



City of Grand Island

Tuesday, January 10, 2023

Council Session

Item G-1

Approving Minutes of December 20, 2022 City Council Regular Meeting

Staff Contact: RaNae Edwards

CITY OF GRAND ISLAND, NEBRASKA

MINUTES OF CITY COUNCIL REGULAR MEETING
December 20, 2022

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 20, 2022. Notice of the meeting was given in *The Grand Island Independent* on December 14, 2022.

Mayor Roger G. Steele called the meeting to order at 7:00 p.m. The following City Council members were present: Maggie Mendoza, Bethany Guzinski, Chuck Haase, Jack Sheard, Mike Paulick, Mark Stelk, Mitch Nickerson, Doug Lanfear and Jason Conley. Councilmember Michelle Fitzke was absent. The following City Officials were present: City Clerk RaNae Edwards, Finance Director Patrick Brown, City Attorney Laura McAloon and Interim Public Works Director Keith Kurz.

INVOCATION was given by Councilmember Mitch Nickerson followed by the PLEDGE OF ALLEGIANCE.

PUBLIC HEARINGS:

Public Hearing on Request from Burgos Queen Mexican Food, LLC dba Burgos Queen Mexican Food, 2610 South Locust 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 Burgos Queen Mexican Food, LLC dba Burgos Queen Mexican Food, 2610 South Locust Street. Ms. Edwards presented the following exhibits for the record: application submitted to the Liquor Control Commission and received by the City on November 18, 2022; notice to the general public of date, time, and place of hearing published on December 10, 2022; notice to the applicant of date, time, and place of hearing mailed on November 18, 2022. Staff recommended approval contingent upon final inspections. No public testimony was heard.

Public Hearing on Request from La Jaula Restaurant, LLC dba La Jaula Restaurant, 613 East 4th Street for a Class "CK" Liquor License. City Clerk RaNae Edwards reported that an application for a Class "CK" Liquor License had been received from La Jaula Restaurant, LLC dba La Jaula Restaurant, 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 November 22, 2022; notice to the general public of date, time, and place of hearing published on December 10, 2022; notice to the applicant of date, time, and place of hearing mailed on November 22, 2022. Staff recommended approval contingent upon final inspections. No public testimony was heard.

Public Hearing on Redevelopment Plan for CRA No. 17 for Property Located at 3553 Prairieview Street for an Amendment to Change the Proposed Hotel to a Medical Office Building (Prataria Ventures LLC). Regional Planning Director Chad Naby reported that in 2016 Prataria Ventures, LLC had submitted an application for Tax Increment Financing to aid in the

redevelopment of property to prepare for the construction of a Hospital, a Medical Office Building and a Hotel with attached conference space. This property is located at the southwest corner of Husker Highway and U.S. Highway 281. Staff has prepared a redevelopment plan for this property consistent with the TIF application. As of 2022 both the hospital and the medical office building had been constructed and were operating. Additionally a new office will open across the street from the hospital in January and Tabitha has begun accepting tenants in their senior living development. Prataria has requested an amendment to the redevelopment plan and the zoning on the lot for the hotel to allow development of a second 60,000 square foot medical office building in place of the hotel. It is likely that a hotel will still be part of the development but moved to one of the commercial lots south and west of the hospital. . Staff recommended approval. Roger Bullington, 3935 Westgate Road spoke in support. No further public testimony was heard.

Public Hearing on Zoning Change to Property Located at 3553 Prairieview Street Lots 1 and 3 of Prairie Commons Second Subdivision CD Commercial Development Zone to Amended CD Commercial Development Zone (Prairie Commons MOB 2.0). Regional Planning Director Chad Naby reported that Prataria Ventures, LLC, owners of property located at 3553 Prairieview Street located south of Husker Highway between Prairieview Street and U.S. Highway 281 were requesting an amendment to the current CD Commercial Development Zone. The request was to allow a 60,000 square foot medical office building instead of a hotel. Staff recommended approval. No public testimony was heard.

Public Hearing on Zoning Change to Property Located at 1510 E 7th Street Lot 2 of Sanchez Subdivision and Adjoining right of way to the center of the dedicated streets from R2 Low Density Residential to R3-SL Medium Density Residential Small Lot. (Edy and Nancy Hernandez). Rashad Moxy, Planner I reported that Edy and Nancy Hernandez, the owners of property at 1510 East 7th Street located north of 7th Street and east of Congdon Avenue were requesting the zoning on this property be changed from R2 Low Density Residential to R3-SL Medium Density Small Lot Residential Zone. They were proposing to develop this property with a combination of single family homes, duplexes and townhomes. Staff recommended approval. Roger Bullington, 3935 Westgate Road spoke in support. No further public testimony was heard.

