

CITY OF HASTINGS, NEBRASKA

MINUTES OF CITY COUNCIL REGULAR MEETING

Monday, March 9, 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 March 9, 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, Hoops, Skutnik, Goebel. Absent: None.

Moved by Niemeyer, seconded by Skutnik that the Agenda for the March 9, 2015 Regular Meeting be adopted. Official Notice of the meeting was given in the Hastings Tribune on Friday, March 6, 2015. Roll Call resulted as follows: Aye: Harrington, Duval, Odom, Niemeyer, Krings, Hoops, Skutnik, Goebel. No: 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 Street Light Committee Meeting held March 4, 2015 at Hastings Utilities. That committee is working on a recommendation to bring to the Board of Public Works to convert to LED street lights in less than 5 years, and at a lower cost.

Thursday, March 5th, Councilmember Goebel attended a Police Retirement Committee Meeting in the morning and a Fire Retirement Committee Meeting in the afternoon. He voiced his concern on the funding of 'Pre-84' retirement plans for the Police and asked Joe Patterson to put the topic on a worksession agenda. The group discussed the need to find a long-term, permanent funding solution to the problem.

Joe Patterson explained that there are Police and Fire defined benefit retirement plans that still have employees involved. By State Statute in 1984, those were changed to defined contribution plans. There are two Fire employees and seven Police employees currently on those plans. Police had several employees leave on medical retirement at a fairly young age about 20 years ago. The City has been trying to shore that fund up over the last few years, after its depletion. The problem we will run into is most of those Police employees will be retiring at the same time, so the balance will be short because of conservative investments. The law makes the City make up the difference. Joe suggested an Actuary review to have a number for budget purposes.

Councilmember Duval reported on the Mayor's Youth Council Meeting held last night. The Mayor's Youth Council has gathered 100 pounds of books to send to Africa. They are also raising money to be able to send two student representatives to NLC next year. Duval asked the City

Council to look at the funds raised by the group and the City's budget to ensure that two students are able to go to Nashville, Tennessee to the conference.

MAYOR'S COMMUNICATIONS: Mayor Powers recognized the service anniversary for Judy Glantz, 35 Yrs. of service as of 3/12/2015.

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

- 1(a) Minutes of the Council Meeting of February 24, 2015.
- (b) Minutes of the Worksession of February 17, 2015.
- 2(a) Authorizing the City of Hastings to execute the Release of Easement with Globus Realty Company. (Hastings Utilities)
- (b) Authorizing the City of Hastings to execute the Release of Easement with Hastings College. (Hastings Utilities)
- (c) Authorizing the City of Hastings to execute the Release of Easement with Matheson (Linweld). (Hastings Utilities)
- (d) Approval of the application of Murphy's Wagon Wheel, Inc. for a Special Designated License at the Adams County Fairgrounds on May 29, 2015.
- (e) Approval of the application of Murphy's Wagon Wheel, Inc. for a Special Designated License at the Hastings City Auditorium on April 25, 2015.
- (f) Approval of the application of Murphy's Wagon Wheel, Inc. for a Special Designated License at the Hastings City Auditorium on April 24, 2015.
- (g) Approval of the application of the Hastings Museum for a Special Designated License at the Hastings Museum, 1330 N. Burlington Avenue, on April 16, 2015. (Alternate date April 23, 2015)
- 4(a) Payroll for the period ending March 14, 2015, paid March 20, 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 resulted as follows: Aye: Harrington, Duval, Odom, Niemeyer, Krings, Hoops, Skutnik, Goebel. No: None. The motion carried.

REGULAR AGENDA:

A public hearing was held on the request of Scott & Lyndsey Witte to amend Hastings City Code Section 34-310. No public testimony was heard.

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. 4429. AMENDING SECTION 34-310 OF THE OFFICIAL CITY CODE DEALING WITH CHILD CARE FACILITIES; TO REPEAL ANY ORDINANCES OR OTHER PROVISIONS IN CONFLICT HEREWITY; AND TO PROVIDE FOR THE EFFECTIVE DATE OF THIS ORDINANCE AND PUBLICATION IN PAMPHLET FORM.

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

Councilmember 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 Councilmembers voted YEA: Harrington, Duval, Odom, Niemeyer, Krings, Hoops, Skutnik, Goebel. NO: 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. 4429 be passed and adopted?" Upon roll call vote the following Councilmembers voted YEA: Harrington, Duval, Odom, Niemeyer, Krings, Hoops, Skutnik, Goebel. NO: 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. City Clerk attested the passage approval of the same and affixed her signature thereto. Effective date of the ordinance is March 25, 2015.

