



# City of Grand Island

Tuesday, February 11, 2020

Council Session

## Item G-1

### Approving Minutes of January 28, 2020 City Council Regular Meeting

Staff Contact: RaNae Edwards

CITY OF GRAND ISLAND, NEBRASKA

MINUTES OF CITY COUNCIL REGULAR MEETING

January 28, 2020

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 January 28, 2020. Notice of the meeting was given in *The Grand Island Independent* on January 22, 2020.

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, Clay Schutz, Mitch Nickerson, and Chuck Haase. Councilmembers Justin Scott and Julie Hehnke were absent. The following City Officials were present: City Administrator Jerry Janulewicz, City Clerk RaNae Edwards, Finance Director Patrick Brown, Interim City Attorney Stacy Nonhof, and Public Works Director John Collins.

INVOCATION was given by Father Don Buhrman, St. Leo's Catholic Church, 2410 South Blaine Street followed by the PLEDGE OF ALLEGIANCE.

Mayor Steele introduced Community Youth Council members Carlos Tavira and Elizabeth Miller.

PUBLIC HEARINGS:

Public Hearing on Request from Dani Enterprises, Inc. dba Sluggers, 707 West Anna 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 Dani Enterprises, Inc. dba Sluggers, 707 West Anna Street. Ms. Edwards presented the following exhibits for the record: application submitted to the Liquor Control Commission and received by the City on December 30, 2019; notice to the general public of date, time, and place of hearing published on January 18, 2020; notice to the applicant of date, time, and place of hearing mailed on December 30, 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. No public testimony was heard.

Public Hearing on Amendment to the Redevelopment Plan for CRA No. 17 for Phase 3 of the Prairie Commons Development located West of Ewoldt Street, South of Husker Highway (Tabitha Grand Island, Inc.). Regional Planning Director Chad Nability reported that Tabitha Grand Island, Inc. had submitted an application for tax increment financing to aid in the redevelopment of property to prepare for the construction of a senior housing community, offering a continuum of care. The planned development was expected to have 157 total apartment homes, including 81 independent living apartments, 20 assisted living apartments, 20 memory care apartments, and 36 skilled nursing apartments. The proposed site is located near the new hospital, west of Ewoldt Street and south of Husker Highway. Staff recommended approval. John Fletcher, 4720 Randolph Street, Lincoln, Nebraska spoke in support. No further public testimony was heard.

Public Hearing on Zoning Change located South of 13th Street, East of Engleman Road from TA- Transitional Agricultural to R1- Suburban Residential (Lechner Family Partnership). Regional Planning Director Chad Nabity reported that the owners of a tract of land located south of 13<sup>th</sup> Street and east of Engleman Road were requesting that the zoning be changed from TA – Transitional Agricultural to R1 – Suburban Residential, which would allow 4 dwelling units per acre. Staff recommended approval. Gayle Bonnes, 12 Redwood Road spoke of safety concerns. Greg Baxter, 2121 No. Monitor Road spoke in opposition. Tedd Lechner, 1423 Grand Island Avenue spoke in support. No further public testimony was heard.

Public Hearing on Zoning Change located North of Bismark Road, East of Cherry Street from CD- Commercial Development to RD- Residential Development and Commercial Development (GOSAN INC.). Regional Planning Planner Rashad Moxey reported that the owners of a tract of land located north of Bismark Road and east of Cherry Street were requesting that the zoning be changed from CD – Commercial Development to RD – Residential Development and Amended CD – Commercial Development. This would change the use from a Bowling Alley-Family Entertainment Center to a Museum and Reception Hall. Staff recommended approval. John Nykodym, 1104 East Oklahoma and Bethany Guzinski, 819 South Stuhr Road spoke in support. No further public testimony was heard.

Public Hearing on Amending Chapter 36 of the Grand Island City Code regarding Wireless Communications Towers. Regional Planning Director Chad Nabity reported that the Legal Department and the Hall County Regional Planning Department had been working with Bob Duchon of River Oaks Communications Corporation in Colorado Springs, Colorado for changes to the Grand Island Zoning Ordinance to update the rules for Macro Cell Towers. The proposed changes would regulate the placement of macro cell towers located on private property. Staff recommended approval. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement - 3020 West 14th Street - Van Hoosen & Stubbs. Utilities Director Tim Luchsinger reported that acquisition of a utility easement located at 3020 West 14<sup>th</sup> Street was needed in order to have access to install, upgrade, maintain, and repair power appurtenances, including lines and transformers. The Utilities Department would be upgrading the overhead power lines between 14<sup>th</sup> and 15<sup>th</sup> Streets from Webb Road to Piper Street. Two new service poles would be relocated to accommodate electric service to three customers at 14<sup>th</sup> and Piper Streets. 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:

