



# **City of Grand Island**

**Tuesday, January 12, 2021**

**Council Session**

## **Item G-1**

### **Approving Minutes of December 22, 2020 City Council Regular Meeting**

**Staff Contact: RaNae Edwards**

CITY OF GRAND ISLAND, NEBRASKA

MINUTES OF CITY COUNCIL REGULAR MEETING

December 22, 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 December 22, 2020. Notice of the meeting was given in *The Grand Island Independent* on December 16, 2020.

Mayor Roger G. Steele called the meeting to order at 7:00 p.m. The following City Council members were present: Mike Paulick, Justin Scott, Michelle Fitzke, Mark Stelk, Vaughn Minton, Bethany Guzinski, Mitch Nickerson, Chuck Haase, Clay Schutz and Jason Conley. 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.

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

#2020-BE-6 - Consideration of Determining Benefits for Vehicle Off-Street Parking District #3. Finance Director Patrick Brown reported that the creation of Parking District #3 occurred January 8, 2019. Property owners within the District will be charged a special assessment based on the entire square footage of their buildings. Property owners who have parking within their property that is open to the public, customers or users of building can apply for a \$10/space credit. There is an estimated \$13,000 in potential parking spot credits based on estimated property owners owned parking spots.

The Board of Equalization will approve the special assessments at their full amounts, as stated in the BOE resolution. If a credit is requested prior to billing then the net amount will be billed. If a credit is requested after the bill has been sent, but prior to the bill becoming delinquent the credit will be applied and a new bill can be generated. Staff recommended approval.

Travis Spiehs, 110 West 2<sup>nd</sup> Street questioned his parking assessment inside his building which was not for public use.

Motion by Schutz, second by Nickerson to approve Resolution #2020-BE-6. Upon roll call vote, all voted aye. Motion adopted.

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

PUBLIC HEARINGS:

Public Hearing on the Annual Report by Grand Island Area Economic Development Corp./Citizens Advisory Review Committee on the EDC Program Plan. Dave Koubek, 1622 Stagecoach Road reported that the Citizen Advisory Review Committee had been conducting regular meetings during the last six months as required by the City Code and Nebraska Statutes.

The committee received the annual report from the Economic Development Corporation at its meeting December 3, 2020 and voted to forward it to City Council. EDC President Dave Taylor gave the Annual Report. Staff recommended approval. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement - 1039 North Gunbarrel Road (Merrick County) - Stanley Burst. Utilities Director Tim Luchsinger reported that acquisition of a utility easement located at 1039 North Gunbarrel Road was in order to have access to install, upgrade, maintain, and repair power appurtenances, including lines and transformers.

Martin Acres Subdivision and McLaughlin Manors Subdivisions electrical system was in need of upgrading. The proposed easement would allow the Utilities Department to install, access, operate and maintain the electrical infrastructure at this location. Staff recommended approval. No public testimony was heard.

Public Hearing on Amendment to the Redevelopment Plan for CRA No. 2 located at 1201 South Locust Street (Ray O'Connor). Regional Planning Director Chad Nabity reported that in 2000 the Grand Island City Council declared property referred to as CRA Area 2 as blighted and substandard and approved a generalized redevelopment plan for the property. Raymond O'Connor representing the entities that own the Fonner View Center at 1201 S. Locust had submitted an application for tax increment financing to aid in the redevelopment of the property.

The redevelopment plan amendment specifies that the TIF would be used to offset allowed costs for acquisition, redevelopment and renovation of the commercial building at this location. The cost benefit analysis included in the plan finds that this project meets the statutory requirements for an eligible TIF project. The bond for this project would be issued for a period of 15 years. The proposed bond for this project will be issued in the amount of \$549,200. Staff recommended approval. No public testimony was heard.

Public Hearing on Re-Adoption of the Grand Island Zoning Map. Regional Planning Director Chad Nabity reported that over the course of 20 years the City of Grand Island had periodically readopted the official zoning map for the City. Chad explained a proposal to re-adopt the City of Grand Island Zoning map was brought forward every 18 months or 2 years. The city of Grand Island occasionally re-adopts the zoning map incorporating all changes since the last re-adoption of the entire map along with changes as recommended. Staff recommended approval. No public testimony was heard.

