



City of Grand Island

Tuesday, September 10, 2013

Council Session

Item G-1

Approving Minutes of August 27, 2013 City Council Regular Meeting

Staff Contact: RaNae Edwards

CITY OF GRAND ISLAND, NEBRASKA

MINUTES OF CITY COUNCIL REGULAR MEETING
August 27, 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 August 27, 2013. Notice of the meeting was given in *The Grand Island Independent* on August 21, 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, City Treasurer and Finance Director Jaye Monter, City Attorney Robert Sivick and Street Superintendent Shannon Callahan.

INVOCATION was given by Pastor Dan O'Neill, Abundant Life Christian Center, 3411 West Faidley Avenue followed by the PLEDGE OF ALLEGIANCE.

PUBLIC HEARINGS:

Public Hearing on Request from Bosselman Pump & Pantry, Inc. dba Pump & Pantry #3, 2511 N. Diers Avenue for a Class "D" Liquor License. City Clerk RaNae Edwards reported that an application for a Class "D" Liquor License had been received from Bosselman Pump & Pantry, Inc. dba Pump & Pantry #3, 2511 N. Diers Avenue. Ms. Edwards presented the following exhibits for the record: application submitted to the Liquor Control Commission and received by the City on August 8, 2013; notice to the general public of date, time, and place of hearing published on August 17, 2013; notice to the applicant of date, time, and place of hearing mailed on August 8, 2013; along with Chapter 4 of the City Code. Staff recommended approval. No public testimony was heard.

Public Hearing on Request from Bosselman Pump & Pantry, Inc. dba Pump & Pantry #6, 3355 West Stolley Park Road for a Class "D" Liquor License. City Clerk RaNae Edwards reported that an application for a Class "D" Liquor License had been received from Bosselman Pump & Pantry, Inc. dba Pump & Pantry #6, 3355 West Stolley Park Road. Ms. Edwards presented the following exhibits for the record: application submitted to the Liquor Control Commission and received by the City on August 8, 2013; notice to the general public of date, time, and place of hearing published on August 17, 2013; notice to the applicant of date, time, and place of hearing mailed on August 8, 2013; along with Chapter 4 of the City Code. Staff recommended approval. No public testimony was heard.

Public Hearing on Request from Bosselman Pump & Pantry, Inc. dba Pump & Pantry #10, 3212 South Locust Street for a Class "D" Liquor License. City Clerk RaNae Edwards reported that an application for a Class "D" Liquor License had been received from Bosselman Pump & Pantry, Inc. dba Pump & Pantry #10, 3212 South Locust Street. Ms. Edwards presented the following exhibits for the record: application submitted to the Liquor Control Commission and received by the City on August 8, 2013; notice to the general public of date, time, and place of hearing published on August 17, 2013; notice to the applicant of date, time, and place of hearing mailed

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Public Hearing on Request from Bosselman Pump & Pantry, Inc. dba Pump & Pantry #15, 2028 E. Highway 30 for a Class "D" Liquor License. City Clerk RaNae Edwards reported that an application for a Class "D" Liquor License had been received from Bosselman Pump & Pantry, Inc. dba Pump & Pantry #15, 2028 E. Highway 30. Ms. Edwards presented the following exhibits for the record: application submitted to the Liquor Control Commission and received by the City on August 8, 2013; notice to the general public of date, time, and place of hearing published on August 17, 2013; notice to the applicant of date, time, and place of hearing mailed on August 8, 2013; along with Chapter 4 of the City Code. Staff recommended approval. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement Located on Lots 1 through 26 – Westwood Park 12th Subdivision (Curt L. Ratliff). Utilities Director Tim Luchsinger reported that a utility easement located on Lots 1 through 26 along Redwood Road and Westwood Circle was needed in order to have access to install, upgrade, maintain, and repair power appurtenances, including lines and transformers. The purpose was to allow for separate easements serving the 26 lots of Westwood Park Twelfth Subdivision to locate electric transformers, cable, and other appurtenances. Staff recommended approval. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement Located between Webb Road and U.S. Hwy. 281, North of Stolley Park Road (Dinsy, L.L.C.). Utilities Director Tim Luchsinger reported that a utility easement located through a part of Lot One (1) and Lot Two (2) Dinsdale Subdivision between Webb Road and U.S. Hwy 281, north of Stolley Park Road was needed in order to have access to install, upgrade, maintain, and repair power appurtenances, including lines and transformers for the purpose of providing a looped feed for electrical service to the new Dinsdale GMC building and underground for the existing building. Staff recommended approval. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement located at 1612 S. Webb Road (Mead Building Centers of Grand Island Real Estate, L.L.C.). Utilities Director Tim Luchsinger reported that a utility easement located at 1612 S. Webb Road was needed in order to have access to install, upgrade, maintain, and repair power appurtenances, including lines and transformers for the purpose of underground power lines and public water main to serve the Mead Lumber Center at 1612 S. Webb Road and the new Dinsdale Autoplex at 1706 S. Webb Road. Staff recommended approval. No public testimony was heard.

