



# **City of Grand Island**

**Tuesday, January 8, 2013**

**Council Session**

## **Item G1**

### **Approving Minutes of December 18, 2012 City Council Regular Meeting**

**Staff Contact: RaNae Edwards**

## CITY OF GRAND ISLAND, NEBRASKA

### MINUTES OF CITY COUNCIL REGULAR MEETING December 18, 2012

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 18, 2012. Notice of the meeting was given in *The Grand Island Independent* on December 12, 2012.

Mayor Jay Vavricek called the meeting to order at 7:00 p.m. The following City Council members were present: Bob Niemann, Linna Dee Donaldson, Julie Hehnke, Mitch Nickerson, Peg Gilbert, John Gericke, Scott Dugan, Mike Paulick, and Vaughn Minton. Councilmember Chuck Haase was absent. The following City Officials were present: City Administrator Mary Lou Brown, City Clerk RaNae Edwards, City Attorney Robert Sivick, Interim Public Works Director Terry Brown and Finance Director Jaye Monter.

INVOCATION was given by Pastor Stan Davis, New Life Community Church, 301 West 2<sup>nd</sup> Street followed by the PLEDGE OF ALLEGIANCE.

Mayor Vavricek introduced Community Youth Council member Stephanie Chandler.

#### PRESENTATIONS AND PROCLAMATIONS:

Presentation by the Barbershop Harmony Quartet with a Celebration of the Holidays. The Barbershop Harmony Quartet sang several holiday songs.

Presentation of the "Mayor's Builder Award" to Bennett Chamness. Mayor Vavricek and Council President Niemann presented the "Mayor's Builder Award" to Bennett Chamness for his tireless efforts in supporting our troops with "Wear Red on Fridays". Mr. Chamness was present for the recognition.

#### PUBLIC HEARINGS:

Public Hearing on Request from Bocho's, Inc. dba San Pedro's Mexican Restaurant, 2418 N. Webb Road, Suite A for a Class "I" Liquor License. City Clerk RaNae Edwards reported that an application for a Class "I" Liquor License had been received from Bocho's, Inc. dba San Pedro's Mexican Restaurant, 2418 N. Webb Road, Suite A. Ms. Edwards presented the following exhibits for the record: application submitted to the Liquor Control Commission and received by the City on November 30, 2012; notice to the general public of date, time, and place of hearing published on December 8, 2012; notice to the applicant of date, time, and place of hearing mailed on November 30, 2012; along with Chapter 4 of the City Code. Staff recommended denial based on the Police Department report under the Nebraska Liquor Control Act (Part II Chapter 2 Section 010.01) for a false application. Nathan Bruner, 3423 2<sup>nd</sup> Avenue, Kearney, NE requested the City Council send a "no recommendation" to the NLCC. No further public testimony was heard.

Public Hearing on Acquisition of Utility Easement located in the 3800 Block of East Highway 34 (Charles & Laura Bosselman). Utilities Director Tim Luchsinger reported that acquisition of a

utility easement located in the 3800 Block of East Highway 34 was needed in order to have access to install, upgrade, maintain, and repair power appurtenances, including lines and transformers for the purpose of placing underground conduit, primary power cable and a pad-mounted transformer to provide electrical service to a new home. Staff recommended approval. No public testimony was heard.

CONSENT AGENDA: Agenda item G-16 was removed from the agenda at the request of the Finance Director. Motion by Donaldson, second by Dugan to approve the Consent Agenda excluding item G-16. Upon roll call vote, all voted aye. Motion adopted.

Approving Corrections to the Minutes of February 28, 2012 City Council Regular Meeting.

Approving Minutes of December 4, 2012 City Council Regular Meeting.

Approving Minutes of December 11, 2012 City Council Study Session.

Approving Re-Appointments to the Electrical Board.

Approving Re-Appointments to the Mechanical Examining Board.

Approving Re-Appointments to the Plumbers Examining Board.

#2012-355 – Approving Purchase of Mobile Field reporting forms and Field Interview Software with Spillman Technologies Inc. of Salt Lake City, Utah in an Amount of \$46,443.00.

#2012-356 – Approving Acquisition of Utility Easement located in the 3800 Block of East Highway 34 (Charles and Laura Bosselman).

#2012-357 – Approving Bid Award for Tree Trimming Contract 2013-TT-1 with Tom's Tree Service of Grand Island, NE for Sections 2, 3, 5, 7, 8, 9, and 10 in an Amount of \$30,775.00 and Asplundh Tree Expert Company of Urbandale, Iowa for Sections 1, 4, and 6 in an Amount of \$64,779.00.

#2012-358 – Approving Pipeline Crossing Agreement for Water Main Project 2013-W-1 – Clark Street at the UPRR Crossing.

#2012-359 – Approving Bid Award for Feedwater Heater #5 Replacement at Platte Generating Station with Thermal Engineering International of Santa Fe Springs, CA in an Amount of \$401,750.00.

#2012-360 – Approving Bid Award for 5<sup>th</sup> Street Sanitary Sewer Improvements; Sewer Project No. 2012-S-3 with Van Kirk Brothers Contracting of Sutton, NE in an Amount of \$1,734,105.93.

#2012-361 – Approving Standardizing on Allen-Bradley Electrical Components for Headworks Improvements Project, WWTP-2013-1.

#2012-362 – Approving Pre-Selected Grit Systems for Headworks Improvements Project, WWTP-2013-1.

#2012-363 – Approving Interdepartmental Fund Transfer for Utility Relocation at the Broadwell Avenue/Burlington Northern Santa Fe Railroad Crossing.

#2012-364 – Approving CentruyLink Participating Addendum in an Amount of \$488.00. This item was pulled from the agenda at the request of the Finance Department.

