

CITY OF HASTINGS, NEBRASKA
MINUTES OF CITY COUNCIL REGULAR MEETING
Monday, September 14, 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 September 14, 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, Skutnik, Goebel. Absent: Krings, Hoops.

The Mayor led the group in recital of the Pledge of Allegiance to the United States of America.

Moved by Harrington, seconded by Niemeyer that the Agenda for the September 14, 2015 Regular Meeting be adopted. Official Notice of the meeting was given in the Hastings Tribune on Friday, September 11, 2015. Roll Call: Ayes: Harrington, Duval, Odom, Niemeyer, Skutnik, Goebel. Nays: None. Absent: Krings, Hoops. 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.

Councilmember Goebel attended the Board of Public Works meeting held September 3, 2015. He reported on a presentation given by Brian Strom about the cost of postage on utility bills. A number of people get multiple utility bills, but the report pointed out that the cost is less because of bulk mailing rate, rather than custom mailing. A June report and Quarterly report were given at the meeting. They did not approve a work order, pending creation of a sewer district on North 2nd Avenue. Work orders were approved for installation of LED streetlights. That project is progressing well city wide. The next meeting for the Board of Public Works is scheduled for Thursday, September 17th, 2015, at 9a.m. at Hastings Utilities.

Councilmember Harrington thanked the Adams County Historical Society and the Hastings Community Theatre for their annual cemetery walk in September. This walk identified several historical people and actors dressed up to portray that character and present their story.

Councilmember Odom reminded everyone about the Junk Street event coming up this weekend.

Mayor Powers recognized the service anniversaries for Joe Patterson, 35 years of service as of September 15, 2015; Timothy Shuck, 15 years of service as of September 12, 2015; Ronald Anderson, 35 years of service as of September 15, 2015; Bob Helton, 30 years of service as of September 16, 2015; and David Frasier, 30 years of service as of September 16, 2015.

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

1(a) Minutes of the Council Meeting of August 24, 2015.

(b) Minutes of the Council Worksession of August 17, 2015.

2(a) Approval of the request of Hastings College to utilize City streets for the Melody Round-Up Parade at 10:30 A.M. on October 3, 2015.

(b) Approval of the request St. Cecilia High School to utilize City streets for a Homecoming Parade from 2:15 P.M. to 2:45 P.M. on September 18, 2015.

(c) Approval of the application of the Disabled American Veterans for a Special Designated License at the Adams County Fairgrounds on October 10, 2015.

4(a) Approval of the payroll for the period ending September 12, 2015, paid September 18, 2015.

(b) Approval of the regular claims and authorizing the City Clerk to issue checks against the various funds for payment.

(c) Approval of the prepaid claims and authorizing the City Clerk to issue checks against the various funds for payment.

(d) Approval of the payment to Cicada Dwellings & Design for \$750.00 for design specifications for façade improvement CDBG Downtown Revitalization Project 12-DTR-107.

(e) Approval of the request for CDBG funds, Drawdown #11 (\$505.81) for CDBG Downtown Revitalization Project 12-DTR-107.

5(a) Department Monthly Reports received and placed on file.

Roll Call: Ayes: Harrington, Duval, Odom, Niemeyer, Skutnik, Goebel. Nays: None.

Absent: Krings, Hoops. The motion carried.

RESOLUTION NO. 2015-25
APPROVING LEVY AUTHORITY FOR THE COMMUNITY
REDEVELOPMENT AUTHORITY

WHEREAS, the Community Redevelopment Authority of the City of Hastings, Nebraska (CRA), has by Resolution adopted July 21, 2015, submitted a request to the City Council of the City of Hastings for property tax levy allocation as follows:

1. The amount of revenue sought to be raised is 2.6 cents per \$100.00 of the taxable value of real property within the City of Hastings , and

WHEREAS, the Adams County Assessor has provided a Certification of Taxable Value and Value Attributable to Growth for the Community Redevelopment Authority in the amount of \$1,204,458,000;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hastings, Nebraska, that the final allocation of levy authority for the Community Redevelopment Authority in the amount of Three Hundred Thirteen Thousand Dollars and Zero Cents (\$313,000.00) be approved.

Moved by Niemeyer, seconded by Goebel to pass and approve Resolution 2015-25.

Roll Call: Ayes: Harrington, Duval, Odom, Niemeyer, Skutnik, Goebel. Nays: None.

Absent: Krings, Hoops. The motion carried.

Public hearing setting property tax levies

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.