Public Hearing on Property Sales and Acquisitions in the Sterling Estates Fourth Subdivision. Regional Planning Director Chad Nabity reported that the City owned 6.75 acres of ground for a park within the area to be developed as the Sterling Estates Subdivision south of Capital Avenue and west of the Moore's Creek Drainway. The owners of Sterling Estates Fourth Subdivision requested an exchange of a 10 foot wide strip along the south side for a 10 foot wide strip along the north side. Staff recommended approval. No public testimony was heard.

Public Hearing on Annexation of Property Located at the Corner of W. Phoenix Street and Lincoln Avenue (Clark Gauthier). Regional Planning Director Chad Nabity reported that Clark Gauthier, owner of property located at 1104 W. Phoenix Street had submitted a petition to the

Hall County Board of Supervisors requesting that this property be removed from the County Industrial Tract. The County Board approved his request on July 16, 2013. Mr. Gauthier requested that the City annex this property into the City of Grand Island. Staff recommended approval. No public testimony was heard.

ORDINANCES:

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

#9440 – Consideration of Sale of Real Estate to Neidfelt Property Management, LLC (Tract A)

#9441 – Consideration of Acquisition of Real Estate from Neidfelt Property Management, LLC (Tract B)

#9442 – Consideration of Acquisition of Real Estate from Neidfelt Property Management, LLC (Tract C)

9443 – Consideration of Sale of Real Estate to Neidfelt Property Management, LLC (Tract D)

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.

These items related to the aforementioned Public Hearings.

Motion by Donaldson, second by Dugan to approve Ordinances #9440, #9441, #9442, and #9443.

City Clerk: Ordinances #9440, #9441, #9442, and #9443 on first reading. All those in favor of the passage of these ordinances on first reading, answer roll call vote. Upon roll call vote, all voted aye. Motion adopted.

City Clerk: Ordinances #9440, #9441, #9442, and #9443 on final passage. All those in favor of the passage of these ordinances 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, Ordinances #9440, #9441, #9442, and #9443 are declared to be lawfully adopted upon publication as required by law.

#9444 – Consideration of Annexation of Property Located at the Corner of W. Phoenix Street and Lincoln Avenue (Clark Gauthier)

This item related to the aforementioned Public Hearing.

Motion by Dugan, second by Paulick to approve Ordinance #9444 on first reading only. Upon roll call vote, all voted aye. Motion adopted.

CONSENT AGENDA: Consent Agenda item G-18 was pulled for further discussion. Motion by Donaldson, second by Minton to approve the Consent Agenda excluding item G-18. Upon roll call vote, all voted aye. Motion adopted.

Approving Minutes of August 8, 2013 City Council Study Session.

Approving Minutes of August 13, 2013 City Council Regular Meeting.

Approving Minutes of August 13, 2013 City Council Study Session.

Approving Minutes of August 15, 2013 City Council Special Meeting.

Approving Minutes of August 20, 2013 City Council Study Session.