- #9755 - Consideration of Creation of Sanitary Sewer District No. 544; Ellington Pointe and Westwood Park Subdivision
- #9756 - Consideration of Amending Salary Ordinance Relative of Meter Readers
- #9757 - Consideration of Approving Benefits for Sidewalk District No. 1- 2019; 13th Street

#9758 - Consideration of Amending Chapter 20 of the Grand Island City Code Relative to Tobacco

#9759 - Consideration of Approving Zoning Change located South of 13th Street, East of Engleman Road from TA- Transitional Agricultural to R1- Suburban Residential (Lechner Family Partnership)

#9760 - Consideration of Approving Zoning Change located North of Bismark Road, East of Cherry Street from CD- Commercial Development to RD- Residential Development and Commercial Development (GOSAN INC.)

#9761 - Consideration of Amending Chapter 36 of the Grand Island City Code Relative Wireless Communications Towers

#9762 - Consideration of Amending Chapter 34 of the Grand Island City Code Relative to Small Cell Antenna's in Public Right-of-Way

#9763 - Consideration of Amendments to Chapter 30 of the Grand Island City Code Relative to Sewers and Sewage Disposal

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.

#9755 - Consideration of Creation of Sanitary Sewer District No. 544; Ellington Pointe and Westwood Park Subdivision

Public Works Director John Collins reported that a petition for creation of a Sanitary Sewer District to serve the new subdivision of Ellington Pointe and the existing subdivision of Westwood Park had been received. Staff recommended approval.

Motion by Haase, second by Stelk to approve Ordinance #9755.

City Clerk: Ordinance #9755 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 #9755 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 #9755 is declared to be lawfully adopted upon publication as required by law.

#9756 - Consideration of Amending Salary Ordinance Relative of Meter Readers

Human Resources Director Aaron Schmid reported that wage changes presented in this Ordinance would create a part time Meter Reader classification. The Finance Department recently experienced a retirement of a full time Meter Reader. After evaluating staffing needs, it was determined that a part time position would be more appropriate to backfill the opening. Staff

recommended approval. Mr. Schmid answered questions regarding the wage range and stated there was no benefits for part-time employees.

Motion by Minton, second by Schutz to approve Ordinance #9756.

City Clerk: Ordinance #9756 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 #9756 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 #9756 is declared to be lawfully adopted upon publication as required by law.

#9757 - Consideration of Approving Benefits for Sidewalk District No. 1- 2019; 13th Street

Public Works Director John Collins reported that Sidewalk District No. 1-2019 along 13<sup>th</sup> Street had been completed for a total amount of \$31,862.94 which would be assessed to the adjacent property owners. The Board of Equalization item #2020-BE-1 was approved at the January 14, 2020 City Council meeting. The Ordinance was postponed to the January 28, 2020 City Council meeting. Staff recommended approval.

Motion by Haase, second by Stelk to approve Ordinance #9757.

City Clerk: Ordinance #9757 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 #9757 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 #9757 is declared to be lawfully adopted upon publication as required by law.

#9758 - Consideration of Amending Chapter 20 of the Grand Island City Code Relative to Tobacco

Interim City Attorney Stacy Nonhof reported that this ordinance amends Chapter 20 of Grand Island City Code, Minor in Possession of Tobacco to increase the age of legally possessing tobacco products, vapor products or alternative nicotine products in the City of Grand Island from 19 to 21. This ordinance makes the City compliant with Federal Law on the age for legally possessing these products. Staff recommended approval.

Motion by Stelk, second by Jones to approve Ordinance #9758.

City Clerk: Ordinance #9758 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 #9758 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 #9758 is declared to be lawfully adopted upon publication as required by law.

#9759 - Consideration of Approving Zoning Change located South of 13th Street, East of Engleman Road from TA- Transitional Agricultural to R1- Suburban Residential (Lechner Family Partnership)

This item was related to the aforementioned Public Hearings. Discussion was held regarding changing the zoning with no plan on file. Greg Baxter spoke about the liability to his company. Mr. Nabity stated the feedlot should not stop the growth of the City.

Motion by Minton, second by Jones to approve Ordinance #9759.

