



City of Grand Island

Tuesday, November 26, 2013

Council Session

Item G-1

Approving Minutes of November 12, 2013 City Council Regular Meeting

Staff Contact: RaNae Edwards

CITY OF GRAND ISLAND, NEBRASKA

MINUTES OF CITY COUNCIL REGULAR MEETING
November 12, 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 November 12, 2013. Notice of the meeting was given in *The Grand Island Independent* on November 6, 2013.

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

INVOCATION was given by Pastor Tim Kilstrom, Spirit of Life Church, 2304 Macron Street followed by the PLEDGE OF ALLEGIANCE.

Mayor Vavricek introduced Community Youth Council member Michael Cornelius.

PRESENTATIONS AND PROCLAMATIONS:

Proclamation "National Adoption Month" November, 2013. Mayor Vavricek proclaimed the month of November, 2013 as "National Adoption Month". Lacie Wojtalewicz, Child and Family Services Specialist for Child Protection and Nichole Eilenstine, DHHS Resource Development Supervisor were present to receive the proclamation.

Proclamation "Hall County Korean War Veterans Appreciation Month" November, 2013. Mayor Vavricek proclaimed the month of November, 2013 as "Hall County Korean War Veterans Appreciation Month". Gary Quandt, Ken Gnadt, Clarence Quandt, and Ken Brandt were present to receive the proclamation.

Recognition of Third City Community Clinic Volunteers Jennifer Alberts, M.D. and Susan Corey, M.D. 2013 Physician Volunteers of the Year and Melissa Schuldt, D.D.S. 2013 Dentist Volunteer of the Year. The Mayor and City Council recognized the volunteer service of the 2013 Volunteers of the Year recipients for the Third City Community Clinic. Susan Aguilar, Director of Third City Community Clinic, Dr. Alberts, Dr. Corey and Dr. Schuldt were present for the recognition.

BOARD OF EQUALIZATION: Motion by Gilbert, second by Donaldson, carried unanimously to adjourn to the Board of Equalization.

#2013-BE-10 – Consideration of Determining Benefits and Levy Special Assessments for Sidewalk Repairs at 1141 Pleasant View Drive. Public Works Director John Collins reported that the City Council in its capacity as the Board of Equalization was required to determine the benefits for sidewalk repairs at 1141 Pleasant View Drive. Special assessments were for the amount of \$550.00.

Motion by Gilbert, second by Minton to approve Resolution #2013-BE-10. Upon roll call vote, all voted aye. Motion adopted.

RETURN TO REGULAR SESSION: Motion by Gilbert, second by Paulick, carried unanimously to return to Regular Session.

PUBLIC HEARINGS:

Public Hearing on Request from Jose Guerrero dba Mariscos Villarreal, 811 West 2nd Street for a Class "A" Liquor License. City Clerk RaNae Edwards reported that an application for a Class "A" Liquor License had been received from Jose Guerrero dba Mariscos Villarreal, 811 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 October 17, 2013; notice to the general public of date, time, and place of hearing published on November 2, 2013; notice to the applicant of date, time, and place of hearing mailed on October 17, 2013; along with Chapter 4 of the City Code. Staff recommended denial based on the Police Department report of a false application. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement Located East of North Road and South of Westgate Road (NEBCO, Inc.). Utilities Director Tim Luchsinger reported that acquisition of a utility easement located east of North Road and south of Westgate Road was needed in order to have access to install, upgrade, maintain, and repair power appurtenances, including lines and transformers. The easement would provide the location to place underground conduit, cable, and a pad-mounted transformer for new electric service to a building on North Road. Staff recommended approval. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement Located West of Webb Road and North of Stolley Park Road (Judy D. Hansen & Julie D. Johnson). Utilities Director Tim Luchsinger reported that acquisition of a utility easement located west of Webb Road and north of Stolley Park Road was needed in order to have access to install, upgrade, maintain, and repair power appurtenances, including lines and transformers. The easement would be used to place underground conduit, high voltage cable, and a pad-mounted transformer to replace the overhead electric lines to Hansen International Trucks. Staff recommended approval. No public testimony was heard.