A public hearing was held on the request of Stanley Rouse, General Manager of Glenwood Telecommunications, Inc. for a Conditional Use Permit to allow a utility building. (northeast corner of Lochland Road and Baltimore Avenue)

Chuck Hastings, Attorney for Glenwood Telecommunications, 800 W. 3rd Street, Suite 202, appeared to speak in favor. No further public testimony was heard.

The City Clerk advised that her office had received no written objections.

Mayor Powers declared the hearing closed.

Moved by Odom, seconded by Niemeyer for approval of the request of Stanley Rouse, General Manager of Glenwood Telecommunications, Inc. for a Conditional Use Permit to allow a utility building. (northeast corner of Lochland Road and Baltimore Avenue)

Roll Call resulted as follows: Aye: Harrington, Duval, Odom, Niemeyer, Krings, Hoops, Skutnik, Goebel. No: None. The motion carried.

City Clerk, Kimberly Jacobitz, gave a brief report advising of objections to Alley Improvement District 2015-1. (Alley from N. Saunders Ave. to N. Bellevue Ave.–W.6th St. to W. 7th St.) Objections were forwarded to the City Engineer and frontal footage was calculated to be 35.7% of the total district. Ordinance 4422 creating Alley Improvement District 2015-1 is therefore valid.

A discussion was held and the City Engineer was asked to keep communication open to the property owners and the City Council on the actual cost of the project. Dave Wacker, City Engineer, explained the process of creating the district and completing the project.

Moved by Niemeyer, seconded by Skutnik for approval of the request of Hastings Welding Supply Company (Matheson Tri-Gas) for preliminary/final plat of Matheson Subdivision. Roll Call resulted as follows: Aye: Harrington, Duval, Odom, Niemeyer, Krings, Hoops, Skutnik, Goebel. No: None. The motion carried.

Moved by Goebel, seconded by Hoops for approval of ballot language for Special Mail-in Election on the Referendum of Ordinance No. 4397 set for May 12, 2015.

Discussion was held over the ballot language, pertaining to clarity in the language.

Move by Goebel, seconded by Duval that the motion be amended to include the words ‘and closed’ after the words ‘will be vacated’ to the ballot language for Special Mail-in Election on the Referendum of Ordinance No. 4397 set for May 12, 2015. Roll Call resulted as follows: Aye: Duval, Odom, Krings, Hoops, Skutnik, Goebel. No: Harrington, Niemeyer. The amendment carried. (Ballot attached and made a part of these minutes.)

Vote on original motion as amended. Roll Call resulted as follows: Aye: Harrington, Duval, Odom, Niemeyer, Krings, Hoops, Skutnik, Goebel. No: None. The motion carried.

ORDINANCE NO. 4432 . . VACATING A PORTION OF PINE KNOLL PLACE TO THE CITY OF HASTINGS, ADAMS COUNTY, NEBRASKA; TO PROVIDE FOR FILING OF THIS ORDINANCE WITH THE REGISTER OF DEEDS OF ADAMS COUNTY, NEBRASKA; TO REPEAL PROVISIONS INCONSISTENT HEREWITH; AND TO PROVIDE WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT.

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

Councilmember Niemeyer moved that the statutory rule requiring reading on three different days be suspended; Councilmember Krings seconded the motion to suspend the rules and upon roll call vote, the following Councilmembers voted YEA: Harrington, Duval, Odom, Niemeyer, Krings, Hoops, Skutnik, Goebel. NO: 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. 4432 be passed and adopted?’ Upon roll call vote, the following Councilmembers voted YEA: Harrington, Duval, Odom, Niemeyer, Krings, Hoops, Skutnik, Goebel. NO: 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. City Clerk attested the passage approval of the same and affixed her signature thereto. Effective date of the ordinance is March 25, 2015

Moved by Skutnik, seconded by Harrington that the Council go into Executive Session at 7:35 P.M. for the purpose of discussing contract negotiations. Roll Call resulted as follows: Aye: Harrington, Duval, Odom, Niemeyer, Krings, Hoops, Skutnik, Goebel. No: None. The motion carried.

Moved by Krings, seconded by Niemeyer that the Council go out of Executive Session into Regular Session at 7:47 P.M. Roll Call resulted as follows: Aye: Harrington, Duval, Odom, Niemeyer, Krings, Hoops, Skutnik, Goebel. No: None. The motion carried.

Moved by Krings, seconded by Skutnik there being no further business to come before the Council, the meeting adjourned at 7:47 P.M. Upon roll call vote, all voted aye. Roll Call resulted as follows: Aye: Harrington, Duval, Odom, Niemeyer, Krings, Hoops, Skutnik, Goebel. No: None. The motion carried.

APPROVED:

Mayor

ATTEST:

City Clerk

(S E A L)