AND TO PROVIDE FOR SERVICE BENEFITS THERETO. (Annexing the 3rd 20% of PMP, LLC)

Mayor Powers disclosed that he is the owner of PMP, LLC.

Said Ordinance was read by title and thereafter Councilman Odom moved for passage of the ordinance on 1st reading only, which motion was seconded by Councilman Niemeyer.

The Mayor then stated the question was "Shall Ordinance No. 4423 be passed on 1st reading only?" Upon roll call voted the following Councilmen voted YEA: Harrington, Duval, Odom, Niemeyer, Krings, Skutnik, Goebel. NAY: NONE. ABSENT: Sarah Hoops. Ordinance No. 4423 passed on 1st reading only.

ORDINANCE NO. 4424

AN ORDINANCE OF THE CITY OF HASTINGS, NEBRASKA, TO EXTEND THE BOUNDARIES AND INCLUDE WITHIN THE CORPORATE LIMITS OF AND ANNEX TO THE CITY OF HASTINGS, NEBRASKA, CERTAIN CONTIGUOUS AND ADJACENT LANDS OUTSIDE OF THE CITY OF HASTINGS, ADAMS COUNTY, NEBRASKA; AND TO PROVIDE FOR SERVICE BENEFITS THERETO. (Annexing the 4th 20% of Centennial Plastics-HEDC)

Said Ordinance was read by title and thereafter Councilman Odom moved for passage of the ordinance on 1st reading only, which motion was seconded by Councilman Skutnik.

The Mayor then stated the question was "Shall Ordinance No. 4424 be passed on 1st reading only?" Upon roll call voted the following Councilmen voted YEA: Harrington, Duval, Odom, Niemeyer, Krings, Skutnik, Goebel. NAY: NONE. ABSENT: Sarah Hoops. Ordinance No. 4424 passed on 1st reading only.

3(a) Moved by Odom, seconded by Harrington that the contract be awarded to Nebraska Fire Sprinkler Company, Alda, Nebraska for Fire Protection System for Units 4 & 5 Turbine Lube Oil, in the amount of \$95,500.00 which includes applicable sales tax.

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

Moved by Goebel, seconded by Skutnik for approval of contract for CPM Truck Cab & Chassis with Non-Overcenter Material Handling Aerial Device and Line Body to the following: Hansen International of Grand Island, Nebraska, in the amount of \$71,680.00 for cab & chassis, Altec Industries, Inc., St. Joseph, Missouri, in the amount of \$135,983.00 excluding sales tax for the line body and aerial device, and accepting bid of \$43,000.00 from the Hastings Parks Department for the trade-in.

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

ORDINANCE NO. 4428

AN ORDINANCE OF THE CITY OF HASTINGS, NEBRASKA, TO REPEAL ORDINANCE NO. 4397 VACATING A PORTION OF EAST 9TH STREET BETWEEN ELM AVENUE AND ASH AVENUE IN THE CITY OF HASTINGS, NEBRASKA, WHICH ORDINANCE WAS PASSED AND APPROVED BY THE MAYOR AND CITY COUNCIL ON JULY 14, 2014; TO PROVIDE FOR FILING OF THIS ORDINANCE WITH THE REGISTER OF DEEDS OF ADAMS COUNTY, NEBRASKA; TO REPEAL INCONSISTENT PROVISIONS; AND PROVIDING WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT.

A motion was made by Harrington for passage of Ordinance 4428. Motion died for lack of a second.

RESOLUTION NO. 2015-11

WHEREAS, the City of Hastings, Nebraska on January 21, 2015, received Referendum Petitions seeking the repeal of Ordinance No. 4397, passed by the Mayor and City Council on July 14, 2014, which vacated a portion of 9th Street between Elm Avenue and Ash Avenue; and

WHEREAS, pursuant to Neb. Rev. Stat. §18-2518 the Mayor and City Council passed and approved Resolution No. 2015-6 on January 26, 2015, requesting that the Adams County Clerk or Adams County Election Commissioner ascertain whether the Referendum Petition was signed by the requisite number of voters as provided by law; and

WHEREAS, the Adams County Clerk on or about February 6, 2015, notified the City of Hastings in writing that sufficient signatures were verified by the Adams County Clerk's Office to meet the requirements set forth in Neb. Rev. Stat. §18-2529; and

WHEREAS, the Mayor and City Council of the City of Hastings, on February 24, 2015, considered Ordinance No. 4428 which would repeal Ordinance No. 4397 which vacated a portion of 9th Street between Elm Avenue and Ash Avenue; and

WHEREAS, the Mayor and City Council failed to adopt Ordinance No. 4428 which

would have repealed Ordinance No. 4397 vacating a portion of 9th Street between Elm Avenue and Ash Avenue; and

WHEREAS, Neb. Rev. Stat. §18-2529 requires the City Clerk to cause the measure to be submitted to a vote of the people at the next regularly scheduled primary or general election held within the City of Hastings, unless the Mayor and City Council adopt a resolution directing the City Clerk to cause the measure to be submitted at a special election;

NOW THEREFORE, in consideration of the foregoing recitals, the Mayor and City Council of the City of Hastings, Nebraska, hereby adopt the following resolution:

BE IT RESOLVED by the Mayor and City Council of the Hastings, Nebraska, that pursuant to Neb. Rev. Stat. §18-2529 the City of Hastings, Nebraska, hereby directs the City Clerk to cause the issue of whether Ordinance No. 4397 should be repealed at a special election to be held within the City of Hastings as provided by law and to so notify the Adams County Clerk or Adams County Election Commissioner thereof forthwith.

