



City of Grand Island

Tuesday, July 9, 2013

Council Session

Item G-2

Approving Minutes of June 25, 2013 City Council Regular Meeting

Staff Contact: RaNae Edwards

CITY OF GRAND ISLAND, NEBRASKA

MINUTES OF CITY COUNCIL REGULAR MEETING
June 25, 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 June 25, 2013. Notice of the meeting was given in *The Grand Island Independent* on June 19, 2013.

Mayor Jay Vavricek called the meeting to order at 7:00 p.m. The following City Council members were present: Bob Niemann, Chuck Haase, Mitch Nickerson, Peg Gilbert, John Gericke, Scott Dugan, Mike Paulick, and Vaughn Minton. Councilmembers Linna Dee Donaldson and Julie Hehnke were absent. The following City Officials were present: City Administrator Mary Lou Brown, City Clerk RaNae Edwards, City Attorney Robert Sivick, Finance Director Jaye Monter, and Public Works Director John Collins.

INVOCATION was given by Pastor Bill Rowland, Beacon of Hope Church, 2525 West State Street followed by the PLEDGE OF ALLEGIANCE.

Mayor Vavricek introduced Community Youth Council member Hannah Price and Board member Erin Blauhourn.

PRESENTATIONS AND PROCLAMATIONS:

Proclamation "New Americans Month" July 2013. Mayor Vavricek proclaimed the month of July 2013 as "New Americans Month". Yolanda Nuncio, 4362 Manchester Road, Felipe Cruz, 620 South Plum Street, and Ester Sheppherd, 4120 Horseshoe Place were present to receive the proclamation.

Proclamation "Chautauqua Days" June 19-30, 2013. Mayor Vavricek proclaimed June 26-30, 2013 as "Chautauqua Days". Kristi Hayek with Humanities Nebraska and Denzel Rasmussen were present to receive the proclamation.

PUBLIC HEARINGS:

Public Hearing on Request from Claudia Vidana dba Mermaids, 123 E. South Front Street for a Class "C" Liquor License. City Clerk RaNae Edwards reported that an application for a Class "C" Liquor License had been received from Claudia Vidana dba Mermaids, 123 E. South Front Street. Ms. Edwards presented the following exhibits for the record: application submitted to the Liquor Control Commission and received by the City on May 21, 2013; notice to the general public of date, time, and place of hearing published on June 15, 2013; notice to the applicant of date, time, and place of hearing mailed on May 21, 2013; along with Chapter 4 of the City Code. Staff recommended denial based on the Police Department Report of false application, connection to the Edge Bar & Grill and Maria Davidson. Claudia Vidana, 104 Front Street, Alda, NE spoke in support. No further public testimony was heard.

Public Hearing on Request from KERJAC, Inc. dba Stix Billiard Center, 811 West 4th Street for a Class "C" Liquor License. City Clerk RaNae Edwards reported that an application for a Class

“C” Liquor License had been received from KERJAC, Inc. dba Stix Billiard Center, 811 West 4th Street. Ms. Edwards presented the following exhibits for the record: application submitted to the Liquor Control Commission and received by the City on May 30, 2013; notice to the general public of date, time, and place of hearing published on June 15, 2013; notice to the applicant of date, time, and place of hearing mailed on May 30, 2013; along with Chapter 4 of the City Code. Staff recommended approval contingent upon final inspections. Kerry Cole, 819 N. Howard Avenue was present to answer questions. No public testimony was heard.

