



# City of Grand Island

Tuesday, May 24, 2016

Council Session

## Item G-1

**Approving Minutes of May 10, 2016 City Council Regular Meeting**

Staff Contact: RaNae Edwards

CITY OF GRAND ISLAND, NEBRASKA

MINUTES OF CITY COUNCIL REGULAR MEETING  
May 10, 2016

Pursuant to due call and notice thereof, a Regular Meeting of the City Council of the City of Grand Island, Nebraska was conducted in the Council Chambers of City Hall, 100 East First Street, on May 10, 2016. Notice of the meeting was given in *The Grand Island Independent* on May 4, 2016.

Mayor Jeremy L. Jensen called the meeting to order at 7:00 p.m. The following City Council members were present: Mitch Nickerson, Mark Stelk, Chuck Haase, Julie Hehnke, Linna Dee Donaldson, Michelle Fitzke, Vaughn Minton, Roger Steele, and Mike Paulick. Councilmember Jeremy Jones was absent. The following City Officials were present: City Administrator Marlan Ferguson, City Clerk RaNae Edwards, Finance Director Renae Griffiths, City Attorney Jerry Janulewicz, and Public Works Director John Collins.

Mayor Jensen introduced Community Youth Council member Rylan Dvorak.

INVOCATION was given by Pastor Bill Pavuk, St. Pauls Lutheran Church, 1515 South Harrison Street followed by the PLEDGE OF ALLEGIANCE.

PRESENTATIONS AND PROCLAMATIONS:

Presentation by Hall County Vietnam Veterans Hero Flight Committee. Hall County Supervisors Pam Lancaster and Gary Quandt representing the Hall County Vietnam Veterans Hero Flight Committee thanked the City of Grand Island for their work in welcoming the Vietnam Veterans home from Washington, DC on May 3, 2016.

PUBLIC HEARINGS:

Public Hearing on Request from La Mexicana, Inc. dba La Mexicana Market, 385 North Pine Street for a Class "D" Liquor License. City Clerk RaNae Edwards reported that an application for a Class "D" Liquor License had been received from La Mexicana, Inc. dba La Mexicana Market, 385 North Pine Street. Ms. Edwards presented the following exhibits for the record: application submitted to the Liquor Control Commission and received by the City on March 16, 2016; notice to the general public of date, time, and place of hearing published on April 30, 2016; notice to the applicant of date, time, and place of hearing mailed on April 19, 2016; along with Chapter 4 of the City Code. Staff recommended denial based on the Police Department report and Nebraska State Statutes 53-132 (2a, 2b & 2c). Tom Wagoner, attorney for the applicant spoke in support. No further public testimony was heard.

Public Hearing on Request from La Fonda Jalisco, LLC dba La Fonda Jalisco, 613 East 4th Street for a Class "C" Liquor License. City Clerk RaNae Edwards reported that an application for a Class "C" Liquor License had been received from La Fonda Jalisco, LLC dba La Fonda Jalisco, 613 East 4<sup>th</sup> Street. Ms. Edwards presented the following exhibits for the record: application submitted to the Liquor Control Commission and received by the City on April 8, 2016; notice to the general public of date, time, and place of hearing published on April 30, 2016; notice to the applicant of date, time, and place of hearing mailed on April 8, 2016; along

with Chapter 4 of the City Code. Staff recommended approval contingent upon final inspections and completion of a state approved alcohol server/seller training program. Tom Wagoner, attorney for the applicant spoke in support. No further public testimony was heard.

Public Hearing on Request to Rezone Property located at 2220 N. Webb Road from CD – Commercial Development to Amended CD – Amended Commercial Development (Westar Foods). Regional Planning Director Chad Nabity reported that an application had been made by Westar Foods to rezone property located at 2220 N. Webb Road from CD – Commercial Development to Amended CD – Amended Commercial Development. Staff recommended approval. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement - (#1) - Capital & Broadwell Avenues (U.S. Department of Veterans Affairs). Utilities Director Tim Luchsinger reported that acquisition of a utility easement located north of the VA Hospital at the northwest corner of Broadwell and Capital Avenue was needed in order to have access to install, maintain, and repair the high voltage underground power lines and pad-mount transformers that would serve the facility. Staff recommended approval. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement - (#2) - Capital & Broadwell Avenues (U.S. Department of Veterans Affairs). Utilities Director Tim Luchsinger reported that acquisition of a utility easement located north of the VA Hospital at the northwest corner of Broadwell and Capital Avenue was needed in order to have access to install, maintain, and repair the public water main and related appurtenances that serve the apartment buildings for veteran housing currently being built. Staff recommended approval. No public testimony was heard.

