



City of Grand Island

Tuesday, April 9, 2013

Council Session

Item G-1

Approving Minutes of March 26, 2013 City Council Regular Meeting

Staff Contact: RaNae Edwards

CITY OF GRAND ISLAND, NEBRASKA

MINUTES OF CITY COUNCIL REGULAR MEETING
March 26, 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 March 26, 2013. Notice of the meeting was given in *The Grand Island Independent* on March 20, 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, Public Works Director John Collins and Finance Director Jaye Monter.

INVOCATION was given by Pastor Bill Pavuk, St. Paul's Lutheran Church, 1515 South Harrison Street followed by the PLEDGE OF ALLEGIANCE.

Mayor Vavricek introduced Community Youth Council member Kerrigan Anspauch.

PRESENTATIONS AND PROCLAMATIONS:

Recognition of the Donald Jelinek, Senior Engineering Technician with the Utilities Department for 40 Years with the City of Grand Island. This item was rescheduled to the April 9, 2013 City Council meeting.

Proclamation "Sexual Assault Awareness Month" April 2013. Mayor Vavricek proclaimed the month of April 2013 as "Sexual Assault Awareness Month". Lex Ann Roach, PR & Marketing Coordinator and Amy Phillips with the Crisis Center were present to receive the Proclamation.

PUBLIC HEARINGS:

Public Hearing on Request to Rezone Property Located North of Fonner Park Road, South of Nebraska Avenue, East of Pleasant View Drive, and West of Sun Valley Drive from R1 Suburban Residential to R2 Low Density Residential. Regional Planning Director Chad Nabity reported that a request to rezone properties of 4.399 acres had been received to allow the subdivision of this property be rezoned that was consistent with the current market conditions. Staff recommended approval. No public testimony was heard.

Public Hearing on Acquisition of Permanent Easement Located in the State Street/Capital Avenue Connector Trail Area (Niedfelt Property Management Preferred, LLC). Public Works Director John Collins reported that a permanent easement was needed adjacent to 3703 West Capital Avenue to accommodate the State Street/Capital Avenue Connector Trail Improvement Project. Staff recommended approval. No public testimony was heard.

Public Hearing on Acquisition of Permanent Easement Located in the State Street/Capital Avenue Connector Trail Area (SB Worldwide, LLC). Public Works Director John Collins

reported that a permanent easement was needed adjacent to 3721 West Capital Avenue to accommodate the State Street/Capital Avenue Connector Trail Improvement Project. Staff recommended approval. No public testimony was heard.

Public Hearing on Phase II Downtown Revitalization Community Development Block Grant Application. Community Development Administrator Marco Floreani reported that the City of Grand Island was eligible for a \$350,000 grant to implement a Phase II Downtown Revitalization Initiative. The grant application was to implement the revitalization/redevelopment plan for downtown infrastructure and growth. Staff recommended approval. No public testimony was heard.

ORDINANCE:

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

#9423 – Consideration of Request to Rezone Property Located North of Fonner Park Road, South of Nebraska Avenue, East of Pleasant View Drive, and West of Sun Valley Drive from R1 Suburban Residential to R2 Low Density Residential

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 this ordinance 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.

This item related to the aforementioned Public Hearing.

Motion by Gilbert, second by Donaldson to approve Ordinance #9423.

City Clerk: Ordinance #9423 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 #9423 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 #9423 is declared to be lawfully adopted upon publication as required by law.

CONSENT AGENDA: Consent Agenda items G-6, G-9, and G-15 were removed for further discussion. Motion by Donaldson, second by Gericke to approve the Consent Agenda excluding items G-6, G-9 and G-15. Upon roll call vote, all voted aye. Motion adopted.

Approving Minutes of March, 12, 2013 City Council Regular Meeting.

Approving Minutes of March 19, 2013 City Council Study Session.

#2013-73 – Approving Final Plat and Subdivision Agreement for Pleasant View 16th Subdivision. It was noted that Janet Bosselman, Developer/Owner had submitted the Final Plat

and Subdivision Agreement for Pleasant View 16th Subdivision for the purpose of creating 31 lots located north of Fonner Park Road and east of Pleasant View Drive containing 8.809 acres.

#2013-74 – Approving Bid Award for Precipitator, Conveyor #4 and Berm Painting at Platte Generating Station with W.S. Bunch Company of Omaha, NE in an Amount of \$158,480.00.

#2013-75 – Approving State Bid Award for a 2013 Ford F250 Truck with Utility Body for the Water Shop with Anderson Auto Group of Lincoln, NE in an Amount of \$42,675.00.