City Clerk: Ordinance #9759 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 no. Motion failed.

#9760 - Consideration of Approving Zoning Change located North of Bismark Road, East of Cherry Street from CD- Commercial Development to RD- Residential Development and Commercial Development (GOSAN INC.)

This item was related to the aforementioned Public Hearings. Discussion was held regarding traffic safety and the community garden which would remain. It was mentioned that there was no plan for this property but it was in an area where housing could be developed.

Motion by Paulick, second by Conley to approve Ordinance #9760.

City Clerk: Ordinance #9760 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 Haase, Nickerson, Minton, Conley, Stelk, Jones, and Paulick voted aye. Councilmember Schutz voted no. Motion adopted.

City Clerk: Ordinance #9760 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 Haase, Nickerson, Minton, Conley, Stelk, Jones, and Paulick voted aye. Councilmember Schutz voted no. Motion adopted.

Mayor Steele: By reason of the roll call votes on first reading and then upon second and final readings, Ordinance #9760 is declared to be lawfully adopted upon publication as required by law.

#9761 - Consideration of Amending Chapter 36 of the Grand Island City Code Relative Wireless Communications Towers

This item was related to the aforementioned Public Hearings.

Motion by Jones, second by Conley to approve Ordinance #9761.

City Clerk: Ordinance #9761 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 #9761 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 #9761 is declared to be lawfully adopted upon publication as required by law.

#9762 - Consideration of Amending Chapter 34 of the Grand Island City Code Relative to Small Cell Antenna's in Public Right-of-Way

Regional Planning Director Chad Nabity reported that both the Federal Communications Commission (FCC) and the State of Nebraska had made changes to the rules and regulations for the placement of private small cell wireless technology in the public rights-of-way. City staff from multiple departments that work in or with the right-of-way and regulations had worked with Bob Duchon of River Oaks Communications out of Colorado Springs, Colorado to craft regulations that create a workable environment for Cellular companies wishing to operate in Grand Island while protecting the public use of the right-of-way. Staff recommended approval of the changes to Chapter 34 of the Grand Island City Code.

Discussion was held regarding the fee structure, pole attachment fee and 5G network.

Motion by Haase, second by Minton to approve Ordinance #9762.

City Clerk: Ordinance #9762 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 #9762 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 #9762 is declared to be lawfully adopted upon publication as required by law.

#9763 - Consideration of Amendments to Chapter 30 of the Grand Island City Code Relative to Sewers and Sewage Disposal

Public Works Director John Collins reported on the following changes to Chapter 30 of the Grand Island City Code:

- Addition of Total Nitrogen within the definition of *Normal Strength Wastewater* in Section 30-1
- Updates within Sections 30-57 and 30-58 related to the changes in FY 2020 Fee Schedule; changing from Total Kjeldahl Nitrogen (TKN) to Total Nitrogen
- Revisions within Section 30-67 regarding Excessive Pollutant Penalty according to FY 2020 Fee Schedule

Staff recommended approval.

Motion by Minton, second by Stelk to approve Ordinance #9763.

City Clerk: Ordinance #9763 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 #9763 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 #9763 is declared to be lawfully adopted upon publication as required by law.

CONSENT AGENDA: Consent Agenda items G-13 and G-15 (Resolutions #2020-28 and #2020-30) were pulled for further discussion. Motion by Paulick, second by Stelk to approve the Consent Agenda excluding item G-13 and G-15. Upon roll call vote, all voted aye. Motion adopted.

Approving Minutes of January 14, 2020 City Council Regular Meeting.

#2020-17 - Approving on Request from Dani Enterprises, Inc. dba Sluggers, 707 West Anna Street for a Class "C" Liquor License and Liquor Manager Designation for Danielle Schaeffer, 1740 Idlewood Lane.

#2020-18 - Approving Bid Award - Burdick Generating Station Water Treatment Demineralizer System with Consolidated Water of Omaha, Nebraska in an Amount of \$116,358.00.



#2020-19 - Approving Bid Award - Bottom Ash & Boiler Industrial Cleaning at Platte Generating Station - Spring 2020 Outage with Meylan Enterprises, Inc. of Omaha, Nebraska in an Amount of \$106,652.91.

#2020-20 - Approving Bid Award - Chimney Repairs 2020 at Platte Generating Station with R & P Industrial Chimney Company of Nicholasville, Kentucky in an Amount of \$116,350.00.