Public Hearing on Comprehensive Plan Amendment to Consider the Adoption of the Grand Island Affordable Housing Plan as an Appendix to the 2004 Comprehensive Development Plan. Regional Planning Director Chad Naby reported that LB 866 was adopted by the Unicameral and signed by Governor Ricketts in 2020. This created the Municipal Density and Missing Middle Housing Act N.R.S.S. 19-551 to 19-5506. As part of that Act cities with a population of 50,000 or more were required to adopt an Affordable Housing Action Plan prior to January 1, 2023. The Regional Planning Commission contracted for this study as part of the updated Comprehensive Plan for the City of Grand Island. Staff recommended approval. No public testimony was heard.

Public Hearing on the Annual Report by the Grand Island Area Economic Development Corporation/Citizens Advisory Review Committee on the Economic Development Program Plan. Matthew Armstrong, 2101 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 1, 2022 and voted to forward it to City Council. EDC President Mary Berlie gave the Annual Report. Staff recommended approval. No public testimony was heard.

Public Hearing on Request from Hall County Livestock Improvement Assn. for a Conditional Use Permit to Allow for Temporary Use to Facilitate Rework of CNHI Combines located at 700 East Stolley Park Road. Building Director Craig Lewis reported that Hall County Livestock Improvement Assn. requested a Conditional Use Permit to accommodate CNHI Industrial to utilize the existing beef barn as a rework site to install missing parts on assembled combines. The proposed site is zoned B-2 General Business, that zoning classification does not allow as a permitted principal use manufacturing. The proposed request would utilize the existing building to rework the combines and install the missing part from December 20, 2022 through May of 2023. The proposal is to truck in 8 to 10 units per day to facilitate the rework. Staff recommended approval. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement - 2210 S. Webb Rd (Amerco Real Estate Company). Utilities Director Tim Luchsinger reported that a utility easement was needed at 2210 South Webb Road. The Utilities Department needed to acquire a twenty (20.0) foot wide easement tract through a part of Lot Five (5), Mayer-Mehring Subdivision, in the City of Grand Island, Hall County, Nebraska. The proposed easement would allow the Utilities Department to install, access, operate, and maintain the water main and water service infrastructure at this location. Staff recommended approval. No public testimony was heard.

RESOLUTIONS:

#2022-374 - Consideration of Amending Resolution #2022-341 Approving the Redevelopment Plan for CRA No. 28 for Property Located between Webb Road and U.S. Highway 281 North of 13th Street for Commercial and Residential Purposes (Woodsonia Acquisitions). Regional Planning Director Chad Nabity reported that on November 22, 2022, City Council adopted Resolution 2022-341, which approved the Redevelopment Plan of the City for Redevelopment Area No. 28 in the City of Grand Island. The Redevelopment Plan included the project known as Conestoga Marketplace. In addition to approving the Redevelopment Plan, Resolution 2022-341 also imposed two contingencies that must be satisfied by Woodsonia Hwy 281, LLC before the Community Redevelopment Authority could move forward on implementation of the Redevelopment Plan for the Marketplace, which would include the issuance of Tax Increment Financing (TIF) Bonds and Enhanced Employment Area (EEA) Bonds, both of which would be repaid through their respective dedicated tax revenue streams: TIF revenue from increased property valuation and tax collections within the project area and EEA revenue derived from an occupation tax on certain businesses located at the Marketplace.

City Attorney Laura McAloon explained the amendment to Resolution 2022-341 and the contingencies and changes to the contract. A lengthy discussion was held regarding the contingencies in the contract and the risk to the city. Drew Snider and Mitch Hohlen representing Woodsonia and Kent Seacrest, Attorney for Woodsonia answered questions regarding the anchor

store and the timeline of completing the project. He was confident the project would move forward even though there were risks, but he felt they were very low.

Mayor Steele stated there was a risk in doing nothing and there was a risk in doing something. He was in favor of moving forward with the project. Mr. Nabity mentioned the improvements the City would get were new water and sewer lines, new parking, and new street, etc.

