



City of Grand Island

Tuesday, April 23, 2013

Council Session

Item G-1

Approving Minutes of April 9, 2013 City Council Regular Meeting

Staff Contact: RaNae Edwards

CITY OF GRAND ISLAND, NEBRASKA

MINUTES OF CITY COUNCIL REGULAR MEETING April 9, 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 April 9, 2013. Notice of the meeting was given in *The Grand Island Independent* on April 3, 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 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 Rene Lopez, Iglesia de Dios, 2325 West State Street followed by the PLEDGE OF ALLEGIANCE.

Mayor Vavricek introduced Community Youth Council member Miranda Wieczorek and board member Maria Lopez.

PRESENTATIONS AND PROCLAMATIONS:

Recognition of the Donald Jelinek, Senior Engineering Technician with the Utilities Department for 40 Years with the City of Grand Island. The Mayor and City Council recognized Donald Jelinek for 40 Years of service with the city as a Senior Engineering Technician with the Utilities Department. Utilities Director Tim Luchsinger said a few words regarding Mr. Jelinek's service. Mr. Jelinek was present for the recognition.

Proclamation "Equal Pay Day" April 9, 2013. Mayor Vavricek proclaimed April 9, 2013 as "Equal Pay Day".

Proclamation "Be Kind to Animals Week" May 4-11, 2013. Mayor Vavricek proclaimed the week of May 4-11, 2013 as "Be Kind to Animals Week". Curt Ratliff, Laurie Dethloff, and Anita Kreifels with the Central NE Humane Society were present to receive the Proclamation.

PUBLIC HEARINGS:

Public Hearing on Acquisition of Utility Easement Located at 3524 Farmstead Road (Oseka Homes, LLC). Utilities Director Tim Luchsinger reported that a utility easement located at 3524 Farmstead Road was needed in order to have access to install, upgrade, maintain, and repair power appurtenances, including lines and transformers for the purpose of placing a single phase pad-mounted transformer to provide electrical service to a new home being constructed on the property. Staff recommended approval. No public testimony was heard.

RESOLUTIONS:

#2013-105 – Consideration of Approving FTE Amendment for the Wastewater Treatment Plant. Public Works Director John Collins stated the memo in the council packet had an error on the wages but the Ordinance had the correct amounts.

Marvin Strong, Wastewater Plant Engineer gave a PowerPoint presentation. Mr. Strong reported that the FTE Amendment would allow the addition of a Wastewater Project Manager and a Wastewater Regulatory Compliance Manager to replace the elimination of the Wastewater Engineering/Operations Superintendent, Wastewater Process Supervisor, and Wastewater Equipment Operator.

Paul Wicht, 1708 Jerry Drive spoke in opposition. Comments were made regarding the changes made over the past few months and the improvements being made at the Wastewater Treatment Plant. Mentioned was that qualified staff was important.

Motion by Dugan, second by Nickerson to approve Resolution #2013-105. Upon roll call vote, all voted aye. Motion adopted.

#2013-106 – Consideration of Approving FTE Amendment for the Fire Department. Fire Chief Cory Schmidt gave a PowerPoint presentation and recommended the reclassification of three captain positions to three shift commander positions, eliminate one division chief position, and add one life safety inspector position.

Discussion was held concerning the number of days the Captains were off, the number of Captains at each station, and the number of vacancies currently. Chief Schmidt stated they were down three positions. He explained vacation time, inspections, and shift commander duties.

Motion by Donaldson, second by Niemann to approve Resolution #2013-106. Upon roll call vote, all voted aye. Motion adopted.

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:

#9424 – Consideration of Amending Salary Ordinance

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.

Human Resources Director Brenda Sutherland reported Ordinance #9424 was the action item for Resolutions #2013-105 and #2013-106. Discussion was held regarding the non-union positions for the Fire Department. Ms. Sutherland stated a survey for non-union employees would be conducted this year.

Motion by Dugan, second by Minton to approve Ordinance #9424.

City Clerk: Ordinance #9424 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 #9424 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 #9424 is declared to be lawfully adopted upon publication as required by law.

CONSENT AGENDA: Consent Agenda items G-2, G-6, and G-15 were removed for further discussion. Motion by Donaldson, second by Niemann to approve the Consent Agenda excluding items G-2, G-6, and G-15. Upon roll call vote, all voted aye. Motion adopted.

Approving Minutes of March, 26, 2013 City Council Regular Meeting.

