



City of Grand Island

Tuesday, March 13, 2018

Council Session

Item G-1

Approving Minutes of February 27, 2018 City Council Regular Meeting

Staff Contact: RaNae Edwards

CITY OF GRAND ISLAND, NEBRASKA

MINUTES OF CITY COUNCIL REGULAR MEETING

February 27, 2018

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 27, 2018. Notice of the meeting was given in *The Grand Island Independent* on February 21, 2018.

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 Fitzke was absent. The following City Officials were present: City Administrator Marlan Ferguson, City Clerk RaNae Edwards, Interim Finance Director William Clingman, City Attorney Jerry Janulewicz, and Public Works Director John Collins.

Mayor Jensen introduced Community Youth Council member Maddy Oskeson.

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

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

#2018-BE-2 - Consideration of Determining Benefits and Levy Special Assessments for Sidewalk Installation at 4194 Norseman Avenue. Public Works Director John Collins reported that work had been completed on the sidewalk installation at 4194 Norseman Avenue for a total cost of \$3,025.00 to be assessed to the adjacent property owner. Staff recommended approval.

Motion by Donaldson, second by Stelk to approve Resolution #2018-BE-2. Upon roll call vote, all voted aye. 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 GIPH Restaurants, LLC dba Pizza Hut, 1023 West 2nd Street for a Class "D" Liquor License. City Clerk RaNae Edwards reported that an application for a Class "D" Liquor License had been received GIPH Restaurants, LLC dba Pizza Hut, 1023 West 2nd Street. Ms. Edwards presented the following exhibits for the record: application submitted to the Liquor Control Commission and received by the City on February 5, 2018; notice to the general public of date, time, and place of hearing published on February 17, 2018; notice to the applicant of date, time, and place of hearing mailed on February 5, 2018; along with Chapter 4 of the City Code. Staff recommended approval. No public testimony was heard.

Public Hearing on Request from Mid-Country Trading, LLC on behalf of USA Communications for a Conditional Use Permit to Place a 100' Self Supporting Telecommunications Tower Located at 3539 West 13th Street, Suite A. Building Department Director Craig Lewis reported that an application was received from Mid-Country Trading, LLC on behalf of USA Communications for a Conditional Use Permit to construct a telecommunication tower at 3539 West 13th Street. Staff recommended approval. No public testimony was heard.

Public Hearing on Request from Kristy Cavanaugh for a Conditional Use Permit to Place a Modular Home while Living in the Current Structure Located at 3318 E. Seedling Mile Road. Building Department Director Craig Lewis reported that Kristy Cavanaugh had submitted an application for a Conditional Use Permit to place a modular home while living in the current structure located at 3318 E. Seedling Mile Road. The proposed construction was anticipated to take up to 6 months to complete and allowing 60 to 90 days to remove the existing dwelling an expiration date for the conditional use permit appeared reasonable for February 28, 2019 or within 90 days after a certificate of occupancy was issued for the new dwelling. Staff recommended approval. No public testimony was heard.

Public Hearing on Request from Marsha Mars for a Conditional Use Permit for a Day Care Facility located at 2524 West Division Street. Building Department Director Craig Lewis reported that Marsha Mars had submitted an application for a Conditional Use Permit to allow for the operation of a day care facility within the existing single family dwelling located at 2524 West Division Street. Staff recommended approval. No public testimony was heard.

Public Hearing on Adoption of the Grand Island Zoning Map. Regional Planning Director Chad Nabity reported that a new map incorporating changes made since the last re-adoption and including other proposed changes had been prepared. Staff recommended approval. No public testimony was heard.

Public Hearing on Annexation of Property Located at 3406 and 3412 South Blaine Street (Gard Subdivision). Regional Planning Director Chad Nabity reported that any and all property subdivided adjacent to the Corporate Limit of the City of Grand Island be annexed into the City at the time of subdivision approval. Randy L. Gard and Vicki J. Gard, as the owners of the property located at 3406 and 3412 South Blaine Street, submitted Gard Subdivision as an Addition to the City of Grand Island. One existing residence would be added to the City as a result of this annexation and two additional building lots would be added. Staff recommended approval. No public testimony was heard.

