



City of Grand Island

Tuesday, February 26, 2013

Council Session

Item G1

Approving Minutes of February 12, 2013 City Council Regular Meeting

Staff Contact: RaNae Edwards

CITY OF GRAND ISLAND, NEBRASKA

MINUTES OF CITY COUNCIL REGULAR MEETING
February 12, 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 February 12, 2013. Notice of the meeting was given in *The Grand Island Independent* on February 6, 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, Chuck Haase, Julie Hehnke, Mitch Nickerson, Peg Gilbert, John Gericke, Scott Dugan, Mike Paulick, and Vaughn Minton. 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 Jack Gillam, Trinity Lutheran Church, 212 West 12th Street followed by the PLEDGE OF ALLEGIANCE.

Mayor Vavricek introduced Community Youth Council member Josh Sugita.

PUBLIC HEARINGS:

Public Hearing on Request from RMH Franchise Corporation dba Applebee's Neighborhood Grill & Bar, 721 Diers Avenue for a Class "I" Liquor License. City Clerk RaNae Edwards reported that an application for a Class "I" Liquor License had been received from RMH Franchise Corporation dba Applebee's Neighborhood Grill & Bar, 721 Diers Avenue. Ms. Edwards presented the following exhibits for the record: application submitted to the Liquor Control Commission and received by the City on January 25, 2013; notice to the general public of date, time, and place of hearing published on February 2, 2013; notice to the applicant of date, time, and place of hearing mailed on January 25, 2013; along with Chapter 4 of the City Code. Staff recommended approval contingent upon final inspections. Tim O'Neill, Attorney for the applicant spoke in support. No further public testimony was heard.

Public Hearing on Acquisition of Utility Easement – 3800 Block of East Hwy. 34 (Charles and Laura Bosselman). Utilities Director Tim Luchsinger reported 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 installing new underground primary cable and a pad-mounted single phase transformer for a new building for Bosselmans. Staff recommended approval. No public testimony was heard.

Public Hearing on the One & Six Year Street Improvement Plan. Interim Public Works Director Terry Brown reported that adoption of a One and Six Year Street Improvement Program was required by State law as part of the requirements to receive approximately three million dollars of state gas tax funds each year. This item was referred to the Regional Planning Commission by Council at their January 22, 2013 Regular Meeting. The Regional Planning Commission

conducted a Public Hearing at their February 6, 2013 meeting. A PowerPoint was presented explaining the recommendations. Staff recommended approval. No 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:

#9420 – Consideration of Creating Street Improvement District No. 1260; South Webb Road Extending North from Stolley Park Road to Union Pacific Railroad Tracks

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

Interim Public Works Director Terry Brown reported that a majority of property owners had signed a district creation petition form for a Street Improvement District for an area south of Webb Road extending north from Stolley Park Road to the Union Pacific Railroad tracks. The project would consist of widening the roadway from 24’ to 41’ for a 3-lane section with improved drainage and elimination of the ditch section. The project was currently estimated at \$1.7 million and would be assessed to adjacent property owners, including City property.

Discussion was held concerning the cost to the City. Mr. Brown stated the City would pay between 40% - 45% of the cost since part of the property was owned by the City. Funding would have to be looked at in the future. He expected construction to start in mid to late summer 2013.

Motion by Gilbert, second by Nickerson to approve Ordinance #9420.

City Clerk: Ordinance #9420 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 #9420 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 #9420 is declared to be lawfully adopted upon publication as required by law.

CONSENT AGENDA: Agenda item G-12 was removed from the agenda for further discussion. Motion by Dugan, second by Donaldson to approve the Consent Agenda excluding item G-12. Upon roll call vote, all voted aye. Motion adopted.

Approving Minutes of January 22, 2013 City Council Regular Meeting.

Approving Minutes of January 29, 2013 City Council Study Session.

Approving Minutes of February 5, 2013 City Council Special Meeting. Councilmember Gericke abstained.

#2013-27 – Approving Acquisition of Utility Easement Located in the 3800 Block of East Highway 34 (Charles and Laura Bosselman).

#2013-28 – Approving Change Order #2 for Air Quality Control System Engineering Services at Platte Generating Station with Kiewit Power Engineers of Lenexa, KS for an Increase of \$14,502.00 and a Revised Contract Amount of \$446,534.00.