Public Hearing on Request from Roebuck Investments, LLC dba Flippin’ Chicken, 3404 West 13th Street, Unit C60 for a Class “T” Liquor License. City Clerk RaNae Edwards reported that an application for a Class “T” Liquor License had been received from Roebuck Investments, LLC dba Flippin’ Chicken, 3404 West 13th Street, Unit C60. Ms. Edwards presented the following exhibits for the record: application submitted to the Liquor Control Commission and received by the City on June 4, 2013; notice to the general public of date, time, and place of hearing published on June 15, 2013; notice to the applicant of date, time, and place of hearing mailed on June 4, 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 Los Dos Hrmns Mexican Rest, LLC dba Los Dos Hermanos Mexican Restaurant, 2004 N. Broadwell Avenue for a Change of Location for Class “I-98965” Liquor License to San Miguel A Bar & Grill, 413 West 4th Street. City Clerk RaNae Edwards reported that an application for a change of address for Class “I-98965” Liquor License had been received from Los Dos Hrmns Mexican Rest, LLC dba Los Dos Hermanos Mexican Restaurant, 2004 N. Broadwell Avenue for a Change of Location to San Miguel A Bar & Grill, 413 West 4th Street. Ms. Edwards presented the following exhibits for the record: application submitted to the Liquor Control Commission and received by the City on June 11, 2013; notice to the general public of date, time, and place of hearing published on June 15, 2013; notice to the applicant of date, time, and place of hearing mailed on June 11, 2013; along with Chapter 4 of the City Code. Staff recommended approval contingent upon final inspections. Maria Rico, 617 West 13th Street spoke in support. No further public testimony was heard.

Public Hearing on Request from Susan (Schaaf) Penny and Gene Penny for a Conditional Use Permit for Construction of a New Home While Occupying Current Home Located at 5586 So. Engleman Road. Building Department Director Craig Lewis reported that an application for a Conditional Use Permit was received from Susan (Schaaf) Penny and Gene Penny for property located at 5586 So. Engleman Road. The owners intend to construct a new single family dwelling and would like to live in the existing dwelling. Upon completion of the new dwelling they would demolish the existing one. Staff recommended approval with the condition that the existing dwelling was demolished either within six months after completion of the new dwelling or within two years from the approval date, whichever time frame was more restrictive. Susan Penny, 5586 So. Engleman Road spoke in support. No further public testimony was heard.

Public Hearing on Redevelopment Plan for an Area Known as Redevelopment Area 11 Located South of Capital Avenue between Broadwell Avenue and Wheeler Avenue. Regional Planning Director Chad Nabity reported that Pridon LLC, developer had submitted a proposed site specific redevelopment plan that would provide for site preparation and extension of utilities and subsequent construction of up to 78 apartments for homeless or near homeless veterans in conjunction with the Veteran’s Medical Center on Capital Avenue and north Broadwell. Council

was asked to approve a resolution of the cost benefit analysis as presented along with the amended redevelopment plan for CRA Area #11 and authorizing the CRA to execute a contract for TIF based on the plan amendment. Total tax increment financing allowed for this project would not exceed \$658,866 during the 15 year period. Staff recommended approval. No public testimony was heard.

Public Hearing on Redevelopment Plan for an Area Known as Redevelopment Area No. 12 Located South of Old Potash Hwy., East of Engleman Road and West of North Road. Regional Planning Director Chad Nabity reported that Guarantee Group LLC, developer had submitted an proposed site specific redevelopment plan that would provide for site acquisition, clearance and extension of utilities and subsequent construction of up to 620 single family home within the defunct Copper Creek subdivision west of North Road and south of Old Potash Highway. Council was asked to approve a resolution of the cost benefit analysis as presented along with the redevelopment plan for CRA Area #12 and authorizing the CRA to execute a contract for TIF based on the plan amendment. Total tax increment financing allowed for this project would not exceed \$9,495,000. Staff recommended approval. Ray O'Connor, 611 Fleetwood Road spoke in support. No further public testimony was heard.

