



City of Grand Island

Tuesday, December 8, 2020

Council Session

Item -2

Approving Minutes of November 24, 2020 City Council Regular Meeting

Staff Contact: RaNae Edwards

CITY OF GRAND ISLAND, NEBRASKA

MINUTES OF CITY COUNCIL REGULAR MEETING

November 24, 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 November 24, 2020. Notice of the meeting was given in *The Grand Island Independent* on November 18, 2020.

Mayor Roger G. Steele called the meeting to order at 7:00 p.m. The following City Council members were present: Mike Paulick, Mark Stelk, Jason Conley, Vaughn Minton, Julie Hehnke, Clay Schutz, Mitch Nickerson, Justin Scott, and Chuck Haase. Councilmember Jeremy Jones was present by telephonic conferencing (all votes by Councilmember Jones were by telephone). 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.

PRESENTATIONS AND PROCLAMATIONS:

Recognition of Don Kruse, Director of Golf, for 43 Years of Service to the City of Grand Island at Jackrabbit Run Golf Course. Mayor Steele and the City Council recognized Don Kruse, Director of Golf for his 43 years of service at Jackrabbit Run Golf Course. Parks & Recreation Director Todd McCoy thanked Don and Char for their service to the City of Grand Island. Don and Char Kruse were present for the recognition.

PUBLIC HEARINGS:

Public Hearing on Request from Y & N Liquor, LLC dba Y & N Liquor, 409 N. Broadwell Avenue, Suite #4 for a Class "D" Liquor License. City Clerk RaNae Edwards reported that an application for a Class "D" Liquor License had been received from Y & N Liquor, LLC dba Y & N Liquor, 409 N. Broadwell Avenue, Suite #4. Ms. Edwards presented the following exhibits for the record: application submitted to the Liquor Control Commission and received by the City on October 26, 2020; notice to the general public of date, time, and place of hearing published on November 14, 2020; notice to the applicant of date, time, and place of hearing mailed on October 26, 2020. Staff recommended approval contingent upon final inspections. No public testimony was heard.

Public Hearing on Acquisition of Public Access Easement in King's Crossing Subdivision (Parcel No. 400149117- Grand Island Hotel, LLC). Public Works Director John Collins reported that acquisition of an easement located in King's Crossing Subdivision was needed in order to have public access to the recently developed and area yet to be developed, south of US Highway 34 and west of South Locust Street. Staff recommended approval. No public testimony was heard.

Public Hearing on Acquisition of Public Right-of-Way for Capital Avenue Drainage Improvements- North Road to Moores Creek; Project No. 2020-D-2 (Irvine- Parcel No.

400149524; North of Capital Avenue, East of North Road). Public Works Director John Collins reported that acquisition of Public right-of-way located north of Capital Avenue and east of North Road was needed to accommodate the drainage improvements along Capital Avenue from North Road to Moores Creek. Staff recommended approval. No public testimony was heard.

Public Hearing on Acquisition of Public Easement for Old Potash Highway Roadway Improvements; Project No. 2019-P-1 (HMS Enterprises, Inc. - 3333 W Old Potash Highway). Public Works Director John Collins reported that acquisition of a public easement located at 3333 W. Old Potash Highway was needed to accommodate the roadway improvements along Old Potash Highway. Staff recommended approval. No public testimony was heard.

Public Hearing on Acquisition of Public Right-of-Way for Old Potash Highway Roadway Improvements; Project No. 2019-P-1 (USCOC Nebraska/Kansas, LLC- 3560 Kaufman Avenue). Public Works Director John Collins reported that acquisition of public right-of-way located at 3560 Kufman Avenue was needed to accommodate intersection improvements for the Old Potash Highway Roadway Improvements; Project No. 2019-P-1. Staff recommended approval. No public testimony was heard.

ORDINANCES:

#9795 - Consideration of Approving Annexation of Property Located at 4127 West Husker Highway – Leaman Acres Subdivision (Final Reading)

Regional Planning Director Chad Nability 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. Three residential lots would be added to the City as a result of this annexation. This property was located south of Husker Highway and east of Graham Avenue. This was the final reading. Staff recommended approval.

Motion by Haase, second by Paulick to approve Ordinance #9795 on final reading.

City Clerk: Ordinance #9795 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 vote on final reading, Ordinance #9795 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:

#9804 - Consideration of Approving City Code Amendments to Chapter 15, Electricity Adoption of the 2020 National Electrical Code

#9805 - Consideration of Approving City Code Amendments to Chapter 18, Adoption of the 2018 Edition of the Uniform Mechanical Codes

#9806 - Consideration of Approving City Code Amendments to Chapter 26, Adoption of the 2018 Uniform Plumbing Code

#9807 – Consideration of Approving City Code Amendment to Chapter 2, Health - Prevention of COVID-19

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.