#### ORDINANCES:

Councilmember Donaldson moved “that the statutory rules requiring ordinances to be read by title on three different days are suspended and that ordinance numbered:

#9585 - Consideration of Request to Rezone Property located at 2220 N. Webb Road from CD – Commercial Development to Amended CD – Amended Commercial Development (Westar Foods)

be considered for passage on the same day upon reading by number only and that the City Clerk be permitted to call out the number of this ordinance on second reading and then upon final passage and call for a roll call vote on each reading and then upon final passage.” Councilmember Nickerson seconded the motion. Upon roll call vote, all voted aye. Motion adopted.

Mr. Nabity answered questions regarding a shared driveway with Burger King at this location.

Motion by Haase, second by Paulick to approve Ordinance #9585.

City Clerk: Ordinance #9585 on first reading. All those in favor of the passage of this ordinance on first reading, answer roll call vote. Upon roll call vote, all voted aye. Motion adopted.

City Clerk: Ordinance #9585 on second and final reading. All those in favor of the passage of this ordinance on second and final reading, answer roll call vote. Upon roll call vote, all voted aye. Motion adopted.

Mayor Jensen: By reason of the roll call votes on first reading and then upon second and final readings, Ordinance #9585 is declared to be lawfully adopted upon publication as required by law.

CONSENT AGENDA: Consent Agenda items G-9 and G-12 (Resolution #2016-110 and #2016-113) were pulled for further discussion. Motion by Donaldson, second by Minton to approve the Consent Agenda excluding items G-9 and G-12. Upon roll call vote, all voted aye. Motion adopted.

Approving Minutes of April 26, 2016 City Council Regular Meeting.

Approving Liquor Manager Designation for Besim Shala, 1203 Stoneywood Avenue for Napoli's Italian, 3421 Conestoga Drive.

Approving Liquor Manager Designation for Sean Roll, 2204 Chanticleer Street for Olive Garden, 1010 Allen Drive.

#2016-105 - Approving Request from La Fonda Jalisco, LLC dba La Fonda Jalisco, 613 East 4th Street for a Class "C" Liquor License and Liquor Manager Designation for Blanca Ascencion, 2223 Bellwood #175.

#2016-106 - Approving Final Plat and Subdivision Agreement for Commercial Industrial Park 6th Subdivision. It was noted that Middleton Properties, LLC, owners, had submitted the Final Plat and Subdivision Agreement for Commercial Industrial Park 6<sup>th</sup> Subdivision for the purpose of creating 3 lots located south of Frontage Road and east of Industrial Lane consisting of 4.409 acres.

#2016-107 - Approving Final Plat and Subdivision Agreement for Hayman's 2nd Subdivision. It was noted that Handlers Land LLC, owners, had submitted the Final Plat and Subdivision Agreement for Hayman's 2<sup>nd</sup> Subdivision for the purpose of creating 2 lots located east of North Road and south of Stolley Park Road consisting of 4.75 acres.

#2016-108 - Approving Final Plat and Subdivision Agreement for Jack Voss Horse Country Club 4th Subdivision. It was noted that Joseph Brown and Lori Bear-Brown, owners, had submitted the Final Plat and Subdivision Agreement for Jack Voss Horse Country Club 4<sup>th</sup> Subdivision for the purpose of creating 2 lots located east of Engleman Road and north of Michigan Avenue consisting of 7.036 acres.

#2016-109 - Approving Final Plat and Subdivision Agreement for Park Island Square 7th Subdivision. It was noted that KM Grand Island Joint Venture, LLC, owners, had submitted the Final Plat and Subdivision Agreement for Park Island Square 7<sup>th</sup> Subdivision for the purpose of creating 2 lots located south of 13<sup>th</sup> Street and west of US Highway 281 consisting of 7.81 acres.

#2016-110 - Approving Subordination Agreement for Lois Stade, 236 S. Plum Street. Community Development Specialist Charley Falmlen stated Lois Stade was looking to refinance

her home which the City had a Community Development down payment assistance lien on. The bank was requesting the subordination agreement. Discussion was held regarding the City having a second lien now and would still have a second lien after the subordination agreement.