Public Hearing on Acquisition of Drainage Easements in Crane Valley and Crane Valley Seventh Subdivisions- 3645 W 13th Street (Concord Investments, LLC; Parcel No. 400150174 & 400416182). Public Works Director John Collins reported that public easements were needed to accommodate drainage for development within Crane Valley and Crane Valley Seventh Subdivisions. These subdivisions were located north of Faidley Avenue, west of Concord Avenue. Staff recommended approval. No public testimony was heard.

Public Hearing on Acquisition of Permanent Utility Easement for Sanitary Sewer District No. 544; Ellington Pointe and Westwood Park Subdivisions at 1104 N North Rd (Eiler), 4028 Driftwood Dr (Davis), and 4004 Driftwood Drive (Keophalychanh). Public Works Director John Collins reported public utility easements were needed to accommodate the extension of sanitary sewer to serve an area previously unserved that was located within the new subdivision of

Ellington Pointe and the existing subdivision of Westwood Park. The public utility easements would allow for the construction, operation, maintenance, extension, repair, replacement, and removal of sanitary sewer within the easements. The property owners had signed the necessary documents at no cost. 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:

#9787 - Consideration of Approving Assessments for Vehicle Off-Street Parking District #3

#9810 - Consideration of Re-Adoption of the Grand Island Zoning Map

#9811 - Consideration of Approving City Code Amendments to Chapter 4, Alcohol; Hours of Operation

#9812 - Consideration of Vacation of Public Utility Easement in Crane Valley Sixth and Seventh Subdivisions; 3604 West Faidley Avenue (Concord Investments, LLC)

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

#9787 - Consideration of Approving Assessments for Vehicle Off-Street Parking District #3

This item was related to the above Public Hearing.

Motion by Stelk, second by Nickerson to approve Ordinance #9787.

City Clerk: Ordinance #9787 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 #9787 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 #9787 is declared to be lawfully adopted upon publication as required by law.

#9810 - Consideration of Re-Adoption of the Grand Island Zoning Map

This item was related to the above Public Hearing.

Motion by Conley, second by Minton to approve Ordinance #9810.

City Clerk: Ordinance #9810 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 #9810 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 #9810 is declared to be lawfully adopted upon publication as required by law.

#9811 (A) - Consideration of Approving City Code Amendments to Chapter 4, Alcohol; Hours of Operation

Interim City Attorney Stacy Nonhof reported that at the December 8, 2020 Council meeting, Riverside Golf Club requested that the City Code pertaining to alcohol sales on Sundays be changed to 9:00 a.m. to noon. Two proposed Ordinances for consideration were submitted. The first Ordinance changes the hours of alcohol sales for Sundays from noon to 9:00 a.m. would apply to all alcohol sales. The second Ordinance would only change the hours of sale for on-site consumption of alcohol from noon to 9:00 a.m. Staff made no recommendation.

Brent Lindner, 1322 West John Street spoke in support. Police Chief Robert Falldorf stated it was their recommendation to not change the hours of sale for alcohol. He explained the calls for service were high on the weekends due to DUI's. If the council was going to change the hours he would rather see option (B) approved for on sale consumption only. A lengthy discussion was held by Council regarding the pros and cons of changing the hours of alcohol sales.

Motion by Paulick, second by Haase to approve Ordinance #9811 (A).

City Clerk: Ordinance #9811 (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, Fitzke, Guzinski, Haase, Minton, Paulick, Schutz, and Stelk voted aye. Councilmembers Conley, Nickerson, and Scott voted no. Motion adopted.

City Clerk: Ordinance #9811 (A) 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, Fitzke, Guzinski, Haase, Minton, Paulick, Schutz, and Stelk voted aye. Councilmembers Conley, Nickerson, and Scott voted no. Motion adopted.

Mayor Steele vetoed the vote on Ordinance #9811 (A). He stated the reason he was vetoing this vote was because of the Police Departments recommendation and the effects this would have on our community. He stated he would not veto Option (B).

Motion by Paulick, second by Guzinski to override the Mayor's veto. Upon roll call vote, Councilmembers Fitzke, Guzinski, Haase, and Paulick voted aye. Councilmembers Conley, Minton, Nickerson, Schutz, Scott, and Stelk voted no. Motion failed to override the veto.

#9811 (B) - Consideration of Approving City Code Amendments to Chapter 4, Alcohol; Hours of Operation

Motion by Stelk, second by Scott to approve Ordinance #9811 (B).