Public Hearing for Phase I Comprehensive Revitalization Community Block Grant Application. Community Development Administrator Marco Floreani reported that the City of Grand Island was requesting a 2013 Comprehensive Revitalization Grant for \$220,000 plus \$5,000 in General Administration to fund street, sewer, and housing improvements in the selected low-to moderate income neighborhoods. The street and sidewalk improvements would be at the 4th Street intersections of Sycamore, Locust, and Walnut. Storm sewer improvements would be at the intersection of 4th and Locust. An Owner-Occupied Housing Rehabilitation program would be funded and available to LMI individuals and families in the project areas from this grant. Staff recommended approval. No public testimony was heard.

Public Hearing on 2013 Justice Assistance Grant (JAG) Application and Funding. Police Chief Steve Lamken reported that Grand Island Police Department and Hall County Sheriff's Department were eligible to receive Justice Assistance Grant money from the U.S. Department of Justice under the JAG offering in 2013 for a total amount of \$27,794.00. The grant would be shared: \$6,948.50 to Hall County and \$20,845.50 to the City of Grand Island. The Police Department would use the funds to support the mobile video and computing systems in the patrol fleet. 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 ordinance numbered:

#9433 – Consideration of Amendments to Chapter 31 of the Grand Island City Code Relative to Enforcement Authority to Signs

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

Mayor Vavricek reported this ordinance would clear up inconsistent wording in Section §31-7, §31-18, and §31-33 in the Grand Island City Code to expand the referenced duties from just the Chief Building Official/Building Department Director to also include direction to the City Administrator by the Mayor with prior Council approval.

Lewis Kent, 624 Meves Avenue spoke in support.

Comments were made regarding this item being added to the agenda on Monday afternoon and the importance of having more time to study changes to the City Code. Building Department Director Craig Lewis stated the Chief Building Official and Director were synonymous. Currently the Building Department abated property through the courts.

City Attorney Bob Sivick stated City Code did allow the Building Department to abate and the proposed ordinance would not take that away but would add the City Administrator with direction from the Mayor with council approval. City Administrator Mary Lou Brown stated that if Council did not pass Resolution #2013-213 than this Ordinance would be needed in order to get the signs/fence taken down at 311 East 3rd Street and 319 East 5th Street. Mr. Sivick stated the reason this was coming forward was because the Building Department Director would not abate this property without a court order.

Mr. Lewis stated he wanted the signs removed and it was his duty to cause them to be removed. He did not believe in taking the signs down without due process in the judicial system. Mr. Sivick stated he had limited resources but felt it was not necessary because this was in City Code.

Motion by Niemann, second by Minton to approve Ordinance #9433.

City Clerk: Ordinance #9433 on first reading. All those in favor of the passage of this ordinance on first reading, answer roll call vote. Upon roll call vote, Councilmember Niemann voted aye. Councilmembers Minton, Paulick, Dugan, Gericke, Gilbert, Nickerson, and Haase voted no. Motion failed.

RESOLUTION:

#2013-213 – Consideration of Defining Specific Actions to be Taken Regarding a Public Nuisance Located at 311 East 3rd Street and 319 East 5th Street. Mayor Vavricek reported that at the June 11, 2013 Council meeting, Council passed Resolution #2013-185 supporting the administration's efforts to abate a public nuisance at 311 East 3rd Street and 319 East 5th Street. This resolution sets forth the specific action to abate this nuisance by obtaining a Court order supporting the removal of the signs/fence.

Mr. Sivick stated this Resolution would require him to file a court case. Comments were made by Council regarding the wording in the Resolution and the definition of "abate". Ms. Brown commented on the process, length of time and cost. Mr. Lewis stated that in the past it would take 30-60 days to get a court order.

Motion by Nickerson, second by Haase to approve Resolution #2013-213. Upon roll call vote, Councilmembers Dugan, Gilbert, Nickerson, Haase, and Niemann voted aye. Councilmembers Minton, Paulick, and Gericke voted no. Mayor Vavricek cast the sixth and deciding vote in favor. Motion adopted.

