



City of Grand Island

Tuesday, November 28, 2017

Council Session

Item G-1

Approving Minutes of November 14, 2107 City Council Regular Meeting

Staff Contact: RaNae Edwards

CITY OF GRAND ISLAND, NEBRASKA

MINUTES OF CITY COUNCIL REGULAR MEETING

November 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 November 14, 2017. Notice of the meeting was given in *The Grand Island Independent* on November 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, Julie Hehnke, Linna Dee Donaldson, Michelle Fitzke, Vaughn Minton, Roger Steele, and Mike Paulick. Councilmembers Chuck Haase and Jeremy Jones were absent. The following City Officials were present: 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 Megan Woods.

INVOCATION was given by Pastor Dan Bremer, Grace Lutheran Church, 545 East Memorial Drive followed by the PLEDGE OF ALLEGIANCE.

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

#2017-BE-7 - Consideration of Determining Benefits for Sanitary Sewer District No. 539; North Webb Road and 13th Street. Public Works Director John Collins reported that work had been completed and connection fees had been calculated. Total project cost was \$104,820.49 with an assessable amount of \$69,430.57. Staff recommended approval.

Don Batenhorst, 4180 Texas Avenue spoke in opposition on behalf of his father. Public Works Director John Collins and City Attorney Jerry Janulewicz answered questions concerning the cost to the property owners.

Motion by Donaldson, second by Minton to approve Resolution #2017-BE-7. Upon roll call vote, all voted aye. Motion adopted.

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

PUBLIC HEARINGS:

Public Hearing on Request from Bearded Buffalo Golf, LLC dba Bearded Buffalo Golf, LLC, 217 E. Stolley Park Road, Suite I & J for a Class "C" Liquor License. City Clerk RaNae Edwards reported that an application for a Class "C" Liquor License had been received from Bearded Buffalo Golf, LLC dba Bearded Buffalo Golf, LLC, 217 E. Stolley Park Road, Suite I & J. Ms. Edwards presented the following exhibits for the record: application submitted to the Liquor Control Commission and received by the City on October 17, 2017; notice to the general

public of date, time, and place of hearing published on November 4, 2017; notice to the applicant of date, time, and place of hearing mailed on October 17, 2017; along with Chapter 4 of the City Code. Staff recommended approval contingent upon final inspections. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement - 2405 E. Stolley Park Road - John C. Hoffman. Utilities Director Tim Luchsinger reported that acquisition of a utility easement located at 2405 E. Stolley Park Road was needed in order to have access to install, upgrade, maintain, and repair power appurtenances, including lines and transformers. This easement would allow the Utilities Department to install, operate and maintain the new underground electric service lines and related infrastructure for a new residence at this location. Staff recommended approval. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement - 3333 Ramada Road - Southeast Crossings, LLC. Utilities Director Tim Luchsinger reported that acquisition of a utility easement located at 3333 Ramada Road was needed in order to have access to install, upgrade, maintain, and repair power appurtenances, including lines and transformers. This easement would allow the Utilities Department to have access, extend, operate and maintain the underground power lines and transformer that service the Borders Inn Hotel property. Staff recommended approval. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement - South of One-R Road and West of Hwy. 281 - Petersen. Utilities Director Tim Luchsinger reported that acquisition of a utility easement located south of One-R Road and west of Hwy 281 was needed in order to have access to install, upgrade, maintain, and repair power appurtenances, including lines and transformers. This easement would allow the Utilities Department access to extend, operate and maintain power lines for the irrigation wells in the area. Staff recommended approval. No public testimony was heard.

Public Hearing on Request to Rezone Property Located on the East Side of Boggs Avenue from Fourth Street to Fifth Street from R-2 Low-Density Residential to R-3 Medium Density Residential (T.C. Enck Builders, Inc.). Regional Planning Director Chad Nabity reported that Todd Enck had submitted an application to rezone property located on the east side of Boggs Avenue from Fourth Street to Fifth Street from R-2 Low-Density Residential to R-3 Medium Density Residential in order to accommodate the construction of two new duplexes. Staff recommended approval. No public testimony was heard.

