



# **City of Grand Island**

**Tuesday, June 11, 2019**

**Council Session**

## **Item G-1**

**Approving Minutes of May 28, 2019 City Council Regular Meeting**

**Staff Contact: RaNae Edwards**

CITY OF GRAND ISLAND, NEBRASKA

MINUTES OF CITY COUNCIL REGULAR MEETING

May 28, 2019

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 May 28, 2019. Notice of the meeting was given in *The Grand Island Independent* on May 22, 2019.

Mayor Roger G. Steele called the meeting to order at 7:00 p.m. The following City Council members were present: Mike Paulick, Jeremy Jones, Mark Stelk, Jason Conley, Vaughn Minton, Julie Hehnke, Clay Schutz, Mitch Nickerson, and Chuck Haase. Councilmember Michelle Fitzke was absent. The following City Officials were present: Interim City Administrator Jerry Janulewicz, City Clerk RaNae Edwards, Finance Director Patrick Brown, and Public Works Director John Collins.

INVOCATION was given by Pastor Jim Reynolds, Berean Bible Church, 4116 West Capitol Avenue followed by the PLEDGE OF ALLEGIANCE.

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

#2019-BE-4 - Consideration of Determining Benefits for Fonner Park Business Improvement District. Finance Director Patrick Brown reported that the budgeted assessments of \$59,182.52 would be charged to property owners in the district based on their front footage. Staff recommended approval.

Cindy Johnson, Chamber of Commerce President, 309 West 2<sup>nd</sup> Street explained the 18 month assessment period.

Motion by Haase, second by Stelk to approve Resolution #2019-BE-4. Upon roll call vote, all voted aye. Motion adopted.

#2019-BE-5 - Consideration of Determining Benefits for South Locust Business Improvement District. Finance Director Patrick Brown reported that the budgeted assessments of \$142,089.76 would be charged to property owners in the district based on their front footage. Staff recommended approval.

Motion by Haase, second by Stelk to approve Resolution #2019-BE-5. 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 Edwin Bolanos dba La Gran Billa, 613 East 4th Street for a Class "C" Liquor License. City Clerk RaNae Edwards reported that an application for a Class "C" Liquor License had been received from Edwin Bolanos dba La Gran Billa, 613 East 4th Street. Ms. Edwards presented the following exhibits for the record: application submitted to the Liquor Control Commission and received by the City on April 23, 2019; notice to the general public of date, time, and place of hearing published on May 18, 2019; notice to the applicant of date, time, and place of hearing mailed on April 23, 2019; along with Chapter 4 of the City Code. Staff recommended approval contingent upon final inspections and completion of a state approved alcohol server/seller training program. Edwin Bolanos, 613 East 4<sup>th</sup> Street was present to answer questions. No further public testimony was heard.

Public Hearing on Request from Ann M. Graham dba Ann's Getta Way, 2303 E. Highway 30 for an Addition to their Class "C-122422" Liquor License. City Clerk RaNae Edwards reported that an application for an addition to the Class "C-122422" 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 May 9, 2019; notice to the general public of date, time, and place of hearing published on May 18, 2019; notice to the applicant of date, time, and place of hearing mailed on May 9, 2019; along with Chapter 4 of the City Code. Staff recommended approval contingent upon final inspections. No public testimony was heard.

Public Hearing on Request from Hooker Bros. Sand & Gravel to Renew their Conditional Use Permit to Allow for a Sand & Gravel Operation located at 3947 South Locust Street. Building Department Director Craig Lewis reported that a request had been received from Hooker Bros. Sand & Gravel for a renewal of their Conditional Use Permit located at 3947 South Locust Street. Staff recommended approval. Ken Clausen, 5719 S. US Hwy 281 mentioned concerns with the drainage in the area. No public testimony was heard.

Public Hearing on Request from GC Mini Storage, LLC on behalf of Viaero Wireless for a Conditional Use Permit for a Wireless Telecommunication Tower located at the South Entrance of 3007 North Road. Building Department Director Craig Lewis reported that an application had been received from GC Mini Storage, LLC on behalf of Viaero Wireless to allow for the construction of a 100 foot monopole telecommunication tower with a 5' antenna attached to the top for a total height of 105' at 3007 N. North Road. Staff recommended approval. Chris Riha, 1811 West 2<sup>nd</sup> Street spoke in support. No further public testimony was heard.