Motion by Haase, second by Paulick to approve Resolution #2022-374. Upon roll call vote, Councilmembers Conley, Nickerson, Stelk, Paulick, Sheard, Haase, Guzinski, and Mendoza voted aye. Councilmember Lanfear voted no. Motion adopted.

#2022-352 - Consideration of Approving Redevelopment Contract with Woodsonia Hwy 281, LLC and the City of Grand Island Community Redevelopment Authority for Redevelopment of the Conestoga Mall Property. Regional Planning Director Chad Nabity explained the terms of the redevelopment contract. Cindy Johnson, 309 West 2nd Street representing the Chamber of Commerce stated economic and community development took time, many years. She supported the project. Mayor Steele thanked Mr. Nabity and Ms. McAloon for their hard work on this project.

Motion by Guzinski, second by Stelk to approve Resolution #2022-352. Upon roll call vote, all voted aye. Motion adopted.

ORDINANCES:

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

- #9909 - Consideration of Adding Article XI to Chapter 23 of the Grand Island City Code, Providing for the Levy of a Retail Business Occupation Tax for a Redevelopment Project
- #9910 - Consideration of Approving Zoning Change to Property Located at 3553 Prairieview Street Lots 1 and 3 of Prairie Commons Second Subdivision CD Commercial Development Zone to Amended CD Commercial Development Zone (Prairie Commons MOB 2.0)
- #9911 - Consideration of Approving Zoning Change to Property Located at 1510 E 7th Street Lot 2 of Sanchez Subdivision and Adjoining right of way to the center of the dedicated streets from R2 Low Density Residential to R3-SL Medium Density Residential Small Lot. (Edy and Nancy Hernandez)
- #9912 - Consideration of Revision of Chapter 35 of the Grand Island City Code Relative to Water

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 failed.

#9909 - Consideration of Adding Article XI to Chapter 23 of the Grand Island City Code, Providing for the Levy of a Retail Business Occupation Tax for a Redevelopment Project

Regional Planning Director Chad Naby reported that Woodsonia Hwy. 281, LLC was proposing to redevelop the Conestoga Mall property at 3404 West 13th Street for commercial and residential purposes. The property was currently zoned CD Commercial Development District and RD Residential Development zone. On November 22, 2022 the Grand Island City Council approved a redevelopment plan for this project. That plan designated an Enhanced Employment Area and as such Council was authorized to impose an occupancy tax on the area to aid in redevelopment.

Staff had prepared a redevelopment contract including all of the elements of the approved redevelopment plan including: the use of Tax Increment Financing, declaration of an enhanced Employment Area with an associated occupation tax, and grants from the City of Grand Island, Grow Grand Island and the Community Redevelopment Authority of the City of Grand Island. That plan designated an Enhanced Employment Area and as such Council was authorized to impose an occupancy tax on the area to aid in redevelopment.

In addition to the Resolution authorizing the Mayor to sign the contract, Staff had prepared an ordinance to levy a 1.5% occupation tax on all sales on lots 1-12 of Conestoga Mall Ninth Subdivision (all areas of the subdivision excepting lot 13 which are approved for apartments). The occupation tax ordinance would not become effective until after the same contingencies were met and a period of at least 60 days to notify the retailers in the area and give them time to prepare to begin collecting the taxes. Staff recommended approval.

Motion by Nickerson, second by Haase to approve Ordinance #9909.

City Clerk: Ordinance #9909 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 #9909 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 #9909 is declared to be lawfully adopted upon publication as required by law.

#9910 - Consideration of Approving Zoning Change to Property Located at 3553 Prairieview Street Lots 1 and 3 of Prairie Commons Second Subdivision CD Commercial Development Zone to Amended CD Commercial Development Zone (Prairie Commons MOB 2.0)

This item was related to the aforementioned Public Hearing. Staff recommended approval.

Motion by Haase, second by Paulick to approve Ordinance #9910.

City Clerk: Ordinance #9910 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 #9910 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 #9910 is declared to be lawfully adopted upon publication as required by law.

#9911 - Consideration of Approving Zoning Change to Property Located at 1510 E 7th Street Lot 2 of Sanchez Subdivision and Adjoining right of way to the center of the dedicated streets from R2 Low Density Residential to R3-SL Medium Density Residential Small Lot. (Edy and Nancy Hernandez)

This item was related to the aforementioned Public Hearing. Staff recommended approval. Nancy Hernandez, 1212 West Koenig Street, owner of the lot spoke in support.

