

CITY OF HASTINGS, NEBRASKA
MINUTES OF CITY COUNCIL REGULAR MEETING
Monday, October 12, 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 October 12, 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, Hoops, Skutnik, Goebel.
Absent: None.

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

Moved by Niemeyer, seconded by Skutnik that the Agenda for the October 12, 2015 Regular Meeting be adopted. Official Notice of the meeting was given in the Hastings Tribune on Friday, October 9, 2015. Roll Call: Ayes: Harrington, Duval, Odom, Niemeyer, Krings, Hoops, Skutnik, Goebel. Nays: None. Absent: 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.

Councilmember Goebel reported that Mayors Youth Council will meet tomorrow at 7p.m. in the Council Chambers. The next meeting for the Board of Public Works is scheduled for Thursday, October 15 at 9a.m. at Hastings Utilities. Budget meetings are planned for November 3rd and 4th.

Charles Hastings, 800 West 3rd, Suite 202, appeared on behalf of Glenwood Telecommunications. Glenwood Telecommunications is requesting another Right-of-Way License Agreement to continue extending fiber in Hastings. They will need to get utility pole attachment agreements at a later date when they reach the alley between 2nd and 3rd Street.

Jeanette DeWalt, 747 North Lincoln Avenue, appeared on behalf of Board of Public Works regarding Ordinance 4454, which changes the fiscal year end for Hastings Utilities to match City of Hastings. Mayor asked her to return to the podium when that discussion takes place later in the meeting.

Dave Wacker introduced the new Street Superintendent, Steven Kostner. He has 11 years of experience in Public Works with the City of Lincoln. He began employment with the City of Hastings on Oct 1, 2015.

Dave Wacker introduced Troop 207 Boy Scouts. Mayor thanked the group for attending.

Mayor Powers recognized the service anniversaries for Steven Elley, 35 years of service as of October 20, 2015; Virgil Nagatz, 35 years of service as of October 23, 2015; Richard Woodard, 35 years of service as of October 27, 2015.

Moved by Neimeyer, seconded by Hoops that the following items on the Consent Agenda be approved:
1(a) Minutes of the Council Meeting of September 28, 2015.
(b) Minutes of the Worksession of September 21, 2015.
2(a) Application of Midtowne Mart, LLC for a Special Designated License at the City Auditorium on November 20, 2015.

4(a) Payroll for the period ending October 10, 2015, paid October 16, 2015.
(b) Regular claims and authorizing the City Clerk to issue checks against the various funds for payment.
(c) Prepaid claims and authorizing the City Clerk to issue checks against the various funds for payment.
5(a) Department Monthly Reports received and placed on file.
Roll Call: Ayes: Harrington, Duval, Odom, Niemeyer, Krings, Hoops, Skutnik, Goebel. Nays: None.
Absent: None. The motion carried.

Moved by Odom, seconded by Harrington that Mayor and City Council sit as a Board of Equalization.

Public hearing on levying of assessments in the Business Improvement District.

Randy Chick, 520 West 1st Street, #200, representing BID, appeared to speak in favor. Property owners in BID District are assessed according to their property value. The funds collected are utilized for public improvements, events, maintenance, and other items.

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. 2015-26

RESOLUTION MAKING ASSESSMENTS IN THE BUSINESS IMPROVEMENT DISTRICT OF THE CITY OF HASTINGS, NEBRASKA

WHEREAS, a notice has been published as provided by law, concerning the levy of special assessments in the Downtown Business Improvement District in the Hastings Tribune on September 21, 2015, September 28, 2015 and October 5, 2015.

WHEREAS, a public hearing has been conducted as provided by law relative to the levy of special assessments in said District.

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF HASTINGS, NEBRASKA, that after full consideration of the schedule of assessments to be made for the cost of activities to be undertaken with the District, all as outline in Ordinance No. 4399, Section 6, and of the objections to the assessments shown in said schedule:

See Attached Exhibit A.

that said schedules be and the same are hereby corrected as follows:

and after full consideration, appraisalment and apportionment of the special benefits conferred upon the property shown in said schedules, the Mayor and City Council find that said properties are especially benefitted by said improvement in the amounts shown on said schedule, and that the amounts are in proportion to the special benefits, or of the cost of the improvements; and

BE IT FURTHER RESOLVED, that said schedule of assessments be and the same are hereby approved as herein corrected; and