City Clerk: Ordinance #9811 (B) on first reading. All those in favor of the passage of this ordinance on first reading, answer roll call vote. Upon roll call vote, Conley, Fitzke, Guzinski, Haase, Minton, Nickerson, Schutz, Scott, and Stelk voted aye. Councilmember Paulick voted no. Motion adopted.

City Clerk: Ordinance #9811 (B) 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, Conley, Fitzke, Guzinski, Haase, Minton, Nickerson, Schutz, Scott, and Stelk voted aye. Councilmember Paulick voted no. Motion adopted.

#9812 - Consideration of Vacation of Public Utility Easement in Crane Valley Sixth and Seventh Subdivisions; 3604 West Faidley Avenue (Concord Investments, LLC)

Public Works Director John Collins reported the current property owner of 3604 West Faidley was requesting to vacate dedicated easements to allow for development of the area. There was no utility currently or proposed within these easements that would be affected by the vacations. Staff recommended approval.

Motion by Schutz, second by Conley to approve Ordinance #9812.

City Clerk: Ordinance #9812 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 #9812 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 #9812 is declared to be lawfully adopted upon publication as required by law.

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

Approving Minutes of December 8, 2020 City Council Regular Meeting.

Approving Councilmembers Appointments to Boards and Commissions.

Approving Re-Appointments of Denise Kozel, Kent Sundberg, Dave Kunze, Terry Kanecky, Kurt Griess and Craig Lewis to the Electrical Board.

Approving Re-Appointments of Luke Choyeski, Greg Geis, Rob Kayl, Mike Myers, Todd Bredthauer, Greg Carter, Charles Taylor and Craig Lewis to the Mechanical Examining Board.

Approving Re-Appointments of Rick Eberl, Ryan Logue, Jeremy Collinson, David Scoggins and Craig Lewis to the Plumbing Board.

Approving Jack Sheard to the Citizens Advisory Review Commission.

Approving Gary Phillips to the Occupation Tax Oversight Committee (Food & Beverage).

Approving Refuse Permit for Trash Bee Gone.

#2020-335 - Approving Surety Bonds for Mayor and City Councilmembers.

#2020-336 - Approving Final Plat and Subdivision Agreement for Beckett Subdivision. It was noted that Phillip Beckett II, owner, had submitted the Final Plat and Subdivision Agreement for Beckett Subdivision located west of Stuhr Road and north of Stolley Park Road for the purpose of creating 2 lots on 10.011 acres.

#2020-337 - Approving Acquisition of Utility Easement - 1039 North Gunbarrel Road (Merrick County) - Stanley Burst.

#2020-338 - Approving Certificate of Final Completion for Water Main Project 2020-W-2 (Greenwich Street) and Water Main Project 2020-W-3 (State Street) with Myers Construction, Inc. of Broken Bow, Nebraska.

#2020-339 - Approving Change Order #1 - Turbine Valve Overhaul at Platte Generating Station - Fall 2020 with General Electric Steam Power, Inc. from Midlothian, Virginia for an Increase of \$135,862.22 and a Revised Contract Amount of \$356,862.22.

#2020-340 - Approving Award of Professional Engineering Consulting Services for Wastewater Treatment Plant Flow Improvement; Project No. 2020-WWTP-4 with HDR Engineering, Inc. of Omaha, Nebraska in an Amount not to exceed \$437,955.00.

#2020-341 - Approving Temporary Construction Easements for Sanitary Sewer District No. 544; Ellington Pointe and Westwood Park Subdivisions.

#2020-342 - Approving Acquisition of Drainage Easements in Crane Valley and Crane Valley Seventh Subdivisions- 3645 W 13th Street (Concord Investments, LLC; Parcel No. 400150174 & 400416182).

#2020-343 - Approving Amendment No. 3 to Engineering Consulting Agreement for Old Potash Highway Corridor Study with Olsson Associates of Grand Island, Nebraska, for an Increase of \$799,775.00 and a Revised Contract Amount of \$2,462,238.26.

#2020-344 - Approving Acquisition of Permanent Utility Easement for Sanitary Sewer District No. 544; Ellington Pointe and Westwood Park Subdivisions at 1104 N North Rd (Eiler), 4028 Driftwood Dr (Davis), and 4004 Driftwood Drive (Keophalychanh).

#2020-345 - Approving Purchase of Dell Server for Central Nebraska Drug and Safe Streets Task Force from Dell Marketing of Round Rock, Texas in an Amount of \$32,791.52.

