



# City of Grand Island

Tuesday, February 28, 2017

Council Session

## Item G-1

### Approving Minutes of February 14, 2017 City Council Regular Meeting

Staff Contact: RaNae Edwards

CITY OF GRAND ISLAND, NEBRASKA

MINUTES OF CITY COUNCIL REGULAR MEETING

February 14, 2017

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 February 14, 2017. Notice of the meeting was given in *The Grand Island Independent* on February 8, 2017.

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, City Attorney Jerry Janulewicz, and Public Works Director John Collins.

Mayor Jensen introduced Community Youth Council member Katelyn Hill.

INVOCATION was given by Pastor Michael Reiners, Peace Lutheran Church, 1710 N. North Road followed by the PLEDGE OF ALLEGIANCE.

BOARD OF EQUALIZATION: Motion by Minton, second by Nickerson to adjourn to the Board of Equalization. Motion adopted.

#2017-BE-1 - Consideration of Determining Benefits for Sanitary Sewer District No. 528. Public Works Director John Collins reported that Sanitary Sewer District No. 528 was created at the request of four property owners in the Wildwood Subdivision. The district was originally created as an assessment district which should have been a tap district. Staff recommended approval from Council to establish the tap connection fees for Sanitary Sewer District 528.

Michael Rickert, attorney for Rich & Sons Camper Sales and Greg Neuhaus, attorney for Robco, LLC spoke regarding the connection fees that had been paid by their clients to the City. They requested no action be taken at this time. City Attorney Jerry Janulewicz explained the assessment process. Discussion was held regarding assessment districts versus tap districts.

Motion by Haase, second by Fitzke to approve Resolution #2017-BE-1. Upon roll call vote, Councilmembers Paulick, Steele, Fitzke, Donaldson, Hehnke, Haase, Stelk, and Nickerson voted aye. Councilmember Minton voted no. Motion adopted.

RETURN TO REGULAR SESSION: Motion by Minton, second by Nickerson to return to Regular Session. Motion adopted.

PUBLIC HEARINGS:

Public Hearing on Request from Salome Bernal dba Rey de Espadas, 1403 S. Eddy Street for a Class "I" Liquor License. City Clerk RaNae Edwards reported that an application for a Class "I" Liquor

License had been received from Salome Bernal dba Rey de Espadas, 1403 S. Eddy Street. Ms. Edwards presented the following exhibits for the record: application submitted to the Liquor Control Commission and received by the City on January 23, 2017; notice to the general public of date, time, and place of hearing published on February 4, 2017; notice to the applicant of date, time, and place of hearing mailed on January 23, 2017; along with Chapter 4 of the City Code. Staff recommended denial based on the Police Department report and the Nebraska Liquor Control Commission Rules and Regulations – 010.01 Falsification of Application and Nebraska State Statute 53-125. No public testimony was heard.

Public Hearing on Redevelopment Plan for CRA Area 6 located at 204 Carey Avenue (Think Smart, LLC). Regional Planning Director Chad Nabity reported that Think Smart Properties LLC has submitted an application for Tax Increment Financing to aid in the redevelopment of property to acquire and prepare for the construction of a four-unit apartment building at 204 N. Carey Avenue, at the northwest corner of George and Carey Streets. Staff recommended approval. Keith Reinders, 2706 Pioneer Boulevard spoke in support. No further public testimony was heard.

Public Hearing on an Amendment to Redevelopment Plan for CRA Area 1 located at 112 West 2nd Street (Peaceful Root, LLC). Regional Planning Director Chad Nabity reported that Peaceful Root LLC, the owner of the former Brown Hotel has submitted a proposed amendment to the redevelopment plan that would provide for renovation and redevelopment of this property for commercial and residential uses at 112 W 2<sup>nd</sup> Street. Staff recommended approval. Amos Anson, 4234 Arizona Avenue spoke in support. No further public testimony was heard.

Public Hearing on CRA Area 20 Blighted and Substandard Study for 285.26 Acres at the Former Cornhusker Army Ammunition Plant located at the Northwest Corner of 70th and Old Potash Highway (Pat O’Neill). Regional Planning Director Chad Nabity reported that Patrick O’Neill, owner of O’Neill Wood Resources, commissioned a Blight and Substandard Study for Proposed Redevelopment Area No. 20 to be prepared by Marvin Planning Associates of David City, Nebraska. The study area included approximately 285.26 acres referred to as CRA Area No. 20. The study focused on property located north of Old Potash Highway and west of Alda Road. Staff recommended approval. Pam Lancaster representing the Hall County Board of Supervisors; Jason Hornady, 2517 Apache Road; Ron Depue, 308 N. Locust Street; Keith Marvin, David City, Nebraska; and Dave Taylor, 123 North Locust Street spoke in support. No further public testimony was heard.

