



City of Grand Island

Tuesday, November 10, 2020

Council Session

Item G-1

Approving Minutes of October 27, 2020 City Council Regular Meeting

Staff Contact: RaNae Edwards

CITY OF GRAND ISLAND, NEBRASKA

MINUTES OF CITY COUNCIL REGULAR MEETING
October 27, 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 October 27, 2020. Notice of the meeting was given in *The Grand Island Independent* on October 21, 2020.

Mayor Roger G. Steele called the meeting to order at 7:00 p.m. The following City Council members were present: Council President Mike Paulick, Jeremy Jones, Mark Stelk, Jason Conley, Vaughn Minton, Julie Hehnke, Clay Schutz, Mitch Nickerson, Justin Scott, and Chuck Haase. The following City Officials were present: City Administrator Jerry Janulewicz, Deputy City Clerk Jill Granere, Finance Director Patrick Brown, Interim City Attorney Stacy Nonhof and Public Works Director John Collins.

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

#2020-BE-7 - Consideration of Determining Re-establishment of Tap Fees for Subdivided Lots in Bosselville Fifth Subdivision- Sanitary Sewer District No. 530T. Public Works Director John Collins reported that the Certificate of Final Completion for Sanitary Sewer District No. 530T was approved on November 22, 2016 with December 27, 2016 set as the date for Council to sit as the Board of Equalization.

On December 17, 2019, via Resolution No. 2019-376, City Council approved the redistribution of sanitary sewer tap fees within the recently subdivided Bosselville Fifth Subdivision consisting of five (5) lots, with a portion of the parcel west of Lot One (1) being added to such subdivision and reduced in size. An additional tract of land has recently been subdivided and the individual lots need to have the appropriate connection fees re-established.

Motion by Nickerson, second by Stelk to approve Resolution #2020-BE-7. Upon roll call vote, Conley, Minton and Nickerson voted aye. Haase, Hehnke, Jones, Paulick, Schutz, Scott and Stelk voted no. Motion failed.

RETURN TO REGULAR SESSION: Motion by Paulick, second by Schutz to return to Regular Session. Motion adopted.

PUBLIC HEARINGS:

Public Hearing on Request from LPB, LLC for a Conditional Use Permit for Placement of a Soil and Groundwater Remedial System located at 704 West 3rd Street. Building Department Director Craig Lewis reported the request is for approval of a conditional use permit to allow for the placement of a soil vapor extraction trailer to facilitate the removal of free phase petroleum from soil and groundwater at 724 West 3rd Street. The site is currently zoned (B-3) Heavy Business. Trailers and temporary buildings are only allowed within this zoning classification if approved by the City Council in the form of a conditional use permit. This proposal is to allow

for the use of the trailer at the site to aid in the cleanup of soil and groundwater contaminants. Staff recommended approval. No public testimony was heard.

Public Hearing on Request from Gerald and Pamela Dean for a Conditional Use Permit to Allow Livestock on Premises located at 2670 N. St. Paul Road. Building Department Director Craig Lewis reported this request is to utilize the newly amended zoning code which allows as a conditional use livestock on property zoned Large Lot Residential.

Because the vacant lot would not have a permitted principal use and the keeping of livestock is not a listed permitted principal use the amendment to the zoning code allows as a conditional use the keeping of livestock. Staff recommended approval. Gerald Patterson, 2705 St. Paul Road spoke in support. No further public testimony was heard.

Public Hearing on Zoning Change for property located at 4141 Montana Avenue from LLR Large Lot Residential Zone and RO Residential Office to Residential Office (FAMOS Construction Inc.) Regional Planner Rashad Moxey reported an application has been made to rezone a tract of land consisting of a portion of Lot 13 of Northwest Gateway Subdivision, 4141 Montana Avenue in Grand Island, Hall County, Nebraska from LLR Large Lot Residential Zone and RO Residential Office to RO Residential Office. This property is south of Montana Avenue and west of Idaho Avenue.

Rashad reported this property is zoned both LLR and RO the line between these was drawn prior to the subdivision of this property. The RO zoning included all of the property north of the northern property line of the lots on Utah west of Independence Avenue in the Capital Heights Eighth Subdivision. At the time of adoption this was the logical place to draw the boundary as this property was entirely unsubdivided. This rezoning will make the zoning on this lot consistent with the lot boundaries. Staff recommended approval.

