



# **City of Grand Island**

**Tuesday, July 23, 2013**

**Council Session**

## **Item G-2**

### **Approving Minutes of July 9, 2013 City Council Regular Meeting**

**Staff Contact: RaNae Edwards**

CITY OF GRAND ISLAND, NEBRASKA

MINUTES OF CITY COUNCIL REGULAR MEETING  
July 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 July 9, 2013. Notice of the meeting was given in *The Grand Island Independent* on July 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, Chuck Haase, Julie Hehnke, Mitch Nickerson, John Gericke, Scott Dugan, Mike Paulick, and Vaughn Minton. Councilmember Peg Gilbert was absent. The following City Officials were present: City Administrator Mary Lou Brown, City Clerk RaNae Edwards, Finance Director Jaye Monter, and Public Works Director John Collins.

INVOCATION was given by Pastor Mark Oberbeck, Northridge Assembly of God, 3025 Independence Avenue followed by the PLEDGE OF ALLEGIANCE.

Mayor Vavricek introduced Community Youth Council member Allie Richardson and Board member Maria Lopez.

CONSENT AGENDA: Consent Agenda items G-4, G-7, G-8, and G-11 were removed for further discussion. Motion by Donaldson, second by Niemann to approve the Consent Agenda excluding items G-4, G-7, G-8, and G-11. Upon roll call vote, all voted aye. Motion adopted.

Approving Minutes of June 21, 2013 City Council Special Meeting.

Approving Minutes of June 25, 2013 City Council Regular Meeting.

#2013-214 – Approving Bid Award for Stagecoach Detention Cell Improvement Project No. 2013-D-1 with Hooker Brothers Construction Co. of Grand Island, NE in an Amount of \$112,544.70.

#2013-215 – Approving Bid Award for Grand Generation Center Paving Project No. 2013-P-5 with The Diamond Engineering Company of Grand Island, NE in an Amount of \$39,977.58. Public Works Director John Collins reported that one bid was received with the exception to the September 10, 2013 completion date. Due to the busy construction season The Diamond Engineering Co. based their bid on a May 1, 2014 completion date.

Comments were made by Council regarding the importance of this project and the concern of the later completion date. Questioned was whether the Streets Department could do this work instead of contracting it out. Mr. Collins stated the Streets Department could do this project but other projects would have to wait. He stated this was a Building Department project and he would need a directive to move staff from streets to do a building project.

Discussion was held concerning federal funding for projects and taking Public Work employees away from other jobs. Mr. Collins stated there were no federal funds for this project. A lengthy

discussion was held regarding the timeline the contractor could finish this project. Comments were made in favor of the Streets Department to complete this work in this construction season. Cost of the project was mentioned and which department would be responsible. Mr. Collins stated Public Works had been approved to pay for this project and it would be paid from the 2012/2013 budget.

Motion by Nickerson, second by Haase to approve Resolution #2013-215. Upon roll call vote, all voted no. Motion failed.

Motion by Gericke, second by Niemann to direct Public Works to complete the work for the Grand Generation Center Paving Project No. 2013-P-5. Upon roll call vote, all voted aye. Motion adopted.

#2013-216 – Approving Bid Award for Fire Station No. 4 (3690 West State Street ) and No. 3 (2310 South Webb Road) Concrete Pavement Replacement – 2013 with The Diamond Engineering Company of Grand Island, NE in an Amount of \$99,804.00.

#2013-217 – Approving Resolution Directing Property Owner to Repair Sidewalk at 1141 Pleasant View Drive.

#2013-218 – Approving Summerfield 8<sup>th</sup> Subdivision Paving Agreement with Little B's Corporation. Mr. Collins reported that in association with the street paving for Summerfield Estates 8<sup>th</sup> Subdivision there were two City projects that could be completed; construction of a headwall for the drainage ditch and a connection to the state Street hike/bike trail. The Developer had agreed to complete these two projects jointly with the street paving, with reimbursement being made to the Developer by the City.

Motion by Dugan, second by Haase to approve Resolution #2013-218. Upon roll call vote, all voted aye. Motion adopted.

#2013-219 – Approving Agreement with IMS Infrastructure Management Services, LLC of Tempe, AZ for Pavement Management Services not-to-exceed \$137,150.00. Mr. Collins reported that Pavement Management System was a set of tools and methods that assisted decision makers in finding optimum strategies for providing and maintaining pavements in an acceptable, serviceable condition over a given time period. This system would assist in making decisions to implement the right maintenance activities at the right times and would be less labor intensive and cost effective.

Mentioned was the importance of technical data that would be collected for a cost saving to the City. Explained was the process of how this worked.

Motion by Nickerson, second by Dugan to approve Resolution #2013-219. Upon roll call vote, all voted aye. Motion adopted.

#2103-220 – Approving Change Orders Nos. 2 & 3 for Lift Station No. 7 Improvements Project No. 2011-S-1A for a decrease of \$3,336.89 and a Revised Contract Amount of \$484,793.34.

#2013-220 – Approving Certificate of Final Completion for Lift Station No. 7 Repairs – Project 2011-S-1 with Midland Contracting, Inc. of Kearney, NE.

The meeting was turned over to Council President Niemann due to Mayor Vavricek having a conflict of interest on Resolution #2013-222.

#2013-222 – Approving Advertising Contract with the Grand Island Independent. Human Resources Director Brenda Sutherland reported this was a renewal contract to cover advertising for all departments in the City. Advertising that falls under the heading of “legals” was handled separately as the rate was defined by State Statutes. Last year’s contract was for \$30,000 which the City had exceeded. To take advantage of the best pricing possible, it was proposed to increase that amount to \$40,000 for the current year. Explained was the rate structure.

