



City of Grand Island

Tuesday, July 12, 2016

Council Session

Item G-1

Approving Minutes of June 28, 2016 City Council Regular Meeting

Staff Contact: RaNae Edwards

CITY OF GRAND ISLAND, NEBRASKA

MINUTES OF CITY COUNCIL REGULAR MEETING

June 28, 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 June 28, 2016. Notice of the meeting was given in *The Grand Island Independent* on June 22, 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, Jeremy Jones, Chuck Haase, Julie Hehnke, Linna Dee Donaldson, Vaughn Minton, Roger Steele, and Mike Paulick. Councilmember Michelle Fitzke 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 Jackson Richling.

INVOCATION was given by Bishop Jared Noorlander, Church of Jesus Christ of Latter-day Saints, 212 West 22nd Street followed by the PLEDGE OF ALLEGIANCE.

PUBLIC HEARINGS:

Public Hearing on Request from B & R Stores, Inc. dba Super Saver 28, 710 West State 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 B & R Stores, Inc. dba Super Saver 28, 710 West State Street. Ms. Edwards presented the following exhibits for the record: application submitted to the Liquor Control Commission and received by the City on June 3, 2016; notice to the general public of date, time, and place of hearing published on June 18, 2016; notice to the applicant of date, time, and place of hearing mailed on June 3, 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. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement - 315 N Washington Street (J & B Rentals, LLC). Public Works Director John Collins reported that acquisition of a utility easement located at 315 N. Washington Street was needed in order to access an existing sanitary sewer main between South Front Street and 3rd Street and Washington Street to Lincoln Avenue. Staff recommended approval. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement - 905 S. Locust Street (Gosda Car Wash). Utilities Director Tim Luchsinger reported that acquisition of a utility easement located at 905 South Locust Street was needed in order to have access to install, upgrade, maintain, and repair power appurtenances, including lines and transformers. This easement would be used to provide access for the placement, operation, and maintenance of the high voltage underground power

line, pad-mounted transformer and appurtenances for the Gosda Car Wash remodel and upgraded facilities. Staff recommended approval. No public testimony was heard.

Public Hearing on Redevelopment Plan for CRA Area 19 located at the Northeast Corner of US Highway 34 and South Locust Street (Talon Apartments, Inc.). Regional Planning Director Chad Nabity reported that Talon Apartments had made an offer and intended to purchase property and had submitted an application for Tax Increment Financing to aid in the construction of 288 Apartments north of U.S. Highway 34 and east of South Locust Street. Staff recommended approval. Ron Depue, 308 No. Locust Street, attorney for applicant and Bruce Schreiner, 3535 Grassridge Drive, CPA for applicant spoke in support. No further public testimony was heard.

Public Hearing on Request to Rezone Property located North of US Hwy 34 and East of South Locust Street from B2-AC – General Business with an Arterial Commercial Overlay to RD – Residential Development (Talon Apartments, Inc.). Regional Planning Director Chad Nabity reported that an application had been made by Talon Apartments to rezone property located north of U.S. Highway 34 and east of South Locust Street from B2-AC – General Business with an Arterial Commercial Overlay to RD – Residential Development. Staff recommended approval. Ron Depue, 308 No. Locust Street, attorney for applicant and Bruce Schreiner, 3535 Grassridge Drive, CPA for applicant spoke in support. No further public testimony was heard.

Public Hearing on Community Development Block Grant Consolidated Plan and Annual Action Plan Funding Allocations. Community Development Specialist Charley Falmlen reported that in September 2015 Grand Island began the process of becoming an Entitlement Community. Part of the planning process for the Community Development Block Grant (CDBG) model was the creation of a Consolidated Plan which included the Annual Action Plan. The Consolidated Plan identifies community development needs, goals, and priorities for Grand Island and contains a housing and homeless needs assessment, housing marketing analysis, and a strategic plan. The Action Plan addresses the intended use of an estimated \$348,927 in entitlement grant funds under the CDBG program. No Council action was needed. 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:

#9590 - Consideration of Request to Rezone Property located North of US Hwy 34 and East of South Locust Street from B2-AC – General Business with an Arterial Commercial Overlay to RD – Residential Development (Talon Apartments, Inc.)

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.

Discussion was held regarding the rezoning. Mr. Nabity stated if this was approved the applicant had 18 months to move forward on this project otherwise it would revert back to the original zoning. He explained how zoning took place and the impact to the southeast part of Grand Island. Mr. Nabity answered questions regarding the concept of walkability and access to parks. Discussion was held regarding safety concerns for children. Mr. Depue commented on the importance of providing more housing in Grand Island.

Motion by Donaldson, second by Minton to approve Ordinance #9590.

City Clerk: Ordinance #9590 on first reading. All those in favor of the passage of this ordinance on first reading, answer roll call vote. Upon roll call vote, Councilmembers Steele, Minton, Donaldson, Hehnke, Haase, Jones, Stelk, and Nickerson voted aye. Councilmember Paulick voted no. Motion adopted.

City Clerk: Ordinance #9590 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, Councilmembers Steele, Minton, Donaldson, Hehnke, Haase, Jones, Stelk, and Nickerson voted aye. Councilmember Paulick voted no. Motion adopted.

Mayor Jensen: By reason of the roll call votes on first reading and then upon second and final readings, Ordinance #9590 is declared to be lawfully adopted upon publication as required by law.

CONSENT AGENDA: Consent Agenda items G-5 and G-17 (Resolution #2016-160) were pulled for further discussion. Motion by Stelk, second by Hehnke to approve the Consent Agenda excluding items G-5 and G-17. Upon roll call vote, all voted aye. Motion adopted.