Bruce Bluhm, 3009 Colorado Avenue; David Warriner, 3008 Idaho Avenue; Barb Klein, 3030 Idaho Avenue; Christy Ericson, 3020 Idaho Avenue; Joe Ferris, 3024 Idaho Avenue spoke in opposition. Amos Anson, 4234 Arizona Avenue spoke in support. No further testimony was heard.

Public Hearing on Changes to Chapter 36 of the Grand Island City Code Relative to Definitions, Yard Requirements and Off Street Parking Requirements. Regional Planner Rashad Moxey reported that the Planning Department and Building Department are suggesting changes to the following sections of the Zoning Regulations: Section 36-108 (S) Definitions to harmonize the definition of Street Frontage and to rearrange other Street Definitions to eliminate confusion between Chapter 33 and 36 of the City Code; and sections 36-22 Yard Requirements and 36-96 Off Street Parking Requirements by repealing changes made in June of 2018.

The purpose of this change was to avoid situations created by the Heavenly Haven Subdivision where the street frontage along Blaine Street while technically present did not provide any possibility of actual vehicular access to the property without either a bridge or ferry. The intent of these changes was to make sure that there was adequate space between the overhead garage door and the property line for a car to park in front of the garage. While the intent of this was good this has resulted in lots, especially in the older parts of town that are very difficult to build on or add a detached garage on. Staff is recommending that we roll back the change that were

made in 2018 and allow these lots to develop based on the setbacks in each zoning district as we had for decades prior to the 2018 change. Staff recommended approval. No public testimony was heard.

ORDINANCES:

#9791 - Consideration of Approving Annexation of Property Located at Capital Avenue and Engleman Road NWE North Subdivision (Final Reading).

Regional Planner Rashad Moxey reported that Mettenbrink Family Investments LLC, owners of the property, submitted a plat of NEW North Subdivision an Addition to the City of Grand Island. Annexation of this property would not result in the extension of the Grand Island Zoning Jurisdiction. This property is located west of Engleman Road and north of Capital Avenue. Staff recommended approval.

Motion by Haase, second by Paulick to approve Ordinance #9791 on final reading.

Deputy City Clerk: Ordinance #9791 on final reading. All those in favor of the passage of this ordinance on 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 final reading, Ordinance #9791 is declared to be lawfully adopted upon publication as required by law.

#9792 - Consideration of Approving Annexation of Property Located at Husker Highway and Engleman Road NWE South Subdivision (Final Reading).

Regional Planner Rashad Moxey reported that Steven and Elaine Hostler, as owners of the property, submitted a plat of NWE South Subdivision an Addition to the City of Grand Island. Annexation of this property would not result in the extension of the Grand Island Zoning Jurisdiction. This property is located west of Engleman Road and south of Husker Highway. Staff recommended approval.

Motion by Schutz, second by Stelk to approve Ordinance #9792 on final reading.

Deputy City Clerk: Ordinance #9792 on final reading. All those in favor of the passage of this ordinance on 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 final reading, Ordinance #9792 is declared to be lawfully adopted upon publication as required by law.

#9795 - Consideration of Approving Annexation of Property Located at 4127 West Husker Highway (First Reading).

Regional Planner Rashad Moxey reported that Michael and Ralisa Leaman, husband and wife, as owners of the property submitted a plat of Leaman Acres Subdivision an Addition to the City of Grand Island. Staff recommended approval.

Motion by Paulick, second by Stelk to approve Ordinance #9795 on first reading.

Deputy City Clerk: Ordinance #9795 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.

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

#9796 - Consideration of Approving Zoning Change for Property located at 4141 Montana Avenue Lot 13 of Northwest Gateway Subdivision from LLR Large Lot Residential Zone and RO Residential Office to Residential Office (Famos Construction Inc.)

#9797 - Consideration of Approving Changes to Chapter 36 of the Grand Island City Code Relative to Definitions, Yard Requirements and Off Street Parking Requirements

#9798 - Consideration of Amending Chapter 35, Section 35-30 to Include a Monthly Meter Charge for a 12-Inch Water Meter

#9799 - Consideration of Approving Highway Allocation Fund Pledge Bonds

#9800 - Consideration of Approving Combined Utilities Revenue Refunding Bonds

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 Hehnke seconded the motion. Upon roll call vote, all voted aye. Motion adopted.

