

CITY OF HASTINGS, NEBRASKA
MINUTES OF CITY COUNCIL REGULAR MEETING
Monday, November 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 November 9, 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 November 9, 2015 Regular Meeting be adopted. Official Notice of the meeting was given in the Hastings Tribune on Friday, November 6, 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 on the Board of Public Works budget meetings held November 3rd and 4th. Hastings Utilities prepared a twelve month budget proposal, with the intention to cut off at nine months to change over to the same fiscal cycle as the rest of the City budget. There are three rate increases proposed, with the effective date being January 2016. Electric, water, and sewer rates would increase, with gas and streetlight rates remaining steady. The LED streetlight project should be completed by the end of 2017 and has helped to lower maintenance cost and power usage. A line item has been added to assist in coordination with study recommendations. There will be a Public Hearing on the budget Thursday, November 12th at 9am at Hastings Utilities. The budget will be presented to the City Council at their regular meeting on Monday, November 23rd.

Councilmember Hoops reported on the Library Foundation’s RENEW Project funding goal of \$5.2 million, which was surpassed with the help of a large \$1.3 million bequest of funds from the Cavilla M. Stroup Trust. The Library building will be named in honor of Cavilla Stroup’s bequest. Ms. Hoops read the names of Hastings Public Library Foundation members and thanked those members for heading the fundraising over the past few years.

Councilmember Odom thanked the Hastings Police and Street Departments for their help with the Veteran’s Day Parade held this past weekend.

Councilmember Odom reported that Tammy Schick (HEIO) has seven people confirmed for the trip to Ozu, Japan, which is planned for May 2016. He urged interested individuals to contact Tammy.

Mayor Powers recognized the service anniversaries for Guy Fagiolo, 15 years of service as of 11/01/2015; Kenneth Froschneuser, 35 years of service as of 11/04/2015; Scott Rust, 15 years of service as of 11/06/2015; Randy Ruxton, 15 years of service as of 11/20/2015.

Moved by Niemeyer, seconded by Hoops that the following items on the Consent Agenda be approved:
1(a) Minutes of the Council Meeting of October 26, 2015.

(b) Minutes of the Council Worksession of October 19, 2015.

2(a) Approval of the request of the Downtown Center Association and the Business Improvement District for closure of downtown streets for annual Celebration of Lights on November 19, 2015 from 2:00 p.m. to 10:00 p.m.

4(a) Payroll for the period ending November 7, 2015, paid November 13, 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.

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

Absent: None. The motion carried.

Public hearing on the request of Bryce Bares, Galaxy Ventures II, LLC, for a Revised Development Plan to amend Planned District CP-2, Central Business District with a Planned District Overlay. (708 N. Burlington Avenue)

Bryce Bares, 16379 Cheyenne Road, Omaha, appeared to speak in favor. The Dunkin Donut building along Burlington Avenue would be one of fourteen franchises out of almost 20,000 locations to be 'DD Green', a unique green building initiative for an environmentally friendly sustainable build and certified by the Dunkin Donuts brand. Bryce spoke on the economic impacts that would be realized by Hastings if allowed to build.

Bob Parker, 726 Eastside Blvd., Hastings, (on behalf of Bank of Doniphan), appeared to speak in opposition. He commented that the State of Nebraska might not permit any more carve outs for incoming or outgoing traffic. Restrictive covenants were put in place when that area was developed, which restricted building to commercial office space. Bob requested the resolution to be tabled until next meeting, so that issues can be resolved.

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

Mayor Powers entered a letter received from Greg Sinner into record. Mayor Powers also received a letter in opposition from Jeanette DeWalt.