Motion by Nickerson, second by Hehnke to approve Resolution #2016-110. Upon roll call vote, all voted aye. Motion adopted.

#2016-111 - Approving Acquisition of Utility Easement - (#1) - Capital & Broadwell Avenues (U.S. Department of Veterans Affairs).

#2016-112 - Approving Acquisition of Utility Easement - (#2) - Capital & Broadwell Avenues (U.S. Department of Veterans Affairs).

#2016-113 - Approving Purchase of a 2016 Pick-up Truck for the Utilities Department, Water Shop, via State Contract #14337 OC from Sid Dillon Chevrolet of Crete, NE in an Amount of \$48,663.00. Utilities Director Tim Luchsinger stated this truck was a replacement for a service truck that was scheduled to be replaced in this year's budget. Comments were made concerning the current 12 year truck with low mileage. Mentioned was having a fleet management city wide. Mr. Luchsinger explained the difference in the Utilities Department fleet versus other companies and the importance of having dependable vehicles. Mr. Ferguson stated the City had an extensive record of fleet management of City vehicles.

Motion by Hehnke, second by Stelk to approve Resolution #2016-113. Upon roll call vote, all voted aye. Motion adopted.

#2016-114 - Approving Coal Contract for 2017 for the Platte Generating Station with Arch Coal Sales, Coal Creek Mine.

#2016-115 - Approving Purchase of a 2017 Truck with 41 Ft. Articulating Telescopic Aerial Platform for the Electric Transmission/Substation Division of the Utilities Department from the NJPA Contract No. 031014-ALT Altec Industries, Inc. in an amount of \$143,615.00.

#2016-116 - Approving Award for Consulting Services for Geospatial Data Collection of Grand Island's Public Storm Water Conveyance System – 2016 with EA Engineering, Science, and Technology, Inc. of Lincoln, NE in an Amount of approximately \$50,000.00.

#2016-117 - Approving Agreement Amendment No. 3 with Olsson Associates of Grand Island, NE for Professional Services Related to the Ext of Sanitary Sewer System in Wildwood Subdivision (Dist No. 528), from Wildwood Subdivision to I-80 (Dist No. 530T), and Sanitary Sewer Improvement Dist No. 2 (South of I-80) in an Amount of \$38,448.00 and a Revised Contract Amount of \$580,633.00.

#2016-118 - Approving Agreement for 2016 Pavement Condition Assessment, Traffic Control Sign Inventory, Pavement Markings Inventory, and Sidewalk Inventory with IMS Infrastructure Management Services of Tempe, AZ in an Amount of \$194,365.00.

RESOLUTIONS:

#2016-119 - Consideration of Approving Request from La Mexicana, Inc. dba La Mexicana Market, 385 North Pine Street for a Class "D" Liquor License and Liquor Manager Designation for Veronica Alvarez, 609 So. Stuhr Road. This item was related to the aforementioned Public Hearing. Comments were made regarding the past history of the applicant selling to minors and what procedures were in place to avoid this in the future. Tom Wagoner, attorney for the applicant commented on the past history of the applicant.

Motion by Stelk, second by Donaldson to deny Resolution #2016-119 based upon the Police Department Report and Nebraska State Statutes 53-132 (2a, 2b & 2c). Upon roll call vote, all voted aye. Motion adopted.

#2016-120 - Consideration of Approving Resolution Directing Property Owner to Repair Sidewalk at 103 West 3rd Street. Public Works Director John Collins reported that Code Enforcement was notified of the sidewalk in disrepair at 103 West 3<sup>rd</sup> Street. On March 30, 2016 Code Enforcement notified the owner giving them 30 days to correct the violation under City Code Section 32-58. The work had not been made as of April 29, 2016. The Public Works Department requested a resolution be passed giving the property owner 15 days to obtain the sidewalk permit and 15 days from issuance of such permit to complete the repairs of the sidewalk.

Mr. Collins explained what the City expected the property owner needed to do to repair the sidewalk.

Motion by Paulick, second by Minton to approve Resolution #2016-120. Upon roll call vote, all voted aye. Motion adopted.

PAYMENT OF CLAIMS:

Motion by Donaldson, second by Hehnke to approve the Claims for the period of April 27, 2016 through May 10, 2016 for a total amount of \$4,100,358.72. Unanimously approved.

ADJOURNMENT: The meeting was adjourned at 7:50 p.m.

RaNae Edwards  
City Clerk