#2020-346 - Approving Change Order #1- CDBG Grant Extension with Salvation Army to Extend the Completion date to December 17, 2021 due to COVID-19.

#2020-347 - Approving Change Order #3 - CDBG Small Business Rental Assistance Program Agreement Extension to Extend the Completion date to March 15, 2021 and Budget Change from \$35,000.00 to \$110,000.00.

RESOLUTIONS:

#2020-348 - Consideration of Approving the Annual Report by Grand Island Area Economic Development Corp./Citizens Advisory Review Committee on the EDC Program Plan. This item was related to the above Public Hearing.

Motion by Haase, second by Nickerson to approve Resolution #2020-348. Upon roll call vote, all voted aye. Motion adopted.

#2020-349 - Consideration of Approving Funding for the Grand Island Area Economic Development Program Plan. EDC President Dave Taylor reported the Grand Island Area Economic Development Corporation and the Citizen's Review Committee approved the request for payment of \$350,000.00. Funding would be used for the inbound and outbound marketing and business recruitment initiatives.

Motion by Stelk, second by Conley to approve Resolution #2020-349. Upon roll call vote, all voted aye. Motion adopted.

#2020-350 - Consideration of Approving Amendment to the Redevelopment Plan for CRA No. 2 located at 1201 South Locust Street (Ray O'Connor). This item was related to the above Public Hearing.

Motion by Haase, second by Paulick to approve Resolution #2020-350. Upon roll call vote, Councilmembers Conley, Fitzke, Guzinski, Haase, Minton, Nickerson, Paulick, Scott, and Stelk voted aye. Councilmember Schutz voted no. Motion adopted.

#2020-351 - Consideration of the Severance Package for Golf Employees. Councilmember Haase explained why he brought this item forward. Mentioned was the definition of work force, contractor, and wages for Joel Holling and Jeff Roscoe. Comments were made concerning the Personnel Rules and Regulations with regards to Reduction in Force. Councilmember Haase stated he felt this was not a reduction in force and felt that the employees were getting paid double for 12 weeks.

City Administrator Jerry Janulewicz stated the City was following the Personnel Rules and Regulations in this situation. Human Resources Director Aaron Schmid answered questions regarding the qualification of reduction in force. He stated these two employees did meet the requirement and were due the severance package. Interim City Attorney Stacy Nonhof answered questions regarding the Reduction in Force.



Motion by Paulick, second by Minton to approve Resolution #2020-351. Upon roll call vote, Councilmembers Conley, Fitzke, Guzinski, Minton, Nickerson, Paulick, Schutz, Scott, and Stelk voted aye. Councilmember Haase voted no. Motion adopted.

#2020-352 - Consideration of Approving Settlement Agreement with Iowa Trenchless. Interim City Attorney Stacy Nonhof reported that on June 14, 2014, Van Kirk Brothers Contracting of Sutton, Nebraska was awarded a contract for Sanitary Sewer District No. 528 and 530T in the amount of \$3,374,118.70. In November 2014, Van Kirk Brothers submitted a proposed Change Order in the amount of \$827,456.82 for claimed extra work by the subcontractor Iowa Trenchless. That Change Order was denied for various reason. Since that time, a lawsuit was filed against the City by the subcontractor, Iowa Trenchless, and subsequently dismissed. A separate threatened action by Iowa Trenchless had been pending since May 2019.

On December 16, 2020, the Claimant, the City, and the City's liability insurance carrier participated in mediation of the claim. A settlement agreement was reached whereby the Claimant would execute a full and complete release of the City of Grand Island from all claims arising out of the denied Change Order and Claimant's individual claims, in consideration of \$75,000 to be paid by the City.

Motion by Stelk, second by Guzinski to approve Resolution #2020-352. Upon roll call vote, Councilmembers Conley, Fitzke, Guzinski, Haase, Minton, Nickerson, Schutz, Scott, and Stelk voted aye. Councilmember Paulick voted no. Motion adopted.

PAYMENT OF CLAIMS:

Motion by Minton, second by Fitzke to approve the payment of claims for the period of December 9, 2020 through December 22, 2020 for a total amount of \$4,818,552.34. Upon roll call vote, all voted aye. Motion adopted.

ADJOURNMENT: The meeting was adjourned at 9:32 p.m.

RaNae Edwards  
City Clerk