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

RESOLUTION NO. 2015-32

WHEREAS, the City of Hastings Municipal Code establishes regulations, requirements, and specific conditions for approving development plans for planned districts which have been designated by ordinance approved by the Mayor and City; and

WHEREAS, applicant Galaxy Ventures II, L.L.C, a Nebraska Limited Liability Company has submitted an application for the approval of a Development Plan to amend Planned District CP-2, Central Business District with a Planned District Overlay, for property described as Lot 2, Burlington North Subdivision, said property located at 708 North Burlington; and

WHEREAS, the Planning Commission and City Council have conducted public hearings as required by law and recommended approval of the Development Plan with certain conditions to be attached to this Resolution;

NOW THEREFORE, in consideration of the foregoing recitals, the Mayor and City Council of the City of Hastings, Nebraska, hereby approve the Development Plan and the recommended conditions, and further do hereby adopt the following resolution:

BE IT RESOLVED by the Mayor and City Council of the City of Hastings, Nebraska, does hereby approve the Development Plan for Lot2, Burlington North Subdivision to the City of Hastings, Adams County, Nebraska, subject to the following conditions:

- 1) The improvements shall be built and constructed pursuant to the development plans on file with the Development Services Department as of the date of this Ordinance.
- 2) All contracts and agreements to be signed and executed prior to the City Council meeting of November 9, 2015 or this application will be tabled until the documents are duly executed.
- 3) A PVC fence constructed to give the appearance of a stone wall eight feet (8') in height shall be erected along the east property line for the length of the property.
- 4) All outdoor light fixtures shall be downcast, sharp cut-off fixtures and recessed can lighting in the building eaves.
- 5) The primary sign shall be a monument sign as depicted in the plans and not a free-standing pole sign.
- 6) Noise generated from the menu board speaker and drive-thru pick up window shall be minimized to that of normal casual conversation and not amplified.
- 7) Storm water drainage shall be collected in the drive lanes and parking areas and directed away from the houses to the east.
- 8) The Landscape Plan shall be revised to depict the following additions;
 - a. Add two (2) deciduous canopy trees in the landscape strip west of the drive-thru lane. Two-inch (2") caliper size.
 - b. A total of seven (7) additional Hetzii Juniper trees to be added for screening of the neighboring properties to the east. Two more trees to the grouping of three on the north and south end as well as a grouping of three more worked in between the middle two groupings of three is appropriate.
 - c. Add proposed landscaping to screen refuse collection dumpster

Moved by Goebel seconded by Niemeyer to approve Resolution 2015-32.

Moved by Duval seconded by Harrington to table Resolution 2015-32 to the November 23, 2015 City Council Meeting.

Councilmember Duval mentioned multiple reasons for tabling the resolution, including a discussion on the Historical District, the Council's vision for the area, and concern for safety.

Councilmember Niemeyer stated we are pro-economic development and asked Mr. Ptak to explain covenants and if they are enforceable as a civil issue.

Mr. Ptak stated a motion to table is a priority motion and is not debatable. He advised the Council there will be plenty of time, if the motion is successful, to provide requested information regarding covenants.

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

Public hearing on the request of Nathan Hoeft, No Coast Brewing, LLC, for a Conditional Use Permit to operate a craft brewery to be known as "First Street Brewing Company" on property zoned C-2, Central Business District. (119 N. St. Joseph Avenue)

Mayor Powers asked Council President Duval to preside over the Public Hearing because of a Conflict of Interest as a stockholder and business partner in the "First Street Brewing Company".

Nathan Hoeft, 842 North Minnesota, Hastings 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, Councilmember Duval declared the hearing closed.

RESOLUTION NO. 2015-31

WHEREAS, Article IV, Chapter 34 of the City of Hastings Municipal Code establishes regulations, requirements, and specific conditions for granting Conditional Use; and

WHEREAS, applicant No Coast Brewing, L.L.C., a Nebraska Limited Liability Company, has submitted an application for a Conditional Use Permit to operate a craft brewery to be known as "First Street Brewing Company" on property zoned C-2, Central Business District, located at 119 North St. Joseph Avenue (Lots 18 through 20, Block 24, Original Town, City of Hastings, Adams County, Nebraska); and