CONSENT AGENDA: Consent Agenda items G-6, G-10, and G-14 were removed for further discussion. Motion by Gilbert, second by Niemann to approve the Consent Agenda excluding items G-6, G-10, and G-14. Upon roll call vote, all voted aye. Motion adopted.

Approving Minutes of June 11, 2013 City Council Regular Meeting.

Approving Minutes of June 18, 2013 City Council Study Session.

Receipt of Official Document – Tort Claim Filed by Kenneth Coyle and Greg Meadows.

#2013-187 – Approving Final Plat and Subdivision Agreement for Sterling Estates Third Subdivision. It was noted that Niedfelt Property Management Preferred LLC, owner had submitted the Final Plat and Subdivision Agreement for Sterling Estates Third Subdivision for the purpose of creating 8 lots on property located north of State Street and east of North Road containing 1.40 acres.

#2013-188 – Approving Final Plat and Subdivision Agreement for Sterling Estates Fourth Subdivision. It was noted that Niedfelt Property Management Preferred LLC, owner had submitted the Final Plat and Subdivision Agreement for Sterling Estates Fourth Subdivision for the purpose of creating 24 lots on property located north of State Street and east of North Road containing 5.01 acres.

#2013-189 – Approving Authorizing the CRA to Enter into an Amended Contract for Tax Increment Financing with Todd and Kelly Enck for Previously Approved Project Located on the Corner of Blake and Darr Streets. Regional Planning Director Chad Naby reported that this resolution would authorize the CRA to enter into an amended contract to extend the contract for Tax Increment Financing (TIF) for property located on the corner of Blake and Darr Streets.

Discussion was held regarding moving this contract from 10 to 15 years and the community need for multi-family housing. Todd Enck explained the reason this was coming back to Council was due to refinancing. Mr. Naby stated this was the only 10 year TIF contract they had as all others were 15 years.

Motion by Nickerson, second by Minton to approve Resolution #2013-189. Upon roll call vote, all voted aye. Motion adopted.

#2013-190 – Approving the Union Pacific Railroad Coal Transportation Contract for Platte Generating Station for 2014-2016.

#2013-191 – Approving Architectural Services for Phelps Control Center with Webb & Company Architects of Grand Island, NE in an Amount not to exceed \$16,000.00.

#2013-192 – Approving the Sale of No. 6 Fuel Oil at Burdick Station to Indigo Energy of Alpharetta, GA in an Amount of \$0.65 per gallon.

#2013-193 – Approving Purchasing/Buying Group for all City Departments with Houston-Galveston Area Council (H-GAC). Fire Chief Cory Schmidt reported this was the authorization to purchase equipment at a national level. Discussion was held regarding the opportunity for Nebraska vendors to be a part of this out-of-state group. Mr. Schmidt stated they were concerned with keeping purchases local but fire trucks could not be bought locally. Assistant City Attorney Stacy Nonhoff stated this would be for large specialty equipment. The City would save money on the specs and bidding process.

Motion by Haase, second by Dugan to approve Resolution #2013-193. Upon roll call vote, all voted aye. Motion adopted.

#2013-194 – Approving Bid Award for Stuhr Road – Bismark Road to Burlington Northern Santa Fe Railroad Crossing; Paving Project No. 2013-P-4 with Gehring Construction and Ready Mix Co., Inc. of Columbus, NE in an Amount of \$362,958.51.

#2013-195 – Approving Revision to the 2013 One Year Street Improvement Plan.

#2013-196 – Approving Interlocal Cooperative Agreement with Hall County for Use of County Roads for Detour for Improvements to Stuhr Road North of Bismark Road.

#2013-197 – Approving Donation of Surplus Brick Pavers to Stuhr Museum. Public Works Director John Collins reported that there were approximately 20,000 brick pavers that had not been used in the past 20 years. Stuhr Museum had shown an interest in them. Discussion was held regarding surplus property, legality of getting rid of them and their value. Mr. Sivick stated the pavers were public property and owned by the City. It would be legal for the City Council to dispose of the property as surplus.

