



# City of Grand Island

Tuesday, February 11, 2014

Council Session

## Item G-1

### Approving Minutes of January 28, 2014 City Council Regular Meeting

Staff Contact: RaNae Edwards

CITY OF GRAND ISLAND, NEBRASKA

MINUTES OF CITY COUNCIL REGULAR MEETING  
January 28, 2014

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 January 28, 2014. Notice of the meeting was given in *The Grand Island Independent* on January 22, 2014.

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, Julie Hehnke, Mitch Nickerson, Peg Gilbert, John Gericke, Mike Paulick, and Vaughn Minton. The following City Officials were present: City Administrator Mary Lou Brown, City Clerk RaNae Edwards, Treasurer and Finance Director Jaye Monter, City Attorney Robert Sivick, and City Engineer and Public Works Director John Collins.

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

Mayor Vavricek introduced Community Youth Council member Allie Richardson.

PRESENTATION AND PROCLAMATION:

Proclamation "Day of Hope" February 1, 2014. Mayor Vavricek proclaimed February 1, 2014 as "Day of Hope". Melissa DeLaet of Hope Harbor was present to receive the proclamation.

Proclamation "Nebraska Danger Week" February 10, 2014. Mayor Vavricek proclaimed the week of February 10, 2014 as "Nebraska Danger Week". Dustin and Brandi Loffing and their daughter Katie and General Manager Mike McCoy were present for the presentation in recognition of Danger Football.

SPECIAL ITEMS:

Approving Appointment of Kent Mann to City Council Ward 1. Mayor Vavricek submitted the appointment of Kent Mann to the vacant City Council Ward 1 position.

The following people spoke in support:

Bob Niemann, 10875 NE Hwy 2  
Lee Elliott, 2823 Brentwood Blvd.  
Ralph Bradley, 132 Ponderosa Drive  
Tom O'Neill, 2017 Barbara Avenue  
Ed O'Boyle, 3015 Brentwood Place  
Ken Gnad, 1610 Gretchen

Motion by Gilbert, second by Nickerson to approve the appointment of Kent Mann to the City Council Ward 1 position. Upon roll call vote, all voted aye. Motion adopted.

Approving Appointment of Mark Stelk to City Council Ward 2. Mayor Vavricek submitted the appointment of Mark Stelk to the vacant City Council Ward 2 position.

The following people spoke in support:

Bob Niemann, 10875 NE Hwy 2  
Lee Elliott, 2823 Brentwood Blvd.  
Ralph Bradley, 132 Ponderosa Drive  
Tom O'Neill, 2017 Barbara Avenue  
Ed O'Boyle, 3015 Brentwood Place  
Ken Gnadt, 1610 Gretchen

Motion by Haase, second by Minton to approve the appointment of Mark Stelk to the City Council Ward 2 position. Upon roll call vote, all voted aye. Motion adopted.

Administration of Oath of Office to Newly Appointed Councilmembers. City Clerk RaNae Edwards administrated the Oath of Office to Councilmember Kent Mann – Ward 1 and Councilmember Mark Stelk – Ward 2.

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

#2014-BE-1 – Consideration of Determining Benefits for Water Main District 464 – Antelope Drive. Utilities Director Tim Luchsinger reported that the City Council in its capacity as the Board of Equalization was required to determine the benefits for Water Main District 464 along Antelope Drive. Special assessments were for the amount of \$54,281.07.

#2014-BE-2 – Consideration of Determining Benefits for Water Main District 465 – Wildwood, Elk, and Cougar Drives. Utilities Director Tim Luchsinger reported that the City Council in its capacity as the Board of Equalization was required to determine the benefits for Water Main District 465 along Wildwood, Elk, and Cougar Drives. Special assessments were for the amount of \$238,273.82.

Motion by Haase, second by Nickerson to approve Resolutions #2014-BE-1 and #2014-BE-2.

Discussion was held regarding the 7% interest rate on assessments and if it was based internally or by state statutes. Mr. Luchsinger stated the interest rate was based internally and had been set at this rate for many years. Finance Director Jaye Monter stated the City was not in the banking business and homeowners could obtain a loan at a bank to pay off their assessments. Comments were made by Council to review this change at a future meeting.

Amendment proposed by Haase, second by Paulick to change the 7% interest rate to a 5% interest rate. Upon roll call vote, Councilmembers Paulick and Haase voted aye. Councilmembers Minton, Stelk, Gericke, Gilbert, Nickerson, Hehnke, Donaldson and Mann voted no. Amendment failed.

Amendment proposed by Haase, second by Gericke to refer Resolutions #2014-BE-1 and #2014-BE-2 to the February 11, 2014 City Council meeting. Upon roll call vote, Councilmembers

Paulick, Stelk, Gericke, and Haase voted aye. Councilmembers Minton, Gilbert, Nickerson, Hehnke, Haase, Donaldson, and Mann voted no. Amendment failed.