Public Hearing on Acquisition of Utility Easement - 550 Midaro Drive - Joseph and Jennifer Stump. Utilities Director Tim Luchsinger reported that acquisition of a utility easement located at 550 Midaro Drive was needed in order to have access to install, upgrade, maintain, and repair appurtenances, including lines and transformers. Joseph and Jennifer Stump had requested an electrical service for a new house to be constructed at 550 Midaro Drive. The proposed easement would allow the Utilities Department to install, access, operate and maintain the power line, transformer and related electrical infrastructure in this area. Staff recommended approval. No public testimony was heard.

## ORDINANCES:

### #9728 - Consideration of Approving Annexation of Property Located East of U.S. Highway 281 and South of Wildwood Drive (Lewis Greenscape) (Third Reading)

Regional Planning Director Chad Nabity reported that Station 31, LLC, owner of the property had petitioned the City of Grand Island to consider annexation of this property. Staff recommended approval.

Motion by Paulick, second by Haase to approve Ordinance #9728 on third reading.

City Clerk: Ordinance #9728 on third reading. All those in favor of the passage of this ordinance on second reading, answer roll call vote. Upon roll call vote, all voted aye. Motion adopted.

Mayor Steele: By reason of the roll call votes on second and final readings, Ordinance #9728 is declared to be lawfully adopted upon publication as required by law.

### #9729 - Consideration of Approving Annexation of Property Located West of North Road and South of 13th Street (Ray Stander) (Third Reading)

Regional Planning Director Chad Nabity reported that Ray Stander, owner of the property had petitioned the City of Grand Island to consider annexation of this property. Staff recommended approval.

Motion by Stelk, second by Paulick to approve Ordinance #9729 on third reading.

City Clerk: Ordinance #9729 on third reading. All those in favor of the passage of this ordinance on second reading, answer roll call vote. Upon roll call vote, all voted aye. Motion adopted.

Mayor Steele: By reason of the roll call votes on second and final readings, Ordinance #9729 is declared to be lawfully adopted upon publication as required by law.

### #9730 - Consideration of Approving Annexation of Property Located between U.S. Highway 281 and Old Nebraska Highway 2, West of Eagle Scout Park (City of Grand Island) (Third Reading)

Regional Planning Director Chad Nabity reported that the City of Grand Island, owner of property had petitioned the City of Grand Island to consider annexation of this property. Staff recommended approval.

Motion by Haase, second by Hehnke to approve Ordinance #9730 on third reading.

City Clerk: Ordinance #9730 on third reading. All those in favor of the passage of this ordinance on second reading, answer roll call vote. Upon roll call vote, all voted aye. Motion adopted.

Mayor Steele: By reason of the roll call votes on second and final readings, Ordinance #9730 is declared to be lawfully adopted upon publication as required by law.

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

#9732 – Consideration of Approving Request to Rezone a Portion of Lot 2 Hanover Second Subdivision and a Portion of Lot 4 Hanover Third Subdivision located West of North Road and South of 13th Street from R1-Suburban Density Residential to R-3 Medium Density Residential (Trent Huff & Andy Eiler)

#9733 - Consideration of Approving Sale of 0.02 Acres to Menard, Inc. located at the Southeast Corner of Fire Station 4 along State Street (Second and Final Reading)

#9734 - Consideration of Determining Assessments for Fonner Park Business Improvement District.

#9735 - Consideration of Determining Assessments for South Locust Business Improvement District.

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.

#9732 – Consideration of Approving Request to Rezone a Portion of Lot 2 Hanover Second Subdivision and a Portion of Lot 4 Hanover Third Subdivision located West of North Road and South of 13th Street from R1-Suburban Density Residential to R-3 Medium Density Residential (Trent Huff & Andy Eiler)

Regional Planning Director Chad Nabity reported that Trent Huff had purchased all of Lot 4 of Hanover Third Subdivision and Lot 2 of Hanover Second Subdivision for residential development and had requested a zoning change on the property. He was requesting that the zoning on the north and west portion be changed to R3 Medium Density Residential. This was the second and final reading of this ordinance. Staff recommended approval. Trent Huff, 4801 West Chapman Road spoke in support.