RESOLUTIONS:

#2012-365 – Consideration of Request from Bocho's, Inc. dba San Pedro's Mexican Restaurant, 2418 N. Webb Road, Suite A for a Class "I" Liquor License and Liquor Manager Designation for Bernice Real, 2010 West 39<sup>th</sup> Street, Apt. A, Kearney, NE. This item related to the aforementioned Public Hearing. Ms. Edwards explained the process of the denial to the LCC. Answered were questions concerning stipulations.

Motion by Gericke, second by Niemann to deny Resolution #2012-365 based on the Police Department report of a false application. Upon roll call vote, all voted aye. Motion adopted.

#2012-366 – Consideration of Agreement with NDOR for Fiscal Year 2013 Statewide Planning Research (SPR) Agreement (Metropolitan Planning Organization Startup). Interim Public Works Director Terry Brown reported that the Nebraska Department of Roads (NDOR) had reserved planning dollars for the City for the formation of the Metropolitan Planning Organization (MPO). The Planning Agreement between the City and the NDOR would provide financial assistance for startup expenses for FY 2013 as a new MPO.

Motion by Dugan, second by Gericke to approve Resolution #2012-366. Upon roll call vote, all voted aye. Motion adopted.

PAYMENT OF CLAIMS:

Motion by Dugan, second by Nickerson to approve the Claims for the period of November 28, 2012 through December 18, 2012, for a total amount of \$7,129,635.92. Unanimously approved.

Councilmember Gericke recused himself from the meeting at 7:50 p.m.

RESOLUTIONS:

#2012-367 – Pre-84 Retirees – Public Safety Pension Plans – Remedy Request of Most Recent Retiree Claim. Finance Director Jaye Monter reported that Resolution #2012-367 (A) would direct City staff, the Police Pension Committee, and Sergeant Cole to recalculate Sergeant Cole's lump sum pension benefit using a straight life annuity and reimbursement of the difference. Resolution #2012-367 (B) would require no change in the pension paid to Sergeant Cole.

Ms. Monter introduced Robert Evnen – Attorney for Woods & Aitken of Lincoln and Terry Galloway, Auditor for the city. City Attorney Robert Sivick explained the reasons for hiring outside counsel with regards to this matter.

Joyce Haase, 3024 Colonial Lane spoke in support of the reimbursement. Jarrett Daugherty, President of the FOP and Kelly Mossman, Chairman of the Police Retirement Committee spoke in favor of not requiring Sgt. Cole to make reimbursement. Mary Lanfear, 2128 North Custer commented about litigation and the process of paying the pension.

Motion by Paulick, second by Minton to approve Resolution #2012-367 (B).

Discussion was held regarding previous retirees' pension payments. Comments were made concerning time to gather more facts, possible litigation and moving too fast. Mr. Sivick answered questions regarding state statutes on the time frame in which to pay out pension funds. He also explained the process if part (A) of the Resolution was approved. Robert Evnen – Attorney commented on the effect of postponing this item. He stated the Council could postpone but would need to make a decision no later than January 2013.

Motion by Gilbert, second by Dugan to postpone a decision on Resolution #2012-367 to the January 15, 2013 Study Session. Upon roll call vote, Councilmembers Minton, Dugan, Gilbert, Hehnke, Donaldson, and Niemann voted aye. Councilmembers Paulick and Nickerson voted no. Motion adopted.

#2012-368 – Pre-84 Retirees – Public Safety Pension Plans – Remedy of Past Claims for Police. Finance Director Jaye Monter reported that Resolution #2012-368 (A) would direct City staff, the Police Pension Committee, and the four Police retirees to recalculate their lump sum pension benefit using a straight life annuity and reimbursement of the difference. Resolution #2012-368 (B) would require no change in the pension paid to the four Police retirees.

Discussion was held regarding the number of retirees. Ms. Monter stated there were 4 names instead of 5 as mentioned at the December 11, 2012 meeting.

Motion by Gilbert, second by Dugan to postpone a decision on Resolution #2012-368 to the January 15, 2013 Study Session. Upon roll call vote, all voted aye. Motion adopted.

#### ORDINANCES:

##### #9414 – Pre-84 Retirees – Public Safety Pension Plans

Motion by Gilbert, second by Paulick to postpone Ordinance #9414 to the January 15, 2013 Study Session. Upon roll call vote, all voted aye. Motion adopted.

#### RESOLUTION:

#2012-369 – Pre-84 Retirees – Public Safety Pension Plans – City Budget Appropriation Transfer. Finance Director Jaye Monter reported this would authorize city staff to transfer money from the General Fund to the Police Fund to pay for the most recent retiree, Captain Pete Kortum.

John Mayer, Chairman for the Fire Pension Committee commented on the separate pension funds for the Police and Fire as stated in state statutes. He stated the Fire Pension Committee was

not in favor of moving funds from the Fire Pension Fund to the Police Pension Fund. Explained was the makeup and role of the Fire Pension Committee and how meetings were conducted.

Joyce Haase, 3024 Colonial Lane commented on the Fire Pension fund was to be used on disabled Firefighters also.

Motion by Gilbert, second by Dugan to deny Resolution #2012-369. Upon roll call vote, Councilmembers Minton, Paulick, Dugan, Gilbert, Donaldson, and Niemann voted aye. Councilmembers Nickerson and Hehnke voted no. Motion adopted.

Council requested information for the Study Session on January 15, 2013. Discussion was held regarding the process of submitting questions. Mayor stated City Administration would come up with a process for Council to submit questions.

ADJOURNMENT: The meeting was adjourned at 9:11 p.m.

RaNae Edwards  
City Clerk