



City of Grand Island

Tuesday, June 11, 2013

Council Session

Item G-1

Approving Minutes of May 28, 2013 City Council Regular Meeting

Staff Contact: RaNae Edwards

CITY OF GRAND ISLAND, NEBRASKA

MINUTES OF CITY COUNCIL REGULAR MEETING
May 28, 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 May 28, 2013. Notice of the meeting was given in *The Grand Island Independent* on May 22, 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 Clerk RaNae Edwards, City Attorney Robert Sivick and Public Works Director John Collins.

INVOCATION was given by Pastor Sylvia Karlsson, St. Paul Lutheran Church, 1515 South Harrison Street followed by the PLEDGE OF ALLEGIANCE.

Mayor Vavricek introduced Community Youth Council member Kerrigan Anspauch.

PRESENTATIONS AND PROCLAMATIONS:

Proclamation "Pandemic 2013 – Zombies in the Heartland" May 31 – June 2, 2013. Mayor Vavricek proclaimed May 31 – June 2, 2013 as "Pandemic 2013 – Zombies in the Heartland". Steve Hornady was present to receive the proclamation and commented on the event.

Proclamation "Tourism Recognition Month" May 2013. Mayor Vavricek proclaimed the month of May 2013 as "Tourism Recognition Month". Convention and Visitors Bureau Executive Director Brad Mellema was present to receive the proclamation and commented on impact of tourism in Grand Island.

PUBLIC HEARINGS:

Public Hearing on Request from Besi and Zeki, LLC dba Napoli's Italian Restaurant, 3421 Conestoga Drive for a Class "I" Liquor License. City Clerk RaNae Edwards reported that an application for a Class "I" Liquor License had been received from Besi and Zeki, LLC dba Napoli's Italian Restaurant, 3421 Conestoga Drive. Ms. Edwards presented the following exhibits for the record: application submitted to the Liquor Control Commission and received by the City on April 30, 2013; notice to the general public of date, time, and place of hearing published on May 18, 2013; notice to the applicant of date, time, and place of hearing mailed on April 30, 2013; along with Chapter 4 of the City Code. Staff recommended approval contingent upon final inspections. No public testimony was heard.

Public Hearing on Request from Sunrise Restaurants, LLC dba Denny's, 3333 Ramada Road for an Addition to Class "I-98966" Liquor License. City Clerk RaNae Edwards reported that an application for an addition to Class "I-98966" Liquor License had been received from Sunrise Restaurants, LLC dba Denny's, 3333 Ramada Road. Ms. Edwards presented the following exhibits for the record: application submitted to the Liquor Control Commission and received by

the City on May 9, 2013; notice to the general public of date, time, and place of hearing published on May 18, 2013; notice to the applicant of date, time, and place of hearing mailed on May 10, 2013; along with Chapter 4 of the City Code. The addition would be for 103' x 76' Conference Center. Staff recommended approval with the following conditions: 1) completing the installation of emergency egress windows, and 2) submission of a concept plan for code compliance. Andy Zahar representing Denny's spoke in support. No further public testimony was heard.

Public Hearing on Request to Rezone Property Located South of Capital Avenue West of the Moores Creek Drainway from RD Residential Development to Amended RD Residential Development Zone. Regional Planning Director Chad Nabity reported that this request to rezone Sterling Estates 2nd Subdivision would permit the construction of 5 additional detached garage buildings in conjunction with the first phase of the development. Staff recommended approval. No public testimony was heard.

Public Hearing Concerning the Semi-Annual Report by the Grand Island Area Economic Development Corporation/Citizens' Review Committee on the Economic Development Program Plan. Lisa Willman, Chair of the Citizens' Review Committee gave the Semi-Annual Report for the Citizens' Review Committee. Ms. Willman gave background information of the LB 840 Plan and reported a public hearing for the semi-annual report was required. The Citizens' Review Committee met on May 21, 2013 and approved the report.

Ann Martin, Chair of the Grand Island Economic Development Board of Trustees reported that we neared the final months of the tenth year of the Local Option Plan, LB-840. Nineteen projects had been approved over the past years creating 1,188 direct jobs with an economic impact of over \$36.6 million in payroll. Mentioned was the development of the Platte Valley Industrial Park East, sewer extension to Interstate 80, Career Pathways Institute, Revitalization of Downtown, and Legislation. The top priority for this year was to insure the Grand Island Veterans Home stayed in Grand Island. Staff recommended approval. No public testimony was heard.

Public Hearing on Acquisition of Public Right-of-Way in Summerfield Estates 5th Subdivision (Little B's Corporation). This item was pulled off the agenda at the request of Greg Baxter, owner.

