

CITY OF HASTINGS, NEBRASKA

MINUTES OF CITY COUNCIL REGULAR MEETING
Monday, June 8, 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 June 8, 2015.

The meeting was called to order at 5:30 p.m. in Regular Session by Mayor Powers with the following members present: Harrington, Duval, Odom, Niemeyer, Krings, Skutnik, Goebel. Absent: Hoops.

Moved by Skutnik, seconded by Niemeyer that the Agenda for the June 8, 2015 Regular Meeting be adopted. Official Notice of the meeting was given in the Hastings Tribune on Friday, June 5, 2015.

Roll Call resulted as follows: Aye: Harrington, Duval, Odom, Niemeyer, Krings, 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 Board of Public Works meeting held May 28, 2015. He stated that the process to refine coal has started at the Whelan Energy Center to reduce mercury emissions in order to meet the emission requirements. There was a report given by the Finance Department to explain how the general and administrative expenses are allocated to departments. The Finance Department also reported on how labor cost can be shown in the budget reports, so that any given department will be able to see the split of their labor and material expense. The next meeting for the Board of Public Works is scheduled for this Thursday, June 11, 2015, at 9a.m. at Hastings Utilities.

Councilmember Krings thanked the sponsors, volunteers and people who came out to support the runners in the Hastings Half Marathon held recently.

MAYOR'S COMMUNICATIONS: Mayor Powers recognized the service anniversaries for Dennis Salmon, 45 years of service as of June 12, 2015; Michael Fraser, 35 years of service as of June 16, 2015; and Steve Cogley, 35 years of service as of June 16, 2015.

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

- 1(a) Minutes of the Council Meeting of May 26, 2015.
- (b) Minutes of the Worksession of May 18, 2015.

2(a) Authorizing the City of Hastings to execute the Release of Easement with Johnson Imperial Home Co. (Hastings Utilities)

(b) Approval of the request of Kitty's Roadhouse, LLC dba "Kitty's Roadhouse" located at 1400 East South Street for an addition to liquor license area to include patio and volleyball court.

(c) Receive and place on file Adams County Clerk's abstract of votes cast at the all mail in Special Election held on May 12, 2015.

4(a) Payroll for the period ending June 6, 2015, paid June 12, 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, Skutnik, Goebel No: None The motion carried.

REGULAR AGENDA:

2(a) A public hearing was held on the request of Ryan Karr and Brian Nauert, Hastings Self Storage, to rezone property from C-2 Central Business District to C-3 Commercial Business.

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. 4438. . . AMENDING THE OFFICIAL ZONING DISTRICT MAP OF THE CITY OF HASTINGS, NEBRASKA TO REZONE LOTS 3, 4, 5, and 6, SOUTH BURLINGTON SUBDIVISION, CITY OF HASTINGS, ADAMS COUNTY, NEBRASKA, FROM "C-2, CENTRAL BUSINESS DISTRICT" TO "C-3, COMMERCIAL BUSINESS DISTRICT"; TO REPEAL ANY ORDINANCE IN CONFLICT HEREWITH; AND TO PROVIDE WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT.

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

The Mayor then stated the question was "Shall Ordinance No. 4438 be passed and adopted?" Upon roll call vote the following Councilmembers voted as follows: YEA: Harrington, Duval, Odom, Niemeyer, Krings, Skutnik, Goebel No: None The motion passed on first reading only.

2(c) A public hearing was held on the request of City of Hastings Development Services Department regarding adoption of a revised and updated Airport Zoning Map depicting recent changes to hazard zone delineation extending as far as ten miles out from the end of the existing runways, in part extending into Clay County, Hamilton County and Hall County.

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.

Dave Ptak, City Attorney, stated that the need to revise and update the Airport Zoning Map is a result of LB140 requirements.

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

ORDINANCE NO. 4437. . . AMENDEDEDING OFFICIAL AIRPORT ZONING MAP FOR HASTINGS MUNICIPAL AIRPORT, LOCATED IN HASTINGS, NEBRASKA IN ACCORDANCE WITH CHANGES PROMULGATED BY THE STATE OF NEBRASKA DEPARTMENT OF AERONAUTICS; TO REPEAL ANY ORDINANCE IN CONFLICT HEREWITH; AND TO PROVIDE WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT.

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

The Mayor then stated the question was "Shall Ordinance No. 4437 be passed and adopted?" Upon roll call vote the following Councilmembers voted as follows: YEA: Harrington, Duval, Odom, Niemeyer, Krings, Skutnik, Goebel No: None The motion passed on first reading only.

Councilmember Krings moved that the statutory rule requiring reading on three different days be suspended; Councilmember Niemeyer seconded the motion to suspend the rules and upon roll call vote the following Councilmembers voted as follows: YEA: Harrington, Duval, Odom, Niemeyer, Krings, 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 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 upon second and final reading 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 June 24, 2015.