Public Hearing on Acquisition of Public Right-of-Way in Windolph's Subdivision (Villanueva). Public Works Director John Collins reported that the City had approached Marcos A. and Josefina Villanueva, owners of 2725 E Seedling Mile Road, in regards to acquiring an additional 13.5 foot of public right-of-way (half of the 27 foot needed to gain a full 60 foot width) on the northern end of Museum Drive to move towards gaining consistency in the width of such public roadway. During negotiations with the property owners interest was expressed in irrigating the currently dry farm land they own at such location. An agreement was reached between City staff and such property owners to transfer the City's rights in the certified irrigated acres adjacent to

450 Museum Drive, on the southern end of Museum Drive. 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:

#9677 - Consideration of Assessments for Sidewalk Installation at 4194 Norseman Avenue

#9678 - Consideration of Adoption of the Grand Island Zoning Map

#9679 - Consideration of Addendum for Sale of Property at 4808 Gold Core Drive

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.

#9677 - Consideration of Assessments for Sidewalk Installation at 4194 Norseman Avenue

This item was related to the aforementioned Board of Equalization hearing.

Motion by Stelk, second by Jones to approve Ordinance #9677.

City Clerk: Ordinance #9677 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 #9677 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 #9677 is declared to be lawfully adopted upon publication as required by law.

#9678 - Consideration of Adoption of the Grand Island Zoning Map

This item related to the aforementioned Public Hearing.

Motion by Donaldson, second by Minton to approve Ordinance #9678.

City Clerk: Ordinance #9678 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 Paulick, Steele,

Minton, Donaldson, Hehnke, Jones, Stelk, and Nickerson voted aye. Councilmember Haase voted no. Motion adopted.

City Clerk: Ordinance #9678 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 Paulick, Steele, Minton, Donaldson, Hehnke, Jones, Stelk, and Nickerson voted aye. Councilmember Haase voted no. Motion adopted.

Mayor Jensen: By reason of the roll call votes on first reading and then upon second and final readings, Ordinance #9678 is declared to be lawfully adopted upon publication as required by law.

#9679 - Consideration of Addendum for Sale of Property at 4808 Gold Core Drive

Utilities Director Tim Luchsinger reported that the executed Farm, Land and Ranch Agreement executed by the City and Lyne Realty, L.P., the buyer, on December 12, 2017 indicated both the legal lot description and the lot size. The lot size of 9.03 acres was obtained from the County Assessor's office and used in the advertisement of the property. The agreement also included the provision for a Phase 1 environmental survey and a boundary survey by the Buyer. The completed boundary survey resulted in an actual lot size of 8.91 acres. The Buyer subsequently requested consideration of a pro-rated deduction of the purchase price of \$4,336.00, for a final price of \$320,664.00. Staff recommended approval.

Motion by Jones, second by Paulick to approve Ordinance #9679.

City Clerk: Ordinance #9679 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 #9679 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 #9679 is declared to be lawfully adopted upon publication as required by law.

#9680 – Consideration of Annexation of Property Located at 3406 and 3412 South Blaine Street - Gard Subdivision (First Reading)

This item was related to the aforementioned Public Hearing.

Motion by Haase, second by Minton to approve Ordinance #9680 on first reading. Upon roll call vote, all voted aye. Motion adopted.

CONSENT AGENDA: Consent Agenda item G-4 was pulled from the agenda. Motion by Paulick, second by Hehnke to approve the Consent Agenda excluding item G-4. Upon roll call vote, all voted aye. Motion adopted.

Approving Minutes of February 13, 2018 City Council Regular Meeting.

#2018-47 - Approving Request from GIPH Restaurants, LLC dba Pizza Hut, 1023 West 2nd Street for a Class "D" Liquor License and Liquor Manager Designation for Brett Klanecky, 2123 No. Wheeler Avenue.

#2018-48 - Approving Preliminary/Final Plat and Subdivision Agreement for Lassonde Third Subdivision. It was noted that Grand Island Area Habitat for Humanity, owners, had submitted the Preliminary/Final Plat and Subdivision Agreement for Lassonde Third Subdivision located south of Capital Avenue and west of the Central Nebraska Railroad line for the purpose of creating 23 lots on 3.593 acres.