RESOLUTION NO. 2015-22
RESOLUTION ESTABLISHING PROPERTY TAX REQUIREMENT
FOR FISCAL YEAR 2015-2016

WHEREAS, Neb. Rev. Stat. §77-1601.02 provides that the property tax request for the prior year will be the property tax request of the current year for purposes of the levy set by the County Board of Equalization unless the governing body sets the tax request at a different amount; and

WHEREAS, after notice published in the Hastings Tribune, the Hastings City Council conducted a public hearing on September 14, 2015, to obtain public comment on the City of Hastings' property tax request and tax rate.

NOW THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Hastings, Nebraska, as follows:

1. That the assessed valuation for tax year 2015 certified by the Adams County Assessor is \$1,204,458,000
2. That the total property tax request for the City of Hastings is:

General Fund	\$2,254,384.64
Museum Fund	806,640.45
Debt Service Fund	1,734,146.40
TOTAL	\$5,495,171.49
Community Redevelopment Authority	\$313,000.00
TOTAL	\$5,808,171.49
3. That the levy set by the City of Hastings is \$0.456236
4. That a copy of this Resolution be certified and forwarded to the Adams County Clerk.

Moved by Harrington seconded by Skutnik to pass and approve Resolution 2015-22.
Roll Call: Ayes: Harrington, Duval, Odom, Niemeyer, Skutnik, Goebel. Nays: None.
Absent: Krings, Hoops. The motion carried.

Public hearing on the proposed 2015-2016 Annual Budget for the City of Hastings.

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. 4449. AN ORDINANCE TO ADOPT THE BUDGET STATEMENT TO BE TERMED THE ANNUAL APPROPRIATION BILL; TO APPROPRIATE SUMS FOR THE NECESSARY EXPENSES AND LIABILITY; AND 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.

Councilmember Odom asked when the next wage comparability study for all City of Hastings' staff is planned? He suggested using one group to do the analysis for all staff, no matter if they are on the tax side or the utility side.

Joe Patterson stated that the comparison is usually done every three years, and will probably be done next budget year.

Councilmember Niemeyer moved that the statutory rule requiring reading on three different days be suspended; Councilmember Goebel seconded the motion to suspend the rules and upon roll call vote the following Councilmembers voted as follows: YEA: Harrington, Duval, Odom, Niemeyer, Skutnik, Goebel No: None. Absent: Krings, Hoops. 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. 4449 be passed and adopted?' Upon roll call vote the following Councilmembers voted as follows: YEA: Harrington, Duval, Odom, Niemeyer, Skutnik, Goebel No: None. Absent: Krings, Hoops. 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. Published in the Hastings Tribune on September 18, 2015. Effective date of the ordinance is September 30, 2015.

RESOLUTION NO. 2015-23
RESOLUTION AUTHORIZING ALLOWABLE ONE PERCENT (1%)
INCREASE IN RESTRICTED FUNDS

WHEREAS, LB989 (1998) places a budget lid on restricted fund of governmental units of 2.5% for fiscal year 2015-2016; and

WHEREAS, an additional 1% increase in restricted funds budget authority is allowed if approved by at least 75% of the governing body; and

WHEREAS, to provide budget flexibility in future years of non-property tax revenue such as sales tax, state highway allocation funds, cigarette tax, etc. increase, it is advantageous to approve an additional restricted funds increase of 1% for carry-over purposes.

NOW THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Hastings, Nebraska, that the allowable 1% increase in restricted funds is hereby approved.

Moved by Goebel, seconded by Harrington to pass and approve Resolution 2015-23.
Roll Call: Ayes: Harrington, Duval, Odom, Niemeyer, Skutnik, Goebel. Nays: None.
Absent: Krings, Hoops. The motion carried.

RESOLUTION NO. 2015-24. . .Annual Fee Resolution (Attached to and made a part of these minuets).

Moved by Niemeyer, seconded by Skutnik to pass and approve Resolution 2015-24.
Roll Call: Ayes: Harrington, Duval, Odom, Niemeyer, Skutnik, Goebel. Nays: None.
Absent: Krings, Hoops. The motion carried.

Moved by Odom, seconded by Harrington to authorize the Mayor to execute documents necessary to obtain and maintain a letter of credit from Great West Bank in the amount of \$2,933,794 to satisfy the Performance Guarantee obligations related to the Hastings Groundwater Contamination Site.

Dave Ptak, City Attorney, explained that this is an annual reinstatement of our letter of credit. It has to do with our EPA Superfund sites, per settlement with the EPA. This is bid each year by banks.

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

Moved by Skutnik, seconded by Duval for approval of Wage Addendum to Firefighter's Contract for fiscal year October 1, 2015 through September 30, 2016. Roll Call: Ayes: Harrington, Duval, Odom, Niemeyer, Skutnik, Goebel. Nays: None. Absent: Krings, Hoops. The motion carried.