Motion by Guzinski, second by Nickerson to approve Ordinance #9911.

City Clerk: Ordinance #9911 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 #9911 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 #9911 is declared to be lawfully adopted upon publication as required by law.

#9912 - Consideration of Revision of Chapter 35 of the Grand Island City Code Relative to Water

Utilities Director Tim Luchsinger reported that during this year's budget hearings, it was discussed that the Utilities Department assume ownership and maintenance of the water service lines in the City right of way. This would provide an equitable basis for property owners needing to replace water services and allow timely repairs to avoid damage to infrastructure in the right of way. Based on feedback from the Council, this recommendation was included in the current Water Utility budget and the following changes to City Code are proposed. Staff recommended approval.

Motion by Haase, second by Conley to approve Ordinance #9912.

City Clerk: Ordinance #9912 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 #9912 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 #9912 is declared to be lawfully adopted upon publication as required by law.

CONSENT AGENDA: Consent Agenda items G-2, G-17, and G-20 (Resolution #2022-363 and #2022-366) were pulled for further discussion. Motion by Paulick, second by Mendoza to approve the Consent Agenda excluding items G-2, G-17, and G-20. Upon roll call vote, all voted aye. Motion adopted.

Approving Minutes of December 6, 2022 City Council Regular Meeting.

Approving Councilmembers Appointments to Boards and Commissions. Motion by Paulick, second by Sheard to refer this item to the January 10, 2023 City Council meeting. Upon roll call vote, all voted aye. Motion adopted.

Approving Curtis Dill to the Fonner Park Business Improvement District Board.

Approving Re-Appointments to the Electrical Board.

Approving Re-Appointments to the Mechanical Examining Board.

Approving Re-Appointments to the Plumbing Board.

#2022-353 - Approving Request from Burgos Queen Mexican Food, LLC dba Burgos Queen Mexican Food, 2610 South Locust Street for a Class "C" Liquor License and Liquor Manager Designation for Bibiana Burgos, 2513 Central Avenue, Kearney, Nebraska.

#2022-354 - Approving Request from La Jaula Restaurant, LLC dba La Jaula Restaurant, 613 East 4th Street for a Class "CK" Liquor License and Liquor Manager Designation for Nancy Avitia Huerta, 407 West 9th Street.

#2022-355 - Approving Certificate of Final Completion for North Road Paving Improvements; Project No. 2019-P-5 (Phase I & II) and 2019-S-8 North Road Northview Crossing and Water Main Project No. 2020-W-7 and 2020-W-11 with The Diamond Engineering Company of Grand Island, Nebraska.

#2022-356 - Approving Agreement for Construction Engineering Services for Five Points Intersection in Grand Island with Olsson, Inc. of Lincoln, Nebraska in an Amount not to exceed \$285,554.06.

#2022-357 - Approving Purchase of Front End Loader for the Streets Division of the Public Works Department from NMC of Doniphan, Nebraska in an Amount of \$280,886.00.

#2022-358 - Approving Acquisition of Utility Easement - 2210 S. Webb Rd (Amerco Real Estate Company).

#2022-359 - Approving Change Order #1 for WMP 2021-W-1 - Oak and Kimball from Koenig to Division with Van Kirk Bros. Contracting of Sutton, Nebraska for an Decrease of \$8,713.89 and a Revised Contract Amount of \$731,125.71.

#2022-360 - Approving Re-Allocation of FTE - Cashier to Senior Account Clerk - Customer Service.

#2022-361 - Approving Purchase of Parks Maintenance Equipment from Midwest Turf and Irrigation of Omaha, Nebraska in an Amount of \$168,099.24.

#2022-362 - Approving Proposal for New Playground Equipment at Grace Abbott Park with Creative Sites of Omaha, Nebraska in an Amount not to exceed \$145,000.00.

#2022-363 - Approving Purchase of New Restroom Facilities at Ryder and George Parks from CXT, Inc. of Dallas, Texas in an Amount of \$495,910.00. Parks & Recreation Director Todd McCoy explained the reasons for the new restrooms and why there were needed along with the cost.

Motion by Nickerson, second by Paulick to approve Resolution #2022-363. Upon roll call vote, all voted aye. Motion adopted.