#9804 - Consideration of Approving City Code Amendments to Chapter 15, Electricity Adoption of the 2020 National Electrical Code

Building Department Director Craig Lewis reported that the City had for several decades adopted and enforced electrical codes to safeguard persons and property from the hazards arising from the use of electricity. The 2020 National Electric Code (NEC) was the current edition of the national standard for the installation of electrical wiring systems. The proposed amendment to Chapter 15 of the Grand Island City Code would adopt the current edition of the National Electric Code. Staff recommended approval.

Motion by Minton, second by Schutz to approve Ordinance #9804.

City Clerk: Ordinance #9804 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 #9804 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 #9804 is declared to be lawfully adopted upon publication as required by law.

#9805 - Consideration of Approving City Code Amendments to Chapter 18, Adoption of the 2018 Edition of the Uniform Mechanical Codes

Building Department Director Craig Lewis reported that the City of Grand Island had adopted and enforced mechanical regulations for several years. Currently the 2015 Edition of the Uniform Mechanical Code was adopted to provide minimum standards for the protection of the public health, safety, and welfare in regard to mechanical installations and facilities. This proposal was to amend the City Code to adopt the latest edition of the Uniform Mechanical Code, that being the 2018 edition. Staff recommended approval.

Motion by Stelk, second by Paulick to approve Ordinance #9805.

City Clerk: Ordinance #9805 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 #9805 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 #9805 is declared to be lawfully adopted upon publication as required by law.

#9806 - Consideration of Approving City Code Amendments to Chapter 26, Adoption of the 2018 Uniform Plumbing Code

Building Department Director Craig Lewis reported that the City of Grand Island had adopted and enforced plumbing regulations for several decades. Currently the 2015 Edition of the Uniform Plumbing Code was adopted to provide minimum standards for the protection of the public health, safety, and welfare in regard to plumbing installations and facilities. This proposal was to amend the City Code to adopt the latest edition of the Uniform Plumbing Code, that being the 2018 Edition. Staff recommended approval.

Motion by Paulick, second by Hahnke to approve Ordinance #9806.

City Clerk: Ordinance #9806 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 #9806 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 #9806 is declared to be lawfully adopted upon publication as required by law.

#9807 – Consideration of Approving City Code Amendment to Chapter 2, Health - Prevention of COVID-19

City Administrator Jerry Janulewicz reported that Teresa Anderson, Director of the Central District Health Department, was recommending that the City of Grand Island adopt an ordinance to require facial coverings as a means to prevent or retard the spread of COVID-19. The City Council voted to create the Board of Health at their November 23, 2020 Special City Council meeting. The Board of Health met on Tuesday, November 24, 2020 at noon and recommended the City approve an ordinance requiring facial coverings. Staff recommended approval.

Interim City Attorney Stacy Nonhof explained the parameters of Ordinance #9807 and state statutes requirement of a Health Board. Police Chief Robert Falldorf commented on the effects

of COVID on his department due to illnesses and staff vacancies which caused a lot of problems for them. Disinfecting equipment was taking time out of each officers work day. Stress among the employees was mentioned. Fire Chief Cory Schmidt stated COVID calls had been climbing and was a strain on his department. He had a total of 689 COVID calls since March with \$48,000 paid in overtime.

Dr. Rebecca Steinke commented on the number of patients in the hospital and how fast they were climbing. Mentioned was the stress on personnel. She stated if the numbers continue as they had been the hospitals would be overwhelmed by Christmas.

Dr. Libby Crocket gave a PowerPoint presentation on the background of COVID. Of the people who contacted COVID about 80% had mild symptoms. Children were affected differently and normally had mild symptoms. 31% of deaths in Nebraska had happened in November. Reducing the number of patients in the hospital was the goal of having a mask mandate.

Central District Health Department Director Teresa Anderson gave a PowerPoint presentation encouraging the Council to approve Ordinance #9807. She stated wearing masks were proven to reduce the spread of COVID. Reviewed were numbers for Grand Island showing a spike in positive COVID cases in November. She stated contact tracing was a challenge because of the numbers. Mentioned was hopefully a vaccine would be here soon.