#2013-29 – Approving Change Order #1 for Steam Generator Boiler Repairs – 2012 - at Platte Generating Station with Hayes Mechanical of Omaha, NE for an Increase of \$134,318.00 and a Revised Contract Amount of \$279,918.00.

#2013-30 – Approving Agreement for Noxious Weed Control in the Platte River Wellfield with Platte Valley Weed Management Area of Aurora, NE.

#2013-31 – Approving the Amended Capacity Agreement with the Municipal Energy Association of Nebraska.

#2013-32 – Approving Authorization for Emergency Sanitary sewer Repairs on North Interceptor (West End of Seedling Mile Access Road) with The Diamond Engineering Company of Grand Island, NE in an Amount of \$49,475.69; NMC of Grand Island, NE in an Amount of \$12,945.05; and Mudd Jockies, Inc. of Grand Island, NE in an Amount of \$772.20.

#2013-33 – Approving Supplemental Agreement No. 2 with NDOR and Olsson Associates for Engineering Consulting Services Related to Grand Island Resurfacing – Various Locations.

#2013-34 – Approving Amendment No. 4 to the Agreement for Professional Engineering Services entitled “Wastewater Treatment Plant and Collection System Rehabilitation” with Black & Veatch for an Increase of \$30,000.00 and a Revised Agreement Amount of \$3,379,989.00.

#2013-35 – Approving Amendment No. 5 to the Agreement for Professional Engineering Services entitled “Wastewater Treatment Plant and Collection System Rehabilitation” with Black & Veatch for an Increase of \$451,896.00 and a Revised Agreement Amount of \$3,831,885.00. Interim Public Works Director Terry Brown reported that Amendment #5 with Black and Veatch would cover Phase 2 of the North Interceptor and would work in coordination with the Capital Avenue widening project. Paul Wicht, 1708 Jerry Drive spoke in opposition to the cost.

Motion by Donaldson, second by Gilbert to approve Resolution #2013-35. Upon roll call vote, all voted aye. Motion adopted.

#2013-36 – Approving Agreement for Utility Relocation Services to be Performed by the City Utility Department of the Walk to Walnut Safe Routes to Schools Project.

#2013-37 – Approving Change Order #2 for Lincoln Park Swimming Pool with Hausmann Construction, Inc. of Lincoln, NE for a Decrease of \$1,598.00 and a Revised Contract Amount of \$1,668,602.00.

RESOLUTIONS:

#2013-38 – Consideration of Request from RMH Franchise Corporation dba Applebee's Neighborhood Grill & Bar, 721 Diers Avenue for a Class "I" Liquor License and Liquor Manager Designation for John Gabel, 9400 South 64th Street, Lincoln, NE. This item related to the aforementioned Public Hearing.

Motion by Haase, second by Minton to approve Resolution #2013-38 contingent upon final inspections and completion of a state approved alcohol server/seller training program. Upon roll call vote, all voted aye. Motion adopted.

#2013-39 – Consideration of Amendment to Resolution No. 2010-207 for the Economic Development Incentive Agreement with Grand Island Area Economic Development Corporation (GIAEDC). Interim Public Works Director Terry Brown reported that on July 27, 2010 City Council approved Resolution #2010-207 for an agreement between the City of Grand Island and the Grand Island Area Economic Development Corporation to provide \$575,000.00 in economic assistance to GIAEDC to be used for Public Works improvements at the Platte Valley Industrial Park East. These funds were requested to be used to provide water and sanitary sewer infrastructure.

With the lower than expected bids for the installation of water and sanitary sewer, the GIAEDC was requesting to reallocate the \$575,000.00 of LB840 funds to allow for the paving of Blaine Street, from Wildwood Drive to Schimmer Drive. The LB840 funds would be combined with the Community Development Block grant as a match to the City funds to fully fund this paving project.

Marlan Ferguson, 2808 Apache Road, GIAEDC President spoke in support.

Motion by Niemann, second by Gilbert to approve Resolution #2013-39. Upon roll call vote, all voted aye. Motion adopted.