Public Hearing for Neighborhood Stabilization Program Income Reuse Program. Community Development Administrator Marco Floreani reported that currently the City had \$583,603.15 of Neighborhood Stabilization Program (NSP) generated program income to be allocated under the guidelines of the City of Grand Island Program Income Reuse Plan for Neighborhood Stabilization Program (NSP1). The program guidelines had been reviewed and approved by the Nebraska Department of Economic Development. Approval by the Council would allow the release of NSP Program Income and fund NSP1 eligible activities. Staff recommended approval. Lewis Kent, 624 Meves Avenue spoke in support. No further public testimony was heard.

ORDINANCES:

#9426 – Consideration of Annexation of Ummel Second Subdivision Located North of Bronco Road and East of Shady Bend Road (Third Reading)

Regional Planning Director Chad Nabity reported this was the third of three readings for the annexation of Ummel Second subdivision. Mentioned was that sewer and water were not available at this time. City Clerk RaNae Edwards read it by title only.

Motion by Dugan, second by Donaldson to approve Ordinance #9426. Upon roll call vote, all voted aye. Motion adopted.

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

#9430 – Consideration of Request to Rezone Property Located South of Capital Avenue West of the Moore’s Creek Drainway from RD Residential Development to Amended RD Residential Development Zone

#9431 – Consideration of Amending Chapter 27 of the Grand Island City Code Relative to Purchasing

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

#9430 – Consideration of Request to Rezone Property Located South of Capital Avenue West of the Moore’s Creek Drainway from RD Residential Development to Amended RD Residential Development Zone

Regional Planning Director Chad Nabity reported this item related to the aforementioned Public Hearing.

Motion by Gilbert, second by Minton to approve Ordinance #9430.

City Clerk: Ordinance #9430 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 #9430 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 #9430 is declared to be lawfully adopted upon publication as required by law.

#9431 – Consideration of Amending Chapter 27 of the Grand Island City Code Relative to Purchasing

Assistant City Attorney Stacy Nonhof reported that Ordinance #9431 would amend Chapter 27 of the City Code to approve the use of the State Contract list and other buying groups for City departments. Mentioned was that this would allow the use of state bids but would not require it in all purchases. All cooperative agreements would have to be approved by the Council.

Motion by Donaldson, second by Niemann to approve Ordinance #9431.

City Clerk: Ordinance #9431 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 #9431 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 #9431 is declared to be lawfully adopted upon publication as required by law.

CONSENT AGENDA: Consent Agenda item G-8 was pulled from the agenda. Consent Agenda item G-3 was removed for further discussion. Motion by Gilbert, second by Nickerson to approve the Consent Agenda excluding items G-3 and G-8. Upon roll call vote, all voted aye. Motion adopted.

Approving Minutes of May 14, 2013 City Council Regular Meeting.

Approving Minutes of May 21, 2013 City Council Study Session.

Approving the Appointments of Eric Olson and Todd Dvorak to the Police Pension Committee. City Attorney Robert Sivick reported that the Police Pension Committee was created under the Police Officer Retirement Act. Explained was the process of appointments to the committee. State Statutes required Police Officers to be elected by their peers. Discussion was held regarding the requirement of Council approval. Past practice had been for Council to approve the appointments.

Motion by Gericke, second by Niemann to approve the appointments of Erick Olson and Todd Dvorak to the Police Pension Committee. Upon roll call vote, Councilmembers Minton, Dugan, Gericke, Gilbert, Nickerson, Hehnke, Haase, Donaldson, and Niemann voted aye. Councilmember Paulick voted no. Motion adopted.

#2013-151 – Approving Final Plat and Subdivision Agreement for Ummel Second Subdivision. It was noted that Tommy Ummel Jr., owner had submitted the Final Plat and Subdivision Agreement for Ummel Second Subdivision for the purpose of creating 5 lots located north of Bronco Road and east of Shady Bend Road containing 36.003 acres.

#2013-152 – Approving the Semi-Annual Report by the Grand Island Area Economic Development Corporation/Citizens' Review Committee on the Economic Development Program Plan.

#2013-153 – Approving Addendum to SCALES Agreement to Include the City of Cozad.

#2013-154 – Approving Pipeline Crossing Agreement with UPRR for Water Main District 466T – Airport Road in an Amount of \$2,500.00.

#2013-155 – Approving Acquisition of Public Right-of-Way in Summerfield Estates 5th Subdivision (Little B’s Corporation). This item was pulled off the agenda at the request of Greg Baxter, owner.

#2013-156 – Approving Continuation of Street Improvement District No. 1261; Westgate Road – North Road East to Paved Section of Westgate Road.