Motion by Haase, second by Dugan to approve Resolution #2013-197. Upon roll call vote, all voted aye. Motion adopted.

#2013-198 – Approving Agreement with Kirkham Michael & Associates for Construction Engineering Services for US Highway 30 Drainage Improvement Project.

#2013-199 – Approving Agreement with Schemmer Associates, Inc. for Construction Engineering Services for the Walk to Walnut Project.

#2013-200 – Approving Certificate of Final Completion for the Aeration Basin Improvements at the Wastewater Treatment Plant; Project No. WWTP-2010-3 with Oakview dck, LLC., of Red Oak, IA.

#2013-201 – Approving Phase I Comprehensive Revitalization Community Block Grant Application.

#2013-202 – Approving Change Order #3 for Lincoln Park Swimming Pool with Hausmann Construction Inc. of Lincoln, NE for a Decrease of \$750.00 and a Revised Contract Amount of \$1,667,852.00.

#2013-203 – Approving Claim with GI Loan Shop for Ammunition at the Heartland Shooting Park Event in the Amount of \$22,890.00.

#2013-204 – Approving 2013 Justice Assistance Grant (JAG) Application and Funding.

REQUESTS AND REFERRALS:

Consideration of Request from Susan (Schaaf) Penny and Gene Penny for a Conditional Use Permit for Construction of a New Home While Occupying Current Home Located at 5586 So. Engleman Road. This item related to the aforementioned Public Hearing.

Motion by Haase, second by Paulick to approve the request from Susan (Schaaf) Penny and Gene Penny for a Conditional Use Permit for construction of a new home while occupying current home located at 5586 So. Engleman Road with the condition that that the existing dwelling be demolished either within six months after completion of the new dwelling or within two years from the approval date, which ever time frame is more restrictive. Upon roll call vote, all voted aye. Motion adopted.

Consideration of Approving Referral of Fonner Park Business Improvement District 2013 to the Regional Planning Commission. Community Development Administrator Marco Floreani reported that the next step in the formation of Fonner Park BID was to refer to the Regional Planning Commission for review and recommendation according to law.

Motion by Dugan, second by Gericke to refer the Fonner Park Business Improvement District 2013 to the Regional Planning Commission. Upon roll call vote, all voted aye. Motion adopted.

Consideration of Approving Referral of South Locust Street Business Improvement District 2013 to the Regional Planning Commission. Community Development Administrator Marco Floreani reported that the next step in the formation of South Locust Street BID was to refer to the Regional Planning Commission for review and recommendation according to law.

Motion by Dugan, second by Gericke to refer the South Locust Street Business Improvement District 2013 to the Regional Planning Commission. Upon roll call vote, all voted aye. Motion adopted.

Consideration of Approving Referral of Second Street Business Improvement District 2013 to the Regional Planning Commission. Community Development Administrator Marco Floreani reported that the next step in the formation of Second Street BID was to refer to the Regional Planning Commission for review and recommendation according to law.

Motion by Dugan, second by Gericke to refer the Second Street Business Improvement District 2013 to the Regional Planning Commission. Upon roll call vote, all voted aye. Motion adopted.

RESOLUTIONS:

#2013-205 – Consideration of Request from Claudia Vidana dba Mermaids, 123 E. South Front Street for a Class “C” Liquor License. This item related to the aforementioned Public Hearing. Discussion was held with regards to Claudia Vidana’s connection with The Edge Bar & Grill. Ms. Vidana stated she had no connection with The Edge Bar & Grill and did not agree with what was going on there. She wanted to open a night club/restaurant with a variety of music so people wouldn’t have to travel to other cities.

Motion by Gericke, second by Niemann to deny Resolution #2013-205 based upon the Police Department Report of a false application, connection to the Edge Bar & Grill and Maria Davidson. Upon roll call vote, Councilmembers Gericke and Niemann voted aye. Councilmembers Minton, Paulick, Dugan, Gilbert, Nickerson, and Haase voted no. Motion failed.

