



# **City of Grand Island**

**Tuesday, October 10, 2017**

**Council Session**

## **Item G-1**

**Approving Minutes of September 26, 2107 City Council Regular Meeting**

**Staff Contact: RaNae Edwards**

CITY OF GRAND ISLAND, NEBRASKA

MINUTES OF CITY COUNCIL REGULAR MEETING

September 26, 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 September 26, 2017. Notice of the meeting was given in *The Grand Island Independent* on September 20, 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, Jeremy Jones, Chuck Haase, Julie Hehnke, Linna Dee Donaldson, Michelle Fitzke, Vaughn Minton, and Roger Steele. Councilmember Mike Paulick was absent. The following City Officials were present: City Administrator Marlan Ferguson, City Clerk RaNae Edwards, Finance Director Renae Jimenez, City Attorney Jerry Janulewicz, and Public Works Director John Collins.

Mayor Jensen introduced Community Youth Council member Grace Johnson.

INVOCATION was given by Pastor Rene Lopez, Iglesia de Dios, 2325 West State Street followed by the PLEDGE OF ALLEGIANCE.

PRESENTATIONS AND PROCLAMATIONS:

Presentation of the Food & Beverage Occupation Tax Oversight Committee Annual Report. Chairman of the Food and Beverage Occupation Tax Oversight Committee Ron Depue gave the Annual Report of the committee as required by city code. He gave a brief history of the tax and what it was to be spent on. After review of all records it was the committee's opinion that funds comply with all requirements of City Ordinances and Agreements.

The Committee's recommendation was that in addition to providing the required quarterly reports, Grow Grand Island and the Foundation provide to the City and the Committee monthly written confirmation that all Tax Funds are fully insured or collateralized as required by the Agreement.

Discussion was held concerning the Grow Grand Island piece of the agreement and the \$500,000 they received from the City.

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

#2017-BE-6 - Consideration of Determining Benefits for Sanitary Sewer District No. 538T: North Engleman Road. Public Works Director John Collins reported that work had been completed and connection fees had been calculated. The costs had been charged to the adjacent property owners and due when a property "taps" or connects to the sanitary sewer system. Staff recommended approval.

Motion by Donaldson, second by Fitzke to approve Resolution #2017-BE-6. Upon roll call vote, all voted aye. Motion adopted.

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

PUBLIC HEARINGS:

Public Hearing on Amending Chapter 36 of the Grand Island City Code to Include an R-3-SL Medium Density Residential Small Lot Zoning District. Regional Planning Department Director Chad Nabity reported that the Grand Island Area Habitat for Humanity and local developer Amos Anson had requested an addition to City Code. Two options were submitted to the Planning Commission. The option presented as recommended would create a district that would not only lowers the minimum lot size and width but allowed for town home type development in a regular zoning district Staff recommended approval.

The following people spoke in support:

Amos Anson, 4234 Arizona Avenue  
Brian Schultz, 812 West 15<sup>th</sup> Street  
Dana Jelinek, 502 West 2<sup>nd</sup> Street  
Bret Forsman, 4238 Vermont Avenue  
Larry Glasier, 4236 Utah Avenue  
Ron Jelinek, 616 Swan Lane  
Frank Vivian, 2418 Brahma Street  
Dan Phillips, 517 South Grant Street  
Harold Rosenkotter, 4110 Terrace Circle

No further public testimony was heard.

Public Hearing on Request to Rezone Part of Lot 1 and all of Lot 2 of Proposed Meadow Lane Seventh Subdivision between Highway 34 and Goldenrod Drive and West of Shady Bend Road from LLR Large Lot Residential to B-2 General Business (Niedfelt Property Management, LLC). Regional Planning Director Chad Nabity reported that Niedfelt Property Management, LLC submitted an application to rezone part of Lot 1 and all of Lot 2 of the proposed Meadow Lane Seventh Subdivision between Highway 34 and Goldenrod Drive west of Shady Bend Road from LLR Large Lot Residential to B-2 General Business. Staff recommended approval.