Approving Appointment of Mitchell Stehlik to the Community Development Advisory Board. Mr. Stehlik introduced himself and asked for councils approval.

Motion by Gilbert, second by Nickerson to approve the appointment of Mithcell Stehlik to the Community Development Advisory Board. Upon roll call vote, all voted aye. Motion adopted.

#2013-92 – Approving Acquisition of Utility Easement Located at 3524 Farmstead Road (Oseka Homes, LLC).

#2013-93 – Approving Bid Award for Burdick Units 1 & 3 Battery System Replacements with Storage Battery Systems, Inc. of Menomonee Falls, WI in an Amount of \$64,509.64.

#2013-94 – Approving Bid Award for Feedwater Heater #5 Installation at Platte Generating Station with Hayes Mechanical of Omaha, NE in an Amount of \$84,150.00.

#2013-95 – Approving Purchase of Dell Tablets for Patrol Fleet from State Contract in an Amount of \$49,791.76. Police Chief Steve Lamken answered questions regarding the state bid contract. Mr. Sivick explained the state bid process.

Motion by Gericke, second by Minton to approve Resolution #2013-95. Upon roll call vote, all voted aye. Motion adopted.

#2013-96 – Approving 2013 VOCA Victim/Witness Grant Application.

#2013-97 – Approving Bid Award for Root Foaming Chemical for Sewer Infrastructure within the Public Works Department with Nebraska Environmental Products of Lincoln, NE in an Amount not-to-exceed \$25,000.00.

#2013-98 – Approving Bid Award for Concrete Pavement and Storm Sewer Repairs for 2013 with OK Paving of Hordville, NE in an Amount of \$834,960.00.

#2013-99 – Approving Bid Award for One (1) New Asphalt Reclaiming/Trenching Machine for the Streets Division of the Public Works Department with Asphalt Zipper, Inc. of American Fork, UT in an Amount of \$103,490.00 under a Lease Agreement.

#2013-100 – Approving Bid Award for Hot-Mix Asphalt for 2013 with J.I.L. Asphalt Paving Co. of Grand Island, NE in an Amount of: \$48.20 per ton for Type “A”; \$38.55 per ton for Type “B”; \$48.40 per ton for Type “C”; \$50.40 per ton for Type “SPL-A”; \$51.15 per ton for Type “SPL-B”; and \$45.65 per ton for Type SPR”.

#2013-101 – Approving Bid Award for Concrete Ready-Mix for 2013 with Gerhold Concrete Co., Inc. of Grand Island, NE in an Amount of \$81.00 per cubic yard - estimated at \$121,500.00.

#2013-102 – Approving Bid Award for One (1) 70’ Heavy Duty Truck Scale for the Solid Waste Division of the Public Works Department with Central Scale & Material Handling of Omaha, NE in an Amount of \$40,300.00.

#2013-103 – Approving Amendment No. 3 for Engineering Services for Aeration Basin Improvements at the Wastewater Treatment Plant with Black & Veatch Corporation of Kansas City, MO in an Amount of \$49,516.00.

#2013-104 – Approving Renewal of Leases at Former Cornhusker Army Ammunition Plant for Storage Buildings with Jerry Harders in an Amount of \$925.00 per year for two years and the Nebraska State Patrol in an Amount of \$765.00 per year for two years. Parks and Recreation Director Todd McCoy answered questions regarding the lease amount, reimbursement of property insurance, and signature on the contract.

Motion by Donaldson, second by Gilbert to approve Resolution #2013-104. Upon roll call vote, all voted aye. Motion adopted.

RESOLUTIONS:

#2013-107 – Consideration of Approving Continuation of Street Improvement District No. 1260; South Webb Road Extending North from Stolley Park Road to Union Pacific Railroad Tracks. Public Works Director John Collins reported that Street Improvement District No. 1260 was created by Council on February 12, 2013. The 20-day protest period ended on March 11, 2013 with less than 50% protests. Funding/bonding options were presented along with the six month actuals and year end forecast for the 2012-2013 Capital Improvement Projects 400 Fund.

Discussion was held regarding bonding and the cost to the City. Finance Director Jaye Monter explained the bonding process. In order to move the project forward the city would need to either bond or use cash reserves. Assessments were explained. Mr. Collins commented on the urgency of this project. Public Works Project Manager Terry Brown answered questions regarding the protests - 38% protested against the district. Mentioned was the city owned a large part of the property in the district.