The following people spoke:

- Lisa Albers, 2012 Barbara Avenue – support
- Diana Barragan, 1408 5th Street – support
- Ron Depue, 1508 Warbler Circle – support
- Matt Chavez, 2324 Wheeler Street – support
- Adam Condon, 250 West 4th Street – opposed
- Matt Sibley, 319 Pheasant Drive – opposed
- Dustin Hobbs, 511 West Avenue – opposed
- Eric Christensen, 2610 South Engleman Road – opposed
- Shawn Myer, 825 Phoenix Court – opposed
- Kyle Wade, 4229 Augusta Parkway – opposed
- William Long, 1501 West Division Street – opposed
- Celeste Heavilin Penner, 107 East Green Street, Wood River, NE – opposed
- Shree Arends, 5688 North Webb Road – opposed
- Lance Klanecky, 215 West South Street – opposed
- Peggy Klanecky, 215 West South Street – opposed
- Barry Hall, 106 West 6th Street - support

Mayor Steele stated this recommendation came before the City Council from the Board of Health and himself. Due to the numbers growing at an alarming rate and the hospitals becoming overwhelmed he was recommending approval of Ordinance #9807.

Council made comments about the benefits of a mask mandate. Interim City Attorney Stacy Nonhof explained the requirements for businesses that don't have a mask mandate. If a business

has a mandate it would supersede the City mandate. Police Chief Falldorf answered questions concerning enforcement. Mayor Steele stated we would work with the Central District Health Department in getting information out to the public about the mask mandate.

Motion by Stelk, second by Haase to approve Ordinance #9807.

City Clerk: Ordinance #9807 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, Paulick, Schutz, and Stelk voted aye. Councilmembers Jones and Scott voted no. Motion adopted.

City Clerk: Ordinance #9807 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 Conley, Haase, Hehnke, Minton, Nickerson, Paulick, Schutz, and Stelk voted aye. Councilmembers Jones and Scott voted no. Motion adopted.

Mayor Steele: By reason of the roll call votes on first reading and then upon second and final readings, Ordinance #9807 is declared to be lawfully adopted upon publication as required by law.

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

Approving Minutes of November 10, 2020 City Council Regular Meeting.

Approving Re-Appointments of Hector Rubio, Robin Hendricksen, and Tony Randone to the Interjurisdictional Planning Commission.

Approving Appointments of Austin (AJ) Fruchtl and Jay Vavricek to the Railside Business Improvement District.

#2020-294 - Approving Request from Y & N Liquor, LLC dba Y & N Liquor, 409 N. Broadwell Avenue, Suite #4 for a Class "D" Liquor License and Liquor Manager Designation for Yasser Toruno Garcia, 1522 West 1st Street.

#2020-295 - Approving Final Plat and Subdivision Agreement for Leaman Acres Subdivision. It was noted that Michael and Ralisa Leaman, owners, had submitted the Final Plat and Subdivision Agreement for Leaman Acres Subdivision located west of North Road and south of Husker Highway for the purpose of creating 3 lots on 9.96 acres.

#2020-296 - Approving Final Plat and Subdivision Agreement for Bosselman Crossing Subdivision. It was noted that Bosselman Pump & Pantry, Inc., owner, had submitted the Final Plat and Subdivision Agreement for Bosselman Crossing Subdivision located south of U.S. Highway 34 and west of South Locust Street for the purpose of creating 2 lots on 3.310 acres.

#2020-297 - Approving Final Plat and Subdivision Agreement for Bosselville Sixth Subdivision. It was noted that Bosselman, Inc., owner, had submitted the Final Plat and Subdivision Agreement for Bosselville Sixth Subdivision located west of U.S. Highway 281 and north of Wood River Road for the purpose of creating 5 lots on 16.547 acres.

#2020-298 - Approving Final Plat and Subdivision Agreement for Continental Gardens Second Subdivision. It was noted that Principal Life Insurance Co., owner, had submitted the Final Plat and Subdivision Agreement for Continental Gardens Second Subdivision located north of State Street and east of Webb Road for the purpose of creating 2 lots on 13.56 acres.

#2020-299 - Approving Final Plat and Subdivision Agreement for NCC-1701B Subdivision. It was noted that Clarice Shaw, owner, had submitted the Final Plat and Subdivision Agreement for NCC-1701B Subdivision located west of Webb Road and north of Capital Avenue for the purpose of creating 2 lots on 1.07 acres.

#2020-300 - Approving Certificate of Final Completion - Water Main Project 2020-W-1 - Lincoln and Delta with the Diamond Engineering Company of Grand Island, Nebraska.

#2020-301 - Approving Change Order #1 - Water Main Project 2020-W-5 - Pleasant View Drive and Delaware Avenue with Starostka Group Unlimited, Inc. of Grand Island, Nebraska for an Decrease of \$8,510.60 and a Revised Contract Amount of \$90,344.46.