Public Hearing on Request to Rezone Property Located South of Capital Avenue and West of the Union Pacific Railroad Tracks from R-3 Medium Density Residential to R-3 SL Medium Density Residential Small Lot (Habitat for Humanity). Regional Planning Director Chad Nabity reported that Habitat for Humanity had submitted an application to rezone property located south of Capital Avenue and west of the Union Pacific Railroad Tracks from R-3 Medium Density Residential to R-3 SL Medium Density Residential Small Lot in order to accommodate 25 percent more homes on this land parcel. Staff recommended approval. Amos Anson, 4234 Arizona Avenue and Dana Jelineck, 502 West 2nd Street spoke in support. No further public testimony was heard.

Public Hearing on Request to Rezone Property Located South of Lake Street and West of South Locust Street from LLR Large Lot Residential to B-2 General Business (LBJM, LLC). Regional Planning Director Chad Nabity reported that LBJM, LLC had submitted an application to rezone property located south of Lake Street and west of South Locust Street from LLR Large Lot Residential to B-2 General Business in order to accommodate business uses across the entire parcel. Staff recommended approval. No public testimony was heard.

Public Hearing on Amendment to the Redevelopment Plan for CRA Area No. 25 located at the Formerly Used Defense Site in Hall County (Husker Harvest Days). Regional Planning Director Chad Nabity reported that Farm Progress, owners had proposed to redevelopment plan for the Husker Harvest Days site with improved water, roads, electrical systems, drainage and perimeter fencing. Council was being asked to approve a resolution approving the redevelopment plan for the Husker Harvest Days site along with the contract and interlocal agreement with the CRA to fund the project using public funds. The resolution authorizes the CRA to execute a redevelopment contract based on the redevelopment plan. The redevelopment plan specifies that public funds in an amount not to exceed \$2,000,000 or 2/7 of the cost of the project would be used for redevelopment expenses associated with the project. As part of the contract, the City would provide the CRA with up to \$200,000 per year for 10 years that the CRA would use to pay Farm Progress, reimbursing them for part of the cost of the improvements. Farm Progress would agree to host a show comparable, or better than, those held at the site for the past 40 years for a period of no less than 20 years. The CRA would issue a forgivable loan to Farm Progress for an amount not to exceed \$2,000,000. The CRA would forgive \$100,000 of the loan principal each year that a show was held until such time as the loan was forgiven. Farm Progress would grant a lien to the CRA on the Farm Progress property, to be held in first position to secure the \$2,000,000 loan. Staff recommended approval. Matt Jungmann representing Farm Progress and Cindy Johnson representing the Chamber of Commerce spoke in support. David Plautz, 4063 Manchester Road spoke in opposition of using tax dollars to support this project. No further testimony was heard.

Public Hearing on Acquisition of Detention Cell Land in Outlot A, Kurz Subdivision at 815 Superior Street (Grand Island Area Habitat for Humanity, Inc.). Public Works Director John Collins reported that Grand Island Area Habitat for Humanity, Inc. approached the City about potentially acquiring the detention cell that is part of Kurz Subdivision and adding to the public storm water drainage system. This added capacity to an existing cell was beneficial in a city with little topographic relief. Maintenance of the added property would be minimal as the City had the existing cell on a regular maintenance schedule. Staff recommended approval. No further testimony was heard.

Public Hearing on Acquisition of Utility Easement at 2124 N Lafayette Avenue (Grand Island Public School District). Public Works Director John Collins reported that a public utility easement was needed at 2124 N Lafayette Avenue to accommodate existing utility infrastructure and future development. The easement would allow for the construction, operation, maintenance, extension, repair, replacement, and removal of public utilities within the easement. Staff recommended approval. No further testimony was heard.