WHEREAS, the Planning Commission and City Council have conducted public hearings as required by law;

NOW THEREFORE, in consideration of the foregoing recitals, the Mayor and City Council of the City of Hastings, Nebraska, hereby approve the Conditional Use Permit for No Coast Brewing, L.L.C. to operate a craft brewery at 119 North St. Joseph Avenue (Lots 18 through 20, Block 24, Original Town, City of Hastings, Adams County, Nebraska, and further do hereby adopt the following resolution:

BE IT RESOLVED by the Mayor and City Council of the City of Hastings, Nebraska, does hereby approve the Conditional Use Permit for No Coast Brewing, L.L.C., a Nebraska Limited Liability Company, to be known as "First Street Brewing Company" to operate a craft brewery at 119 North St. Joseph Avenue, legally described as Lots 18 through 20, Block 24, Original Town, City of Hastings, Adams County, Nebraska, without conditions other than complying with the zoning regulations in effect and applicable on said Lots.

Moved by Odom seconded by Harrington to pass and approve Resolution 2015-31.

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

Public hearing on the request of Dorothy Kelly to rezone property from District I-1, Limited Industrial District, to District R-3, Multiple Family Residential District. (1914 W. 2nd Street)

Eric Kelly, 1017 South Wabash, appeared to speak in favor. He stood to represent his mother, owner of the property at 1914 West 2nd Street. They are in the process of selling the property, but due to the zoning are unable to close on the loan.

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. 4459...AN ORDINANCE OF THE CITY OF HASTINGS, NEBRASKA, TO AMEND THE OFFICIAL ZONING DISTRICT MAP OF THE CITY OF HASTINGS, NEBRASKA TO REZONE LOT 9, BLOCK 3, BUNGALOW ADDITION TO THE CITY OF HASTINGS, ADAMS COUNTY, NEBRASKA, FROM "I-1, LIMITED INDUSTRIAL DISTRICT" TO "R-3, MULTIPLE FAMILY RESIDENTIAL 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 Skutnik moved for passage of the ordinance, which motion was seconded by Councilmember Krings.

Councilmember Odom asked if the Council would take care of other properties that are in the similar situation with zoning, in a manner so that other individuals would not need to come back to the Council for each property.

Lance Lang, City Planner, stated as the City identifies problems, they come up with a solution to zoning. The Planning Commission has shown interest in taking a proactive approach in identifying properties in similar situations with zoning. Those properties could be taken care of in a multiple rezoning instead of bringing before City Council one at a time.

Councilmember Odom asked staff to identify areas in similar zoning situations so that individual requests would not need to be made to the City Council.

The Mayor then stated the question "Shall Ordinance No. 4459 be passed and adopted?" Upon roll call vote the following Councilmembers voted YEA: Harrington, Duval, Odom, Niemeyer, Krings, Hoops, Skutnik, Goebel No: None. Absent: None. The motion passed.

Councilmember Krings moved that the statutory rule requiring reading on three different days be suspended; Councilmember Hoops 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. Absent: 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. Published in the Hastings Tribune on November 13, 2015. Effective date of the ordinance is November 25, 2015.

Public hearing on the application of Odyssey Downtown, LLC dba "Odyssey" for a Retail Class "C" Liquor License to be located at 521 West 2nd Street.

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. 2015-29

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HASTINGS, NEBRASKA, that after hearing had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent city ordinances of the City of Hastings, Nebraska:

 X The Hastings City Council hereby recommends that the application of Odyssey Downtown, LLC dba "Odyssey" for a Class "C" Liquor License for the license period ending October 31, 2016, at 521 West 2nd Street, Hastings, Nebraska, be approved.

 The Hastings City Council hereby recommends that the application of Odyssey Downtown, LLC dba "Odyssey" for a Class "C" Liquor License for the license period ending October 31, 2016, at 521 West 2nd Street, Hastings, Nebraska, be denied for the following reasons:

BE IT FURTHER RESOLVED, that the City Clerk is directed to transmit a copy of this Resolution to the Nebraska Liquor Control Commission.