Motion by Minton, second by Hehnke to approve Ordinance #9732 on second and final reading.

City Clerk: Ordinance #9732 on second and final 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.

Mayor Steele: By reason of the roll call votes on second and final readings, Ordinance #9732 is declared to be lawfully adopted upon publication as required by law.

#9733 - Consideration of Approving Sale of 0.02 Acres to Menard, Inc. located at the Southeast Corner of Fire Station 4 along State Street

City Attorney Jerry Janulewicz reported that Menard sought to obtain from the City a triangular tract of land containing 0.02 acres located near the southeast corner of the fire station property. The three sides are 42.34 feet, 41.85 feet, and 59.96 feet. The proposed Ordinance, if adopted, would authorize the sale of this tract subject to the public’s right of remonstrance.

Motion by Conley, second by Minton to approve Ordinance #9733 on second and final reading.

City Clerk: Ordinance #9733 on second and final 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.

Mayor Steele: By reason of the roll call votes on second and final readings, Ordinance #9733 is declared to be lawfully adopted upon publication as required by law.

#9734 - Consideration of Determining Assessments for Fonner Park Business Improvement District.

This item was related to the aforementioned Public Hearing.

Motion by Haase, second by Stelk to approve Ordinance #9734.

City Clerk: Ordinance #9734 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 #9734 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 Steele: By reason of the roll call votes on first reading and then upon second and final readings, Ordinance #9734 is declared to be lawfully adopted upon publication as required by law.

#9735 - Consideration of Determining Assessments for South Locust Business Improvement District.

This item was related to the aforementioned Public Hearing.

Motion by Paulick, second by Schutz to approve Ordinance #9735.

City Clerk: Ordinance #9735 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 #9735 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 Steele: By reason of the roll call votes on first reading and then upon second and final readings, Ordinance #9735 is declared to be lawfully adopted upon publication as required by law.

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

Approving Minutes of May 14, 2019 City Council Regular Meeting/Budget Work Session.

#2019-173 - Approving Request from Edwin Bolanos dba La Gran Billa, 613 East 4th Street for a Class "C" Liquor License.

#2019-174 - Approving Request from Ann M. Graham dba Ann's Getta Way, 2303 E. Highway 30 for an Addition to their Class "C-122422" Liquor License.

#2019-175 - Approving Substation Transformer Testing and Transport Services with Southwest Electric Company of Tulsa, Oklahoma in an Amount of \$91,359.00.

#2019-176 - Approving Acquisition of Utility Easement - 550 Midaro Drive - Joseph and Jennifer Stump.

#2019-177 - Approving Agreement with NDOT - Intermodal Planning Division for the Grand Island Area Metropolitan Planning Organization (GIAMPO) for the 2020 Fiscal Year Transportation Planning Program.

#2019-178 - Approving Section 5339 Capital Grant Application and Agreement for the Transit Division of the Public Works Department of \$96,000.00 Federal Funds.

#2019-179 - Approving Correction to Resolution No. 2019-163- Agreement Amendment No. 1 for Utility Relocation Services to be performed by AT&T for the North Broadwell Drainage; Project No. 2018-D-1.

#2019-180 - Approving Continuation of Sidewalk District No. 1- 2019; 13th Street.

REQUESTS AND REFERRALS:

Consideration of Approving Request from Hooker Bros. Sand & Gravel to Renew their Condition Use Permit to Allow for a Sand & Gravel Operation located at 3947 South Locust Street. This item was related to the aforementioned Public Hearing. Staff recommended approval.

Ken Clausen, 5719 South 281 commented on the drainage. Jeff Hooker, 1915 West 11<sup>th</sup> Avenue explained the direction the water flowed and the requirements from the State of Nebraska and NRD. Adam Clausen, 5719 South 281 also spoke about concerns of the drainage.

Motion by Haase, second by Paulick to approve subject to an improved drainage plan approved by the Public Works Department.

Public Works Director John Collins answered questions regarding a drainage plan for this area.

Motion by Haase, second by Nickerson to amend the motion to add a 2 year limit on the Conditional Use Permit. Upon roll call vote, Councilmembers Haase, Nickerson, Schutz, Hehnke, Conley, Stelk, Jones, and Paulick vote aye. Councilmember Minton voted no. Motion adopted.