#2022-364 - Approving Amendment to Agreement with Grow Grand Island for Plaza Expansion Project.

#2022-365 - Approving Sending the CDBG Consolidated Annual Performance Evaluation and Review to HUD.

#2022-366 - Approving Comprehensive Plan Amendment to Consider the Adoption of the Grand Island Affordable Housing Plan as an Appendix to the 2004 Comprehensive Development Plan. Regional Planning Director Chad Nabity stated this was required by State Statutes. He mentioned the upcoming Comprehensive Development Plan study which would be held on January 31, 2023 along with a survey that would be coming out in the near future.

Motion by Haase, second by Lanfear to approve Resolution #2022-366. Upon roll call vote, all voted aye. Motion adopted.

#2022-367 - Approving Preliminary, Final Plat and Subdivision Agreement for Prairie Commons Fifth Subdivision. It was noted that Prairie Commons MOB, LLC, owners, had submitted the Preliminary, Final Plat and Subdivision Agreement for Prairie Commons Fifth Subdivision

located south of Husker Highway between Prairieview Street and U.S. Highway 281 for the purpose of creating 2 Lots on 17.119 acres.

#2022-368 - Approving Final Plat and Subdivision Agreement for Morales Subdivision. It was noted that Rene Morales, Owner, had submitted the Final Plat and Subdivision Agreement for Morales Subdivision located south of Airport Road and west of Saint Paul Road for the purpose of creating 2 Lots on 5 acres.

#2022-369 - Approving Final Plat and Subdivision Agreement for Rezac Subdivision. It was noted that Richard Rezac, owner, had submitted the Final Plat and Subdivision Agreement for Rezac Subdivision located north of Stolley Park Road and east of Stuhr Road for the purpose of creating 2 Lots on 16.162 acres.

REQUESTS AND REFERRALS:

Consideration of Approving Request from Hall County Livestock Improvement Assn. for a Conditional Use Permit to Allow for Temporary Use to Facilitate Rework of CNHI Combines located at 700 East Stolley Park Road. This item was related to the aforementioned Public Hearing.

Motion by Haase, second by Paulick to approve the request from Hall County Livestock Improvement Assn. Upon roll call vote, all voted aye. Motion adopted.

RESOLUTIONS:

#2022-370 - Consideration of Approving Redevelopment Plan for CRA No. 17 for Property Located at 3553 Prairieview Street for an Amendment to Change the Proposed Hotel to a Medical Office Building (Prataria Ventures LLC). This item was related to the aforementioned Public Hearing.

Motion by Stelk, second by Conley to approve Resolution #2022-370. Upon roll call vote, all voted aye. Motion adopted.

#2022-371 - 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 aforementioned Public Hearing. Discussion was held regarding the balance of unused funds in the current program and what would happen going forward with the new 10 year program. Finance Director Patrick Brown stated they would keep track of these funds in separate accounts.

Motion by Guzinski, second by Sheard to approve Resolution #2022-371. Upon roll call vote, all voted aye. Motion adopted.

#2022-372 - Consideration of Approving Funding for the Grand Island Area Economic Development Program Plan. EDC President Mary Berlie reported that 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 Sheard, second by Guzinski to approve Resolution #2022-372. Upon roll call vote, all voted aye. Motion adopted.

#2022-373 - Consideration of Approving the Appointment of Kevin Denney as Police Chief. Mayor Steele submitted his appointment of Kevin Denney as Police Chief for the City of Grand Island. Mr. Denney stated he was excited about serving the community and serving alongside the men and women of the Police Department

Motion by Guzinski, second by Conley to approve Resolution #2022-373. Upon roll call vote, all voted aye. Motion adopted.

PAYMENT OF CLAIMS:

Motion by Guzinski, second by Mendoza to approve the payment of claims for the period of December 7, 2022 through December 20, 2022 for a total amount of \$7,171,745.74. Upon roll call vote, all voted aye. Motion adopted.

ADJOURN TO EXECUTIVE SESSION: Motion by Paulick, second by Stelk to adjourn to Executive Session at 9:17 p.m. for the purpose of a strategy session relative to threatened litigation. Unanimously approved.

RETURN TO REGULAR SESSION: Motion by Paulick, second by Conley to return to Regular Session at 9:59 p.m. Unanimously approved.

ADJOURNMENT: The meeting was adjourned at 9:59 p.m.

RaNae Edwards
City Clerk