#2020-302 - Approving Acquisition of Public Access Easement in King's Crossing Subdivision (Parcel No. 400149117- Grand Island Hotel, LLC).

#2020-303 - Approving Change Order No. 2 for Moores Creek Drain Extension- North Road to Engleman Road; Project No. 2020-D-1 with Mid Nebraska Land Developers, LLC of Aurora, Nebraska for an Increase of \$17,138.50 and a Revised Contract Amount of \$256,731.70.

#2020-304 - Approving Change Order No. 2 for the 2020 Asphalt Resurfacing Project No. 2020-AC-1 with Gary Smith Construction Co., Inc. of Grand Island, Nebraska for an Extension from November 15, 2020 to July 1, 2021.

#2020-305 - Approving Maintenance Agreement No. 12 Renewal with the Nebraska Department of Transportation for Calendar Year 2021.

#2020-306 - Approving Acquisition of Public Right-of-Way for Capital Avenue Drainage Improvements- North Road to Moores Creek; Project No. 2020-D-2 (Irvine- Parcel No. 400149524; North of Capital Avenue, East of North Road).

#2020-307 - Approving Temporary Construction Easement for Capital Avenue Drainage Improvements- North Road to Moores Creek; Project No. 2020-D-2 (Parcel No. 400149524- Irvine - North of Capital Avenue, East of North Road).

#2020-308 - Approving Acquisition of Public Easement for Old Potash Highway Roadway Improvements; Project No. 2019-P-1 (HMS Enterprises, Inc. - 3333 W Old Potash Highway).

#2020-309 - Approving Temporary Construction Easement for Old Potash Highway Roadway Improvements; Project No. 2019-P-1 (HMS Enterprises, Inc.- 3333 W Old Potash Highway, USCOC Nebraska/Kansas, LLC- 3560 Kaufman Avenue).

#2020-310 - Approving Acquisition of Public Right-of-Way for Old Potash Highway Roadway Improvements; Project No. 2019-P-1 (USCOC Nebraska/Kansas, LLC- 3560 Kaufman Avenue).

#2020-311 - Year-End Certification of City Street Superintendent for Determining Incentive Payment for Calendar Year 2020. It was noted that Shannon Rose Callahan, License Number S-1485 has been employed as Grand Island Street Superintendent since August 8, 2011.

#2020-312 - Approving Agreement with Nebraska Department of Transportation (NDOT) for Highway 2 Improvements; Cairo to Grand Island.

#2020-313 - Approving Bid Award for Capital Avenue Drainage Improvements- North Road to Moores Creek; Project No. 2020-D-2 with Van Kirk Bros. Contracting of Sutton, Nebraska in an Amount of \$215,348.70.

#2020-314 - Approving Lease Purchase of a new Street Sweeper and a New Front-End Loader Mounted Snow Heaver for the Streets Division of the Public Works Department with Nebraska Environmental Products of Lincoln, Nebraska in an Amount of \$387,176.20.

#2020-315 - Approving Bid Award for Watch Guard 4RE/V300 Integrated In-Car and Body Worn Video Solution for the Police Department with WatchGuard Video, Inc. of Allen, Texas in an Amount of \$239,870.00.

RESOLUTIONS:

#2020-316 - Consideration of Approving Management of Jackrabbit Run Golf Course. This item was pulled from the agenda at the request of Councilmember Paulick.

PAYMENT OF CLAIMS:

Motion by Minton, second by Conley to approve the payment of claims for the period of November 11, 2020 through November 24, 2020 for a total amount of \$3,365,811.43.

Councilmember Haase questioned two claims on page 29 of the Schedule of Bills. One for \$500.00 for life guard commercials and the other for \$1,895.00 for Community Publishers.

Motion by Haase, second by Schutz to amend the motion and remove the Community Publishers claim in the amount of \$1,895.00. Upon roll call vote, all voted aye. Motion adopted.

Motion by Minton, second by Henke to refer the Community Publishers claim in the amount of \$1,895.00 to the December 8, 2020 City Council meeting. Upon roll call vote, all voted aye. Motion adopted.

Upon roll call vote of the main motion to approve the payment of claims for the period of November 11, 2020 through November 24, 2020 for a total amount of \$3,363,916.43. Upon roll call vote, all voted aye. Councilmember Haase voted no on the \$500.00 for life guard commercials. Motion adopted.

ADJOURNMENT: The meeting was adjourned at 11:02 p.m.

RaNae Edwards
City Clerk