Public Hearing on Declaration of a Site Known as Redevelopment Area 14 Located on the East Side of North Webb Road between 13th Street and Faidley Avenue. Regional Planning Director Chad Nabity reported that Scott Rief commissioned a Blighted and Substandard Study for proposed Redevelopment Area No. 14 located on the east side of North Webb Road between 13th Street and Faidley Avenue containing approximately 6.82 acres. Ron Depue, 308 N. Locust Street and Keith Marvin, David City, NE spoke in support. Mr. Depue requested the action on this item (Resolution #2013-373) be referred to the November 26, 2013 Council meeting. Staff recommended approval. No further public testimony was heard.

Public Hearing on Acquisition of Property for the North Interceptor Phase II, Part A Located in Lot 1, West Geer Subdivision, South of Capital Avenue and West of Illinois Avenue (James and Joan Welton). Public Works Director John Collins reported that acquisition of property for the

North Interceptor Phase II, Part A located south of Capital Avenue and west of Illinois Avenue was needed in order to supplement gravity sanitary sewer route planning. Staff recommended approval. No public testimony was heard.

ORDINANCES:

- #9459 – Consideration of Assessments for Sidewalk Repairs at 1141 Pleasant View Drive
- #9460 – Consideration of Vacation of a Utility Easement Located in Woodland Park 12th Subdivision (Hastings Ventures, LLC).

Motion by Gilbert, second by Donaldson to refer Ordinances #9459 and #9460 to the November 26, 2013 City Council meeting. Upon roll call vote, all voted aye. Motion adopted.

CONSENT AGENDA: Consent agenda item G-24 was pulled for further discussion. Motion by Donaldson, second by Paulick to approve the Consent Agenda excluding item G-24. Upon roll call vote, all voted aye. Motion adopted.

Approving Minutes of October 22, 2013 City Council Regular Meeting.

Approving Request for Liquor Manager Designation for Roberta Douglas, 1603 Virginia Drive with Platt Duetsche, 1315 West Anna Street.

#2013-348 – Approving Declaration of Surplus Property.

2013-349 – Approving Acquisition of Utility Easement Located East of North Road and South of Westgate Road (NEBCO, Inc.).

#2013-350 – Approving Acquisition of Utility Easement Located West of Webb Road and North of Stolley Park Road (Judy D. Hansen & Julie D. Johnson).

#2013-351 – Approving Change Order No. 1 for Feedwater Heater No. 5 Installation with Hayes Mechanical of Omaha, NE for an Increase of \$26,608.48 and a Revised Contract Amount of \$110,758.48.

#2013-352 – Approving Agreement for Funding with Clean Community Systems in an Amount of \$20,000.00.

#2013-353 – Approving Agreement for Funding with Central District Health Department in an Amount of \$110,740.62.

#2013-354 – Approving Bid Award for One (1) New Wheel Type Agricultural Tractor for the Solid Waste Division of the Public Works Department from Fairbanks International of Grand Island, NE in an Amount of \$72,450.00.

#2013-355 – Approving Bid Award for One (1) 2014 Model Four Wheel Drive Front End Loader for the Solid Waste Division of the Public Works Department from Nebraska Machinery Company of Doniphan, NE in an Amount of \$224,182.00.

#2013-356 – Approving State Bid Award for (1) 2014 1/2 Ton 4x4 Extended Cab Pickup for the Solid Waste Division of the Public Works Department from Anderson Ford Lincoln Mercury of Lincoln, NE in an Amount of \$25,846.00.

#2013-357 – Approving Acquisition of Property for the North Interceptor Phase II, Part A, West Geer Subdivision, South of Capital Avenue and West of Illinois Avenue (James and Joan Welton) in an Amount of \$20,000.00 with \$248.75 in Shared Cost.

#2013-358 – Approving Maintenance Agreement No. 12 Renewal with the Nebraska Department of Roads for Calendar Year 2014.

#2013-359 – Approving Selection of the Diamond Engineering Company for the Construction Contract for the State Street and Capital Avenue Connector Trail Project.

#2013-360 – Approving Agreement for Utility Relocation Services to be Performed by the City Utility Department for the Capital Avenue – Webb Road to Broadwell Avenue Project.

#2013-361 – Approving Certificate of Final Completion for the 2013 Asphalt Resurfacing Project No. 2013-AC-1 with Gary Smith Construction Co., Inc. of Grand Island, NE.