Moved by Harrington seconded by Duval to pass and approve Resolution 2015-29.

Councilmember Krings stated that the Community Redevelopment Authority is using an incentive program to encourage business development in the community. The Odyssey is a model project showing that economic development can be spurred throughout the community.

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 the manager application of James A. Hamburger in connection with the Retail Class "C" Liquor License of Odyssey Downtown, LLC dba "Odyssey" to be located at 521 West 2nd Street. Roll Call: Ayes: Harrington, Duval, Odom, Niemeyer, Krings, Hoops, Skutnik, Goebel. Nays: None. Absent: None. The motion carried.

Public hearing on the application of The Listening Room, Inc. dba "The Lark" for a Retail Class "I" Liquor License to be located at 809 West 2nd Street.

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. 2015-30

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HASTINGS, NEBRASKA, that after hearing had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent city ordinances of the City of Hastings, Nebraska:

 X The Hastings City Council hereby recommends that the application of The Listening Room, Inc. dba "The Lark" for a Class "I" Liquor License for the license period ending April 30, 2016, at 809 West 2nd Street, Hastings, Nebraska, be approved.

 The Hastings City Council hereby recommends that the application of The Listening Room, Inc. dba "The Lark" for a Class "I" Liquor License for the license period ending April 30, 2016, at 809 West 2nd Street, Hastings, Nebraska, be denied for the following reasons:

BE IT FURTHER RESOLVED, that the City Clerk is directed to transmit a copy of this Resolution to the Nebraska Liquor Control Commission.

Moved by Hoops seconded by Niemeyer to pass and approve Resolution 2015-30.

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

Moved by Harrington, seconded by Niemeyer for Approval of the manager application of Robin C. Harrell in connection with the Retail Class "I" Liquor License of The Listening Room, Inc. dba "The Lark" to be located at 809 West 2nd Street. Roll Call: Ayes: Harrington, Duval, Odom, Niemeyer, Krings, Hoops, Skutnik, Goebel. Nays: None. Absent: None. The motion carried.

Moved by Skutnik, seconded by Niemeyer for the application of Gavilon Group, LLC for final plat of Grain Estates Subdivision. 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 the application of John E. Volkmer for final plat of Volkmer Subdivision. Roll Call: Ayes: Harrington, Duval, Odom, Niemeyer, Krings, Hoops, Skutnik, Goebel. Nays: None. Absent: None. The motion carried.

Moved by Goebel, seconded by Niemeyer for approval of the Consultant Services Agreement with Kirkham Michael Associates for Airport Improvement (AIP) Project No. 3-31-0040-14 to replace VASIs for 4/22 with 2 box PAPIs, remove and replace beacon, terminal area lighting, joint sealing for 4/22 and new runway markings for 4/22 for a total fee not to exceed \$140,683.24. Roll Call: Ayes: Harrington, Duval, Odom, Niemeyer, Krings, Hoops, Skutnik, Goebel. Nays: None. Absent: None. The motion carried.

Moved by Harrington, seconded by Hoops for Awarding bid to South Central Bobcat for one T770 Bobcat Compact Track Loader for the Landfill in the amount of \$59,951.00. (downpayment--\$33,000.00, principal to be financed--\$26,951.00, interest rate--3.170% for one year with annual installment payment of \$27,805.35) Roll Call: Ayes: Harrington, Duval, Odom, Niemeyer, Krings, Hoops, Skutnik, Goebel. Nays: None. Absent: None. The motion carried.

City Clerk, Kimberly Jacobitz, gave a brief report advising of objections to Street Improvement District 2015-1 (East 9th Street from Ash Avenue East to North 2nd Avenue including the intersections at North Ash Avenue, Pine Knoll Road and North 2nd Avenue). One objection was received calculated to be 8.1952% of the total district. Ordinance 4453 creating Street Improvement District 2015-1 is therefore valid.