Approving Minutes of June 14, 2016 City Council Regular Meeting.

Approving Minutes of June 21, 2016 City Council Study Session.

Approving Re-Appointment of Wanda Stelk to the Animal Advisory Board.

Approving Re-Appointment of Rob Czaplewski and Appointments of Tanya Hansen and Sapna Purawat to the Library Board.

Approving Appointments of Karl Kostbahn, Ron Depue, Brad Bauer, Kirk Ramsey, and Lisa Willman to the Occupation Tax Oversight Committee (Food & Beverage). Councilmember Steele questioned the legality of this committee. City Attorney Jerry Janulewicz stated it was legal and the committee would have to follow the open meeting laws.

Motion by Stelk, second by Hehnke to approve. Upon roll call vote, all voted aye. Motion adopted.

Approving Liquor Manager Designation for Jennifer Bonnell, 910 N. Hastings Avenue, Hastings, NE for Buffalo Wild Wings, 809 Allen Drive.

#2016-150 - Approving Request from Request from B & R Stores, Inc. dba Super Saver 28, 710 West State Street for a Class "C" Liquor License and Liquor Manager Designation for James Goodman, 2716 Apache Road.

#2016-151 - Approving Preliminary and Final Plat and Subdivision Agreement for Talon Apartments 1st Subdivision. It was noted that Talon Apartments, Inc., owners, had submitted the Preliminary and Final Plat and Subdivision Agreement located north of US Highway 34 and east of South Locust Street for the purpose of creating 11 lots consisting of 10.656 acres.

#2016-152 - Approving Acquisition of Utility Easement - 905 S. Locust Street (Gosda Car Wash).

#2016-153 - Approving 2016 Coal Purchase Carryover with Cloud Peak Energy.

#2016-154 - Approving Coal Transportation Contract with the Union Pacific Railroad.

#2016-155 - Approving Acquisition of Utility Easement - 315 N Washington Street (J & B Rentals, LLC).

#2016-156 - Approving Unified Planning Work Program (UPWP) for the Grand Island Area Metropolitan Planning Organization (GIAMPO) for the 2017 Fiscal Year Transportation Planning Program in an Amount of \$28,417.00.

#2016-157 - Approving Authorization for Emergency Sanitary Sewer Repairs between Sunset Avenue and Dodge Street; Oak Street to Vine Street with Myer Construction, Inc. of Broken Bow, NE in an Amount of \$37,875.00.

#2016-158 - Approving Change Order No. 2 for Hall County SID No. 2 Sanitary Sewer Improvements – 2014 with Myers Construction, Inc. of Broken Bow, NE for an Increase of \$16,880.00 and a Revised Contract Amount of \$2,244,704.75.

#2016-159 - Approving Bid Award for Building Demolition - North of Highway 2 (Between Railroad Mile Marker 98 & 99) Within the Burlington Northern Santa Fe Railroad Right-of-Way with Hooker Brothers Construction Company of Grand Island, NE in an Amount of \$32,979.60.

#2016-160 - Approving Resolution to Place Firefighter Ronald Tubbs on the Disabled Firefighter Pension List.

Motion by Haase, second by Nickerson to go into Executive Session at 8:12 p.m. Upon roll call vote, Councilmembers Steele, Minton, Hehnke, Haase, Jones, Stelk, and Nickerson voted aye. Councilmembers Paulick and Donaldson voted no. Motion adopted.

Motion by Paulick, second by Haase to returned to Regular Session at 8:44 p.m. Upon roll call vote, all voted aye. Motion adopted.

Motion by Haase, second by Nickerson to approve Resolution #2016-160. Upon roll call vote, all voted aye. Motion adopted.

REQUESTS AND REFERRALS:

Consideration of Community Development Block Grant Consolidated Plan and Annual Action Plan Funding Allocations. This item relates to the aforementioned Public Hearing. No Council action is required. Community Development Specialist Charley Falmlen answered questions and explained the continuum of the Care Grant.

RESOLUTIONS:

#2016-161 - Consideration of Redevelopment Plan for CRA Area 19 located at the Northeast Corner of US Highway 34 and South Locust Street (Talon Apartments, Inc.). This item relates to the aforementioned Public Hearing. Bruce Schreiner commented on the financing of this project. Mr. Nabity commented on the time frame of the phases for this project with regards to bonds.

Motion by Hehnke, second by Nickerson to approve Resolution #2016-161. Upon roll call vote, Councilmembers Steele, Minton, Donaldson, Hehnke, Haase, Jones, Stelk, and Nickerson voted aye. Councilmember Paulick voted no. Motion adopted.

PAYMENT OF CLAIMS:

Motion by Donaldson, second by Hehnke to approve the Claims for the period of June 15, 2016 through June 28, 2016 for a total amount of \$4,728,142.82. Unanimously approved.

SPECIAL ITEMS:

Update on Wrongful Death Claim of Dumale Bariyiga: City Attorney Jerry Janulewicz reported that on September 11, 2015, the City of Grand Island received a Tort Claim from Dumale Bariyiga due to the death of her daughter Nubari Koffree on July 18, 2015 at Island Oasis Water Park. Through mediation a settlement agreement had been reached in the amount of \$240,000.00 to be paid by the City's insurance carrier. A settlement release and consideration for the release was completed on June 16, 2016. As required by State Statutes this item was brought forward for public information. Mayor Jensen stated the settlement was in no way an admission of guilt on the part of the City of Grand Island.

ADJOURNMENT: The meeting was adjourned at 9:06 p.m.

RaNae Edwards
City Clerk