#2013-362 – Approving Certificate of Final Completion for the 2013 Asphalt Resurfacing Project No. 2013-AC-2 with Gary Smith Construction Co., Inc. of Grand Island, NE.

#2013-363 – Approving Certificate of Final Completion for the 2013 Chip Seal Project No. 2013-CS-1 with Gary Smith Construction Co., Inc. of Grand Island, NE.

#2013-364 – Approving Certificate of Final Completion for Handicap Ramp Project No. 2013-1 with Galvan Construction Co. of Grand Island, NE.

#2013-365 – Approving Change Order No. 3 for 5th Street Sanitary Sewer Improvements; Project No. 2012-S-3 with The Van Kirk Brothers Contraction of Sutton, NE for an Increase of \$92,432.21 and a Revised Contract Amount of \$1,664,532.82.

#2013-366 – Approving Certificate of Final Completion for 5th Street Sanitary Sewer Improvements; Project No. 2012-S-3 Bid Section “A” with the Van Kirk Brothers Contraction of Sutton, NE.

#2013-367 – Approving Authorization for Emergency Sanitary Sewer Repairs on North Interceptor (East Ed of 7th Street/4th Street/Sky Park Road) with Merryman Excavation of Woodstock, IL in an Amount of \$59,462.96.

#2013-368 – Approving Purchasing/Buying Group for all City Departments with Admin Minnesota Materials Management Division.

#2013-369 – Approving Final Plat and Subdivision Agreement for Platte Valley Industrial Park Ninth Subdivision. It was noted that GMD LLC, Gerald A. Huisman, Manager Member had submitted the final Plat and Subdivision Agreement for Platte Valley Industrial Park Ninth Subdivision for the purpose of creating 2 lots located north of Wildwood Drive and east of US

Hwy 281 containing 7.451 acres. Discussion was held concerning the surrounding property owners and zoning use. This item was pulled for further discussion due to the incorrect map in the packet.

Motion by Haase, second by Gilbert to approve Resolution #2013-369. Upon roll call vote, all voted aye. Motion adopted.

REQUESTS AND REFERRALS:

Consideration of Forwarding Blighted and Substandard Area #15 Study to the Hall County Regional Planning Commission. Regional Planning Director Chad Nabity reported that a Substandard and Blight Study for approximately 64.18 acres located in west central Grand Island bounded on the south by Old Highway 30; the north by Old Potash Highway; east by Webb Road and west by U.S. Highway 281 was received from Doug Luth and Tim Plate. Staff recommended forwarding to the Regional Planning Commission.

Ron Depue, 308 N. Locust Street and Keith Marvin, David City, NE spoke in support. Discussion was held regarding the size of the blighted and substandard area. Mr. Depue commented on the deteriorating buildings.

Motion by Gericke, second by Haase to approve forwarding Blighted and Substandard Area #15 Study of the Hall County Regional Planning Commission. Upon roll call vote, all voted aye. Motion adopted.

RESOLUTIONS:

#2013-370 – Consideration of Request from Jose Guerrero dba Mariscos Villarrel, 811 West 2nd Street for a Class “A” Liquor License. This item related to the aforementioned Public Hearing.

Motion by Donaldson, second by Gericke to deny the request from Jose Guerrero dba Mariscos Villarreal, 811 West 2nd Street for a Class “A” Liquor License based upon the Police Department report of a false application. Upon roll call vote, all voted aye. Motion adopted.

#2013-371 – Consideration of Amending the City Council Meeting Schedule for December 2013. City Clerk RaNae Edwards reported that Section 2-2 of the Grand Island City Code provides that regular City Council meetings shall be held on the second and fourth Tuesdays of each month. Due to the holidays and end-of-the year payment of claims it was recommended that the meetings in December 2013 be held on Tuesday, December 10th at 7:00 p.m. and Monday, December 30th at 5:30 p.m.

Councilmember Gilbert stated she had made previous plans and would not be present at the December 10th meeting and didn't see a reason to change the schedule.

Motion by Haase, second by Paulick to approve Resolution #2013-371. Upon roll call vote, Councilmembers Minton, Paulick and Haase voted aye. Councilmembers Gericke, Gilbert and Donaldson voted no. Motion failed

#2013-372 – Consideration of Approving City Council Meeting Schedule for 2014. City Clerk RaNae Edwards submitted the proposed 2014 meeting schedule with the first regular meeting scheduled for Tuesday, January 14, 2014.