Motion by Gilbert, second by Gericke to approve Resolution #2013-107. Upon roll call vote, all voted aye. Motion adopted.

Mayor Vavricek turned the meeting over to City Attorney Robert Sivick and recused himself from the meeting at 8:55 p.m.

#2013-108 – Consideration of Setting Hearing Date for Removal of Elected Official Pursuant to Code Section 2-24. City Attorney Robert Sivick reported that on Friday, April 5, 2013 Councilmember Mike Paulick filed misconduct charges against Mayor Vavricek according to City Code Section 2-24 for an incident of driving under the influence of alcohol. Mr. Sivick stated the next step in the process was to set a hearing date.

The following people spoke in opposition of Resolution #2013-108:

- Ken Gnadt, 1610 Gretchen Avenue
- Margaret Hornady, 2708 Arrowhead Road
- Gene Dominick, 221 East 1st Street
- Steve Mossman, Lincoln, NE - Attorney representing Mayor Vavricek,
- Ken Staab, 3143 Briarwood Blvd.
- Wendy McCarty, 2215 Del Mar Avenue
- Herb Worthington, 4262 Pennsylvania Avenue
- Clarence Stephens, 515 E. Division Street
- Glen Wilson, 3103 Brentwood Circle
- William Kelly, Attorney for the Mayor
- Jim Reed, 2511 Lakewood Drive
- Tom Pirnie, 919 E. Phoenix Avenue
- Mark Galvan, 584 East 20th Street
- Gayle Bonnes, 812 Redwood Road
- Tom O'Neill, 2017 Barbara Avenue
- Max Mader, 3850 No. Webb Road
- Jacinto Corona, 119 East 18th Street
- Jeff Vinson, 1527 Stagecoach Road
- Tom Osterbuhr, 2511 Mill River Road
- Greg Baxter, 2121 No. Monitor Road
- Connie Wilson, 3103 Brentwood Circle
- Libby Mader, 3850 No. Webb Road
- Gary Quandt, 609 West 14th Street

The following people spoke in support of Resolution #2013-108:

- Jeb Wolsleben, 715 Box Butte Avenue, Alliance, NE
- Paul Wicht, 1708 Jerry Drive

Council took a break at 10:10 p.m. and reconvened at 10:20 p.m.

The following people spoke regarding Resolution #2013-108:

- Grady Erickson, 1405 West Koenig Street – support
- Ken Gnadt, 1610 Gretchen Avenue – opposed
- Jan Vavricek, 2729 Brentwood Blvd. - opposed

Council President Niemann recused himself and turned the meeting over to Councilmember Gilbert.

A lengthy discussion was held by Council concerning the misconduct charges. Comments were made regarding separating emotion from the law, doing what's right and figuring out the cost later, does the accusation rise to the level of City Code Section 2-24, would it hold up in court and could the Mayor get a fair hearing before the Council. Mentioned was that an elected official was held to a higher standard similar to the US Constitution.

Several Councilmembers commented on the number of calls they received, both in support and against the Mayor and the distraction, negativity, and embarrassment this incident had caused the city. Past issues were brought up and the turmoil the city had been in for the last two years. Mentioned was the right to vote, if citizens didn't like what the Mayor was doing they could file a petition for a re-call election. A couple councilmembers had asked the Mayor in private if he had considered resigning. He didn't agree with that option.

Comments were made that nothing good would come of this for anybody in the city and no one wins in this situation. Council wanted to move forward and do what was best for the community.

Motion by Paulick, second by Gericke to approve Resolution #2013-108. Upon roll call vote, Councilmembers Paulick, Gericke, and Hehnke voted aye. Councilmembers Minton, Dugan, Gilbert, Nickerson, and Donaldson voted no. Motion failed.

PAYMENT OF CLAIMS:

Motion by Dugan, second by Nickerson to approve the Claims for the period of March 27, 2013 through April 9, 2013, for a total amount of \$2,346,079.09. Unanimously approved.

ADJOURN TO EXECUTIVE SESSION: Motion by Paulick, second by Dugan to adjourn to Executive Session at 11:13 p.m. for the purpose of a strategy session with respect to pending and threatened litigation. Unanimously approved.

RETURN TO REGULAR SESSION: Motion by Gilbert, second by Donaldson to return to Regular Session at 11:23 p.m. Unanimously approved.

ADJOURNMENT: The meeting was adjourned at 11:23 p.m.

RaNae Edwards
City Clerk