#2013-40 – Consideration of Support for Community Proposal to Continue Service for Veterans in a New Facility in Grand Island. Mayor Jay Vavricek reported that the Nebraska Veterans Home had been located in Grand Island for 125 years and was proposed for replacement by the Department of Veterans Affairs for Community Living Centers. The State would be issuing a Site Selection Process in late February/early March in which central Nebraska communities interested in enticing the veterans home would have 30-45 days to submit proposals, including incentive packages. Grand Island formed a committee to develop a proposal to ensure the new Veterans Home remained in this community. Resolution #2013-40 was support for the efforts of the Grand Island Veterans Home Committee to develop a proposal that would best support the mission of the Veterans Home.

Motion by Haase, second by Niemann to approve Resolution #2013-40. Upon roll call vote, all voted aye. Motion adopted.

#2013-41 – Consideration of Adjustment to Police Department Authorized Personnel Positions. Police Chief Steve Lamken reported that the ICMA Public Safety study called for the Police

Department Patrol Division to have ten Sergeants to implement strategic policing. The Police Department implementation plan proposed to reassign a Sergeant working in the Administration Division to Patrol to gain the tenth Position. The Police Chief proposed to replace the Administration Sergeant with a full time equivalent Community Service Officer (CSO). The Department's leadership had reevaluated this proposal and did not recommend it. The Police Chief proposed to promote an additional Sergeant in the Department raising the authorized strength of Police Sergeants to fourteen and eliminating one full time Community Service Officer position resulting in a savings in the Police Department personnel budget.

Discussion was held regarding the number of full-time community officers. Chief Lamken stated there would be 2 full-time and 5 part-time CSOs.

Motion by Dugan, second by Minton to approve Resolution #2013-41. Upon roll call vote, all voted aye. Motion adopted.

#2013-42 – Consideration of Approving Appointment of John Collins as Public Works Director. Mayor Vavricek submitted the name of John Collins as Public Works Director. He stated he felt Mr. Collins was the right person for the job because he had done the job. Explained was the process of hiring, which resulted in two searches with 6 applications on the 1st search and 12 applications on the 2nd search. Councilmembers Niemann, Dugan, Gilbert, and Nickerson were involved in the search for a Public Works Director. The recommendation was to hire Mr. Collins at step 12 in the amount of \$101,000.00. Explained was this amount was comparable to what the City was currently paying the interim Public Works Director.

Paul Wicht, 1708 Jerry Drive spoke in opposition.

Discussion was held regarding the pool of applicants and the importance of this position. Comments were made by Council concerning Mr. Collins qualifications, ability, and professionalism to do the job. Salary differential was mentioned.

Motion by Gilbert, second by Nickerson to approve Resolution #2013-42. Upon roll call vote, Councilmembers Minton, Dugan, Gilbert, Nickerson, Donaldson, and Niemann voted aye. Councilmembers Paulick, Gericke, Hehnke, and Haase voted no. Motion adopted.

#2013-43 – Consideration of One & Six Year Street Improvement Plan. This item related to the aforementioned Public Hearing.

Discussion was held regarding the Lincoln Street Quiet Zone and Broadwell Crossing which were moved to a later date. Mr. Brown stated the reason they were moved to a later date was that there was no local funding.

Motion by Gilbert, second by Dugan to approve Resolution #2013-43. Upon roll call vote, all voted aye. Motion adopted.

#2013-44 – Consideration of Approving Resolution to Enter into an Agreement to Create a Metropolitan Planning Organization. Interim Public Works Director Terry Brown reported that this was an agreement which had been discussed at several Council meetings between the City of Grand Island and the State of Nebraska for the creation of the Metropolitan Planning

Organization to serve the Grand Island Area. This agreement would be forwarded to the Governor for his approval.

Discussion was held concerning Article 7 Section B "City Department Director". City Attorney Robert Sivick clarified the wording would include the word "designated" to make the document more clear.

Motion by Minton, second by Haase to approve Resolution #2013-44. Upon roll call vote, all voted aye. Motion adopted.

Councilmember Gericke recused himself from the discussion on Resolution #2013-45 due to a conflict of interest.

#2013-45 – Consideration of Pre-84 Retiree Pension Payment for Pete Kortum. Finance Director Jaye Monter reported that at the February 5, 2013 Special Meeting, Resolution #2013-26(B) was approved by Council requiring the Police Pension Committee and staff to calculate all pending and future police retirement benefits using bids based on the actual sex of the retiree. Three quotes were received with an average of the three annuity contracts resulting in the City of Grand Island making an additional payment to Mr. Kortum of \$172,263.04. Staff recommended approval.