Motion by Donaldson, second by Haase to approve Resolution #2013-372. Upon roll call vote, all voted aye. Motion adopted.

#2013-373 – Consideration of Approving Declaration of a Site Known as Redevelopment Area 14 Located on the East Side of North Webb Road between 13th Street and Faidley Avenue. This item related to the aforementioned Public Hearing.

Motion by Gilbert, second by Haase to refer Resolution #2013-373 to the November 26, 2013 City Council meeting. Upon roll call vote, all voted aye. Motion adopted.

#2013-374 – Consideration of Approving Acceptance of Appraisal for Property Located at 1306 West 3rd Street formerly the One Stop Building. Assistant City Attorney Stacy Nonhof reported that Hendricksen Appraisal Company had completed a full appraisal of the One-Stop property in September, 2013. This confidential appraisal is the fair market value of the property and if accepted by Council, the property will be advertised for sale via a Request for Proposal.

Motion by Gilbert, second by Minton to approve Resolution #2013-374. Upon roll call vote, all voted aye. Motion adopted.

#2013-375 – Consideration of Approving Contract for Health Savings Account Administration. Human Resources Director Brenda Sutherland reported that in order to help employees with the new qualified high deductible health plan, request for proposals for administration of a City Health Savings Account (HAS) was sought. Eight proposals were received. It was recommended that a contract with Connect Your Care from Hunt Valley, MD in an amount of \$3.00 per participant per month for three years be approved.

Discussion was held regarding proposals received from out-of-state versus local businesses and comments were made for supporting local businesses. Ms. Nonhof commented on the decision of the committee and that Connect Your Care was by far the better company with a better contract. Ms. Sutherland commented on the differences between what the local companies offered versus the national companies.

Motion by Minton, second by Donaldson to approve Resolution #2013-375. Upon roll call vote, Councilmembers Minton, Paulick, Gericke, Haase, and Donaldson voted aye. Councilmember Gilbert voted no. Mayor Vavricek casted the sixth and deciding vote in favor. Motion adopted.

Mayor Vavricek turned the meeting over to City Attorney Bob Sivick and recused himself from the following item due to a conflict of interest which was on file in the City Clerk's office.

#2013-347 – Reconsideration of Approving Declaration of a Site Known as Redevelopment Area 13 Located North of Phoenix Avenue and West of Lincoln Avenue. Regional Planning Director Chad Nabity reported Councilmember Minton requested the City Council to reconsider action taken on October 22, 2013 - Resolution #2013-347.

Motion by Minton to reconsider Resolution #2013-347. Motion died due to a lack of a second.

The meeting was turned back over to Mayor Vavricek.

#2013-376 – Consideration of Approving Settlement Offer in Kortum vs City of Grand Island. City Attorney Robert Sivick reported that in April, 2013 former/retired Grand Island Police Captain Peter E. Kortum filed a complaint against the City alleging gender discrimination in the way his lump sum pension benefits were calculated under the Nebraska Police Officers Retirement Act.

The matter was transferred from the Nebraska Equal Opportunity Commission to the United States Equal Employment Opportunity Commission (USEEOC). In July, 2013 the USEEOC issued a determination that Captain Kortum was subjected to gender discrimination by the City. Settlement discussions had taken place and a proposed settlement amount of \$141,500.00 was brought forward for Council consideration.

Mayor Vavricek read a statement that because of the low council turnout at this meeting and the importance of this matter he pulled the item from Council consideration to a later date. Councilmember Haase made a point-of-order regarding the Mayor pulling this item. Mr. Sivick stated he advised administration to pull the item as the decision would affect the City for years to come.

PAYMENT OF CLAIMS:

Motion by Donaldson, second by Minton to approve the Claims for the period of October 23, 2013 through November 12, 2013, for a total amount of \$6,936,734.95. Upon roll call vote, Councilmembers Minton, Paulick, Gericke, Haase, and Donaldson voted aye. Councilmember Gilbert voted no. Mayor Vavricek casted the sixth and deciding vote in favor. Motion adopted.

ADJOURNMENT: The meeting was adjourned at 8:43 p.m.

RaNae Edwards
City Clerk