



City of Grand Island

Tuesday, October 8, 2013

Council Session

Item G-1

Approving Minutes of September 24, 2013 City Council Regular Meeting

Staff Contact: RaNae Edwards

CITY OF GRAND ISLAND, NEBRASKA

MINUTES OF CITY COUNCIL REGULAR MEETING
September 24, 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 September 24, 2013. Notice of the meeting was given in *The Grand Island Independent* on September 18, 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 Engineer and Public Works Director John Collins.

INVOCATION was given by Pastor Gary Schulte, Evangelical Free Church, 2609 South Blaine Street followed by the PLEDGE OF ALLEGIANCE.

Mayor Vavricek introduced Community Youth Council member Marlena Ramirez.

PRESENTATIONS AND PROCLAMATIONS:

Recognition of Don David for Donation for New Police Service Dog. Mayor Vavricek and the Council recognized Don David for his donation of \$8,000 to the Police Department for their purchase of a new K-9 police service dog. Police Chief Steve Lamken introduced Officer Jeremy Gildersleeve, Police service dog handler and Sgt. Ryan Rathbun. Mr. David was present for the recognition.

Proclamation "Hispanic Heritage Month" September 15 – October 15, 2013. Mayor Vavricek proclaimed the month of September 15 through October 15, 2013 as "Hispanic Heritage Month". Yolanda Nuncio was present to receive the proclamation.

PUBLIC HEARINGS:

Public Hearing on Request from Nebraska CVS Pharmacy LLC dba CVS/Pharmacy 10243, 1710 West 2nd 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 Nebraska CVS Pharmacy LLC dba CVS/Pharmacy 10243, 1710 West 2nd Street. Ms. Edwards presented the following exhibits for the record: application submitted to the Liquor Control Commission and received by the City on August 28, 2013; notice to the general public of date, time, and place of hearing published on September 14, 2013; notice to the applicant of date, time, and place of hearing mailed on August 28, 2013; along with Chapter 4 of the City Code. Staff recommended approval. No public testimony was heard.

Public Hearing on Request to Rezone Property Located at 2012 N Webb Road from CD Commercial Development to Amended CD Commercial Development Zone. Regional Planning Director Chad Nabity reported that this request was to rezone properties located west of Webb Road and north of State Street from CD - Commercial Development to Amended CD –

Commercial Development to allow for the expansion of a building at this location. This would vacate 15 feet of the existing access easement along the west side of this property. Staff recommended approval. No public testimony was heard.

Public Hearing on Annual Report by the Grand Island Area Economic Development Corporation/Citizens' Review Committee on the Economic Development Program Plan. Mark Stelk, Vice-President of the Citizens' Review Committee (CRC) stated the CRC had met and recommended approval of the EDC Annual Report and Annual Funding. Randy Gard, president of Grand Island Area Economic Development Corporation (GIAEDC) gave the annual report. He stated the landscape had changed and was more global now. Mentioned was what makes a city competitive and advantages Grand Island had in competitiveness. Presented were the top eight priorities of GIAED. Staff recommended approval. No public testimony was heard.

Public Hearing on Acquisition of Public Utility Easement in Sterling Estates Second Subdivision (TS12, LLC). Public Works Director John Collins reported that a public utility easement was needed to be relocated in the Sterling Estates Subdivision as a result of the construction of additional garages for the apartment complex. The easement would allow for the construction, operation, maintenance, extension, repair, replacement, and removal of public utilities within the easement. Staff recommended approval. No public testimony was heard.

Public Hearing for Comprehensive Revitalization Supplemental Community Development Block Grant Application. Regional Planning Director Chad Nabity reported that the City was requesting a 2013 Comprehensive Revitalization Supplemental Grant in the amount of \$295,000 plus \$5,000 in general administration to broaden and advance the grant activities approved in the Phase 1 2013 Comprehensive Revitalization Grant. These activities included infrastructure improvements in the selected low-to-moderate income neighborhoods, specifically, improvements to streets, curbs, gutters and sewers. The City would provide the required local match of \$150,000. Staff recommended approval. No public testimony was heard.

ORDINANCES:

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

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. This was the last of three readings.

Motion by Dugan, second by Donaldson to approve Ordinance #9444 on third reading. 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:

#9452 – Consideration of Request to Rezone Property Located at 2012 N Webb Road from CD Commercial Development to Amended CD Commercial Development Zone

#9453 – Consideration of Vacation of a Utility Easement Located in Sterling Estates Second Subdivision (TS12, LLC)

#9454 – Consideration of Amending Chapter 2 of the Grand Island City Code to Set Forth the Method for Publicizing Meetings of the City Council

#9455 – Consideration of Amending Chapter 38 of the Grand Island City Code Relative to the Economic Development Program

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.