#2013-157 – Approving Deferral of Assessments for Agricultural Property Located within the Boundaries of Street Improvement District No. 1261; Westgate Road – North Road East to Paved Section of Westgate Road.

REQUESTS AND REFERRALS:

Consideration of Liquor Manager Designation for Candace Rivera, 2815 West Capital Avenue for Red Lobster Restaurant #0734, 3430 West 13th Street. City Clerk RaNae Edwards reported that staff recommendation was to deny the request based upon the Police Department report with regards to the potential character of Candy Rivera and false application. Candace Rivera, 2815 West Capital Avenue spoke in support. Council commented on the importance of the Police Department investigation and supporting their recommendation.

Motion by Gilbert, second by Nickerson to deny the request from Candace Rivera, 2815 West Capital based upon the Police Department report with regards to potential character and false application. Upon roll call vote, all voted aye. Motion adopted.

RESOLUTIONS:

#2013-158 – Consideration of Request from Besi and Zeki, LLC dba Napoli’s Italian Restaurant, 3421 Conestoga Drive for a Class “I” Liquor License and Liquor Manager Designation for Florim Ramadani, 5011 Starling Drive, Lincoln, NE. This item related to the aforementioned Public Hearing.

Motion by Gilbert, second by Haase to approve Resolution #2013-158. Upon roll call vote, all voted aye. Motion adopted.

#2013-159 – Consideration of Request from Sunrise Restaurants, LLC dba Denny’s, 3333 Ramada Road for an Addition to Class “I-98966” Liquor License. This item related to the aforementioned Public Hearing.

Motion by Haase, second by Minton to approve Resolution #2013-159 with the following conditions: 1) completing the installation of emergency egress windows, and 2) submission of a concept plan for code compliance. Upon roll call vote, all voted aye. Motion adopted.

#2013-160 – Consideration of Economic Development Incentive Agreement with CNH America, LLC (Case New Holland). Ann Martin, Chair of the Grand Island Area Economic Development Corporation Board of Trustees reported that an application had been made by CNH America, LLC – Case New Holland for a \$500,000 forgivable LB 840 loan for job creation and training of 100 new employees. Discussion was held regarding the incentive fund balance. Denise McGovern-Gallagher

representative of the EDC stated there were enough funds to cover all applications with some carry over funds.

Motion by Niemann, second by Minton to approve Resolution #2013-160. Upon roll call vote, all voted aye. Motion adopted.

#2013-161 – Consideration of Economic Development Incentive Agreement with Chief Industries, Inc. Ann Martin, Chair of the Grand Island Area Economic Development Corporation Board of Trustees reported that an application had been made by Chief Industries, Inc. for a \$305,800 forgivable LB 840 loan for infrastructure, job creation, and training for 41 new jobs.

Motion by Niemann, second by Gericke to approve Resolution #2013-161. Upon roll call vote, all voted aye. Motion adopted.

#2013-162 – Consideration of Economic Development Incentive Agreement with Central Community College. Ann Martin, Chair of the Grand Island Area Economic Development Corporation Board of Trustees reported that an application had been made by Central Community College (CCC) for a \$95,000 forgivable LB 840 loan for additional equipment for the Industrial Academy.

The following people spoke in support:

- Mike Calvert, CCC Campus President
- Larry Glaser, CCC Business Officer
- Debra Brennan, CCC Executive Vice-President
- Ann Martin, GIAEDC Board Chair

Mr. Sivick commented on state statutes regarding the types of incentives LB 840 could be used for. It was his opinion that this application fell within the law. Comments were made of the importance of the college, but that LB 840 was to be used for businesses and creating jobs which could be defined by numbers. Mentioned was that CCC had their own taxing authority.

Lisa Willman, Chair of the Citizens' Review Committee (CRC) commented on the reasons the CRC denied this request.

Mr. Glaser answered questions concerning the application. They currently had 30 welding stations and wanted to add 10 more. Construction would take three to four months. Comments were made about the importance of training. A lengthy discussion was held regarding the state statutes with regards to the principal source of income to qualify. Fund raising was mentioned.

Motion by Gericke, second by Minton to approve Resolution #2013-162. Upon roll call vote, Councilmembers Paulick, Gericke, Hehnke, Haase, Donaldson, and Niemann voted aye. Councilmembers Minton, Dugan, Gilbert, and Nickerson voted no. Motion adopted.

#2013-163 – Consideration of Approving Elimination of Proposed Street Right-of-Way in a Portion of Voss Subdivision (Michael P. Graham). Public Works Director John Collins reported that a request had been received from Michael P. Graham at 3135 E. Highway 30 to vacate a proposed street right-of-way in Lot 4 of Voss Subdivision. The elimination would clear up records on properties associated with this proposed street and allow for redevelopment/building

construction on this lot, as the City had no future plans for a street in this location. Staff recommended approval.