Jarret Daugherty, FOP President, 3012 Goldenrod Drive commented on Ordinance No. 8413 enacted October 12, 1998 regarding Police Pension Committee duties along with Exhibits A – Police Officers' Retirement System Plan and Trust and Exhibit B – Administrative Services Agreement.

Gary Piel, 1022 North Wheeler commented on the process of his retirement in 2003 with the Police Pension Committee. A brief history was given. He recommended the City back up and start over so as not to violate state statutes or city ordinances.

Councilmember Haase commented on language in Ordinance #8413 concerning the sex neutral language stating it related to a group annuity contract. Discussion was held on where the funds would come from. At the request of Mayor Vavricek, City Attorney Robert Sivick explained Ordinance #8413. It basically stated ICMA would handle the Police Pension Plan. Copies of the Ordinance, Plan and Administrative Services Agreement were made for Council.

Motion by Haase, second by Gilbert to approve Resolution #2013-45. Upon roll call vote, Councilmembers Minton, Dugan, Gilbert, Nickerson, Hehnke, Haase, Donaldson, and Niemann voted aye. Councilmember Paulick voted no. Motion adopted.

Councilmember Gericke returned to the meeting.

#2013-46 – Consideration of Authority of the Police Pension Committee. City Attorney Robert Sivick reported that the Police Pension Committee's authority was limited to ministerial duties set forth in Neb. Rev. Stat. §16-1017. Any additional authority must be delegated by the Council. The Committee was subordinate to the authority of the Council as the governing body of the City. Statements and actions made at recent meetings of the Committee necessitated the Council specifically set forth the authority of the Police Pension Committee.

The following people spoke in opposition:

- Jarret Daugherty, FOP President, 3012 Goldenrod Drive
- Jimmy Olson, 340 4th Street, Phillips, NE
- Gary Piel, 1022 No. Wheeler
- Danny Dubbs, 1206 Hwy 2, Phillips, NE

Motion by Haase, second by Gilbert to approve Resolution #2013-46.

Mentioned was the value of the Police Pension Committee.

Motion by Gilbert, second by Niemann to amend the motion to allow Council to get a second legal opinion. Motion was withdrawn.

Motion by Paulick, second by Gericke to lay Resolution #2013-46 on the table. Upon roll call vote, Councilmembers Minton, Paulick, Gericke, and Niemann voted aye. Councilmembers Dugan, Gilbert, Nickerson, Hehnke, Haase, and Donaldson voted no. Motion failed.

Discussion was held regarding the Police Pension Committee hiring outside Council. Requested was a comprehensive plan, rules and regulations for the Police Pension Committee.

Motion by Nickerson, second by Paulick to postpone Resolution #2013-46 until the February 26, 2013 City Council meeting. Upon roll call vote, Councilmembers Minton, Paulick, Gericke, Gilbert, Nickerson, and Niemann voted aye. Councilmembers Dugan, Hehnke, Haase, and Donaldson voted no. Motion adopted.

Discussion was held regarding the reasons to postpone and the reasons not to postpone.

Motion by Gilbert, second by Haase to reconsider the motion to postpone until the February 26, 2013 City Council meeting. Upon roll call vote, Councilmembers Minton, Dugan, Gilbert, Hehnke, Haase, and Donaldson voted aye. Councilmembers Paulick, Gericke, Nickerson, and Niemann voted no. Motion adopted.

Upon roll call vote on the motion to postpone Resolution #2013-46 until the February 26, 2013 City Council meeting, Councilmembers Minton, Paulick, Gericke, Nickerson, and Niemann voted aye. Councilmembers Dugan, Gilbert, Hehnke, Haase, and Donaldson voted no. Mayor Vavricek cast the sixth and deciding vote in favor. Motion adopted.

PAYMENT OF CLAIMS:

Motion by Dugan, second by Niemann to approve the Claims for the period of January 23, 2013 through February 12, 2013, for a total amount of \$2,355,297.00. Unanimously approved.

ADJOURNMENT: The meeting was adjourned at 10:30 p.m.

RaNae Edwards
City Clerk