



City of Grand Island

Tuesday, April 10, 2018

Council Session

Item G-1

Approving Minutes of March 27, 2018 City Council Regular Meeting

Staff Contact: RaNae Edwards

CITY OF GRAND ISLAND, NEBRASKA

MINUTES OF CITY COUNCIL REGULAR MEETING
March 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 March 27, 2018. Notice of the meeting was given in *The Grand Island Independent* on March 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, Julie Hehnke, Linna Dee Donaldson, Michelle Fitzke, Vaughn Minton, Roger Steele, and Mike Paulick. Councilmember Chuck Haase 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 Rosalind Sebastian.

INVOCATION was given by Mayor Jensen followed by the PLEDGE OF ALLEGIANCE.

PRESENTATION AND PROCLAMATIONS:

Recognition of Pete Deleon, Senior Equipment Operator with the Streets Department for 25 Years of Service with the City of Grand Island. Mayor Jensen and the City Council recognized Pete Deleon, Senior Equipment Operator with the Streets Department for 25 years of service with the City of Grand Island. Mr. Deleon was present for the recognition.

Recognition of Dave Chavez, Equipment Operator I for the Streets and Alley Department for 40 Years of Service with the City of Grand Island. Mayor Jensen and the City Council recognized Dave Chavez, Equipment Operator I for the Streets and Alley Department for 40 years of service with the City of Grand Island. Mr. Chavez was present for the recognition.

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

#2018-BE-3 - Consideration of Determining Benefits for Water Main District 469T - Engleman Road from Stolley Park Road North 1/2 Mile. Assistant Utilities Director Ryan Schmitz reported that work had been completed and connection fees had been calculated for Water Main District 469T. Total project cost was \$318,984.38. Connection (tap) fees for properties within the District were \$53.325191 per front foot when customers desired to begin receiving the service. Staff recommended approval.

Motion by Stelk, second by Hehnke to approve Resolution #2018-BE-3. 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 Casey's Retail Company dba Casey's General Store #2732, 4150 W. Highway 30 for a Class "D" Liquor License. City Clerk RaNae Edwards reported that an application for a Class "D" Liquor License had been received from Casey's Retail Company dba Casey's General Store #2732, 4150 W. Highway 30. Ms. Edwards presented the following exhibits for the record: application submitted to the Liquor Control Commission and received by the City on March 9, 2018; notice to the general public of date, time, and place of hearing published on March 17, 2018; notice to the applicant of date, time, and place of hearing mailed on March 9, 2018; along with Chapter 4 of the City Code. Staff recommended approval. No public testimony was heard.

Public Hearing on Request from Ann M. Graham dba Ann's Getta Way, 2303 E. Highway 30 for a Class "C" Liquor License. City Clerk RaNae Edwards reported that an application for a Class "C" Liquor License had been received from Ann M. Graham dba Ann's Getta Way, 2303 E. Highway 30. Ms. Edwards presented the following exhibits for the record: application submitted to the Liquor Control Commission and received by the City on March 9, 2018; notice to the general public of date, time, and place of hearing published on March 17, 2018; notice to the applicant of date, time, and place of hearing mailed on March 9, 2018; along with Chapter 4 of the City Code. Staff recommended approval. Ann Graham, 2309 East Hwy 30 spoke in support. No further public testimony was heard.

Public Hearing on Acquisition of the Former Armory Property located at 2900 W. Old Potash Highway. City Attorney Jerry Janulewicz reported that the State of Nebraska issued a public notice soliciting offers for the sale and purchase of the former Nebraska Guard Armory Building at 2900 West Old Potash Highway. Because this property was surrounded on three sides by city park ground and provided much needed public parking for participating in softball activities in the abutting ball fields, the acquisition of the property was deemed to be in the best interests of the City. A purchase agreement was submitted to the State of Nebraska for consideration. The purchase agreement, if accepted by the State, required ratification and approval by council no later than March 28, 2018. Staff recommended approval. Michael Bellezi, 504 Johnson Drive; Vanessa Ward, 4049 Horseshoe Place; and Jeff Cuddeford, 3228 West 17th Street spoke in opposition. No further public testimony was heard.