BE IT FURTHER RESOLVED, that there be and there is hereby assessed and levied as a special tax against and upon each of the lots, parts of lots and parcels of land liable to be assessed for the cost of improvements located in the Business Improvement District as shown in said schedules, the respective sum expressed in figures set opposite to each of the same as corrected by this resolution, said assessments being levied against said lots, parts of lots and parcels of ground on account of the activities to be undertaken as hereinbefore described; and

BE IT FURTHER RESOLVED, that said assessments against said lots, parts of lots and parcels of land are hereby declared to be in proportion to the special benefits conferred upon said property by said improvements and not in excess of such benefits or of the cost of the improvements; and

BE IT FURTHER RESOLVED, that all special assessments above provided shall become due in fifty (50) days after the date of the passage of this resolution and may be paid within that time without any interest, but if no so paid, they shall become delinquent and bear interest thereafter at the rate of fourteen (14%) per annum, and shall be collected in the usual manner for the collection of taxes.

AND BE IT FURTHER RESOLVED, that a certified copy of said assessment schedule be filed by the City Clerk with the City Treasurer and the Adams County Clerk of Adams County, as provided by law.

Moved by Niemeyer, seconded by Skutnik to pass and approve Resolution 2015-26.

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

Moved by Niemeyer, seconded by Hoops that Mayor and City Council adjourn as a Board of Equalization.

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

Public hearing on the request of Randy Chick, Director of the Community Redevelopment Authority (CRA), to review consistency with the Hastings Comprehensive Plan and requested approval of plan modification to the Redevelopment Plan for CRA Area #5. *(937-947 S. Burlington Avenue)*

Randy Chick, 520 West 1st Street, #200, representing CRA, appeared to speak in favor. The CRA would like to assist the owners of Brickhouse Lounge with façade improvements, as they continue to make substantial improvements.

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. 2015-27

WHEREAS, the Community Redevelopment Authority of the City of Hastings, Nebraska's plan for Redevelopment Area No. V has previously been approved by the Mayor and City Council of the City of Hastings; and

WHEREAS, the Community Redevelopment Authority of the City of Hastings, Nebraska has prepared the 9-1-15 Redevelopment Project Plan Modification to said plan for Redevelopment Area No. V; and

WHEREAS, the Community Redevelopment Authority has forwarded said Plan Modification to the Hastings Planning Commission for its review and recommendations as to the consistency with the plan for Redevelopment Area No. V and conformity with the general plan for the development of the City of Hastings; and

WHEREAS, the Planning Commission conducted a review of the Plan Modification to the plan for Redevelopment Area No. V, and the general plan for the development of the City of Hastings; and

WHEREAS, the Planning Commission finds that the 9-1-15 Redevelopment Project Plan Modification is consistent with the plan for Redevelopment Area No. V, and conforms with the general plan for the development of the City of Hastings;

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

BE IT RESOLVED by the Mayor and City Council of the City of Hastings, Nebraska, does hereby recommend approval of the 9-1-15 Redevelopment Project Plan Modification to the plan for Redevelopment Area No. V, a copy of which is attached hereto marked Exhibit "A" and incorporated herein by this reference.

Moved by Niemeyer, seconded by Goebel to pass and approve Resolution 2015-27.

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

Public hearing on the request of Bobbi Pettitt, South Central Economic Development District, for presentation of Public Draft of Joint Land Use Study of Greenlief Training Site, a 3,729 acre military installation, located approximately seven miles southeast of the City of Hastings on the border of Adams County and Clay 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.

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

RESOLUTION NO. 2015-28

Whereas, the City of Hastings, Nebraska, has desired to work toward achieving compatibility between the Greenlief Training Site Military Installation and neighboring civilian communities by a joint compatible land use planning and control process conducted by the local governmental entities in cooperation with the local military installation; and,

Whereas, the City of Hastings, Nebraska desires to establish and further communication and collaboration with the Nebraska Army National Guard and other governmental entities surrounding the Greenlief Training Site in south central Nebraska; and,

Whereas, the City of Hastings, Nebraska desires information that will enable the all affected governmental entities to make informed land use decisions within their respective jurisdictions; and,

Whereas, the City of Hastings, Nebraska resolved on June 10th, 2013, to participate in a Joint Land Use Study and committed staff time and resources to the completion of the project; and,

Whereas, the City of Hastings, Planning Commission, held a public hearing on September 21, 2015, and voted unanimously to recommend that the Mayor and City Council approve the Greenlief Training Site Joint Land Use Study.