#2013-76 – Approving License Agreement and Pole Attachment Agreement with NebraskaLink, LLC. Utilities Director Tim Luchsinger reported that NebraskaLink requested the use of utility poles for hanging fiber which required a license agreement. Discussion was held regarding the application process, capacity issues and franchise fees. City Attorney Robert Sivick stated they were providing internet access. Mr. Luchsinger stated any modifications to poles would be paid by the company requesting them.

Motion by Haase, second by Gericke to approve Resolution #2013-76. Upon roll call vote, all voted aye. Motion adopted.

#2013-77 – Approving the Southwest Power Pool Appendix “B” Credit and Security Agreement.

#2013-78 – Approving Interlocal Agreement for Joint Aerial Photo Project between the City of Grand Island and Hall County, Nebraska.

#2013-79 – Approving Amending the Fee Schedule Relative to the Fire Department. Fire Chief Cory Schmidt explained three additional fees for the Fire Department to recoup their costs: 1) Lift assist, 2) EMS stand-by, and 3) Transport fee for fixed wing aircraft.

Paul Wicht, 1708 Jerry Drive spoke in opposition to the lift assist fee. Chief Schmidt stated in the past 12 months there were a total of 121 lift assists with approximately 3 to 8 times to nursing homes. The lift assist fee would be charged to the nursing home and not the patient. The EMS stand-by fee was explained. Some events were outside the city limits, such as Husker Harvest Days. These employees were not on-duty personnel, were covered by the City’s medical director, and paid by the City.

Motion by Haase, second by Gilbert to approve Resolution #2013-79. Upon roll call vote, all voted aye. Motion adopted.

#2013-80 – Approving Acquisition of Permanent Easement Located in the State Street/Capital Avenue Connector Trail Area (Niedfelt Property Management Preferred, LLC).

#2013-81 – Approving Acquisition of Permanent Easement Located in the State Street/Capital Avenue Connector Trail Area (SB Worldwide, LLC).

#203-82 – Approving Award of Proposal for Consulting Services for Geospatial Data Collection of Grand Island’s Public Stormwater Conveyance System with EA Engineering, Science, and Technology, Inc. of Lincoln, NE in an Amount of \$49,984.00.

#2013-83 – Approving Bid Award for the 2013 Asphalt Resurfacing Project No. 2013-AC-1 with Gary Smith Construction Co., Inc. of Grand Island, NE in an Amount of \$439,184.16.

#2013-84 – Approving Phase II Downtown Revitalization Community Development Block Grant Application.

#2013-85 – Approving Bid Award for Furnishing and Planting Trees at the Veteran's Athletic Field Complex with Cloudburst Lawn & Sprinkler Company of Grand Island, NE in an Amount of \$33,766.00. Parks & Recreation Director Todd McCoy reported that this item was funded by a Greener Community Grant with a 50% match. Six bids were received with Cloudburst submitting the low bid.

Paul Wicht, 1708 Jerry Drive commented on donated trees planted by the Boy Scouts and Veterans. Mr. McCoy stated the trees they were purchasing were more mature trees at 6' to 8'.

Motion by Gilbert, second by Minton to approve Resolution #2013-85. Upon roll call vote, all voted aye. Motion adopted.

#2013-86 – Approving FEMA Hazard Mitigation Grant for Mitigation Planning Update.

RESOLUTIONS:

#2013-87 – Consideration of Approving Letter of Support for Essential Air Service (EAS) to the Department of Transportation (DOT). City Administrator Mary Lou Brown stated a request for a letter of support from the Mayor and City Council to the U.S. Department of Transportation was needed in order to seek Essential Air Service (EAS) funding. EAS was a program providing subsidy to rural areas for commercial airlines flights that would otherwise not be able to support air service. This was a two year agreement. Introduced was Central Nebraska Executive Director Mike Olson. Mr. Olson reported that the Hall County Airport Authority was recommending American Eagle Airlines to the Department of Transportation (DOT) for air service for the Central Nebraska Regional Airport under the Essential Air Service (EAS) program. American Eagle Airlines would provide thirteen (13) weekly round trip nonstop flights to DFW (Dallas/Fort Worth) Texas.

Mr. Olson stated 2 bids were received from 2 airlines, but one bid was not a certified carrier. The Hall County Airport Authority voted unanimously on March 13, 2013 in favor of American Eagle Airlines to Dallas/Fort Worth.

Motion by Dugan, second by Haase to approve Resolution #2013-87. Upon roll call vote, all voted aye. Motion adopted.

#2013-88 – Approving Final Plat and Subdivision Agreement for Summerfield Estates 8th Subdivision. Regional Planning Director Chad Nabity reported that Little B's Corporation, Developer/Owner had submitted the Final Plat and Subdivision Agreement for Summerfield Estates 8th Subdivision located west of US Hwy 281 and south of State Street for the purpose of creating 27 lots on 12.22 acres to finish the final development.

