

CITY OF HASTINGS, NEBRASKA

MINUTES OF CITY COUNCIL REGULAR MEETING  
Monday, July 13, 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 July 13, 2015.

The meeting was called to order at 5:40 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 of the United States of America.

Moved by Niemeyer, seconded by Skutnik that the Agenda for the July 13, 2015 Regular Meeting be adopted. Official Notice of the meeting was given in the Hastings Tribune on Friday, July 10, 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.

**REPORTS OF LIAISONS:**

Councilmember Goebel reported on the Board of Public Works meeting held July 2, 2015. He stated that there was a presentation on a Municipal Utility Plan to provide utilities on the new Truck Route to the east of Hastings. They divided the plan into two phases: Phase 1 would be 42<sup>nd</sup> Street (Highway 281 to Showboat Blvd.) with a total cost of electric, gas, water, and sewer at approximately \$600,000 and Phase 2 would be from the Showboat Blvd/42<sup>nd</sup> Street corner down to Highway 6 and cost approximately \$2.45 million. The board will be making a decision on what to do or not to do with the plan.

The board also approved an Interlocal Agreement between the Upper Big Blue Natural Resource District and the City of Hastings for financial assistance for the Vadose Zone Nitrate Study, which is on tonight's agenda. The University of Nebraska at Lincoln proposed to do this study. The Upper Big Blue has committed 20% participation to the study with a maximum outlay of \$50,000. With the study cost being approximately \$291,000, it will surpass the \$50,000 maximum.

A report was given on the March 2015 monthly and quarterly update. Revenues are down in electricity, gas, water, and sewer year to date compared to 2014. Wholesale electricity market has been running poorly recently.

The next meeting for the Board of Public Works is scheduled for this Thursday, July 16, 2015, at 9a.m. at Hastings Utilities.

Mayor Powers stated that the study mentioned by Councilmember Goebel will be ongoing with University of Nebraska at Lincoln. Many years of research programs are planned with UNL.

Councilmember Odom reminded everyone of the event scheduled for Wednesday, July 22<sup>nd</sup>, with the Ozu, Japan group to celebrate twenty years as Sister Cities.

**MAYOR'S COMMUNICATIONS:** Mayor Powers invited Willis Hunt to speak in regards to the upcoming Adams County Fair. Willis informed the group that the Adams County Fair will open this Wednesday with an opening ceremony at 5:30p.m. Special guest at the ceremony will be Lt. Governor Mike Foley. He invited everyone to come out to the Adams County Fair.

Mayor Powers recognized the service anniversaries for Lori Vorderstrasse, 30 years of service as of July 22, 2015; Gaylen Kloepper, 35 years of service as of July 7, 2015; Michael Kraftzik, 25 years of service as of July 9, 2015; Billy Stromer, 35 years of service as of July 14, 2015; David Murrell, 35 years of service as of July 31, 2015; Jeffery Campbell, 30 years of service as of July 9, 2015. Mayor presented Jeffery Campbell's 30 year pin during the meeting.

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

1(a) Minutes of the Council Meeting of June 22, 2015.

(b) Minutes of the Council Worksession of June 15, 2015.

2(a) Approval of the request of the Hastings Lodge No. 50 to utilize city streets for the Annual Veterans Recognition Parade to be held at 10:00 a.m. on November 7, 2015.

(b) Approval of the request of the Downtown Center Association for closure of city streets and the parking lot at 3<sup>rd</sup> Street and Denver Avenue for Junk Street event to be held September 19, 2015 from 10:00 a.m. to 5:00 p.m.

(c) Approval of the request of the Downtown Center Association to allow sale of goods and merchandise on Thursday evenings from July to October on the sidewalk space in front of businesses downtown.

(d) Approval of the request of Murphy's Wagon Wheel, Inc. for a Special Designated License at the Adams County Fairgrounds on August 15, 2015.

(e) Approval of the manager application of Renee L. Snider in connection with the Class "D" Liquor License of Walgreen's 3269 located at 705 N. Burlington Avenue.

(f) Approval of the request of the Spouse Abuse Sexual Assault (SASA) Crisis Center, Inc. to utilize city streets for their 6<sup>th</sup> Annual 5K run/1 mile walk on August 22, 2015.

(g) Approval of the request of MRC for use of city streets for the MRC 5K and Family Fun Run on August 1, 2015.

4(a) Approval of the payroll for the period ending July 4, 2015, paid July 10, 2015 and the pay period ending July 18, 2015, paid July 24, 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.

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

Councilmember Goebel asked for clarification on the request from the Downtown Center Association to allow sale of goods and merchandise on Thursday evenings from July to October on the sidewalk space in front of businesses downtown.