Moved by Harrington, seconded by Odom for approval of Wage Addendum to Police Officer's Contract for fiscal year October 1, 2015 through September 30, 2016. Roll Call: Ayes: Harrington, Duval, Odom, Niemeyer, Skutnik, Goebel. Nays: None. Absent: Krings, Hoops. The motion carried.

Moved by Niemeyer, seconded by Skutnik for approval of the application from THOAR, LLC for Downtown Revitalization Façade funding (CDBG 12-DTR-107) not to exceed the total amount of \$50,000.00 and authorize drawdown of funds. Roll Call: Ayes: Harrington, Duval, Odom, Niemeyer, Skutnik, Goebel. Nays: None. Absent: Krings, Hoops. The motion carried.

Moved by Niemeyer, seconded by Duval for approval of Equipment Purchase Agreement with Creative Sites, LLC in the amount of \$70,000.00 for new playground structure at Duncan Field.

Joe Patterson, City Administrator, informed the group that the playground equipment will be located along the first base side of Duncan Field. Private donations and grant funds have been used for the Duncan Field project. Councilmember Goebel stated that the playground area will be ADA compliant.

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

Moved by Odom, seconded by Skutnik for approval of the License Agreement between the City of Hastings and Murphy's Wagon Wheel, Inc. for use of a portion of public street on September 19, 2015 in conjunction with a Hastings Business Improvement District function known as 'Junk Street'.

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

ORDINANCE NO. 4450. . VACATING THE SOUTH 9 FEET OF WEST 4TH STREET LOCATED IMMEDIATELY ADJACENT TO LOTS 6 THROUGH 10, BLOCK 16, ORIGINAL TOWN HASTINGS. AND 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 Harrington.

Dave Ptak stated that this pertains to the parcel on West 4th Street in front of the Hastings Public Library. The plans are to construct a patio on the north side of the library and this will allow construction on property that would belong to the library, rather than encroaching into the street right-of-way.

Councilmember Skutnik 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, Skutnik, Goebel No: None. Absent: Krings, Hoops. 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. 4450 be passed and adopted?' Upon roll call vote the following Councilmembers voted as follows: YEA: Harrington, Duval, Odom, Niemeyer, Skutnik, Goebel No: None. Absent: Krings, Hoops. 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. Published in the Hastings Tribune on September 18, 2015. Effective date of the ordinance is September 30, 2015.

ORDINANCE NO. 4451. . AMENDING HASTINGS CITY CODE BY ADDING SECTIONS 5-218 TO 5-228 TO ESTABLISH A 'RESTAURANT AND ALCOHOL SALES ESTABLISHMENT OCCUPATION TAX'.

Said Ordinance was read by title and thereafter Councilmember Skutnik moved to postpone to a future meeting, which motion was seconded by Councilmember Duval.

Councilmember Skutnik asked that the issue be placed on a Council Worksession, date to be determined. She requested a list of entities that would be affected by the tax and specific projects that the revenue would be used to fund. She has not heard from many people about the issue.

Councilmember Niemeyer stated he is in favor of this type of usage tax, but would like to see it put on a ballot for Hastings' residents to vote on.

Mayor Powers noted that a few Councilmembers are absent tonight and he would like to have the full Council in on the decision.

Councilmember Odom stated that the Council has met a few times to discuss the issue. He has also met with restaurant owners and discussed.

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

Mayor Powers announced that he will not file for re-election for Mayor of the City of Hastings. He encouraged everyone who is interested to get involved in the election.

Moved by Niemeyer, seconded by Duval that the Mayor and Council go into Executive Session at 6:05 P.M. to discuss negotiations. Roll Call: Ayes: Harrington, Duval, Odom, Niemeyer, Skutnik, Goebel. Nays: None. Absent: Krings, Hoops. The motion carried.

Moved by Skutnik, seconded by Niemeyer that the Mayor and Council go out of Executive Session into Regular Session at 6:50 P.M. Roll Call: Ayes: Harrington, Duval, Odom, Niemeyer, Skutnik, Goebel. Nays: None. Absent: Krings, Hoops. The motion carried.

Moved by Niemeyer, seconded by Harrington there being no further business to come before the Council, the meeting adjourned at 6:50 P.M. Roll Call: Ayes: Harrington, Duval, Odom, Niemeyer, Skutnik, Goebel. Nays: None. Absent: Krings, Hoops. The motion carried.

APPROVED:

Mayor

ATTEST:

City Clerk

(S E A L)