#9452 – Consideration of Request to Rezone Property Located at 2012 N Webb Road from CD Commercial Development to Amended CD Commercial Development Zone

Ordinance #9452 related to the aforementioned Public Hearing.

Motion by Gericke, second by Dugan to approve Ordinance #9452.

City Clerk: Ordinance #9452 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 #9452 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 #9452 is declared to be lawfully adopted upon publication as required by law.

#9453 – Consideration of Vacation of a Utility Easement Located in Sterling Estates Second Subdivision (TS12, LLC)

Public Works Director John Collins reported that Ordinance #9453 would vacate a 37’ wide utility easement in the Sterling Estates Second Subdivision as it was not needed.

Motion by Donaldson, second by Niemann to approve Ordinance #9453.

City Clerk: Ordinance #9453 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 #9453 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 #9453 is declared to be lawfully adopted upon publication as required by law.

#9454 – Consideration of Amending Chapter 2 of the Grand Island City Code to Set Forth the Method for Publicizing Meetings of the City Council

City Attorney Robert Sivick reported Ordinance #9454 would amend Chapter 2 of the Grand Island City Code relative to the method for publicizing meetings of the City Council. He stated meetings had been advertised in *The Grand Island Independent* since the late 19th century and noted in the minutes of those meetings. The proposed Ordinance memorializes in the Grand Island City Code the existing method of providing notice to the public of Council meetings.

Discussion was held regarding meeting these requirements all the time and if we did not would there be problems with litigation. Mr. Sivick stated we currently were meeting all the requirements. Comments were made regarding the 24 hour meeting notice.

Motion by Minton, second by Dugan to approve Ordinance #9454.

City Clerk: Ordinance #9454 on first reading. All those in favor of the passage of this ordinance on first reading, answer roll call vote. Upon roll call vote, Councilmembers Minton, Paulick, Dugan, Gericke, Gilbert, Nickerson, Hehnke, Donaldson, and Niemann voted aye. Councilmember Haase voted no. Motion adopted.

City Clerk: Ordinance #9454 on final passage. All those in favor of the passage of this ordinance on final passage, answer roll call vote. Upon roll call vote, Councilmembers Minton, Paulick, Dugan, Gericke, Gilbert, Nickerson, Hehnke, Donaldson, and Niemann voted aye. Councilmember Haase voted no. Motion adopted.

Mayor Vavricek: By reason of the roll call votes on first reading and then upon final passage, Ordinance #9454 is declared to be lawfully adopted upon publication as required by law.

#9455 – Consideration of Amending Chapter 38 of the Grand Island City Code Relative to the Economic Development Program

Assistant City Attorney Stacy Nonhof reported that Ordinance #9455 would amend Chapter 38 of the Grand Island City Code relative to the Economic Development Program. This ordinance would bring the City Code into conformity with the Plan approved by the voters in 2012. Citizens' Review Committee Vice-Chairman Mark Stelk and EDC President Randy Gard stated they were in favor of the changes. Discussion was held regarding the four step process for approval.

Motion by Dugan, second by Paulick to approve Ordinance #9455.

City Clerk: Ordinance #9455 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 #9455 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 #9455 is declared to be lawfully adopted upon publication as required by law.

CONSENT AGENDA: Consent agenda items G-7 and G-12 were pulled for further discussion. Motion by Donaldson, second by Niemann to approve the Consent Agenda excluding items G-7 and G-12. Upon roll call vote, all voted aye. Motion adopted.

Approving Minutes of September 10, 2013 City Council Regular Meeting.

Approving Minutes of September 17, 2013 City Council Special Meeting.

Receipt of Official Document – Tort Claim filed by Grand Island Public Schools.

Approving Re-Appointment of Sue Pirnie to the Community Redevelopment Advisory Board.

Approving Garbage Permits for Heartland Disposal and Mid-Nebraska Disposal, Inc. and Refuse Permits for Full Circle, Inc. and O'Neill Transportation and Equipment.

#2013-311 – Approving Final Plat and Subdivision Agreement for Kenmare Third Subdivision. It was noted that Janet Speck, owner had submitted the final plat and subdivision agreement for Kenmare Third Subdivision located west of Blaine Street and east of Wicklow Drive for the purpose of creating 1 lot containing 7.725 acres.