Public Hearing on Acquisition of Land Purchase located at the Southwest Corner of North Road and 13th Street (Meadows Apartment Homes, LLC.). City Attorney Jerry Janulewicz reported that after the rejection of all bids for construction of a new 911-Emergency Center at the Fire

Station No.1/Fonner Road location, City staff searched for an alternative location for the facility and located land suitable in size and location for this purpose and for relocation of Fire Station No. 4, currently located on State Street at the southwest corner of the Menard's store and yard. The land under consideration is owned by the Meadows Apartment Homes, LLC, and is located at the northwest corner of the intersection of 13th Street and North Road. The land is currently available for lease with an option to purchase but the owner is unwilling to sell the land until June 2018 as it was acquired in an IRS Sec. 1031 exchange and must be held by the owner for 12 months in order to preserve favorable tax treatment. The city would lease 3.746 acres until June 30, 2018 with the option to purchase at \$27,500 per acre for a total of \$103,015.00. Staff recommended approval. No further testimony was heard.

RESOLUTIONS:

#2017-331 - Consideration of Approving Amendment to the Redevelopment Plan, Interlocal Agreement, and Redevelopment Contract for CRA Area No. 25 located at the Formerly Used Defense Site in Hall County (Husker Harvest Days). This item was related to the aforementioned Public Hearing. Staff recommended approval. Comments were made concerning the benefits to businesses in Grand Island and the impact on the community. Amy Allen representing Farm Progress answered questions regarding the corporation structure. Matt Jungmann stated the project should be completed by July 2018 weather permitting. Mr. Jungmann introduced Roger and Jason Libby and thanked them for all the work they did at the Husker Harvest site.

Motion by Paulick, second by Donaldson to approve Resolution #2017-331. Upon roll call vote, all voted aye. Motion adopted.

#2017-332 - Consideration of Lease Agreement with Option to Purchase from Meadows Apartment Homes, LLC for Property Located at the Southwest Corner of North Road and 13th Street. This item was related to the aforementioned Public Hearing. Staff recommended approval. Ray O'Connor, 611 Fleetwood Road spoke in support.

Motion by Nickerson, second by Fitzke to approve Resolution #2017-332. Upon roll call vote, all voted aye. Motion adopted.

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:

#9662 - Consideration of Request to Rezone Property Located on the East Side of Boggs Avenue from Fourth Street to Fifth Street from R-2 Low-Density Residential to R-3 Medium Density Residential (T.C. Enck Builders, Inc.)

#9663 - Consideration of Request to Rezone Property Located South of Capital Avenue and West of the Union Pacific Railroad Tracks from R-3 Medium Density Residential to R-3 SL Medium Density Residential Small Lot (Habitat for Humanity)

#9664 - Consideration of Request to Rezone Property Located South of Lake Street and West of South Locust Street from LLR Large Lot Residential to B-2 General Business (LBJM, LLC)

#9665 - Consideration of Approving Benefits for Sanitary Sewer District No. 539; North Webb Road and 13th Street

#9666 - Consideration of Directing Sale of Fire Station No. 4, 3690 West State Street to Menards

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.

#9662 - Consideration of Request to Rezone Property Located on the East Side of Boggs Avenue from Fourth Street to Fifth Street from R-2 Low-Density Residential to R-3 Medium Density Residential (T.C. Enck Builders, Inc.)

This item relates to the aforementioned Public Hearing.

Motion by Stelk, second by Minton to approve Ordinance #9662.

City Clerk: Ordinance #9662 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 #9662 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 #9662 is declared to be lawfully adopted upon publication as required by law.

#9663 - Consideration of Request to Rezone Property Located South of Capital Avenue and West of the Union Pacific Railroad Tracks from R-3 Medium Density Residential to R-3 SL Medium Density Residential Small Lot (Habitat for Humanity)

This item relates to the aforementioned Public Hearing.