Public Hearing on Acquisition of Sidewalk Easement at 3812 West 13th Street (Blender, LLC). Public Works Director John Collins reported that a sidewalk easement was needed in connection with the 13th Street & North Road intersection improvements to allow for public use of such adjacent to 3812 West 13th Street. The property owner had signed the necessary document to grant a public sidewalk easement, which allowed for a seven (7) foot wide easement. Staff recommended approval. No public testimony was heard.

ORDINANCES:

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

Regional Planning Director Chad Nabity stated this was the third and final reading for the annexation.

Motion by Paulick, second by Donaldson to approve Ordinance #9680 on final reading. Upon roll call vote, all voted aye. Motion adopted.

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

#9681 (A) - Consideration of Creation of Street Improvement District No. 1265; Jay Street – Capital Avenue to Dack Avenue

#9682 - Consideration of Sale of Property Located at 111 East South Front Street to Wing Empire, 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 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.

#9681 (A) - Consideration of Creation of Street Improvement District No. 1265; Jay Street – Capital Avenue to Dack Avenue

Public Works Director John Collins reported that this district was being presented at the request of Councilmember Haase, and consisted of Jay Street extending north from Capital Avenue to the existing hard surface portion of Jay Street at Dack Avenue. Requests to pave this section of roadway dated back to 1988 with lack of support to continue with paving improvements for the southern portion of Jay Street (Capital Avenue to Dack Avenue). An alternative to ensure success of this street improvement would be for Council to cause such improvements through Gap Paving. Staff recommended a paving district.

Discussion was held concerning the difference between a paving district and a gap district.

Motion by Minton, second by Fitzke to approve Ordinance #9681 (A).

City Clerk: Ordinance #9681 (A) 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 #9681 (A) 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 #9681 (A) is declared to be lawfully adopted upon publication as required by law.

#9682 - Consideration of Sale of Property Located at 111 East South Front Street to Wing Empire, Inc.

Public Works Director John Collins reported that Wing Empire, Inc. was the owner of 115 East South Front Street; a building formerly used by Williams Furniture and was now the location of Prairie Pride Brewery. Access to the Prairie Pride business and the business' outdoor deck was located at the west side of the building and upon the easterly 8 feet of Lot 3, Block 54, Original Town of Grand Island. Lot 3 was owned by the City of Grand Island. Lots 3 and 4 comprise the land utilized for public parking at the southeast corner of the intersection of Pine Street and East South Front Street. Prairie Pride's business was dependent upon this public access, thus it was seeking to purchase this 8-foot wide strip in order to provide permanence to its continued use. A Purchase Agreement for a cash payment of \$4,847.00 with Wing Empire, Inc. for the sale of the above described property was recommended for approval.

City Attorney Jerry Janulewicz stated the adjoining property owner had signed a license agreement.

Motion by Donaldson, second by Paulick to approve Ordinance #9682.

City Clerk: Ordinance #9682 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 #9682 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 #9682 is declared to be lawfully adopted upon publication as required by law.

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

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

Approving Minutes of March 20, 2018 City Council Study Session.

#2018-74 - Approving Request from Casey's Retail Company dba Casey's General Store #2732, 4150 W. Highway 30 for a Class "D" Liquor License and Liquor Manager Designation for Tina Krings, 1212 Blue Stem Circle, Norfolk, Nebraska.

#2018-75 - Approving Request from Ann M. Graham dba Ann's Getta Way, 2303 E. Highway 30 for a Class "C" Liquor License.

#2018-76 - Approving Final Plat and Subdivision Agreement for Gard Subdivision. It was noted that Randy and Vicki Gard, owners had submitted the Final Plat and Subdivision Agreement for Gard Subdivision located south of U.S. Highway 34 and west of Blaine Street for the purpose of creating 3 lots on 19.024 acres.

#2018-77 - Approving the Benefits for Water Main District 469T - Engleman Road from Stolley Park Road North 1/2 Mile.

