



# **City of Grand Island**

**Tuesday, February 12, 2013**

**Council Session**

## **Item G1**

### **Approving Minutes of January 22, 2013 City Council Regular Meeting**

**Staff Contact: RaNae Edwards**

CITY OF GRAND ISLAND, NEBRASKA

MINUTES OF CITY COUNCIL REGULAR MEETING  
January 22, 2013

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 January 22, 2013. Notice of the meeting was given in *The Grand Island Independent* on January 16, 2013.

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 Clerk RaNae Edwards, City Attorney Robert Sivick, Interim Public Works Director Terry Brown and Finance Director Jaye Monter.

INVOCATION was given by Pastor John Hayes, Grace Baptist Church, 1115 South Vine Street followed by the PLEDGE OF ALLEGIANCE.

Mayor Vavricek introduced Community Youth Council member Ashley Bykerk.

PRESENTATIONS AND PROCLAMATIONS:

Presentation by Mike Olson, Executive Director of the Central Nebraska Regional Airport on the State of the Airport Address. Executive Director Mike Olson presented a PowerPoint presentation on the state of the airport. Mentioned was this was the 75<sup>th</sup> year of the airport. Added this last year was a medical transport service the Life Team. Coming this year will be a new terminal, additional parking, and a t-hanger. Coming in 2014 will be the start of a new airport terminal with additional expansion in 2025. Enplanements for 2012 were 56,000, well above previous years.

BOARD OF EQUALIZATION: Motion by Gilbert, second by Dugan, carried unanimously to adjourn to the Board of Equalization.

#2013-BE-1 – Board of Equalization Hearing for Water Main District 457 – Pioneer Blvd. Utilities Director Tim Luchsinger reported that the City Council in its capacity as the Board of Equalization was required to determine the benefits for Water Main District No. 457. Special assessments were for the amount of \$241,420.40. Explained was the method of assessment by per lot instead of per front footage.

Councilmember Gilbert explained the history of these water districts. She commented on discussions with the Environmental Protection Agency (EPA) regarding in-house filters and the opportunity for the EPA helping pay for water hookups.

Motion by Gilbert, second by Nickerson to approve Resolution #2013-BE-1. Upon roll call vote, all voted aye. Motion adopted.

#2013-BE-2 – Board of Equalization Hearing for Water Main District 459 – Park Drive. Utilities Director Tim Luchsinger reported that the City Council in its capacity as the Board of Equalization was required to determine the benefits for Water Main District No. 459. Special assessments were for the amount of \$163,313.80. Explained was the method of assessment by per lot instead of per front footage.

Bob Lathen, 2521 Park Drive commented on the construction work regarding replacing grass. Mr. Luchsinger stated the City had a one year warranty with the contractor and would see that this problem was taken care of for all property owners.

Motion by Gilbert, second by Donaldson to approve Resolution #2013-BE-2. Upon roll call vote, all voted aye. Motion adopted.

#2013-BE-3 – Board of Equalization Hearing for Water Main District 460 – Grand Avenue, Riverview Drive & August Street. Utilities Director Tim Luchsinger reported that the City Council in its capacity as the Board of Equalization was required to determine the benefits for Water Main District No. 460. Special assessments were for the amount of \$255,621.60. Explained was the method of assessment by per lot instead of per front footage.

Motion by Gilbert, second by Dugan to approve Resolution #2013-BE-3. Upon roll call vote, all voted aye. Motion adopted.

#2013-BE-4 – Board of Equalization Hearing for Water Main District 461 – Hagge Avenue & William Street. Utilities Director Tim Luchsinger reported that the City Council in its capacity as the Board of Equalization was required to determine the benefits for Water Main District No. 461. Special assessments were for the amount of \$291,124.60.

Don Mehring, 102 Ponderosa Drive spoke against the method of assessment. Jerry Jensen, 721 Hagge questioned the testing of the ground water. Comments were made regarding the EPA testing.

Motion by Gilbert, second by Dugan to approve Resolution #2013-BE-4. Upon roll call vote, all voted aye. Motion adopted.

RETURN TO REGULAR SESSION: Motion by Gilbert, second by Nickerson carried unanimously to return to Regular Session.