The following people spoke in opposition:

Elaine Dooley, 3060 Roselawn Drive  
Ray Dooley, 3060 Roselawn Drive  
Steve Spaulding, 3204 So. Shady Bend Road  
Judy Herzog, 3415 Conrad Drive

Christie DePoorter, 3821 Conrad Drive spoke in support and Harold Rosenkotter, 4110 Terrace Circle spoke in a neutral position.

No further public testimony was heard.

Public Hearing on Acquisition of Property at 523 East 19th Street (Butterfield). Public Works Director John Collins reported that a parcel of land was available for purchase at 523 East 19<sup>th</sup> Street which was directly south of property currently owned by the City. A Treasurer's Tax Deed would be issued if approved by Council with closing costs of approximately \$2,800.00. Staff recommended approval. No 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 ordinances numbered:

#9653 - Consideration of Amending Chapter 36 of the Grand Island City Code to Include an R-3-SL Medium Density Residential Small Lot Zoning District

#9654 - Consideration of Request to Rezone Part of Lot 1 and all of Lot 2 of Proposed Meadow Lane Seventh Subdivision between Highway 34 and Goldenrod Drive and West of Shady Bend Road from LLR Large Lot Residential to B-2 General Business (Niedfelt Property Management, LLC)

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 these ordinances 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.

#9653 - Consideration of Amending Chapter 36 of the Grand Island City Code to Include an R-3-SL Medium Density Residential Small Lot Zoning District

This item was related to the aforementioned Public Hearing. Discussion was held regarding the possible increase of students and what that would do to the schools. Mr. Nabity stated it would not increase the density of housing units. Lot sizes of 35' versus 40' were discussed.

Motion by Donaldson, second by Nickerson to approve Ordinance #9653.

City Clerk: Ordinance #9653 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 #9653 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 #9653 is declared to be lawfully adopted upon publication as required by law.

#9654 - Consideration of Request to Rezone Part of Lot 1 and all of Lot 2 of Proposed Meadow Lane Seventh Subdivision between Highway 34 and Goldenrod Drive and West of Shady Bend Road from LLR Large Lot Residential to B-2 General Business (Niedfelt Property Management, LLC)

This item was related to the aforementioned Public Hearing.

Motion by Haase, second by Stelk to refer Ordinance #9654 back to the Planning Commission.

A lengthy discussion was held regarding a solution to the drainage problem on the north side of this property. Also mentioned were traffic problems and no turning lanes on Highway 34.

Discussion was also held regarding stipulations on the zoning change. Mr. Nabity said the Planning Commission could not negotiate zoning changes but a majority of the issues regarding drainage related to maintenance. The drainage plan could be a part of the subdivision agreement.

Motion by Stelk, second by Jones to amend the motion to have the Planning Commission review the drainage problems and make recommendations to the Council. Upon roll call vote, Councilmembers Steele, Fitzke, Hehnke, Haase, Jones, and Stelk voted aye. Councilmembers Minton, Donaldson, and Nickerson voted no. Motion adopted.

The proposed access easement on the south side of the property was mentioned. Christie DePoorter stated they had originally planned this property as large lot residential but were looking at the best possible use of this property and drainage control. Steve Spaulding commented on concerns of retention cells and mitigating water problems on this property. Ray Dooley commented on water coming down on Highway 34.

Upon roll call vote of the main motion, Councilmembers Steele, Fitzke, Donaldson, Hehnke, Haase, Jones, Stelk, and Nickerson voted aye. Councilmember Minton voted no. Motion adopted.

CONSENT AGENDA: Motion by Minton, second by Hehnke to approve the Consent Agenda excluding item G-6 (Resolution #2017-257). Upon roll call vote, all voted aye. Motion adopted.

Approving Minutes of September 12, 2107 City Council Regular Meeting.

Approving Garbage Permits for Heartland Disposal and Mid-Nebraska Disposal, Inc. and Refuse Permits for Full Circle Rolloffs and O'Neill Transportation and Equipment LLC.