Upon roll call on the motion, Councilmembers Minton, Stelk, Gericke, Gilbert, Nickerson, Hehnke, Haase, Donaldson, and Mann voted aye. Councilmember Paulick voted no. Motion adopted.

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

ORDINANCES:

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

- #9468 – Consideration of Request to Rezone Property Located at 815-823 Orleans Drive from RD Residential Development to RO Residential Office
- #9469 – Consideration of Assessments for Water Main District 464 – Antelope Drive.
- #9470 – Consideration of Assessments for Water Main District 465 – Wildwood, Elk, and Cougar Drives
- #9471 – Consideration of Amending Grand Island City Code Section 2-39 Relative to Preparation of the Proposed Annual Budget
- #9472 – Consideration of Amending Grand Island City Code Section 2-36 Relative to Qualifications for the Position of City Administrator

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, Councilmembers Minton, Paulick, Stelk, Gericke, Gilbert, Nickerson, Hehnke, Haase, and Donaldson voted aye. Councilmember Mann voted no. Motion adopted.

- #9468 – Consideration of Request to Rezone Property Located at 815-823 Orleans Drive from RD Residential Development to RO Residential Office

Councilmember Minton recused himself due to a conflict of interest.

Regional Planning Director Chad Nabity reported that Ordinance #9468 was to rezone .43 acres along Orleans Drive north of Faidley Avenue and west of St Francis Hospital from RD Residential Development to RO Residential Office Zone. The apartments that were originally built on the site in conformance with the approved development plan had been demolished and the Hospital owned the property and would like to use the existing garages as accessory buildings to the Hospital. Staff recommended approval. Council approved Ordinance #9468 on first reading at their January 14, 2014 City Council meeting.

Motion by Donaldson, second by Gericke to approve Ordinance #9468 on second and final reading.

City Clerk: Ordinance #9468 on second and final reading. All those in favor of the passage of this ordinance on second and final reading, 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 #9468 is declared to be lawfully adopted upon publication as required by law.

#9469 – Consideration of Assessments for Water Main District 464 – Antelope Drive.

#9470 – Consideration of Assessments for Water Main District 465 – Wildwood, Elk, and Cougar Drives

Ordinances #9469 and #9470 related to the aforementioned Board of Equalization.

Motion by Gilbert, second by Minton to approve Ordinances #9469 and #9470.

City Clerk: Ordinances #9469 and #9470 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 #9469 and #9470 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 #9469 and #9470 are declared to be lawfully adopted upon publication as required by law.

#9471 – Consideration of Amending Grand Island City Code Section 2-39 Relative to Preparation of the Proposed Annual Budget

Councilmember Gericke stated this change to City Code Section 2-39 would make the Finance Director prepare an annual estimate of revenues and expenses of the proposed budget by fund, department, program and line item for the presentation of a complete financial plan for the City to the Mayor and City Council at least 45 days prior to the consideration and adoption of the annual appropriations ordinance by the governing body.

Paul Wicht, 1708 Jerry Drive spoke in support.

City Administrator Mary Lou Brown explained the process of putting together a budget and suggested a Study Session be held to set a timeline for the 2014/2015 budget. Comments were made by Council concerning the timing of receiving the proposed budget last year. Also mentioned was the content in the budget. Finance Director Jaye Monter stated she recognized the need of a timely budget and would like to see a Study Session on this topic on February 18, 2014. City Attorney Bob Sivick stated this ordinance directed the Finance Director to prepare the budget but it was the City Administrators responsibility. He also said the 45 day deadline was a variable date.

Motion by Gericke, second by Paulick to approve Ordinance #9471.

City Clerk: Ordinance #9471 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 Paulick, Gericke, Gilbert, Hehnke, Haase, and Donaldson voted aye. Councilmembers Minton, Stelk, Nickerson, and Mann voted no. Motion adopted.

City Clerk: Ordinance #9471 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 Paulick, Gericke, Gilbert, Hehnke, Haase, and Donaldson voted aye. Councilmembers Minton, Stelk, Nickerson, and Mann voted no. Motion adopted.

Mayor Vavricek vetoed the passage of the ordinance.

Motion by Gericke, second by Paulick that the decision of the Chair be overruled. Upon roll call vote, Councilmembers Paulick, Gericke, Gilbert, Hehnke, Haase, and Donaldson voted aye. Councilmembers Minton, Stelk, Nickerson, and Mann voted no. Motion failed.

Veto sustained. Ordinance not enacted.

Council took a recess at 9:08 p.m. and reconvened at 9:18 p.m.