Public Hearing on CRA Area 21 Blighted and Substandard Study for 35.62 Acres located along U.S. Highway 30, North of Seedling Mile Road and East of Stuhr Road (Craig & Lesa Dixson). Regional Planning Director Chad Nabity reported that Craig and Lesa Dixson, owners of CIK Investments, commissioned a Blight and Substandard Study for Proposed Redevelopment Area No. 21 to be prepared by Marvin Planning Associates of David City, Nebraska. The study area includes approximately 35.62 acres referred to as CRA Area No. 21. The study focused on property located north of Seedling Mile Road and east Stuhr Road in eastern Grand Island. Staff recommended approval. Ron Depue, 308 North Locust Street; Keith Marvin, David City, Nebraska; and Tracy Howard, 2314 Highway 30 representing Wilson Trailer Company spoke in support. No further public testimony was heard.

Public Hearing on CRA Area 22 Blighted and Substandard Study for 281.8 Acres at the Former Cornhusker Army Ammunition Plant located in North of Old Potash Highway and West of 80th Road (Platte River Industrial Park, LLC). Regional Planning Director Chad Nabity reported that Platte River Industrial Park LLC, an affiliate of Hornady Manufacturing, commissioned a Blight and Substandard Study for Proposed Redevelopment Area No. 22 to be prepared by Marvin Planning Associates of David City, Nebraska. The study area includes approximately 281.80 acres at the former Cornhusker Army Ammunition Plant referred to as CRA Area No. 22. The study focused on property located north of Old Potash Highway and west of 80th Road. Staff recommended approval. Pam Lancaster representing the Hall County Board of Supervisors; Jason Hornady, 2517 Apache Road; Keith Marvin, David City, Nebraska; and Dave Taylor, 123 North Locust Street spoke in support. No further public testimony was heard.

Public Hearing on Establishing Fonner Park Business Improvement District. City Attorney Jerry Janulewicz reported that the Fonner Park Business Improvement District 2013 expired in 2016 as a result of a termination date contained in the 2013 ordinance creating the district. Business owners within the district were seeking re-establishment of the Fonner Park Business Improvement District. Staff recommended approval. No public testimony was heard.

Public Hearing on Establishing South Locust Street Business Improvement District. City Attorney Jerry Janulewicz reported that the South Locust Street Business Improvement District 2013 expired in 2016 as a result of a termination date contained in the 2013 ordinance creating the district. Business owners within the district were seeking re-establishment of the South Locust Street Business Improvement District. Staff recommended approval. Jack Armstrong, 106 Brookline Drive spoke in opposition. Cindy Johnson representing the Chamber of Commerce spoke in support. No further public testimony was heard.

#### ORDINANCES:

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

- #9622 - Consideration of Approving Establishing Fonner Park Business Improvement District
- #9623 - Consideration of Approving Establishing South Locust Street Business Improvement District
- #9624 - Consideration of Vacation of West 7th Street; Broadwell Avenue to Jefferson Street & Madison Street; Broadwell Avenue South to the Alley (Grand Island Public Schools)
- #9625 - Consideration of Amending the Salary Ordinance

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.

#9622 - Consideration of Approving Establishing Fonner Park Business Improvement District

This item was related to the aforementioned Public Hearing.

Motion by Donaldson, second by Minton to approve Ordinance #9622.

City Clerk: Ordinance #9622 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 #9622 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 #9622 is declared to be lawfully adopted upon publication as required by law.

#9623 - Consideration of Approving Establishing South Locust Street Business Improvement District

This item was related to the aforementioned Public Hearing.

Motion by Stelk, second by Hehnke to approve Ordinance #9623.

City Clerk: Ordinance #9623 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 #9623 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 #9623 is declared to be lawfully adopted upon publication as required by law.

#9624 - Consideration of Vacation of West 7th Street; Broadwell Avenue to Jefferson Street & Madison Street; Broadwell Avenue South to the Alley (Grand Island Public Schools)

Councilmember Steele recused himself from this item.

Public Works Director John Collins reported that the Grand Island Public Schools has submitted a written request to vacate a portion of 7<sup>th</sup> Street, from Broadwell Avenue to Jefferson Street to accommodate the rebuilding of Jefferson Elementary. Staff recommended approval.

Virgil Harden representing the Grand Island Public Schools and Ken Scholl, 1504 West 6<sup>th</sup> Street spoke in support.

Motion by Nickerson, second by Paulick to approve Ordinance #9624.

City Clerk: Ordinance #9624 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 #9624 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 #9624 is declared to be lawfully adopted upon publication as required by law.

#### #9625 - Consideration of Amending the Salary Ordinance

Human Resource Director Aaron Schmid reported that the proposed change would create the non-union position of Transit Program Manager. Staff recommended approval. Discussion was held regarding the position and salary comparison.