#2013-312 – Approving Annual Report by the Grand Island Area Economic Development Corporation/Citizens' Review Committee on the Economic Development Program Plan. EDC President Randy Gard stated his commitment was to do the right thing. He was complimented on the detail of how the \$350,000 would be spent. Mr. Gard stated there were several opportunities they were working on.

Motion by Gilbert, second by Hehnke to approve Resolution #2013-312. Upon roll call vote, all voted aye. Motion adopted.

#2013-313 – Approving Bid Award for Installation of 72/48 Fiber – Electrical Yard to Library & Library to Substation "B" with IES Commercial, Inc. of Holdrege, NE in an Amount of \$307,117.00.

#2013-314 – Approving Public Safety Technology Interlocal Agreement with Hall County.

#2013-315 – Approving Maintenance Services for Supervisory Control and Data Acquisition (SCADA) Programming at the Wastewater Treatment Plant with Interstate Industrial Instrumentation, Inc. of Omaha, NE in an Amount not-to-exceed \$50,000.00 per year for 5 years.

#2013-316 – Approving Storm Water Management Plan Program Grant.

#2013-317 – Approving Selection of Vontz Paving, Inc. of Hastings, NE for the Construction Contract for the Various Locations in Grand Island Resurfacing Project. Public Works Director John Collins reported that the NE Department of Roads went out for bids and recommended awarding the bid to Vontz Paving, Inc. of Hastings, NE. Discussion was held regarding bids coming in higher than engineers estimates and if projects would be cut. Mr. Collins stated the biggest problems were delays in acquiring easements but would not stop the project.

Motion by Nickerson, second by Hehnke to approve Resolution #2013-317. Upon roll call vote, all voted aye. Motion adopted.

#2013-318 – Approving Bid Award for a Wireless Magnetometer Vehicle Detection System for the Streets Division of the Public Works Department with Sensys Networks of Berkeley, CA in an Amount of \$22,539.00.

#2013-319 – Approving Change Order No. 1 for Stuhr Road – Bismark Road to Burlington Northern Santa Fe Railroad Paving Project No. 2013-P-4 with Gehring Construction and Ready Mix Co., Inc. of Columbus, NE for an Increase of \$4,674.05 and a Revised Contract Amount of \$367,632.56.

#2013-320 – Approving Agreement with NDOR for US Highway 30 Improvements from the Southwest City Limits Extending Near Johnstown Road.

#2013-321 – Approving Acquisition of Public Utility Easement in Sterling Estates Second Subdivision (TS12, LLC).

#2013-322 – Approving Comprehensive Revitalization Supplemental Community Development Block Grant Application.

#2013-323 – Approving Change Order No. 1 for Stolley Park Restroom Installation with Nelson Contracting of Grand Island, NE for an Increase of \$1,557.00 and a Revised Contract Amount of \$107,357.00.

RESOLUTIONS:

#2013-324 – Consideration of Request from Nebraska CVS Pharmacy LLC dba CVS/Pharmacy 10243, 1710 West 2nd Street for a Class “C” Liquor License and Liquor Manager Designation for Dale ZurKammer, 18601 Chandler Street, Omaha, NE. This item related to the aforementioned Public Hearing.

Motion by Gilbert, second by Minton to approve Resolution #2013-324. Upon roll call vote, Councilmembers Minton, Paulick, Gericke, Gilbert, Nickerson, Hehnke, Haase, and Niemann voted aye. Councilmember Dugan voted no. Councilmember Donaldson was absent from the room. Motion adopted.

#2013-325 – Consideration of Approving Bid Award for Construction of Electrical Substation “J” on Wildwood Road at Blaine Street with IES Commercial, Inc. of Holdrege, NE in an Amount of \$2,472,834.38. Utilities Director Tim Luchsinger reported that bids were received for construction of Electrical Substation “J” to help power the southwest area of the City near the Highway 281 corridor and the Platte Valley Industrial Park. Staff recommended approval.

Motion by Dugan, second by Gericke to approve Resolution #2013-325. Upon roll call vote, all voted aye. Motion adopted.

#2013-326 – Consideration of Approving Bid Award for Utility Management Software with Mainsaver Software, Inc. of San Diego, CA in an Amount of \$209,320.00 Utilities Director Tim

Luchsinger reported that proposals were received for the Utility Management Software to replace the current AS400 computer system. Staff recommended approving the proposal from Mainsaver Software, Inc. of San Diego, CA.