Mr. Wacker, City Engineer, stated that there is a provision in the City Code to allow sales on downtown sidewalks outside of Tuesday or Saturday, upon special request to the City Council. This will not change City Code.

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

**REGULAR AGENDA:**

Public hearing on the request of Ryan Karr and Brian Nauert, Hastings Self Storage, for a Conditional Use Permit to allow self-storage units. (1002, 1006, 1010 & 1014 “H” 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. 2015-19**

**WHEREAS**, Article IV, Chapter 34 of the City of Hastings Municipal Code establishes regulations, requirements, and specific conditions for granting Conditional Use Permits for property to used for self-storage facilities located on property zoned C-3, Commercial Business District; and

**WHEREAS**, applicants Brian Nauert and Ryan Karr have submitted an application for a Conditional Use Permit for the development of self-storage units on Lots 3 through 6, South Burlington Subdivision, which property is currently zoned C-3, Commercial Business District; and

**WHEREAS**, the Planning Commission and City Council have conducted public hearings as required by law, and applicants made changes and revisions to the plans for the storage units;

**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 Mr. Nauert and Mr. Karr at this location 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 recommend approval of the Conditional Use Permit for a self-storage facility on Lots 3 through 6, South Burlington Subdivision, City of Hastings, Nebraska, subject to the following conditions:

- 1) Construction of the self-storage buildings and associated improvements such as drive aisles and maneuvering areas, shall be based on the final Revised Site Plan on file with the Development Services Department.
- 2) Install landscaping consisting of twelve trees and nine shrubs, with turf grass from the curb at H Street back to the building as shown on the final Revised Site Plan on file with the Development Services Department.
- 3) A four-foot wide public sidewalk be constructed to City of Hastings specifications and installed for the length of the property frontage along H Street.

Moved by Harrington, seconded by Niemeyer to pass and approve Resolution 2015-19.

Councilmember Odom asked if all changes were made that were agreed to by Staff. Mark Evans, City Building Inspector, stated that all revisions have been made.

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

**REGULAR AGENDA:**

Public hearing on the request of Terry Boutin to rezone property from I-2 Heavy Industrial District to R-2 Mixed Density Neighborhood District. (714 & 720 S. Ross Avenue)

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. 4444. . .AMENDING THE ZONING DISTRICT MAP OF THE CITY OF HASTINGS, NEBRASKA TO REZONE LOTS 1 AND 2, BOUTIN'S SUBDIVISION, TO THE CITY OF HASTINGS, ADAMS COUNTY, NEBRASKA, F/K/A LOTS 6 THRU 14 INCLUSIVE, M.J. SMITHS ADDITION, AN ADDITION TO THE CITY OF HASTINGS, ADAMS COUNTY, NEBRASKA, FROM "I-2, HEAVY INDUSTRIAL DISTRICT" TO "R-2, MIXED-DENSITY NEIGHBORHOOD 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 Niemeyer moved for passage of the ordinance, which motion was seconded by Councilmember Harrington.

The Mayor then stated the question was “Shall Ordinance No. 4444 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 motion passed on first reading only.

Councilmember Niemeyer 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 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 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 July 17, 2015. Effective date of the ordinance is July 29, 2015.

Public hearing on the request of the Development Services Department to amend Hastings City Code Section 34-311, Accessory Uses and Structures, as it pertains to the defined size of a garage or carport space, AND to amend Table 311-1: Residential Accessory Structures, pertaining to the size and number of accessory buildings allowed in residential zones.

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. 4445. . .AMENDING SECTION 34-311 OF THE OFFICIAL CITY CODE PERTAINING TO ACCESSORY BUILDINGS; 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 Goebel moved for passage of the ordinance, which motion was seconded by Councilmember Harrington.

The Mayor then stated the question was “Shall Ordinance No. 4445 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 motion passed on first reading only.

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 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 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 July 17, 2015. Effective date of the ordinance is July 29, 2015.

Moved by Niemeyer, seconded by Odom for approval of the Agreement for Professional Services with Olsson and Associates in the amount of \$41,900.00 for street and storm sewer improvements on 9th Street—Elm Avenue to 2nd Avenue in conjunction with the College Pedestrian Mall.

Councilmember Goebel asked Dave Wacker if this project will include ADA sidewalks from Ash to 2<sup>nd</sup> Avenue on both sides and street lights. Dave Wacker stated that it will.

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

Moved by Niemeyer, seconded by Harrington for approval of the Disadvantaged Business Enterprise (DBE) Program policy and attachments for the Hastings Municipal Airport and authorizing Mayor and City Clerk to execute agreement.