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

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF HASTINGS, NEBRASKA that the City of Hastings approves the Greenlief Training Site Joint Land Use Study, which contains goals and objectives that will protect the viability of future military operations at the Training Site while simultaneously guiding community growth, sustaining the environmental and economic health of the region, and protecting public health, safety, and welfare.

Moved by Odom, seconded by Skutnik to pass and approve Resolution 2015-28.

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

Moved by Harrington, seconded by Duval for approval of awarding contract for for conversion of electric distribution line voltage from 4.16KV to 13.8KV to Schmader Electric Construction Company, West Point, Nebraska, in the amount of \$383,679.50.

Councilmember Niemeyer noticed quite a disparity in bids. Marvin Schultes explained that in the bidding process sometimes contractors have reasons for not giving a competitive bid, such as a full schedule. The low bidder is a good contractor, so that is the recommendation.

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

Moved by Skutnik, seconded by Hoops for approval of awarding contract for WEC-1 air compressor B replacement to Rasmussen Air & Gas Energy of Waterloo, Nebraska, in the amount of \$126,558.35 which includes deduction of VFD, spare part option, and applicable sales tax.

Councilmember Goebel stated that the lowest bid was rejected because there was no bid bond supplied with the bid.

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

Moved by Niemeyer, seconded by Skutnik for approval of the Telecommunications Line Right-Of-Way License Agreement with Glenwood Telecommunications, Inc. (GW 2015-1)

Councilmember Goebel asked Marvin Schultes if the future utility pole agreements would be negotiated with Windstream or Hastings Utilities. Marvin stated both entities will probably need to look at the agreement, since Windstream owns a portion of the poles.

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

ORDINANCE NO. 4454. .AN ORDINANCE TO AMEND SECTION 32-113 OF THE HASTINGS CITY CODE TO CHANGE THE FISCAL YEAR OF THE PROPRIETARY FUNCTIONS OPERATED BY HASTINGS UTILITIES TO BE THE SAME FISCAL YEAR AS THE CITY OF HASTINGS (OCTOBER 1 TO SEPTEMBER 30).

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

Multiple Councilmembers voiced concerns on the timing of the fiscal year change, in regards to preparation of the budget numbers. Further discussion with staff, Board of Public Works, and City Council was requested.

Mayor Powers stated that the fiscal year change has been talked about for three to four years at various meetings and it is time to make a decision.

Jeanette DeWalt, 747 North Lincoln Avenue, appeared on behalf of Board of Public Works. She agreed that timing is tough for the necessary preparation time in the Finance Accounting Department. She suggested to move forward with the calendar year budget with full intention in three months to have joint meetings with City Council and Board of Public Works to review the benefits and detriments to changing to a fiscal year to match the City's budget.

Dave Ptak, City Attorney, responded that the fiscal year change can be made now or on the back end of the budget year. The State Statute does not provide for the Board of Public Works to make the decision on the fiscal year. It is a decision for the Mayor and City Council to set the fiscal year.

Joe Patterson stated that most cities our size that operate utility departments match up fiscal years within those budgets.

Councilmember Krings asked for the opportunity to learn what is good and bad about changing the fiscal year. He wants to know the cost of making that change.

Jeff Kully, representing the Board of Public Works, stated his concern that Public Power Generation Agency (PPGA) correlates on the calendar year with Hastings Utilities and changing fiscal years might cause problems on reimbursements.

Councilmember Goebel stated his concern about tabling the ordinance. The Board of Public Works needs direction tonight.

Moved by Niemeyer, seconded by Krings to table Ordinance 4454 until the next City Council Meeting.

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

Moved by Niemeyer, seconded by Krings to go into Executive Session for personnel and negotiations at 6:12 P.M. Roll Call: Ayes: Harrington, Duval, Odom, Niemeyer, Krings, Hoops, Skutnik, Goebel. Nays: None. Absent: None. The motion carried.

Moved by Krings, seconded by Harrington that the Council go out of Executive Session into Regular Session at 6:55 P.M. Roll Call resulted as follows: Aye: Harrington, Duval, Odom, Niemeyer, Krings, Hoops, Skutnik, Goebel. Nays: None. The motion carried.

Moved by Niemeyer, seconded by Duval there being no further business to come before the Council, the meeting adjourned at 6:55 P.M. Roll Call: Ayes: Harrington, Duval, Odom, Niemeyer, Krings, Hoops, Skutnik, Goebel. Nays: None. Absent: None. The motion carried.

APPROVED:

Vern P. Powers, Mayor

ATTEST:

Kimberly S. Jacobitz, City Clerk

(S E A L)