Upon roll call vote of the main motion, Councilmembers Haase, Nickerson, Schutz, Stelk, and Jones voted aye. Councilmembers Hehnke, Minton, Conley, and Paulick voted no. The Mayor voted no. Motion failed.

Discussion was held regarding the Public Works Department looking into the drainage issue. Mr. Collins stated he would provide a perceptual plan, working with the NRD for drainage in this area. Mr. Janulewicz explained the Nebraska law regarding natural water drainage.

Motion by Minton, second by Jones to approve the Conditional Use Permit. Upon roll call vote, Councilmembers Haase, Nickerson, Hehnke, Minton, Conley, Stelk, and Jones voted aye. Councilmembers Schutz and Paulick voted no. Motion adopted.

Consideration of Approving Request from GC Mini Storage, LLC on behalf of Viaero Wireless for a Conditional Use Permit for a Wireless Telecommunication Tower located at the South Entrance of 3007 North Road. This item was related to the aforementioned Public Hearing. Staff recommended approval. Discussion was held regarding the new monopole height and other towers in the area.

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

Consideration of Forwarding Blighted and Substandard Area #30 to the Hall County Regional Planning Commission, JOJA Investment LLC. Regional Planning Director Chad Nabity reported that JOJA Investment LLC had submitted this study for the review and consideration of the Grand Island City Council as permitted by Nebraska law. This study was approximately 2.57 acres of property (1 block) located between 4<sup>th</sup> and 5<sup>th</sup> Streets and Carey and Ruby Streets in central Grand Island. Staff recommended approval. Discussion was held regarding the criteria for a Blighted and Substandard Area and the use of TIF.

Motion by Minton, second by Paulick to approve. Upon roll call vote, all vote aye. Motion adopted.

#### RESOLUTIONS:

#2019-171 - Reconsideration of Amendment to the Redevelopment Plan for CRA No. 1 located North of 4th Street between Congdon Avenue and Willow Street (Starostka Contracting, LLC). Regional Planning Director Chad Nabity reported that on May 14, 2019 the City Council held a public hearing and voted against Resolution #2019-171. It was requested that this matter be brought back to Council for reconsideration.

Discussion was held regarding the project and the benefits to the community for work force housing.

Motion by Haase, second by Hehnke to reconsider Resolution #2019-171. Upon roll call vote, Councilmembers Haase, Hehnke, Minton, Conley, Stelk, Jones, and Paulick voted aye. Councilmember Schutz voted no. Councilmember Nickerson abstained. Motion adopted.



Motion by Haase, second by Stelk to approve Resolution #2019-171. Upon roll call vote, Councilmembers Haase, Hehnke, Minton, Conley, Stelk, Jones, and Paulick voted aye. Councilmember Schutz voted no. Councilmember Nickerson abstained. Motion adopted.

#2019-181 - Consideration and Action on CCCFF Planning Grant for Former Armory Building. City Attorney Jerry Janulewicz reported that in 2018, the City of Grand Island purchased from the State of Nebraska the former National Guard Armory located at 2900 West Old Potash Highway. In order to assure that all beneficial potential uses of the property were examined, the City applied for and was awarded, subject to Council approval, a planning grant from Nebraska's Civic and Community Center Financing Fund (CCCFF) in the maximum amount of \$15,000 to be matched dollar for dollar by local funds. The grant and matching city funds would be utilized to evaluate the existing building, work with City Staff/Officials to identify possible reuses of the facility, to identify and communicate with key stakeholders to obtain feedback on needs, ideas, and expectations for this space, and to develop a conceptual floorplan layout for the space.

Motion by Minton, second by Stelk to approve Resolution #2019-181. Upon roll call vote, Councilmembers Haase, Nickerson, Schutz, Conley, and Stelk voted aye. Councilmembers Hehnke, Minton, Jones and Paulick vote no. Mayor Steele voted no. Motion failed.

PAYMENT OF CLAIMS:

Motion by Minton, second by Hehnke to approve the payment of claims for the period of May 15, 2019 through May 28, 2019 for a total amount of \$4,145,436.82. Upon roll call vote, all voted aye. Motion adopted.

ADJOURNMENT: The meeting was adjourned at 8:53 p.m.

RaNae Edwards  
City Clerk