#### PUBLIC HEARINGS:

Public Hearing on Request from Kandra Wilson dba The Faucet, 920 N. Diers Avenue, Suite 1 for a Class “C” Liquor License. City Clerk RaNae Edwards reported that an application for a Class “C” Liquor License had been received from Kandra Wilson dba The Faucet, 920 N. Diers Avenue, Suite 1. Ms. Edwards presented the following exhibits for the record: application submitted to the Liquor Control Commission and received by the City on January 7, 2013; notice to the general public of date, time, and place of hearing published on January 12, 2013; notice to the applicant of date, time, and place of hearing mailed on January 7, 2013; along with Chapter 4 of the City Code. Staff recommended approval contingent upon final inspections. Bill Kelly, 323

East Stolley Park Road, Attorney for the applicant spoke in support. No further public testimony was heard.

Public Hearing on Amending Chapter 36 of the Grand Island City Code Relative to Accessory Building and Uses and Landscaping Requirements. Regional Planning Director Chad Nabity reported that the City of Grand Island and Hall County zoning regulations allowed for varying side and rear yard setbacks for accessory structures based on the size of the lot. The changes to the City Code regarding accessory buildings were designed to create consistency between the language of the code and the way the code had been interpreted and enforced. The changes to the landscaping regulations were designed to encourage consistency between the multiple regulatory schemes with which the Airport must comply. Staff recommended approval. Mike Olson, 3741 Sky Park Road spoke in support. No further public testimony was heard.

#### ORDINANCES:

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

- #9415 – Consideration of Assessments for Water Main District 457 – Pioneer Blvd.
- #9416 – Consideration of Assessments for Water Main District 459 – Park Drive
- #9417 – Consideration of Assessments for Water Main District 460 – Grand Avenue, Riverview Drive & August Street
- #9418 – Consideration of Assessments for Water Main District 461 – Hagge Avenue & William Street
- #9419 – Consideration of Amending Chapter 36 of the Grand Island City Code Relative to accessory Building and Uses and Landscaping Requirements

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

- #9415 – Consideration of Assessments for Water Main District 457 – Pioneer Blvd.
- #9416 – Consideration of Assessments for Water Main District 459 – Park Drive
- #9417 – Consideration of Assessments for Water Main District 460 – Grand Avenue, Riverview Drive & August Street
- #9418 – Consideration of Assessments for Water Main District 461 – Hagge Avenue & William Street

Motion by Dugan, second by Nickerson to approve Ordinances #9415, #9416, #9418, and #9418.

City Clerk: Ordinances #9415, #9416, #9417, and #9418 on first reading. All those in favor of the passage of these ordinances on first reading, answer roll call vote. Upon roll call vote, all voted aye. Motion adopted.

City Clerk: Ordinances #9415, #9416, #9417, and #9418 on final passage. All those in favor of the passage of these ordinances on final passage, answer roll call vote. Upon roll call vote, all voted aye. Motion adopted.

Mayor Vavricek: By reason of the roll call votes on first reading and then upon final passage, Ordinances #9415, #9416, #9417, and #9418 are declared to be lawfully adopted upon publication as required by law.

#9419 – Consideration of Amending Chapter 36 of the Grand Island City Code Relative to accessory Building and Uses and Landscaping Requirements

This item related to the aforementioned Public Hearing. Discussion was held regarding lot dimensions/mid-point, front, side, and back yard setbacks. Mr. Nabity explained the reasons for the changes and current language in City Code. Building Department Director Craig Lewis stated these changes would keep the regulations and enforcement consistent.

Motion by Dugan, second by Donaldson to approve Ordinance #9419.

City Clerk: Ordinance #9419 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 #9419 on final passage. All those in favor of the passage of this ordinance on final passage, answer roll call vote. Upon roll call vote, all voted aye. Motion adopted.

Mayor Vavricek: By reason of the roll call votes on first reading and then upon final passage, Ordinance #9419 is declared to be lawfully adopted upon publication as required by law.

CONSENT AGENDA: Agenda item G-4 was removed from the agenda for further discussion. Motion by Dugan, second by Minton to approve the Consent Agenda excluding item G-4. Upon roll call vote, all voted aye. Motion adopted.

Approving Minutes of January 8, 2013 City Council Regular Meeting.