#9472 – Consideration of Amending Grand Island City Code Section 2-36 Relative to Qualifications for the Position of City Administrator

Councilmember Gericke stated this change to City Code Section 2-36 would require a minimum qualification of experience for the position of City Administrator. If approved effective December 2, 2014, the minimum qualifications for the City Administrator would include not less than seven years of municipal management experience as a City Administrator and/or City Manager. This qualification may be waived only in the event of the appointment of an interim City Administrator who may serve for a period of time not to exceed six months.

Tom O'Neill, 2017 Barbara Avenue spoke in opposition. Paul Wicht, 1708 Jerry Drive and Lewis Kent, 624 Meves Avenue spoke in support.

City Attorney Bob Sivick stated he had concerns of laws created for one position. If approved this would affect future people in this position and other positions within the City. He stated Council had the right to accept or reject any appointments. Human Resources Director Brenda Sutherland cautioned the Council on making restrictions on this position because it could preclude some good candidates and limit options. A lengthy discussion was held by Council both in favor and against the 7 years of experience requirement.

Motion by Gericke, second by Haase to approve Ordinance #9472.

City Clerk: Ordinance #9472 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 Paulick, Gericke, Haase, and Donaldson voted aye. Councilmembers Minton, Stelk, Gilbert, Nickerson, Hehnke, and Mann voted no. Motion failed.

CONSENT AGENDA: Motion by Donaldson, second by Paulick to approve the Consent Agenda. Upon roll call vote, all voted aye. Motion adopted.

Approving Minutes of January 14, 2014 City Council Special Meeting.

Approving Request for Liquor Manager Designation for Craig Jelinek, 1930 Santa Anita Drive with Riverside Golf Club, 2820 Riverside Drive.

Approving Request for Liquor Manager Designation for Margaret Stine, 6840 Shadow Ridge Road, Lincoln, NE with Applebee's Neighborhood Grill & Bar, 721 Diers Avenue.

#2014-11 – Approving Bid Award for Control Performance Software and Services at Platte Generating Station with Metso of Lansdale, PA in an amount of \$95,333.00.

#2014-12 – Approving Pipeline Crossing Agreement with the UPRR for Crossing at Garfield Street for Water Main Project 2014-W-1.

#2014-13 – Approving Change Order No. 2 for North Interceptor Phase 1; Project No. 2012-S-6 with Merryman Excavation, Inc. of Woodstock, IL for an Increase of \$27,033.17 and a Revised Contract Amount of \$8,471,688.17.

#2014-14 – Approving Design Services Contract for Kaufmann-Cummings Park – Community Development Block Grant Downtown Revitalization Phase II Grant Funds with Kinghorn Horticulture Services, Inc. of Omaha, NE in an Amount of \$9,000.00.

#2014-15 – Approving Bid Award with Turfwerks of Johnston, IA for (1) Commercial 120” Cut Rotary Turf Mower and (1) 3-Wheel Sports Field/Bunker Infield Rake in an Amount of \$62,441.30 and Bid Award with Van Wall Equipment of Omaha, NE for (1) Commercial 72” Cut Rotary Turf Mower in an Amount of \$29,673.00.

RESOLUTIONS:

#2014-16 - Consideration of Approving Contract for Cemetery Master Plan & Design Services. Parks & Recreation Director Todd McCoy reported that 14 years ago the Cemetery Trust Fund purchased 22 acres northwest of the current cemetery and there were less than 1,000 lots available. The 2013-14 Budget authorized up to \$65,000 to plan for the expanded Cemetery located in west Grand Island. Request for Qualifications (RFQ) for consulting firms to provide a master plan for the expansion of the Cemetery were received on October 20, 2013. Staff recommended hiring Confluence of Des Moines, IA in an amount of \$32,300.00.

Paul Wicht, 1708 Jerry Drive spoke in support.

Mr. McCoy answered questions concerning the decrease in revenue due to the trend of increasing cremations. Discussion was held by Council as to the need for a contract at this time. Mr. McCoy stated site selection was a part of the contract and that it would take time to transition to a new area. Cemetery Superintendent Mark Sands stated concerns regarding the lack of spaces in the current cemetery and those lots that required low to the ground markers which were not selling as well as those lots with upright markers.

Motion by Gericke, second by Minton to approve Resolution #2014-16. Upon roll call vote, Councilmembers Paulick and Gericke voted aye. Councilmembers Minton, Stelk, Gilbert, Nickerson, Hehnke, Haase, Donaldson, and Mann voted no. Motion failed.

PAYMENT OF CLAIMS:

Motion by Gilbert, second by Nickerson to approve the Claims for the period of January 15, 2014 through January 28, 2014, for a total amount of \$5,267,892.49. Unanimously approved.

ADJOURNMENT: The meeting was adjourned at 10:22 p.m.

RaNae Edwards  
City Clerk