Motion by Paulick, second by Fitzke to approve Ordinance #9625.

City Clerk: Ordinance #9625 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 #9625 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 #9625 is declared to be lawfully adopted upon publication as required by law.

Council recessed at 8:50 p.m. and reconvened at 8:55 p.m.

CONSENT AGENDA: Motion by Donaldson, second by Minton to approve the Consent Agenda. Upon roll call vote, all voted aye. Motion adopted.

Approving Minutes of January 24, 2017 City Council Regular Meeting.

Approving Minutes of February 7, 2017 City Council Study Session.

Receipt of Official Document – Tort Claim filed by Tim and Lisa Spiehs.

#2017-19 - Approving Final Plat and Subdivision Agreement for Nagy's Third Subdivision. It was noted that J & B Rentals, LLC (William and Julann Ziller), owners, had submitted the Final Plat and Subdivision Agreement for Nagy's Third Subdivision located north of 5<sup>th</sup> Street and west of Plum Street for the purpose of creating 2 lots on 0.132 acres.

#2017-20 - Approving Purchase of a 2017 Coal Dozer for Platte Generating Station from NJPA Contract No. 032515 in the amount of \$980,898.00.

#2017-21 - Approving Bid Award for Pine Street Pump #3 Replacement with Iowa Pump Works of Ankeny, Iowa in an Amount of \$28,594.50.

#2017-22 - Approving Bid Award for Precipitator, Bottom Ash & Boiler Industrial Cleaning - Spring 2017 with Meylan Enterprises, Inc. of Omaha, Nebraska in an Amount of \$142,228.34.

#2017-23 - Approving CDBG Contract #2016-1 with Housing Development Corporation.

#2017-24 - Approving CDBG Contract #2016-2 with The Literacy Council of Grand Island, LLC.

#2017-25 - Approving Request to the State of Nebraska for CDBG Grant 10-ED-010 Contract Extension.

#2017-26 - Approving Changes to Guidelines for CDBG Program Income Reuse Funds.

#2017-27 - Approving Bid Award for Drainage Ditch Grading, Excavating, and Hauling 2017 with Harders Dozer and Scraper, LLC of Cairo, Nebraska; Kit Held Trucking, LLC of Leigh, Nebraska; O'Neil Transportation and Equipment LLC of Grand Island, Nebraska; and Starostka Group Unlimited, Inc. of Grand Island, Nebraska.

#2017-28 - Approving Change Order No. 1 for Community Development Block Grant Handicap Ramps 4th to 5th Streets; Sycamore Street to Eddy Street; Project No. 2014-2G with Saul Ramos Construction, Inc. of Shelton, Nebraska for an Increase of \$5,300.00 and a Revised Contract Amount of \$720,165.00.

#2017-29 - Approving Designation of Sole Source Provider for Liquid Clay Spray at the Grand Island Landfill with Enviro-Group, Inc. of Green Wood, Indiana.

#2017-30 - Approving Award of Sanitary Sewer Collection System Flow Meters for the Wastewater Division of the Public Works Department off the Minnesota State bid with gpm of Blair, Nebraska in an Amount of \$22,391.00.

#2017-31 - Approving Agreement for Engineering Consulting Services Related to Sycamore Street Underpass Rehabilitation with Alfred Benesch & Company of Lincoln, Nebraska in an Amount of \$70,912.00.

#2017-32 - Approving Agreement for Engineering Consulting Services Related to West Stolley Park Road and Engleman Road Sanitary Sewer Extension; Project No. 2017-S-3 with Olsson Associates of Lincoln, Nebraska in an Amount of \$98,840.00.

#2017-33 - Approving Agreement for Engineering Consulting Services Related to Central Nebraska Regional Airport Sanitary Sewer Collection System Rehabilitation with HDR Engineering, Inc. of Omaha, Nebraska in an Amount of \$35,550.00.

#2017-34 - Approving Agreement for Engineering Consulting Services Related to Five Points Signal and Geometric Improvements with Olsson Associates of Lincoln, Nebraska in an Amount of \$72,550.00.

#2017-35 - Approving Continuation of Street Improvement District No. 1262; Sterling Estates Fourth Subdivision – Ebony Lane.

#2017-36 - Approving Bid Award for Sterling Estates Fourth Subdivision – Ebony Lane; Paving District No. 1262 with The Diamond Engineering Company of Grand Island, Nebraska in an Amount of \$172,967.00.

RESOLUTIONS:

#2017-37 - Approving Request from Salome Bernal dba Rey de Espadas, 1403 S. Eddy Street for a Class “I” Liquor License. This item was related to the aforementioned Public Hearing. Staff recommended denial.

Motion by Stelk, second by Paulick to deny Resolution #2017-37 based on the Police Department report and the Nebraska Liquor Control Commission Rules and Regulations – 010.01 Falsification of Application and Nebraska State Statute 53-125. Upon roll call vote, all voted aye. Motion adopted.