Discussion was held regarding the cost set by state statute. Managing volume of advertising was encouraged.

Motion by Donaldson, second by Gericke to approve Resolution #2013-222. Upon roll call vote, Councilmembers Minton, Gericke, Nickerson, Donaldson, and Niemann voted aye. Councilmembers Paulick, Dugan, Hehnke, and Haase voted no. Motion failed. Since the Mayor had recused himself his vote could not be cast.

#2013-223 – Approving Purchase of 2014 Smeal Fire Pumper Truck from Smeal Fire Apparatus of Snyder, NE in an Amount of \$490,591.75.

#2013-224 – Approving Bid Award for 2014 Complete Hook Lift Truck with Flatbed (Unit #1565) – Line Division from Hansen International Truck, Inc. of Grand Island, NE in an Amount of \$110,096.00.

#2013-225 – Approving Certificate of Final Completion for Water Main Project 2013-W-1 – Clark Street at the Union Pacific Railroad Tracks with Van Kirk Brothers Contracting of Sutton, NE.

RESOLUTIONS:

#2013-226 – Consideration of Approving Contract with Mid-Plains Power, LLC for Installation of the Grand Island Third and Wheeler Historical Lighting Improvements Project. Public Works Director John Collins reported that Federal-aid Transportation Enhancement (TE) funds were providing 80% funding for the construction of 21 Historical Street Lights near the Kaufmann Park at 3<sup>rd</sup> Street and Wheeler Avenue. 20% would be matched by the Downtown Business Improvement District.

Motion by Minton, second by Gericke to approve Resolution #2013-226. Upon roll call vote, all voted aye. Motion adopted.

#2013-227 – Consideration of Approving Contract for Utility Billing Customer Information System. Finance Director Jaye Monter reported that the current Utility billing system which included Electric, Water, Sewer and Backflow billing and collections was 33 years old. In September, 2012 Request for Proposals were issued for third party software in which twelve

proposals were received and reviewed. Staff recommended approval of the contract with N. Harris Computer Corporation in an amount of \$932,500.00.

Discussion was held regarding costs for support maintenance fees, hidden costs such as computer equipment, servicer and hardware. Ms. Monter stated less than \$10,000 would be needed for hardware. Mentioned was that this was a 14 month project and money would come out of this year's budget and next year's budget.

Motion by Haase, second by Dugan to approve Resolution #2013-227. Upon roll call vote, all voted aye. Motion adopted.

#2013-228 – Consideration of Removal of City Attorney. Mayor Vavricek reported that on June 11, 2013 and June 25, 2013 Resolutions were approved by Council directing the removal of sign violations. Explained was City Code §2-30 terms of employment for the statutory positions and the authority of the Mayor with Council approval to terminate employment. Mayor Vavricek stated he and the City Administrator's duties were to carry out direction of the City Council.

The following people spoke:

- Bob Sivick, 1119 So. Eddy Street
- Marian Bahensky, 1021 6<sup>th</sup> Street, St. Paul, NE
- Lewis Kent, 624 Meves Avenue
- John Folsom, 1504 West 2<sup>nd</sup> Street
- Paul Wicht, 1708 Jerry Drive

Steve Mossman, Attorney retained by Mayor Vavricek was also present.

Motion by Dugan, second by Niemann to approve Resolution #2013-228.

Discussion was held regarding Council's request to seek a court order to remove signs and the City Attorney refusing to do that. Comments were made by Council that a policy had been set by Council and had not been carried out. Mentioned was that this was a management problem.

Human Resources Director Brenda Sutherland explained the personnel rights of the five statutory positions. These positions were at-will positions and could be terminated by the Mayor with Council approval.

City Administrator Mary Lou Brown stated she had met with Mr. Sivick three times since the June 27<sup>th</sup> meeting and that Mr. Sivick stated he would not go forward with filing the court documents.

Motion by Nickerson, second by Haase to give Mr. Sivick 48 hours to file the paperwork with the Court regarding the signs. Upon roll call vote, Councilmembers Paulick, Gericke, Nickerson, Hehnke, and Haase voted aye. Councilmembers Minton, Dugan, Donaldson, and Niemann voted no. Mayor Vavricek voted no. Motion failed.

Comments were made regarding the breakdown of the relationship between the Mayor, City Council, and City Attorney and that there were more issues than just the sign issue.

Motion by Donaldson, second by Dugan to go into Executive Session for the protection of the public interest or the prevention of needless injury to the reputation of an individual and if such individual has not requested a public meeting. Mr. Sivick requested this matter be held in public.

Upon roll call vote of the main motion, Councilmembers Minton, Dugan, Donaldson, and Niemann voted aye. Councilmembers Paulick, Gericke, Nickerson, Hehnke, and Haase voted no. Motion failed.

PAYMENT OF CLAIMS:

Motion by Dugan, second by Paulick to approve the Claims for the period of June 26, 2013 through July 9, 2013, for a total amount of \$4,301,109.72. Unanimously approved.

ADJOURN TO EXECUTIVE SESSION: Motion by Dugan, second by Niemann to adjourn to Executive Session at 10:03 p.m. for the purpose of a strategy session with respect to collective bargaining with the Fraternal Order of Police (FOP) Lodge No. 24. Unanimously approved.

RETURN TO REGULAR SESSION: Motion by Dugan, second by Paulick to return to Regular Session at 10:42 p.m. Unanimously approved.

ADJOURNMENT: The meeting was adjourned at 10:42 p.m.

RaNae Edwards  
City Clerk