Greg Baxter, 2121 No. Monitor Road gave a PowerPoint presentation on the Summerfield Estates design and future plans. A lengthy discussion was held regarding drainage into the Moores Creek, standing water, overflow, and maintenance of Moores Creek by the City. Matt Rief representing Olsson Associates commented on the reasons for standing water.

Motion by Gilbert, second by Dugan to approve Resolution #2013-88. Upon roll call vote, Councilmembers Minton, Paulick, Dugan, Gericke, Gilbert, Nickerson, Haase, Donaldson, and Niemann voted aye. Councilmember Hehnke voted no. Motion adopted.

#2013-89 – Approving Preliminary Plat and Final Plat and Subdivision Agreement for Summerfield Estates 9th Subdivision. Regional Planning Director Chad Nabity reported that Little B's Corporation, Developer/Owner had submitted the Preliminary Plat and Final Plat and Subdivision Agreement for Summerfield Estates 9th Subdivision located west of US Hwy 281 and south of State Street for the purpose of creating 5 lots on 2.75 acres.

Motion by Haase, second by Minton to approve Resolution #2013-89. Upon roll call vote, Councilmembers Minton, Paulick, Dugan, Gericke, Gilbert, Nickerson, Haase, Donaldson, and Niemann voted aye. Councilmember Hehnke voted no. Motion adopted.

#2013-90 – Consideration of Approving Legislative Assistance. City Administrator Mary Lou Brown reported that Greater Nebraska Cities (GNC) – Grand Island, Hastings, Kearney, Holdrege, Lexington & North Platte were considering a proposal from O'Hara, Lindsay & Associates for legislative lobbying services to be distributed by the six cities on the basis of population. Grand Island's cost would be \$12,000 with an option to hire the firm for individual representation not to exceed \$20,000.

Discussion was held regarding the reason for the immediate need to approve at this time instead of during the budget process. Ms. Brown stated the time spent in Lincoln and the time it takes to prepare for the next legislative session which would begin this summer was the reasons. This was an annual contract and the City could opt out if not satisfied. Comments were made concerning the City of Grand Island being a Metropolitan Statistical Area (MSA) and the need for a lobbyist being different than the other GNC cities. Mr. Sivick answered questions regarding 1st Class cities in a MSA.

Motion by Haase, second by Gericke to deny Resolution #2013-90. Upon roll call vote, Councilmembers Paulick, Gericke, Hehnke, and Haase voted aye. Councilmembers Minton, Dugan, Gilbert, Nickerson, Donaldson, and Niemann voted no. Motion failed.

Discussion was held regarding the condition of all six cities joining GNC, the process of deciding legislation, if Council had any input, and budget authority.

Motion by Dugan, second by Nickerson to approve Resolution #2013-90 contingent upon all cities joining GNC and that there be written guidelines regarding the process. Upon roll call vote, Councilmembers Minton, Dugan, Gilbert, Nickerson, Hehnke, Donaldson, and Niemann voted aye. Councilmembers Paulick, Gericke, and Haase voted no. Motion adopted.

#2013-91 – Consideration of Approving Bonding for the Platte Generating Station Mercury Air Toxic Standards – Air Quality Control System. Utilities Director Tim Luchsinger reported that

on December 21, 2011, EPA released the mercury and Air Toxics Standards (MATS), requiring the maximum achievable control technology for mercury and other hazardous pollutants from electric generating units, with a compliance date of March, 2015, although an additional one year for compliance may be granted by individual states.

As proposed by Council, the capital cost of approximately \$41.2 million for this project would be funded by bonding. Court-imposed stays or reversals are possible with the MATS rule, so to allow more insight as to any litigation that may be pursued, the recommendation by the Department was that initial costs for this project be funded using electric system cash reserves until a level is reached that begins to impact reserve minimum levels, possibly by the third or fourth quarter of 2013.

Ameritas had advised that the City should declare their intention to use bond revenue to fund the capital improvements for the project. This would allow bond proceeds to be used for costs of the project prior to the bonds being issued and the funds received.

Motion by Dugan, second by Minton to approve Resolution #2013-91. 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 March 13, 2013 through March 26, 2013, for a total amount of \$4,895,480.99. Unanimously approved.

ADJOURN TO EXECUTIVE SESSION: Motion by Niemann, second by Nickerson to adjourn to Executive Session at 9:16 p.m. for the purpose of a strategy session with respect to FOP negotiations and threatened litigation. Unanimously approved.

RETURN TO REGULAR SESSION: Motion by Gilbert, second by Dugan to return to Regular Session at 10:20 p.m. Unanimously approved.

ADJOURNMENT: The meeting was adjourned at 10:20 p.m.

RaNae Edwards
City Clerk