#2018-78 - Approving Interlocal Agreement with Grand Island Public Schools for Improvements to William Street. Councilmember Steele abstained from voting.

#2018-79 - Approving Acquisition of Sidewalk Easement at 3812 West 13th Street (Blender, LLC).

#2018-80 - Approving Temporary Construction Easement for 13th Street Paving Improvements; Project No. 2018-P-1 (Blender, LLC).

#2018-81 - Approving Request from the YMCA for Permission to Use City Streets, Hike/Bike Trail, and State Highway for the 2018 Nebraska State Fair Marathons.

#2018-82 - Approving License Agreement Application Fee Waiver in Connection with Stolley Park Road Reconfiguration; City Project No. 2015-P-1 – Federal Aid Project No. HSIP-5402(5), Control No. 42812.

#2018-83 - Approving Change Order No. 1 for West Stolley Park Road and Engleman Road Sanitary Sewer Extension; Project No. 2017-S-3 and Sanitary Sewer District No. 540T with The Diamond Engineering Company of Grand Island, Nebraska for an Increase of \$36,056.10 and a Revised Contract Amount of \$783,601.66.

#2018-84 - Approving Amendment No. 3 to Engineering Consulting Agreement for Sanitary Sewer Collection System Rehabilitation – Various Locations with Alfred Benesch & Company of Lincoln, Nebraska in an Amount not to exceed \$29,000.00 and a Revised Contract Amount of \$160,081.82.

#2018-85 - Approving Bid Award for Lift Station No. 11 Relocation – 2018; Project No. 2018-S-1 with Midlands Contracting, Inc. of Kearney, Nebraska in an Amount of \$1,647,665.35.

#2018-86 - Approving Update to Fee Schedule to Incorporate Storm Water Fees.

RESOLUTIONS:

#2018-87 - Consideration of Approving Request from Robert & Michelle Fry for a Non-Conforming Use to Replace a Fire Damaged Dwelling with a Modular Dwelling at 3585 N. Highway 281. Building Department Director Craig Lewis reported that a request had been made by Robert & Michelle Fry for approval to replace a fire damaged dwelling on the property located at 3585 N. Highway 281 with a modular dwelling. Staff recommended approval.

Motion by Donaldson, second by Minton to approve Resolution #2018-87. Upon roll call vote, all voted aye. Motion adopted.

#2018-88 - Consideration of Approving Acquisition of the Former Armory Property located at 2900 W. Old Potash Highway. This item was related to the aforementioned Public Hearing. Mayor Jensen and City Administrator Marlan Ferguson stated this purchase would be paid for with Keno Funds which were set aside for Capital costs for the Parks & Recreation Department. There would be no funds paid out of the General Fund for this purchase.

City Attorney Jerry Janulewicz answered questions regarding due diligence with environmental issues. Concerns were brought up by Council regarding the building structure. Real Estate Agent Chuck Winkler commented on the market analysis and how they came up with the price. He used comparable sales.

Parks & Recreation Director Todd McCoy talked about long term possibilities. They could immediately use the building for a staging area and storage for park equipment. Office space could be used for softball and the building would be ideal for a shelter with the parks surrounding it. This building could also be a future recreation building. Mentioned were possible uses for the Transit program.

Motion by Nickerson, second by Minton to approve Resolution #2018-88. Upon roll call vote, Councilmembers Steele, Minton, Fitzke, Donaldson, Stelk, and Nickerson voted aye. Councilmembers Paulick, Hehnke, and Jones voted no. Motion adopted.

PAYMENT OF CLAIMS:

Motion by Minton, second by Fitzke to approve the payment of claims for the period of March 14, 2018 through March 27, 2018 for a total amount of \$4,182,731.94. Upon roll call vote, Councilmembers Minton, Steele, Fitzke, Donaldson, Hehnke, Jones, Stelk, and Nickerson voted aye. Councilmember Paulick abstained. Motion adopted.

ADJOURNMENT: The meeting was adjourned at 8:29 p.m.

RaNae Edwards
City Clerk