Approving Minutes of August 20, 2013 City Council Special Meeting.

#2013-274 – Approving Exchange of Property with Neidfelt Property Management, LLC of Tract A for Tract B and Tract D for Tract C in the Sterling Estates Fourth Subdivision.

#2013-275 – Approving Acquisition of Utility Easement 0 Lots 1 through 26, Westwood Park 12th Subdivision (Curt L. Ratliff).

#2013-276 – Approving Acquisition of Utility Easement – Part of Lot One and Lot Two, Dinsdale Suidivision Located between Webb Road and U.S. Hwy. 281, North of Stolley Park Road (Dinsy, L.L.C.).

#2013-277 – Approving Acquisition of Utility Easement Located at 1612 S. Webb Road (Mead Building Center).

#2013-278 – Approving Certificate of Final Completion for Downtown Parking Lot Pavement Patching & crack Repair; Project No. 2013-PL-1 with J.I.L. Asphalt Paving Co. of Grand Island, NE.

#2013-279 – Approving Agreement with Olsson Associates, Inc. of Grand Island, NE for Construction Engineering Services for the Third and Wheeler Historical Lighting Project.

#2013-280 – Approving Change Order No. 5 for Lift Station No. 7 Improvements; Project No. 2011-S-1A with The Diamond Engineering Company of Grand Island, NE for a final completion date of August 23, 2013.

#2013-281 – Approving Certificate of Final Completion for Lift Station No. 7 Improvements; Project 2011-S-1A with The Diamond Engineering Company of Grand Island, NE.

#2013-282 – Approving Change Order No. 2 for 5th Street Sanitary Sewer Improvements; Project No. 2012-S-3 with The Van Kirk Brothers Contracting of Sutton, NE for a Reduction of \$162,005.32 and a Revised Contract Amount of \$1,572,100.61.

#2013-283 – Approving Certificate of Final Completion for 5th Street Sanitary Sewer Improvements; Project No. 2012-S-3 with The Van Kirk Brothers Contracting of Sutton, NE.

#2013-284 – Approving Forgiving Loan to Grand Island Skeet and Sporting Clay Club in an Amount of \$10,000.00.

#2013-285 – Approving Annual Agreement for Financial Software Licensing and Support with Tyler Technologies, Inc. in an Amount of \$138,272.24. Finance Director Jaye Monter reported this was the annual agreement for the City's financial software which had been in place since 2001. Councilmember Haase commented on the cost and suggested bidding for a multiple year agreement.

Motion by Haase, second by Nickerson to approve Resolution #2013-285. Upon roll call vote, all voted aye. Motion adopted.

REQUESTS AND REFERRALS:

Consideration of Forwarding Blighted and Substandard Area #14 Study to the Hall County Regional Planning Commission. Regional Planning Director Chad Nabity reported that a Substandard and Blight Study for approximately 6.82 acres located in north central Grand Island between 13th Street and Faidley Avenue east of Webb Road had been received from Scott Rief. This was a micro-blight study for a small area that Mr. Rief intended to redevelop if the area could be declared blighted and substandard. Staff recommended forwarding to the Regional Planning Commission. Ron Depue, 308 N Locust Street spoke in support.

Motion by Haase, second by Paulick to approve forwarding Blighted and Substandard Area #14 Study to the Hall County Regional Planning Commission. Upon roll call vote, all voted aye. Motion adopted.

RESOLUTIONS:

#2013-286 – Consideration of Request from Bosselman Pump & Pantry, Inc. dba Pump & Pantry #3, 2511 N. Diers Avenue for a Class "D" Liquor License and Liquor Manager Designation for Brian Fausch, 2009 W Hwy 34. This item related to the aforementioned Public Hearing.

Motion by Donaldson, second by Gericke to approve Resolution #2013-286. Upon roll call vote, all voted aye. Motion adopted.

#2013-287 – Consideration of Request from Bosselman Pump & Pantry, Inc. dba Pump & Pantry #6, 3355 West Stolley Park Road for a Class "D" Liquor License and Liquor Manager Designation for Brian Fausch, 2009 W Hwy 34. This item related to the aforementioned Public Hearing.