#9796 - Consideration of Approving Zoning Change for Property located at 4141 Montana Avenue Lot 13 of Northwest Gateway Subdivision from LLR Large Lot Residential Zone and RO Residential Office to Residential Office (Famos Construction Inc.)

This item was related to the above Public Hearing.

Motion by Hehnke, second by Conley to approve Ordinance #9796.

Deputy City Clerk: Ordinance #9796 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 Conley, Haase, Hehnke, Minton, Nickerson, Schutz and Scott voted aye. Councilmembers Jones, Paulick and Stelk voted no. Motion adopted.

Deputy City Clerk: Ordinance #9796 on second and final reading. All those in favor of this passage of this ordinance on second and final reading, answer roll call vote. Upon roll call vote, Councilmembers Conley, Haase, Hehnke, Minton, Nickerson, Schutz and Scott voted aye. Councilmembers Jones, Paulick and Stelk voted no. Motion adopted.

Mayor Steele: By reason of the roll call votes on first reading and then upon second and final readings, Ordinance #9796 is declared to be lawfully adopted upon publication as required by law.

#9797 - Consideration of Approving Changes to Chapter 36 of the Grand Island City Code Relative to Definitions, Yard Requirements and Off Street Parking Requirements

This item was related to the above Public Hearing.

Motion by Stelk, second by Minton to approve Ordinance #9797.

Deputy City Clerk: Ordinance #9797 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.

Deputy City Clerk: Ordinance #9797 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 #9797 is declared to be lawfully adopted upon publication as required by law.

#9798 - Consideration of Amending Chapter 35, Section 35-30 to Include a Monthly Meter Charge for a 12-Inch Water Meter

Tim Luchsinger reported the water meter monthly fees, noted in Chapter 35, Section 35-30, of the Grand Island City Code, were last amended on November 22, 2016, by Ordinance No. 9613. At that time, the largest meter size in the City was 10-inch. With the recent addition of a 12-inch meter installed as part of JBS expansion; it is necessary to amend the noted section of code to facilitate a meter charge for the new meter size. The recommended charge for the new 12-inch meter size would be set at \$5,600.00 per month. This is based on the same weighted, achievable flow, rate methodology used in the 2016 calculation. Staff recommended approval.

Motion by Haase, second by Conley to approve Ordinance #9798.

Deputy City Clerk: Ordinance #9798 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.

Deputy City Clerk: Ordinance #9798 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 #9798 is declared to be lawfully adopted upon publication as required by law.

#9799 - Consideration of Approving Highway Allocation Fund Pledge Bonds

Finance Director Patrick Brown reported that the 2020-2021 budget included provisions for the Old Potash Highway Roadway and North Road improvements. The project would be funded with cash and debt financing. The debt financing would be paid from the Nebraska Highway Allocation Fund and the additional sales and use tax of one half of one percent (1/2%) that was approved at the November 2018 Statewide General Election. The bond in principal amount would not exceed \$15,000,000 and would be amortized over ten years. Staff recommended approval.

Motion by Paulick, second by Schutz to approve Ordinance #9799.

Deputy City Clerk: Ordinance #9799 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.

Deputy City Clerk: Ordinance #9799 on second and final reading. All those in favor of this 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 #9799 is declared to be lawfully adopted upon publication as required by law.

#9800 - Consideration of Approving Combined Utilities Revenue Refunding Bonds

Finance Director Patrick Brown reported on July 29, 2020 City Council approved City Administration to explore refinancing of City bonds due to the current favorable bond market. The City currently has one (1) Sewer Bond, one (1) Water Bond, two (2) Electric bonds in place, and four (4) Nebraska Department of Environment and Energy (NDEE) loans.

Mr. Brown stated each of the City's above mentioned bonds and loans were individually placed throughout the years. City Administration along with the city advisors and bond counsel discussed the benefits of combining all of the bonds and loans into one bond. In selling one large bond as compared to several small bonds, the city could realize increased savings. Staff recommended approval.

Motion by Haase, second by Nickerson to approve Ordinance #9800.

Deputy City Clerk: Ordinance #9800 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.

Deputy City Clerk: Ordinance #9800 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 #9800 is declared to be lawfully adopted upon publication as required by law.