ORDINANCE NO. 4455... AN ORDINANCE OF THE CITY OF HASTINGS, NEBRASKA, TO AUTHORIZE THE SALE OF CITY PROPERTY; TO PROVIDE THE TERMS OF SALE AND AUTHORIZE THE MAYOR TO EXECUTE AND DELIVER A QUIT CLAIM DEED TO THE PROPERTY; TO PROVIDE FOR A REMONSTRANCE TO SAID SALE AS PROVIDED BY LAW; 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 Hoops.

The Mayor then stated the question "Shall Ordinance No. 4455 be passed and adopted?" Upon roll call vote the following Councilmembers voted YEA: Harrington, Duval, Odom, Niemeyer, Krings, Hoops, Skutnik, Goebel No: None. Absent: None. The motion passed.

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 YEA: Harrington, Duval, Odom, Niemeyer, Krings, Hoops, Skutnik, Goebel No: None. Absent: 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. Published in the Hastings Tribune on November 13, 2015. Effective date of the ordinance is November 25, 2015.

ORDINANCE NO. 4456... AN ORDINANCE OF THE CITY OF HASTINGS, NEBRASKA, TO AUTHORIZE THE SALE OF CITY PROPERTY; TO PROVIDE THE TERMS OF SALE AND AUTHORIZE THE MAYOR TO EXECUTE AND DELIVER A SPECIAL WARRANTY DEED TO THE PROPERTY; TO PROVIDE FOR A REMONSTRANCE TO SAID SALE AS PROVIDED BY LAW; 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 Odom spoke regarding utility services to the area. The Board of Public Works has discussed funding for infrastructure in areas to encourage development.

Dave Ptak stated that the sale is subject to a 30 day Right of Remonstrance, which will be in effect once the Notice of Sale has been published. This property is less than 10 acres and must be platted.

The Mayor then stated the question "Shall Ordinance No. 4456 be passed and adopted?" Upon roll call vote the following Councilmembers voted YEA: Harrington, Duval, Odom, Niemeyer, Krings, Hoops, Skutnik, Goebel No: None. Absent: None. The motion passed.

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 YEA: Harrington, Duval, Odom, Niemeyer, Krings, Hoops, Skutnik, Goebel No: None. Absent: 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. Published in the Hastings Tribune on November 13, 2015. Effective date of the ordinance is November 25, 2015.

ORDINANCE NO. 4457... AN ORDINANCE OF THE CITY OF HASTINGS, NEBRASKA TO VACATE THAT PART OF WEST 13TH STREET RIGHT-OF-WAY LYING BETWEEN BLOCK 1 OF L. B. PALMERS 2ND ADDITION TO THE CITY OF HASTINGS, ADAMS COUNTY, NEBRASKA, AND BLOCK 1 OF POEHLERS ADDITION TO THE CITY OF HASTINGS, ADAMS COUNTY, NEBRASKA; TO RESERVE EASEMENTS FOR ANY EXISTING OR FUTURE UTILITIES LOCATED ON, OVER, OR UNDER THE STREET SO VACATED ALONG WITH THE RIGHT TO GO ONTO SAID PREMISES FOR THE PURPOSE OF CONSTRUCTING, REPLACING OR EXPANDING SUCH UTILITIES; AND TO PROVIDE FOR THE PUBLICATION OF THIS ORDINANCE IN ITS ENTIRETY OR IN PAMPHLET FORM.

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

The Mayor then stated the question "Shall Ordinance No. 4457 be passed and adopted?" Upon roll call vote the following Councilmembers voted YEA: Harrington, Duval, Odom, Niemeyer, Krings, Hoops, Skutnik, Goebel No: None. Absent: None. The motion passed.

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 YEA: Harrington, Duval, Odom, Niemeyer, Krings, Hoops, Skutnik, Goebel No: None. Absent: 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. Published in the Hastings Tribune on November 13, 2015. Effective date of the ordinance is November 25, 2015.