#2018-49 - Approving NACE Coating Inspection Services for the Elevated Water Storage Tower with REOD, LLC of Wentzville, Missouri. This item was pulled at the request of the Utilities Department.

#2018-50 - Approving Bid Award - Transmission Circuit Breaker Inspection Services with Power Delivery Services, Inc. of Omaha, Nebraska in an Amount of \$76,641.00.

#2018-51 - Approving Bid Award - GT3 Modified Hot Gas Path Inspection with General Electric International, Inc. of Omaha, Nebraska in an Amount of \$494,261.00.

#2018-52 - Approving Change Order #1 for Water Main District 469T - Engleman Road from Stolley Park Road North 1/2 Mile with The Diamond Engineering Company of Grand Island, Nebraska for an Increase of \$2,150.23 and a Revised Contract Amount of \$287,056.79.

#2018-53 - Approving Certificate of Final Completion for Water Main District 469T - Engleman Road from Stolley Park Road North 1/2 Mile with The Diamond Engineering Company of Grand Island, Nebraska.

#2018-54 - Approving Request from Grand Island Substance Abuse Prevention Coalition/Tobacco Free Hall County for Permission to Use City Streets/Trails and State Highway for the Outrun Addiction Family Fun Run.

#2018-55 - Approving Acquisition of Public Right-of-Way in Windolph's Subdivision (Villanueva).

#2018-56 - Approving Transferring Certified Irrigated Rights from the City of Grand Island to Marcos A. and Josefina Villanueva (2725 E Seedling Mile Road).

#2018-57 - Approving Amendment No. 1 for Engineering Consulting Services Related to Lift Station No. 11 Relocation and Force Main Reroute with Olsson Associates of Lincoln, Nebraska for an Increase of \$131,705.00 and a Revised Contract Amount of \$260,047.00.

#2018-58 - Approving Bid Award for 13th Street Paving Improvements; Project No. 2018-P-1 and 13th Street Water Main Improvements; Project No. 2018-W-5 with Blessing Construction of Kearney, Nebraska in an Amount of \$1,975,887.43.

#2018-59 - Approving Amendment No. 2 to Engineering Consulting Agreement for 13th Street Roadway Improvements; Project No. 2018-P-1 with Alfred Benesch & Company of Lincoln, Nebraska for an Increase of \$255,896.97 and a Revised Contract Amount of \$412,178.22.

#2018-45 - Approving Amendment to Resolution for Change Order #1 for the Grand Island Veteran's Athletic Field Construction Phase 2 with Nemaha Landscape Construction, Inc. of Lincoln, Nebraska for an Increase of \$21,907.00 and a Revised Contract Amount of \$5,599,255.00.

REQUESTS AND REFERRALS:

Consideration of Request from Mid-Country Trading, LLC on behalf of USA Communications for a Conditional Use Permit to Place a 100' Self Supporting Telecommunications Tower Located at 3539 West 13th Street, Suite A. This item was related to the aforementioned Public Hearing. Tyler Cretacci representing USA Communications answered questions regarding the type of tower and type of service. Franchise fees and occupation taxes were discussed.

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

Consideration of Request from Kristy Cavanaugh for a Conditional Use Permit to Place a Modular Home while Living in the Current Structure Located at 3318 E. Seedling Mile Road. This item was related to the aforementioned Public Hearing.

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

Consideration of Request from Marsha Mars for a Conditional Use Permit for a Day Care Facility located at 2524 West Division Street. This item was related to the aforementioned Public Hearing. Discussion was held concerning fire codes.

Motion by Paulick, second by Jones to approve the request. Upon roll call vote, all voted aye. Motion adopted.

PAYMENT OF CLAIMS:

Motion by Minton, second by Donaldson to approve the payment of claims for the period of February 14, 2018 through February 27, 2018 for a total amount of \$3,409,996.95. Upon roll call

vote, Councilmembers Minton, Steele, Donaldson, Hehnke, Haase, Jones, Stelk, and Nickerson voted aye. Councilmember Paulick abstained. Motion adopted.

ADJOURNMENT: The meeting was adjourned at 7:45 p.m.

RaNae Edwards
City Clerk