CONSENT AGENDA: Motion by Paulick, second by Hehnke to approve the Consent Agenda excluding item G-11 (Resolution 2020-268) due to failure to pass on Board of Equalization. Upon roll call vote, all voted aye. Motion adopted.

Approving Minutes of October 13, 2020 City Council Regular Meeting.

#2020-259 - Approving City Council Meeting Schedule for 2021.

#2020-260 - Approving Final Plat and Subdivision Agreement for NWE North Subdivision. It was noted that Mettenbrink Family Investments, LLC, owner, had submitted the Final Plat and Subdivision Agreement for NWE North Subdivision located north of Capital Avenue west of Engleman Road in Grand Island, Nebraska. (1 lot, .227 acres).

#2020-261 - Approving Final Plat and Subdivision Agreement for NWE South Subdivision. It was noted that Steven D. Hostler and Elaine S. Hostler, owners, had submitted the Final Plat and Subdivision Agreement for NWE South Subdivision located south of Husker Highway west of Engleman Road in Grand Island, Nebraska. (1 lot, .064 acres).

#2020-262 - Approving Final Plat and Subdivision Agreement for Kate Subdivision. It was noted that Tom Ummel, Sr., owner, had submitted the Final Plat and Subdivision Agreement for Kate Subdivision located east of Vine Street and south of 12th Street in Grand Island, Nebraska. (2 lots, 0.16069 acres).

#2020-263 - Approving Final Plat and Subdivision Agreement for Farmstead South Subdivision. It was noted that Justin P. Oseka and Anna Oseka, owners, had submitted the Final Plate and Subdivision Agreement for Farmstead South Subdivision located west of Farmstead Road and south of Husker Highway in Grand Island, Nebraska. (2 lots, 6.916 acres).

#2020-264 - Approving Inter-local Agreement with Hall County for Rehabilitation of a Portion of Stuhr Road.

#2020-265 - Approving Updated Parking Regulations.

#2020-266 - Approving Agreement with Central Platte Natural Resources District, Hall County, and Grand Island Area Economic Development Corporation Related to Portions of Platte Valley Industrial Park Subdivisions.

#2020-267 - Approving Bid Award for City Parking Ramp Electrical Repairs at 103 North Locust Street with IES Commercial, Inc. of Holdrege, Nebraska in the amount of \$34,953.00.

#2020-268 - Approving Re-established Tap Fees for Subdivided Lots in Bosselville Fifth Subdivision- Sanitary Sewer District No. 530T. This item was pulled from the Consent Agenda.

#2020-269 - Approving Animal Control Contract with the Central Nebraska Humane Society in the amount of \$388,500.00 beginning November 1, 2020 paid in monthly installments of \$32,375.00 beginning November 2020. Councilmember Haase voted no.

#2020-270 - Approving RFP for Veteran's Sports Complex Playground - Parks & Recreation with Crouch Recreation of Omaha, Nebraska in the amount of \$391,328.00.

#2020-271 - Approving Change Order No. 1 for Old Potash Highway Roadway Improvements; Project No. 2019-P-1 with Starostka Group Unlimited, Inc. of Grand Island, Nebraska to use City owned property at 3505 West Old Potash Highway for staging at no additional cost.

REQUESTS AND REFERRALS:

Consideration of Approving Request from LPB, LLC for a Conditional Use Permit for Placement of a Soil and Groundwater Remedial System located at 704 West 3rd Street. This item was related to above Public Hearing.

Motion by Minton, second by Conley to approve Conditional Use Permit for LPB, LLC. Upon roll call vote, all voted aye. Motion adopted.

Consideration of Approving Request from Gerald and Pamela Dean for a Conditional Use Permit to Allow Livestock on Premises located at 2670 N. St. Paul Road. This item was related to above Public Hearing.

Motion by Minton, second by Nickerson to approve Conditional Use Permit for Gerald and Pamela Dean. Upon roll call vote, all voted aye. Motion adopted.

PAYMENT OF CLAIMS:

Motion by Minton, second by Jones to approve the payment of claims for the period of October 14, 2020 through October 27, 2020 for a total amount of \$5,581,866.14. Upon roll call vote, all voted aye. Motion adopted.

ADJOURNMENT: The meeting was adjourned at 8:42 p.m.

Jill Granere
Deputy City Clerk