Motion by Donaldson, second by Gericke to approve Resolution #2013-287. Upon roll call vote, all voted aye. Motion adopted.

#2013-288 – Consideration of Request from Bosselman Pump & Pantry, Inc. dba Pump & Pantry #10, 3212 South Locust Street for a Class “D” Liquor License and Liquor Manager Designation for Brian Fausch, 2009 W Hwy 34. This item related to the aforementioned Public Hearing.

Motion by Donaldson, second by Gericke to approve Resolution #2013-288. Upon roll call vote, all voted aye. Motion adopted.

#2013-289 – Consideration of Request from Bosselman Pump & Pantry, Inc. dba Pump & Pantry #15, 2028 E. Highway 30 for a Class “D” Liquor License and Liquor Manager Designation for Brian Fausch, 2009 W Hwy 34. This item related to the aforementioned Public Hearing.

Motion by Donaldson, second by Gericke to approve Resolution #2013-289. Upon roll call vote, all voted aye. Motion adopted.

#2013-290 – Consideration of Approving Interlocal Agreement with Hall County Regarding Transit Services. Regional Planning Director Chad Nabity reported that the City of Grand Island was declared a Census Defined Urbanized Area which changed the funding for Transportation Services within the City. An Interlocal Agreement with the County was recommended that would allow Hall County to continue to contract with Senior Citizens Industries, Inc. to provide the same level of transit services within the City until the City was ready to authorize a separate contract for transit services. The agreement would also allow the City to provide a payment of \$109,526 to Hall County in FY 2013-2014 for Transit Services using the 5307 funds. The agreement would end on September 30, 2014.

Mr. Nabity answered questions regarding the funding source for these services. Urban funding was explained.

Motion by Dugan, second by Minton to approve Resolution #2013-290. Upon roll call vote, all voted aye. Motion adopted.

#2013-291 – Consideration of Approving Bid Award for Furnishing & Installation of Golf Course Irrigation System. Parks and Recreation Director Todd McCoy gave a brief background history of the Jackrabbit Run Golf Course. He stated four bids were received for the installation of the Golf Course irrigation system. Duninick, Inc. of Prinsburg, MN submitted the low bid of \$492,538.

Mr. McCoy answered questions regarding labor and energy savings. He stated we could save up to 30% on the electricity. Mr. McCoy explained the difference between the Rainbird system to the Toro system.

Motion by Haase, second by Nickerson to approve Resolution #2013-291. Upon roll call vote, all voted aye. Motion adopted.

#2013-292 – Consideration of Legal Fee Contribution for Analysis of Options Regarding Veterans Home. Senator Mike Gloor stated he was very supportive of this issue and wanted to

see what the options were. Mayor Vavricek stated the Chamber of Commerce, on behalf of The Home For Our Heroes Committee, would like to hire the Rembolt Ludtke, LLP law firm from Lincoln, NE to evaluate all legal options available with the intent of retaining the Veteran's Home. Proposed was a flat fee of \$15,000.00 to provide an evaluation of the governing statutes, regulations and processes. The City's portion of the legal fees was \$5,000.00.

Motion by Gericke, second by Niemann to approve Resolution #2013-292. 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 August 14, 2013 through August 27, 2013, for a total amount of \$5,442,175.64. Unanimously approved.

Council recessed at 7:44 p.m. to the Special Meeting and returned to the Regular Meeting at 9:57 p.m.

ADJOURN TO EXECUTIVE SESSION: Motion by Dugan, second by Paulick to adjourn to Executive Session at 9:57 p.m. for the purpose of a strategy session with respect to real estate purchase. Unanimously approved.

RETURN TO REGULAR SESSION: Motion by Dugan, second by Gericke to return to Regular Session at 10:21 p.m. Unanimously approved.

ADJOURNMENT: The meeting was adjourned at 10:21 p.m.

RaNae Edwards
City Clerk