2(e) A public hearing was held on the request of the City of Hastings Development Services Department to amend Section 34-602 of the Hastings City Code, defining development rights and allowable uses for non-conforming lots of record.

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. 4443. . . AMENDING SECTION 34-602 OF THE OFFICIAL CITY CODE PERTAINING TO NON-CONFORMING LOTS OF RECORD; ESTABLISHING AN EFFECTIVE DATE; AND REPEALING ANY ORDINANCES OR OTHER PROVISIONS IN CONFLICT HERewith, AND PROVIDING FOR PUBLICATION IN THE HASTINGS CITY CODE BOOK.

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

Mark Evans, Building Inspector, stated that this ordinance will allow any non-conforming lot of record to be considered buildable, regardless of lot width or lot area, as long as all other development regulations can be met. Development Services will put together simple instructions regarding zoning for citizens, per Mayor Powers' request.

Councilmember Goebel stated that this revision will simplify several areas with non-conforming lots. He thanked staff for working on this issue.

The Mayor then stated the question was "Shall Ordinance No. 4443 be passed and adopted?" Upon roll call vote the following Councilmembers voted as follows: YEA: Harrington, Duval, Odom, Niemeyer, Krings, Skutnik, Goebel No: None The motion passed on first reading only.

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 as follows: YEA: Harrington, Duval, Odom, Niemeyer, Krings, 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 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 upon second and final

reading 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 June 24, 2015.

2(g) A public hearing was held on the request of the City of Hastings Development Services Department to amend Chapter 28 of the Hastings City Code and adopt the 2012 International Building Code; the 2012 International Residential Code; the 2012 International Mechanical Code; the 2012 International Existing Building Code and the 2009 International Energy Conservation Code.

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.

Mark Evans stated that the legislature passed a bill to adopt State Building Codes as the 2012 I-Codes and we are following suit. This Code revision was discussed at the recent Council Worksession and local amendments have been incorporated into the ordinance.

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

ORDINANCE NO. 4440. . . AMENDEDEDING HASTINGS CITY CODE CHAPTER 28 DEALING WITH BUILDINGS BY ADOPTING THE 2012 INTERNATIONAL BUILDING CODE, THE 2012 INTERNATIONAL RESIDENTIAL CODE, THE 2012 INTERNATIONAL MECHANICAL CODE, THE 2012 INTERNATIONAL EXISTING BUILDING CODE, AND THE 2009 INTERNATIONAL ENERGY CONSERVATION CODE; TO REPEAL ALL OTHER ORDINANCES AND PROVISIONS IN CONFLICT HERewith; TO ESTABLISH AN EFFECTIVE DATE; AND TO PROVIDE WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT.

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

The Mayor then stated the question was "Shall Ordinance No. 4440 be passed and adopted?" Upon roll call vote the following Councilmembers voted as follows: YEA: Harrington, Duval, Odom, Niemeyer, Krings, Skutnik, Goebel No: None The motion passed on first reading only.

Councilmember Krings moved that the statutory rule requiring reading on three different days be suspended; Councilmember Niemeyer seconded the motion to suspend the rules and upon roll call vote the following Councilmembers voted as follows: YEA: Harrington, Duval, Odom, Niemeyer, Krings, 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 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 upon second and final reading 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 June 24, 2015.

2(i) A public hearing was held on the request of the City of Hastings Development Services Department to amend Chapter 29 of the Hastings City Code and adopt the 2014 National Electric Code.

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.

Mark Evans stated that this ordinance will amend the Electrical Chapter. The State recently adopted the 2014 National Electric Code so we are following suit. We made a few local amendments as recommended by the Electrical Examining Board. These amendments were discussed at the Worksession.

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

ORDINANCE NO. 4441. . . AMENDEDEDING CHAPTER 29 OF THE HASTINGS CITY CODE DEALING WITH THE CITY’S ELECTRICAL CODE BY ADOPT ING THE 2014 NATIONAL ELECTRIC CODE; TO AMEND SECTIONS 29-101, 29-304, 29-315; TO ADD SECTIONS AND RENUMBER CERTAIN SECTIONS; TO REPEAL ALL OTHER ORDINANCES AND PROVISIONS IN CONFLICT HEREWITH; TO ESTABLISH AN EFFECTIVE DATE; AND TO PROVIDE WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT.

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

The Mayor then stated the question was “Shall Ordinance No. 4441 be passed and adopted?” Upon roll call vote the following Councilmembers voted as follows: YEA: Harrington, Duval, Odom, Niemeyer, Krings, Skutnik, Goebel No: None The motion passed on first reading only.

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 as follows: YEA: Harrington, Duval, Odom, Niemeyer, Krings, 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 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 upon second and final reading 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 June 24, 2015.

2(k) A public hearing was held on the request of the City of Hastings Development Services Department to amend Chapter 40 of the Hastings City Code and adopt the 2012 International Property Maintenance Code.

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.