Motion by Nickerson, second by Donaldson to approve Ordinance #9663.

City Clerk: Ordinance #9663 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 #9663 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 #9663 is declared to be lawfully adopted upon publication as required by law.

#9664 - Consideration of Request to Rezone Property Located South of Lake Street and West of South Locust Street from LLR Large Lot Residential to B-2 General Business (LBJM, LLC)

This item relates to the aforementioned Public Hearing.

Motion by Stelk, second by Donaldson to approve Ordinance #9664.

City Clerk: Ordinance #9664 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 #9664 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 #9664 is declared to be lawfully adopted upon publication as required by law.

#9665 - Consideration of Approving Benefits for Sanitary Sewer District No. 539; North Webb Road and 13th Street

This item relates to the aforementioned Board of Equalization. City Attorney Jerry Janulewicz explained what would happen if a property owner defaulted on their payments. He stated the City Council could authorize foreclosure on the property.

Motion by Minton, second by Fitzke to approve Ordinance #9665.

City Clerk: Ordinance #9665 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 #9665 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 #9665 is declared to be lawfully adopted upon publication as required by law.

#9666 - Consideration of Directing Sale of Fire Station No. 4, 3690 West State Street to Menards

City Attorney Jerry Janulewicz reported that the Purchase Sale Agreement (the "Agreement") for council consideration would, if approved by ordinance, authorize the execution of the Purchase Sale Agreement and direct the sale of Lot One in State Subdivision in the City of Grand Island, Hall County, Nebraska, in consideration of \$103,015.00 cash consideration paid at closing. As additional consideration for the sale of the city property, within two years of closing Menard

shall construct and convey to City, at Menard's cost, a new fire station pursuant to, and closing contingent upon, the parties' reaching mutual agreement on construction plans and specifications and a development agreement for the new fire station.

Motion by Paulick, second by Fitzke to approve Ordinance #9666.

City Clerk: Ordinance #9666 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 #9666 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 #9666 is declared to be lawfully adopted upon publication as required by law.

CONSENT AGENDA: Consent agenda item G-5 (Resolution #2017-309) was removed for further discussion. Consent agenda item G-6 (Resolution #2017-310) was pulled from the agenda at the request of the Regional Planning Department. Motion by Donaldson, second by Minton to approve the Consent Agenda excluding items G-5 and G-6. Upon roll call vote, all voted aye. Motion adopted.

Approving Minutes of October 24, 2107 City Council Regular Meeting.

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

Approving Re-Appointment of Hector Rubio to the Interjurisdictional Planning Commission.

#2017-308 - Approving Request from Bearded Buffalo Golf, LLC dba Bearded Buffalo Golf, LLC, 217 E. Stolley Park Road, Suite I & J for a Class "C" Liquor License and Liquor Manager Designation for Nicholas Papke, 727 So. Blaine Street.

#2017-309 - Approving Contract with OpenGov Program through the State of Nebraska via SHI International Corp. in an Amount of \$55,284.70 and recurring Annual Cost of \$48,944.70. Discussion was held regarding the amount of the contract and that this item had not been included in the 2017-2018 budget.

Motion by Minton, second by Hehnke to approve Resolution #2017-309. Upon roll call vote, Councilmembers Minton, Fitzke, Donaldson, Hehnke, Stelk, and Nickerson voted aye. Councilmembers Paulick and Steele voted no. Motion adopted.

#2017-310 - Approving Final Plat and Subdivision Agreement for JGMO Subdivision. This item was pulled at the request of the Regional Planning Department.

#2017-311 - Approving Correction to Final Plat and Subdivision Agreement for Eberl Subdivision. It was noted this will correct Resolution #2017-255 adopted on September 26, 2017.

#2017-312 - Approving Acquisition of Utility Easement - 2405 E. Stolley Park Road - John C. Hoffman.