Motion by Dugan, second by Minton to approve Resolution #2013-163. Upon roll call vote, all voted aye. Motion adopted.

#2013-164 – Consideration of Approving Neighborhood Stabilization Program Income Reuse Program. This item related to the aforementioned Public Hearing. A detailed explanation of the program was given and who was eligible. Comments were made on the success of the program.

Motion by Minton, second by Donaldson to approve Resolution #2013-164. Upon roll call vote, all voted aye. Motion adopted.

#2013-165 – Consideration of (1) Approving Contract for Grand Generation Center Roof Repair and (2) Funding for Roof and Drainage Repairs. Building Department Director Craig Lewis reported that three proposals were received on May 14, 2013 for the roof repairs or replacement to the western section of the Senior Citizens Center at 304 East 3rd Street. The best responsive proposal was received from Weathercraft Co. of Grand Island, NE for a total of \$62,986.00.

Also, based on discussion at the May 21, 2013 study session, any remaining balance of the City's budgeted appropriation of \$100,000.00 would be directed first to repairs of the middle section of the roof and then to the modification of parking lot drainage. If the \$100,000.00 appropriation was exceeded by these three repairs, the Public Works Department would absorb up to the complete parking/drainage repair cost in its current fiscal year budget.

Comments were made regarding the \$100,000 budget. Mentioned was the timing of getting the project done before the weather turned cold. Mr. Collins explained the process of fixing the alley and parking lot.

Motion by Gilbert, second by Donaldson to amend and strike paragraph six and reference of Public Works paying for remaining balance with a cap of \$100,000. Upon roll call vote, Councilmembers Gilbert, Donaldson and Niemann voted aye. Councilmembers Minton, Paulick, Dugan, Gericke, Nickerson, Hehnke, and Haase voted no. Motion failed.

Motion by Niemann, second by Gericke to approve Resolution #2013-165. Upon roll call vote, Councilmembers Minton, Paulick, Dugan, Gericke, Nickerson, Hehnke, Haase, and Niemann voted aye. Councilmembers Gilbert and Donaldson voted no. Motion adopted.

#2013-166 – Consideration of Request for Approval of Transfer of Building Located at 1306 West 3rd Street and Related Department Relocations. Building Department Director Craig Lewis reported that at the May 21, 2013 study session, city staff presented a proposal to transfer the property at 1306 West 3rd Street to the Utilities Department which would lead to the relocation of Utilities Engineering, Emergency Management, Information Technology and Human Resources, in addition to the expansion of Finance. The first step was to request an appraisal of the property at 1306 West 3rd Street to establish the current market value of the property.

Discussion was held regarding the timing of relocations. Mr. Lewis stated each stop would come back to Council regarding bids and it would take many years to complete. Mr. Sivick stated the

intent of the Resolution was to get an appraisal to obtain a fair market value before the transfer of this property to the Utilities Department.

Motion by Gericke, second by Niemann to approve Resolution #2013-166.

Motion by Gilbert, second by Dugan to remove paragraph three. Upon roll call vote, Councilmembers Minton, Paulick, Dugan, Gilbert, Nickerson, Hehnke, Haase, Donaldson and Niemann voted aye. Councilmember Gericke voted no. Motion adopted.

Upon roll call vote of the main motion, all voted aye. Motion adopted.

#2013-167 – Consideration of Funding the Community Offering and Approving Authorized Official to retain the Grand Island Veterans Home. Mayor Vavricek explained the history of the Grand Island Veterans Home and the importance of keeping it here in Grand Island. Cindy Johnson, President of the Chamber of Commerce reported on the competitive process of this project.

Mentioned was that Council was being asked to approve the City's financial commitment of funding not to exceed three million dollars and the authorizing official, which would be the Mayor.

The following people spoke in support:

- Paul Wicht, 1708 Jerry Drive
- James Dugg, 2411 Cochin
- Lewis Kent, 624 Meves Avenue
- Ken Gnadt, 1610 Gretchen
- Ann Martin, Doniphan

Comments were made regarding Grand Island meeting the needs of the Veterans Home. Ms. Johnson explained the proposal required funds to be available probably in 2016/2017 time frame. The City would have time to come up with the \$3 million. Mentioned was the city was only one piece of the project. Community partners and donations were the others.

Motion by Niemann, second by Haase to approve Resolution #2013-167. 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 May 15, 2013 through May 28, 2013, for a total amount of \$4,292,555.49. Unanimously approved.

ADJOURNMENT: The meeting was adjourned at 10:37 p.m.

RaNae Edwards
City Clerk