#2020-21 - Approving Bid Award - Boiler Inspection and Repair at Platte Generating Station - Spring 2020 with Locke AMI of Olathe, Kansas in an Amount of \$90,037.00.

#2020-22 - Approving Acquisition of Utility Easement - 3020 West 14th Street - Van Hoosen & Stubbs.

#2020-23 - Approving Bid Award for Asphalt Hot-Mix 2020 with Gary Smith Construction Co. of Grand Island, Nebraska and J.I.L. Asphalt Paving Co. of Grand Island, Nebraska for various amounts.

#2020-24 - Approving Bid Award for Concrete Ready-Mix for 2020 with Gerhold Concrete Company, Inc. of Grand Island, Nebraska in an Amount of \$107.00 per cubic yard and Consolidated Concrete Co. of Hastings, Nebraska in an Amount of \$111.75 per cubic yard.

#2020-25 - Approving Bid Award for Road Gravel 2020 with Hooker Brothers Sand & Gravel of Grand Island, Nebraska in an Amount of \$9.00 per ton.

#2020-26 - Approving Bid Award for Crushed Rock for 2020 with Dobesh Land Leveling, LLC of Grand Island, Nebraska; Southwest Gravel Products, LLC of Axtell, Nebraska; and Blessing Construction of Kearney, Nebraska for various amounts.

#2020-27 - Approving Purchase of One (1) Asphalt Hot-Box for the Streets Division of the Public Works Department from Logan Contractors Supply of Omaha, Nebraska in an Amount of \$30,778.00.

#2020-28 - Approving Supplemental Agreement No. 1 with NDOT and Olsson Associates for Preliminary Engineering Services for Five Points Intersection in Grand Island. Public Works Director John Collins reported that during an environmental research there was some underground fuel tanks found. This would allow for burrowing to see if there was contamination. Councilmember Pualick stated he would not approve any road projects until the 281 corridor was fixed. Discussion was held regarding a round-a-bout at this location.

Motion by Paulick, second by Nickerson to approve Resolution #2020-28. Upon roll call vote, Councilmembers Haase, Nickerson, Schutz, Minton, Conley, Stelk, and Jones voted aye. Councilmember Paulick voted no. Motion adopted.

#2020-29 - Approving Amendment to the Parks and Recreation Department Fee Schedule Relative to Golf and Recreation Divisions..

#2020-30 - Approving Proposal for Recruiting Firm to Search to Fill City Attorney Position with Celebrity Staff of Omaha, Nebraska in an Amount of 30% of the candidate's first year base salary. Human Resources Director Aaron Schmid reported that they had been looking for a City Attorney since last May. Comments were made concerning the cost for this firm to do the search and that this was an appointed position by the Mayor for two years and 10 months. Questioned was could this be contracted out. Mayor Steele explained the process and the need to have a City Attorney. Comments were made regarding the decision making process, salary, and comparables.

Motion by Paulick, second by Minton to approve Resolution #2020-30. Upon roll call vote, Councilmembers Haase, Schutz, Minton, Conley, Stelk, Jones, and Paulick voted aye. Councilmember Nickerson voted no. Motion adopted.

#2020-31 - Approving Memorandum of Agreement and Deed for the Transfer of the Veterans Home Cemetery to the City of Grand Island with the State of Nebraska Department of Administrative Services (DAS).

#2020-32 - Approving Final Plat and Subdivision Agreement for Nikodym Subdivision. It was noted that Gosan, Inc., owner, had submitted the Final Plat and Subdivision Agreement for Nikodym Subdivision located east of Cherry Street and north of Bismark Road for the purpose of creating 3 lots on 19.492 acres.

#2020-33 - Approving Support of Establishment of a State Veterans Cemetery.

RESOLUTIONS:

#2020-34 - Consideration of Approving Amendment to the Redevelopment Plan for CRA No. 17 for Phase 3 of the Prairie Commons Development located West of Ewoldt Street, South of Husker Highway (Tabitha Grand Island, Inc.). This item relates to the aforementioned Public Hearings.

Motion by Nickerson, second by Minton to approve Resolution #2020-34. Upon roll call, all voted. Motion adopted.

PAYMENT OF CLAIMS:

Motion by Minton, second by Paulick to approve the payment of claims for the period of January 15, 2020 through January 28, 2020 for a total amount of \$4,733,570.89. Upon roll call vote, all voted aye. Motion adopted.

ADJOURNMENT: The meeting was adjourned at 9:08 p.m.

RaNae Edwards  
City Clerk