#2017-313 - Approving Acquisition of Utility Easement - 3333 Ramada Road - Southeast Crossings, LLC.

#2017-314 - Approving Acquisition of Utility Easement - South of One-R Road and West of Hwy. 281 – Petersen.

#2017-315 - Approving Certificate of Final Completion for Paving Project #2015-P-6 - Jefferson Street with The Diamond Engineering Company of Grand Island, Nebraska.

#2017-316 - Approving Change Order #1 for Precipitator, Bottom Ash and Boiler Industrial Cleaning at PGS - Fall 2017 Outage with W-S Industrial Services of Council Bluffs, Iowa for an Increase of \$13,016.95 and a Revised Contract Amount of \$125,820.95.

#2017-317 - Approving Purchase of 2018 Compact Track Loader for the Utilities Department, Underground Division from NJPZ Contract with the Bobcat Company in an Amount of \$59,578.64.

#2017-318 - Approving Bid Award for One (1) Trailer Mounted Landfill Hydro Seeder for the Solid Waste Division of the Public Works Department with Roadbuilders Machinery & Supply of Grand Island, Nebraska in an Amount of \$39,900.00.

#2017-319 - Approving Bid Award for Cell 3 Liner and Leachate System at the Grand Island Regional Landfill with Van Kirk Bros. Contracting of Sutton, Nebraska in an Amount of \$3,093,150.00.

#2017-320 - Approving Bid Award for One (1) 2018 Transfer Trailer for the Solid Waste Division with Wilkens Industries of Morris, Minnesota in an Amount of \$56,958.00.

#2017-321 - Approving Bid Award for One (1) 2019 90,000 GVW Conventional Truck-Tractor for the Solid Waste Division from Hansen International, Inc. of Grand Island, Nebraska in an Amount of \$95,100.00.

#2017-322 - Approving Bid Award for Sanitary Sewer Collection System Rehabilitation - Various Locations Project No. 2017-S-2B with Municipal Pipe Tool Company, LLC of Hudson, Iowa in an Amount of \$433,786.75.

#2017-323 - Approving Acquisition of Detention Cell Land in Outlot A, Kurz Subdivision at 815 Superior Street (Grand Island Area Habitat for Humanity, Inc.).

#2017-324 - Approving Certificate of Final Completion for Shady Bend Road Drainage; Project No. 2017-D-2 with Van Kirk Bros. Contracting of Sutton, Nebraska.

#2017-325 - Approving Amendment No. 2 with HDR Engineering, Inc. of Omaha, Nebraska for Engineering Services Related to Cell 3 Liner Construction at the Grand Island Regional Landfill in an Amount of \$339,910.00.

#2017-326 - Approving FTE Title Change from Public Works CADD Operator to Public Works Engineering Technician for the Engineering Division of the Public Works Department.

#2017-327 - Approving Acquisition of Utility Easement at 2124 N Lafayette Avenue (Grand Island Public School District).

#2017-328 - Approving Purchase of One (1) 2018 Front End Wheel Loader for the Solid Waste Division of the Public Works Department with NMC/Nebraska Machinery Company of Doniphan, Nebraska in an Amount of \$187,655.00.

#2017-329 - Approving Long Term Disability Contract Renewal Cigna Group Insurance in an Amount of \$0.255 per \$100 of Wages.

#2017-330 - Approving Adoption of the 2017 Hazard Mitigation Plan.

PAYMENT OF CLAIMS:

Motion by Minton, second by Fitzke to approve the payment of claims for the period of October 25, 2017 through November 14, 2017 for a total amount of \$5,455,745.72. Upon roll call vote, Councilmembers, Minton, Steele, Fitzke, Donaldson, Hehnke, Stelk, and Nickerson voted aye. Councilmember Paulick abstained. Motion adopted.

ADJOURNMENT: The meeting was adjourned at 8:47 p.m.

RaNae Edwards
City Clerk