#2017-38 - Consideration of Approving Redevelopment Plan for CRA Area 6 located at 204 Carey Avenue (Think Smart, LLC). This item was related to the aforementioned Public Hearing.

Motion by Donaldson, second by Minton to approve Resolution #2017-38. Upon roll call vote, all voted aye. Motion adopted.

#2017-39 - Consideration of Approving an Amendment to the Redevelopment Plan for CRA Area 1 located at 112 West 2nd Street (Peaceful Root, LLC). This item was related to the aforementioned Public Hearing. Mr. Naby answered questions regarding parking.

Motion by Nickerson, second by Hehnke to approve Resolution #2017-39. Upon roll call vote, all voted aye. Motion adopted.

#2017-40 - Consideration of Approving CRA Area 20 Blighted and Substandard Study for 285.26 Acres at the Former Cornhusker Army Ammunition Plant located at the Northwest Corner of 70th and Old Potash Highway (Pat O’Neill). This item was related to the



aforementioned Public Hearing. Comments were made concerning developing areas outside of the City limits. Annexation was discussed.

Motion by Minton, second by Donaldson to approve Resolution #2017-40. Upon roll call vote, all voted aye. Motion adopted.

#2017-41 - Consideration of Approving CRA Area 21 Blighted and Substandard Study for 35.62 Acres located along U.S. Highway 30, North of Seedling Mile Road and East of Stuhr Road (Craig & Lesa Dixson). This item was related to the aforementioned Public Hearing. Ron Depue attorney for the applicants commented on concerns by Council regarding residential homes being designated as blighted and substandard.

Motion by Paulick, second by Donaldson to approve Resolution #2017-41. Upon roll call vote, all voted aye. Motion adopted.

#2017-42 - Consideration of Approving CRA Area 22 Blighted and Substandard Study for 281.8 Acres at the Former Cornhusker Army Ammunition Plant located in North of Old Potash Highway and West of 80th Road (Platte River Industrial Park, LLC). This item was related to the aforementioned Public Hearing. Councilmember Fitzke recused herself from this item.

Motion by Nickerson, second by Minton to approve Resolution #2017-42. Upon roll call vote, all voted aye. Motion adopted.

#2017-43 - Consideration of Approving Tap Fees for Sanitary Sewer District No. 528. This item was related to the aforementioned Public Hearing. Discussion was held concerning the policy of the City having assessment districts instead of tap districts. Mr. Collins stated he strongly preferred assessment districts unless there were unusual circumstances where a tap district was best used.

Motion by Haase, second by Fitzke to approve Resolution #2017-43. Upon roll call vote, all voted aye. Motion adopted.

#2017-44 - Consideration of Approving Agreement with the Central Nebraska Humane Society. City Attorney Jerry Janulewicz reported that the City of Grand Island and Central Nebraska Humane Society (CNHS) previously entered into an agreement for CNHS to provide Animal Control and Pet Licensing services for the City. By its terms, this agreement expired at midnight on October 31, 2016. On October 25, 2016, Council approved a proposed agreement for animal control services with CNHS for a one-year term, with automatic annual renewals unless either party gave notice on non-renewal. However, the agreement approved by Council on October 25 was not approved by the CNHS Board of Directors. Following notice that CNHS did not approve the agreement, City's legal staff engaged in negotiations with CNHS, represented by its Director and a lawyer-board member, resulting in the agreement now before Council. Staff recommended approval.

City Attorney Jerry Janulewicz answered questions regarding the negotiations of the agreement and stated Police Chief Robert Falldorf had been involved.

Motion by Nickerson, second by Hehnke to approve Resolution #2017-44. Upon roll call vote, all voted aye. Motion adopted.

#2017-45 - Consideration of Approving Purchase of Fiber Optic Cables for the New EM-911 Building. Emergency Management Director Jon Rosenlund reported that the construction of the new EM-911 building required high speed data connectivity back to the City and County IT networks. The Emergency Management Department recommended the purchase of Fiber Optic Cable from Graybar Electric Company of Jefferson City, Missouri in the amount of \$20,164.14 for its installation by the Grand Island Utilities Department.

Motion by Minton, second by Paulick to approve Resolution #2017-45. Upon roll call vote, all voted aye. Motion adopted.

PAYMENT OF CLAIMS:

Motion by Minton, second by Fitzke to approve the Claims for the period of January 25, 2017 through February 14, 2017 for a total amount of \$6,880,648.91. Upon roll call vote, Councilmembers Steele, Minton, Fitzke, Donaldson, Haase, Stelk, and Nickerson voted aye. Motion adopted. Councilmember Paulick abstained.

ADJOURNMENT: The meeting was adjourned at 9:36 p.m.

RaNae Edwards  
City Clerk