ORDINANCE NO. 4458... AN ORDINANCE CREATING SANITARY SEWER EXTENSION DISTRICT NO. 2016-1 OF THE CITY OF HASTINGS, NEBRASKA, UNDER THE PROVISIONS OF NEB. REC. STAT. §19-2402, AS AMENDED, DEFINING THE BOUNDARIES THEREOF, DIRECTING THE CONSTRUCTION OF SEWER MAINS AND OTHER APPURTENANT IMPROVEMENTS, MAKING REFERENCE TO PLANS AND SPECIFICATIONS, STATING THE ENGINEER'S ESTIMATE OF COST AND PROVIDING THAT THE COST OF SAID MAINS AND OTHER IMPROVEMENTS BE REPAID TO THE CITY THROUGH SPECIAL ASSESSMENTS LEVIED ACCORDING TO THE BENEFITS ACCRUING TO THE PROPERTY SPECIALLY BENEFITED.

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

Marv Schultes stated that the district is within the City limits. There is a house being built that needs sewer. Every property within the district would be impacted.

Dave Ptak explained that the sewer extension district, under Chapter 19 of the Statutes, would not have a remonstrance period. The Statutes mandate that the properties pay for and hook up to the sewer service.

Councilmember Odom mentioned that these districts were done with agreements in the past which allowed five years to hook onto services. Those agreements allowed legal loopholes that left the City open to problems.

The Mayor then stated the question "Shall Ordinance No. 4458 be passed and adopted?" Upon roll call vote the following Councilmembers voted YEA: Harrington, Duval, Odom, Niemeyer, Krings, Hoops, Skutnik, Goebel No: None. Absent: None. The motion passed.

Councilmember Skutnik moved that the statutory rule requiring reading on three different days be suspended; Councilmember Odom 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. Absent: 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. Published in the Hastings Tribune on November 13, 2015. Effective date of the ordinance is November 25, 2015.

ORDINANCE NO. 4460... AN ORDINANCE OF THE CITY OF HASTINGS, NEBRASKA, VACATING A PORTION OF EASTRIDGE MEADOWS, 1st ADDITION TO THE CITY OF HASTINGS, ADAMS COUNTY, NEBRASKA AND RETAINING THE PLATTED STREET KNOWN AS DORAN CIRCLE; PROVIDING FOR FILING OF THIS ORDINANCE WITH THE REGISTER OF DEEDS OF ADAMS COUNTY, NEBRASKA; REPEALING INCONSISTENT PROVISIONS; AND PROVIDING 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 "Shall Ordinance No. 4460 be passed and adopted?" Upon roll call vote the following Councilmembers voted YEA: Harrington, Duval, Odom, Niemeyer, Krings, Hoops, Skutnik, Goebel No: None. Absent: None. The motion passed.

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 YEA: Harrington, Duval, Odom, Niemeyer, Krings, Hoops, Skutnik, Goebel No: None. Absent: 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. Published in the Hastings Tribune on November 13, 2015. Effective date of the ordinance is November 25, 2015.

Moved by Niemeyer, seconded by Odom for approval of the Thomas L. Krueger for final plat of Eastridge Meadows 4th Addition. Roll Call: Ayes: Harrington, Duval, Odom, Niemeyer, Krings, Hoops, Skutnik, Goebel. Nays: None. The motion carried.

Moved by Hoops, seconded by Skutnik that the Mayor and Council go into Executive Session at 6:20 P.M. for real estate discussion and litigation. Roll Call: Ayes: Harrington, Duval, Odom, Niemeyer, Krings, Hoops, Skutnik, Goebel. Nays: None. The motion carried.

Moved by Krings, 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, Krings, Hoops, Skutnik, Goebel. Nays: None. The motion carried.

Moved by Krings, seconded by Skutnik 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:

Vern P. Powers, Mayor

ATTEST:

Kimberly S. Jacobitz, City Clerk

(S E A L)