Motion by Donaldson, second by Niemann to approve Resolution #2013-326. Upon roll call vote, all voted aye. Motion adopted.

#2013-327 – Consideration of Approving Agreement for Natural Gas Supply to Burdick Station with Tenaska Marketing Ventures of Omaha, NE. Utilities Director Tim Luchsinger reported that proposals were received for Natural Gas Supply to Burdick Station. Staff recommended approving the agreement from Tenaska Marketing Ventures for Natural Gas Supply Services for a nominal two year term.

Motion by Haase, second by Minton to approve Resolution #2013-327. Upon roll call vote, all voted aye. Motion adopted.

#2013-328 – Consideration of Approving Funding of Economic Development Request. EDC President Randy Gard stated this request was for the annual \$350,000 to the LB 840 Program.

Motion by Haase, second by Gilbert to approve Resolution #2013-328. Upon roll call vote, all voted aye. Motion adopted.

#2013-329 – Consideration of Approving Central Nebraska Humane Society Contract. Assistant City Attorney Stacy Nonhof reported that the current contract with the Central Nebraska Humane Society would expire on September 30, 2013. Contract negotiations had taken place for a three year contract with a flat fee of \$360,000.00 per year.

Laurie Dethlefs, 1312 Sky Park Road updated the Council on the Central Nebraska Humane Society programs. She stated they were full and explained the licensing fees. Discussion was held regarding revenues and the budget and the possibility of the Police Department taking over animal control. Police Chief Steve Lamken stated the revenues were a pass through with the Police Department budget. A lengthy discussion was held regarding increased licensing fees.

Gale Yenny, 1716 Monroe Road explained the process of licensing and its history.

Motion by Gericke, second by Niemann to approve Resolution #2013-329. Upon roll call vote, all voted aye. Motion adopted.

#2013-330 – Consideration of Amending the Fee Schedule Relative to Animal Control Services. Assistant City Attorney Stacy Nonhof reported that the new contract with the Central Nebraska Humane Society required changes to the fee schedule. Discussion was held regarding licensing pets, impound fees, boarding fees, and animals running at large. Also mentioned was there were very few cat licenses.

Motion by Donaldson, second by Niemann to approve Resolution #2013-330. Upon roll call vote, Councilmembers Minton, Paulick, Dugan, Gericke, Gilbert, Nickerson, Hehnke, Donaldson, and Niemann voted aye. Councilmember Haase voted no. Motion adopted.

#2013-331 – Consideration of Approving Wastewater Cost of Service Based Rates. Public Works Director John Collins reported that the final waste water cost of service based rate study report had been completed and was ready for council approval. The final report recommended rate increases for fiscal years 2013 through 2016.

Motion by Minton, second by Niemann to approve Resolution #2013-331.

Discussion was held regarding rates outside of the City limits.

Motion by Gilbert, second by Hehnke to require the Public Works Department to bring back within two months an alternative non-resident fee schedule for those living outside of the city limits. Upon roll call vote, Councilmembers Minton, Paulick, Dugan, Gilbert, Hehnke, Haase, Donaldson, and Niemann voted aye. Councilmembers Gericke and Nickerson voted no. Motion adopted.

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

#2013-310 – Consideration of Authorizing the Legal Department to Acquire Certain Real Estate through Eminent Domain. City Attorney Bob Sivick reported that he had been notified by Mr. Stahla's attorney and would be meeting with him on October 2, 2013. He requested this item be postponed to the October 8, 2013 Council meeting.

Motion by Dugan, second by Hehnke to postpone Resolution #2013-310 until October 8, 2103. Upon roll call vote, all voted aye. Motion adopted.

PAYMENT OF CLAIMS:

Motion by Dugan, second by Paulick to approve the Claims for the period of September 11, 2013 through September 24, 2013, for a total amount of \$7,123,067.22. Unanimously approved.

ADJOURN TO EXECUTIVE SESSION: Motion by Dugan, second by Niemann to adjourn to Executive Session at 9:46 p.m. for the purpose of a strategy session with respect to pending litigation; a strategy session with respect to real estate acquisition; and a strategy session with respect to litigation which is imminent as evidenced by communication or threat of litigation to or by the public body. Unanimously approved.

RETURN TO REGULAR SESSION: Motion by Nickerson, second by Gilbert to return to Regular Session at 11:40 p.m. Unanimously approved.

ADJOURNMENT: The meeting was adjourned at 11:40 p.m.

RaNae Edwards
City Clerk