Motion by Nickerson, second by Gilbert to forward Resolution #2013-205 to the Liquor Control Commission with no recommendation. Upon roll call vote, all voted aye. Motion adopted.

#2013-206 – Consideration of Request from KERJAC, Inc. dba Stix Billiard Center, 811 West 4th Street for a Class “C” Liquor License and Liquor Manager Request for Laura Cole, 819 N. Howard Avenue. This item related to the aforementioned Public Hearing.

Motion by Paulick, second by Minton to approve Resolution #2013-206. Upon roll call vote, all voted aye. Motion adopted.

#2013-207 – Consideration of Request from Roebuck Investments, LLC dba Flippin’ Chicken, 3404 West 13th Street, Unit C60 for a Class “I” Liquor License and Liquor Manager Request for Larry Roebuck, 1003 NE Hwy 2, Phillips, NE. This item related to the aforementioned Public Hearing.

Motion by Nickerson, second by Minton to approve Resolution #2013-207. Upon roll call vote, all voted aye. Motion adopted.

#2013-208 – Consideration of Request from Los Do Hrmns Mexican Rest, LLC dba Los Dos Mermanos Mexican Restaurant, 2004 N. Broadwell Avenue for a Change of Location and Name Change for Class “I-98965” Liquor License to San Miguel A Bar & Grill, 413 West 4th Street. This item related to the aforementioned Public Hearing.

Motion by Gericke, second by Nickerson to approve Resolution #2013-208. Upon roll call vote, all voted aye. Motion adopted.

#2013-209 – Consideration of Approving Redevelopment Plan for an Area Known as Redevelopment Area No. 11 Located South of Capital Avenue, between Broadwell Avenue and Wheeler Avenue. This item related to the aforementioned Public Hearing.

Motion by Minton, second by Niemann to approve Resolution #2013-209. Upon roll call vote, all voted aye. Motion adopted.

#2013-210 – Consideration of Approving Redevelopment Plan for an Area Known as Redevelopment Area No. 12 Located South of Old Potash Hwy., East of Engleman Road and West of North Road. This item related to the aforementioned Public Hearing. Discussion was held regarding what bench mark of affordable housing would be used. Mr. Naby stated they had 20 floor plans. As this proceeds into the future the price would not be the same as today due to inflation. The same house would be built today and in the future. Mr. O'Connor stated that each year this would have to be approved.

Motion by Haase, second by Gilbert to approve Resolution #2013-210. Upon roll call vote, all voted aye. Motion adopted.

#2013-211 – Consideration of Approving Interlocal Agreement with Hall County for Ambulance Service. Fire Chief Cory Schmidt reported that the City of Grand Island Fire Department had provided ambulance service for Hall County outside the city limits in the past and the current Interlocal would expire June 30, 2013. A committee of Councilmembers and County Board Supervisors negotiated a proposed agreement of \$180,000 per year for a two year period commencing July 1, 2013 and ending June 30, 2015. Comments were made by those Councilmembers serving on this committee in support of this Resolution.

Motion by Nickerson, second by Dugan to approve Resolution #2013-211. Upon roll call vote, all voted aye. Motion adopted.

#2013-212 – Consideration of Approving Advertising Contract with the Grand Island Independent. This item was pulled from the agenda at the request of the Human Resources Director.

PAYMENT OF CLAIMS:

Motion by Dugan, second by Nickerson to approve the Claims for the period of June 12, 2013 through June 25, 2013, for a total amount of \$5,875,352.60. Unanimously approved.

Councilmember Paulick voted no on a \$429,000 payment from the WWTP fund to the General fund. A lengthy discussion was held regarding the inter-fund transactions.

ADJOURNMENT: The meeting was adjourned at 9:58 p.m.

RaNae Edwards
City Clerk