Approving Minutes of January 15, 2013 City Council Study Session/Special Meeting. Councilmember Gericke abstained.

Approving Minutes of January 17, 2013 City Council Special Meeting. Councilmembers Gericke and Hehnke abstained.

#2013-18 – Approving Contract with Kinghorn Gardens of Omaha, NE for Landscaping Design Services for a Biofiltration at the Library in the Amount of \$7,300.00. Community Development Administrator Marco Floreani reported that the City of Grand Island had received a \$25,000 grant for landscaping several years ago. A biofiltration garden and beautification project was requested.

Library Director Steve Fosselman commented on using eight parking spaces for this project. Interim Public Works Director Terry Brown explained the water quality from this project. Mentioned was a similar project by JBS.

Motion by Nickerson, second by Minton to approve Resolution #2013-18. Upon roll call vote, Councilmembers Minton, Paulick, Gericke, Nickerson, Hehnke, Donaldson, and Niemann voted aye. Councilmembers Dugan and Gilbert voted no. Motion adopted.

#2013-19 – Approving Final Plat and Subdivision Agreement for Dinsdale Subdivision. It was noted that Dinsey, LLC, owner, had submitted the Final Plat and Subdivision Agreement for Dinsdale Subdivision for the purpose of creating 2 lots on property located north of Stolley Park Road and west of Webb Road containing 12.589 acres.

#2013-20 – Approving Final Plat and Subdivision Agreement for Dowd Second Subdivision. It was noted that Auto One, Inc., owner, had submitted the Final Plat and Subdivision Agreement for Dowd Subdivision for the purpose of creating 2 lots on property located north of Fonner Park road and east of Locust Street containing .693 acres.

#2013-21 – Approving the Extension of the Western Area Power Administration Contract through December 31, 2050.

#2013-22 – Approving Change Order #1 for the Turbine Generator Inspection and Repair – Technical Representative with S.T. Cotter Turbine Services, Inc. of Clearwater, MN for an Increase of \$11,091.32 and a Revised Contract Amount of \$71,742.63.

#2013-23 – Approving Mercury and Air Toxic Standards Retrofit Project Contract with AMEC of Tucker, Georgia in an Amount of \$41,189,331.00.

#2013-24 – Approving Bid Award for Two (2) Storm Water Pumps for the Solid Waste Division with DJ Gongol & Associates, Inc. of West Des Moines, IA in an Amount of \$107,656.00.

#### REQUESTS AND REFERRALS:

Approving Referral of the One & Six Year Street Improvement Plan to the Regional Planning Commission. Interim Public Works Director Terry Brown reported that that adoption of a One and Six Year Street Improvement Plan was required by State law as part of the requirements to receive approximately three million dollars of gas tax funds each year. If approved for referral, the Regional Planning Commission would conduct a Public Hearing at their February 6, 2013 meeting and would forward their recommendations to the City Council at their February 12, 2013 regular meeting. The report would then be submitted to the Nebraska Department of Roads by March 1, 2013. A PowerPoint presentation was given showing the 2013, 2014, 2015, 2016, 2017, and 2018 and beyond Construction projects and amounts.

Discussion was held regarding Federal Aid funding on Capital Avenue. Mr. Brown stated the environmental document needed to clear hurdles before the City could move forward with the project. Mentioned was that the MPO would drive the One & Six Year Street Improvement Plan in the future.

Motion by Gilbert, second by Gericke to approve the One & Six Year Street Improvement Plan to the Regional Planning Commission. Upon roll call vote, all voted aye. Motion adopted.

RESOLUTIONS:

#2013-25 – Consideration of Request from Kandra Wilson dba The Faucet, 920 N. Diers Avenue, Suite 1 for a Class “C” Liquor License. This item related to the aforementioned Public Hearing.

Motion by Gericke, second by Minton to approve Resolution #2013-25 contingent upon final inspections. Upon roll call vote, all voted aye. Motion adopted.

PAYMENT OF CLAIMS:

Motion by Dugan, second by Gericke to approve the Claims for the period of January 9, 2013 through January 22, 2013, for a total amount of \$4,299,988.25. Unanimously approved.

ADJOURNMENT: The meeting was adjourned at 9:03 p.m.

RaNae Edwards  
City Clerk