#2017-254 - Approving Preliminary Plat, Final Plat and Subdivision Agreement for Millennial Estates Subdivision. It was noted that Starostka Group Unlimited, Inc., owners, had submitted the Preliminary and Final Plat and Subdivision Agreement for Millennial Estates Subdivision located north of 13<sup>th</sup> Street and east of North Road for the purpose of creating 153 lots (preliminary) on 49.8 acres and 38 lots (final) on 15.68 acres.

#2017-255 - Approving Final Plat and Subdivision Agreement for Eberl Subdivision. It was noted that Rick and Michele Eberl, owners, had submitted the Final Plat and Subdivision Agreement for Eberl Subdivision located North of Fort Kearney Road and east of Beck Road in the two-mile extraterritorial jurisdiction for the purpose of creating 2 lots on 4.47 acres.

#2017-256 - Approving Final Plat and Subdivision Agreement for Leifeld Second Subdivision. It was noted that Clinton Rempe, owner, had submitted the Final Plat and Subdivision Agreement for Leifeld Second Subdivision located west of Worms Road and north of "D" Road in the two-mile extraterritorial jurisdiction for the purpose of creating 2 lots on 10.27 acres.

#2017-257 - Approving Final Plat and Subdivision Agreement for Meadow Lane Seventh Subdivision. Motion by Haase, second by Minton to refer this item back to the Planning Commission. Upon roll call vote, all voted aye. Motion adopted.

#2017-258 - Approving Bid Award - Water Main District 470T - NE Highway 2 & North Road with Van Kirk Brothers Contracting of Sutton, Nebraska in an Amount of \$142,285.24.

#2017-259 - Approving Acquisition of Property at 523 E 19th Street (Butterfield).

#2017-260 - Approving Purchase and Installation of Belt Filters for the Wastewater Division of the Public Works Department from National Filter Media (NFM) of Winthrop, ME in an Amount of \$22,825.60.

#2017-261 - Approving Bid Award for Drainage Ditch Grading, Excavating, and Hauling 2018 with Harders Dozer and Scraper, LLC of Cairo, Nebraska; Klingman Irrigation Services of Grand Island, Nebraska; Dobesh Land Leveling, LLC of Grand Island, Nebraska; and Starostka Group Unlimited, Inc. of Grand Island, Nebraska.

#2017-262 - Approving Bid Award for Final Clarifier No. 3 Skimmer Arm Assemblies (Replacement) for the Wastewater Division of the Public Works Department with Fab Tech Wastewater Solutions, LLC of O'Fallon, Missouri in an Amount of \$38,000.00.

#2017-263 - Approving Agreement for Engineering Consulting Services Related to Lift Station No. 11 Relocation and Force Main Reroute with Olsson Associates of Grand Island, Nebraska in an Amount of \$128,342.00.

#2017-264 - Approving Change Order No. 2 for North Broadwell Avenue Drainage Project No. 2017-D-3 with The Diamond Engineering Company of Grand Island, Nebraska for an Increase of \$8,328.00 and a Revised Contract Amount of \$148,689.50.

#2017-265 - Approving Annual Payment for Utility Billing Software Support with N. Harris Computer Corporation dba Advanced Utility Systems of Chicago, Illinois in an Amount of \$73,130.89.

RESOLUTIONS:

#2017-266 - Consideration of Benefits for Sanitary Sewer District No. 538T; North Engleman Road. This item was related to the aforementioned Board of Equalization. Randy Skarka, 3803 Orleans Drive wanted to know where to pay his assessment.

Motion by Haase, second by Donaldson to approve Resolution #2017-266. Upon roll call vote, all voted aye. Motion adopted.

PAYMENT OF CLAIMS:

Motion by Minton, second by Fitzke to approve the payment of claims for the period of September 13, 2017 through September 26, 2017 for a total amount of \$8,145,173.41. Upon roll call vote, all voted aye. Motion adopted.

ADJOURNMENT: The meeting was adjourned at 9:14 p.m.

RaNae Edwards  
City Clerk