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

Moved by Goebel, seconded by Skutnik for approval of the Interlocal Agreement between the Upper Big Blue Natural Resource District and the City of Hastings for financial assistance for the Vadose Zone Nitrate Study and authorizing Mayor to sign agreement.

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

Moved by Harrington, seconded by Skutnik to authorize the Mayor to execute addendum to Lottery Operator's Agreement with Hastings Keno, Inc. to add Wolbach, Nebraska.

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 the Nebraska Community Energy Alliance Interlocal Cooperation Agreement.

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

### **Resolution No. 2015-20**

WHEREAS, the City of Hastings, Nebraska, desires to enter into an agreement to create the Nebraska Community Energy Alliance and to become a member thereof, for the purpose of identifying, applying for, administering or otherwise making available grants and funding sources to members thereof; and

WHEREAS, on the 13<sup>th</sup> day of July, 2015, the Hastings City Council voted to approve a motion to approve the Nebraska Community Energy Alliance Interlocal Cooperation Agreement (Amended and Restated as of June 2014);

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

BE IT RESOLVED by the Mayor and City Council of the City of Hastings, Nebraska, that the City of Hastings hereby reaffirms the motion adopted and approved on July 13, 2015 to approve the Nebraska Community Energy Alliance Interlocal Cooperation Agreement (Amended and Restated as of June 2014) and authorizes the Mayor to execute said Agreement on behalf of the City.

BE IT FURTHER RESOLVED by the Mayor and City Council of the City of Hastings, Nebraska, that the City of Hastings hereby appoints the City Administrator to serve as a director on the board of directors for the Nebraska Community Energy Alliance.

BE IT FURTHER RESOLVED by the Mayor and City Council of the City of Hastings, Nebraska, that the City of Hastings hereby designates the City Administrator to serve as its voting delegate to represent the City at the annual membership meeting of the Nebraska Community Energy Alliance.

Moved by Skutnik, seconded by Duval to pass and approve Resolution 2015-20.

Joe Patterson stated that the Board of Directors for the Nebraska Community Energy Alliance meet every 6 months and administrators from each of the cities in the coalition represents their respective communities. They usually try to meet whenever there is a League Association meeting.

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

ORDINANCE NO. 4446. . . VACATING A PORTION OF PUBLIC RIGHT-OF-WAY KNOWN AS "WEST "A" STREET", SEVENTY FOOT (70') WIDE, FROM THE EAST RIGHT-OF-WAY LINE OF SOUTH DENVER AVENUE TO THE WEST RIGHT-OF-WAY LINE OF SOUTH ST. JOSEPH AVENUE.

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

Dave Ptak, City Attorney, stated that this piece of 'A' Street was railroad right-of-way at one time. The City acquired it and at some point allowed the railroad to continue to use it, except for vehicular purposes. The railroad pulled out, but there is not much paperwork in the history of this. There is a lot of different discussion as far as how this became 'A' Street and who owns it. We do know that it was platted as part of a platted street. It has never been vacated or been in any way disposed of by the City, so our research shows that it is still owned by the City and subject to being vacated. The effect of this ordinance would cause the property to be split with the north 35 feet going to the property owner on the north and the south 35 feet going to the property owner on the south. This area basically lies between South Denver and South Saint Joseph. It does show as a platted street, so it has never been vacated. This is the only way to provide for the property. It will never be utilized as a street because it doesn't go through.

The Mayor then stated the question was "Shall Ordinance No. 4446 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 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, 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 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 July 17, 2015. Effective date of the ordinance is July 29, 2015.

Moved by Niemeyer, seconded by Odom that the Council approve the Mayor's Reappointments as follows:

**BOARD OR**

<b>COMMISSION</b>	<b>Appointee</b>	<b>Dates of Term</b>
Business Improvement	John Hamburger	11/10/14-11/10/17
	Mike Nevriy	11/10/14-11/10/17
	Roy DeMars	11/10/14-11/10/17
	Jeb Brant	11/10/14-11/10/17
	Bob Murphy	11/10/14-11/10/17
Civil Service	Bob Parker	7/01/15-7/01/20
	Bruce Cutright	7/01/15-7/01/20

Library Board	Sherri Andreasen	7/01/15-7/01/19
Museum Board	Michelle Oldham	7/01/15-7/01/20
Public Works	Chuck Shoemaker	7/01/15-7/01/20

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 into Executive Session at 6:05 P.M. to discuss real estate negotiations and litigation. Roll Call: Ayes: Harrington, Duval, Odom, Niemeyer, Skutnik, Goebel. Nays: None. The motion carried.

Moved by Niemeyer, seconded by Duval 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. The motion carried .

Moved by Niemeyer, 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. The motion carried .

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

( S E A L )