BE IT FURTHER RESOLVED by the Mayor and City Council that the City of Hastings requests the special election to be conducted as otherwise authorized in the Election Act.

A motion was made by Harrington for passage of Resolution 2015-11. Motion died for lack of a second.

RESOLUTION NO. 2015-12

WHEREAS, the City of Hastings, Nebraska on January 21, 2015, received Referendum Petitions seeking the repeal of Ordinance No. 4397, passed by the Mayor and City Council on July 14, 2014, which vacated a portion of 9th Street between Elm Avenue and Ash Avenue; and

WHEREAS, pursuant to Neb. Rev. Stat. §18-2518 the Mayor and City Council passed and approved Resolution No. 2015-6 on January 26, 2015, requesting that the Adams County Clerk or Adams County Election Commissioner ascertain whether the Referendum Petition was signed by the requisite number of voters as provided by law; and

WHEREAS, the Adams County Clerk on or about February 6, 2015, notified the City of Hastings in writing that sufficient signatures were verified by the Adams County Clerk's Office to meet the requirements set forth in Neb. Rev. Stat. §18-2529; and

WHEREAS, the Mayor and City Council of the City of Hastings, on February 24, 2015, considered Ordinance No. 4428 which would repeal Ordinance No. 4397 which vacated a

portion of 9th Street between Elm Avenue and Ash Avenue; and

WHEREAS, the Mayor and City Council failed to adopt Ordinance No. 4428 which would have repealed Ordinance No. 4397 vacating a portion of 9th Street between Elm Avenue and Ash Avenue; and

WHEREAS, Neb. Rev. Stat. §18-2529 requires the City Clerk to cause the measure to be submitted to a vote of the people at the next regularly scheduled primary or general election held within the City of Hastings, unless the Mayor and City Council adopt a resolution directing the City Clerk to cause the measure to be submitted at a special election;

NOW THEREFORE, in consideration of the foregoing recitals, the Mayor and City Council of the City of Hastings, Nebraska, hereby adopt the following resolution:

BE IT RESOLVED by the Mayor and City Council of the Hastings, Nebraska, that pursuant to Neb. Rev. Stat. §18-2529 the City of Hastings, Nebraska, hereby directs the City Clerk to cause the issue of whether Ordinance No. 4397 should be repealed at a special election to be held within the City of Hastings as provided by law and to so notify the Adams County Clerk or Adams County Election Commissioner thereof forthwith.

BE IT FURTHER RESOLVED by the Mayor and City Council that the City of Hastings requests the special election to be conducted by mail as provided in Neb. Rev. Stat. §32-952, et seq.

Moved by Krings, seconded by Skutnik to pass and approve Resolution 2015-12.

City Attorney, Dave Ptak, explained the handout from the County Clerk, which was given to the City Council. The handout 'Nebraska Special Elections 2008-2014 at a Glance' was entered into public record. (Handout attached and made a part of these minutes.)

City Attorney, Dave Ptak, went on to explain Special Election details.

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

RESOLUTION 2015-8

WHEREAS, pursuant to Chapter 39, Article 21 of the Revised Statutes of the State of Nebraska, the City of Hastings, Nebraska, has established a One and Six Year Plan for street improvements based on priority needs and contributions to the orderly development for an integrated statewide system for highways, roads and streets in the State of Nebraska and the City of Hastings, and;

WHEREAS, the City of Hastings, Nebraska, a municipal corporation, has Pursuant to

Section 39-2119 of said statutes conducted a local public hearing thereon, and;

WHEREAS, a public hearing was held by the Planning Commission on February 23, 2015 at 220 N. Hastings Avenue, and;

WHEREAS, following the hearing the Planning Commission approved the plan as presented.

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

Section 1. That the One and Six Year Plans as requested by the City Engineer and recommended by the Planning Commission of the City of Hastings, Nebraska, is hereby approved and such plans shall be submitted to the Board of Public Roads, Classifications and Standards no later than March 1, 2015.

Section 2. That this Resolution shall be submitted with said One and Six Year Plans to be Board of Public Roads, Classifications and Standards.

PASSED AND APPROVED by the Mayor and City Council of the City of Hastings, Nebraska, this 24th day of February, 2015.

Moved by Skutnik, seconded by Niemeyer to pass and approve Resolution 2015-8.

The City Engineer, David Wacker, presented the One & Six Year Plan for the year 2016-2021 for orderly development of streets. (Presentation attached and made part of these minutes.)

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

Moved by Krings, seconded by Niemeyer there being no further business to come before the Council, the meeting adjourned at 8:00 P.M. Roll Call: Ayes: Harrington, Duval, Odom, Niemeyer, Krings, Skutnik, Goebel. Nays: None. The motion carried.

APPROVED:

Mayor

ATTEST:

City Clerk

(S E A L)