Mark Evans stated that this ordinance is updating the City Code to reflect the 2012 International Property Code and keeping with the rest of the I-Codes that were just adopted.

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

ORDINANCE NO. 4442. . . AMENDING CHAPTER 40 OF THE HASTINGS CITY CODE DEALING WITH PROPERTY MAINTENANCE BY ADOPTING THE 2012 INTERNATIONAL PROPERTY MAINTENANCE CODE; TO REPEAL ALL OTHER ORDINANCES AND PROVISIONS IN CONFLICT HEREWITH; TO ESTABLISH AN EFFECTIVE DATE; AND TO PROVIDE WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT.

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

The Mayor then stated the question was "Shall Ordinance No. 4442 be passed and adopted?" Upon roll call vote the following Councilmembers voted as follows: YEA: Harrington, Duval, Odom, Niemeyer, Krings, Skutnik, Goebel No: None The motion passed on first reading only.

Councilmember Niemeyer moved that the statutory rule requiring reading on three different days be suspended; Councilmember Harrington seconded the motion to suspend the rules and upon roll call vote the following Councilmembers voted as follows: YEA: Harrington, Duval, Odom, Niemeyer, Krings, 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 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 upon second and final reading 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 June 24, 2015.

Moved by Odom, seconded by Niemeyer for approval of the agreement with Northeast Community College to provide instruction as well as clinical experience and observation for the students of Northeast Community College registered in the Advanced EMS Training Program.

Kent Gilbert, Fire Chief, stated that the City's Fire Department has a similar agreement with Central Community College in Hastings. Northeast Community College contacted the Hastings Fire Department regarding an agreement in order to get their students experience.

Mayor Vern Powers requested for Kent Gilbert to give a report on the City's ambulance service at the next City Council meeting.

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

RESOLUTION NO. 2015-17

AMENDMENT TO 2014-15 ANNUAL FEE RESOLUTION

WHEREAS, the Mayor and Council have determined that fees should be charged for various services provided to the public by the City of Hastings, and that the amount of said fees should be reviewed and revised periodically,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Hastings, Nebraska, that the following schedule of fees is hereby adopted:

<u>SERVICE PROVIDED</u>	<u>FEE</u>
POLICE SERVICES	
1. Parking violations paid within ten days:	
A. All parking violations except handicap	\$ 10.00
B. Handicap violations	\$100.00
C. Truck, truck-tractor or semitrailer	\$ 25.00

2. **Parking violations** paid after ten days and prior to court filing,
(add \$15.00 Diversion Fee):
 - A. All parking violations except handicap \$ 25.00(+fee)
 - B. Handicap violations \$100.00(+fee)
 - C. Truck, truck-tractor or semitrailer \$ 50.00(+fee)

3. **Parking violations** paid after court filing, add current court costs:
 - A. All parking violations except handicap \$ 25.00(+Ct. costs)
 - B. Handicap violations \$100.00(+Ct. costs)
 - C. Truck, truck-tractor or semitrailer \$ 50.00(+Ct. costs)

PLANNING SERVICES

Dumpster/Roll-off Container Permit \$ 25.00

Any City official is hereby authorized and directed to refuse service to anyone who refuses to pay the fee established for that service.

No fee shall be waived or refunded without approval of the Hastings City Council.

Any department head shall have the right to charge, in addition to the above fees, any overtime costs incurred in connection with the service, but such department head shall, prior to use of the service, advise the recipient of the overtime charges.

All fees shall become effective May 13, 2015

Moved by Goebel, seconded by Skutnik to pass and approve Resolution 2015-17.

Joe Patterson, City Administrator, stated that discussion on the fee schedule was held at the May Council Worksession. The resolution is in response to staff concerns about the current fee schedule.

Staff is working on requirements for a permit in regards to on-street dumpster placement. Conditions would have to be met by the individual garbage companies. Mark Evans stated that a proposal has been drawn up and he will meet with the haulers to go over all guidelines.

Councilmember Duval commented on handicap violations. She asked individuals “Please don’t use the handicap stalls if you don’t need them.” Dave Ptak stated that it is a \$100 fine for the first offense and \$200 for subsequent offenses. We are limited by State Statute as to the amount we can fine.

Councilmember Goebel voiced his concern about requirements for reflective markings for the on-street dumpster containers. Mark stated that he will get a working copy of guidelines out to the Council. The City wants the process to be functional, but needs citizens to be protected.

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

Mayor Vern Powers stated that a local group contacted him and wants to have a discussion about logging trees whenever the City has storm damage or utility trees that might be taken down because of lines. The Mayor wants to meet with Joe Patterson and Jeff Hassenstab within the next week regarding that request. Mayor has the group's contact information.

Moved by Skutnik, seconded by Duval there being no further business to come before the Council, the meeting adjourned at 5:58 P.M.

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

APPROVED:

Mayor

ATTEST:

City Clerk

(S E A L)