



City of Grand Island

Tuesday, April 8, 2014

Council Session

Item G-1

Approving Minutes of March 25, 2014 City Council Regular Meeting

Staff Contact: RaNae Edwards

CITY OF GRAND ISLAND, NEBRASKA

MINUTES OF CITY COUNCIL REGULAR MEETING
March 25, 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 March 25, 2014. Notice of the meeting was given in *The Grand Island Independent* on March 19, 2014.

Mayor Jay Vavricek called the meeting to order at 7:00 p.m. The following City Council members were present: Kent Mann, Linna Dee Donaldson, Chuck Haase, Julie Hehnke, Mitch Nickerson, Peg Gilbert, John Gericke, Mark Stelk, 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 Jay Warriner, Abundant Life Christian Center, 3411 West Faidley Avenue followed by the PLEDGE OF ALLEGIANCE.

Mayor Vavricek introduced Community Youth Council member Diana Molina.

PRESENTATIONS AND PROCLAMATIONS:

Recognition of the Grand Island Northwest Girls Basketball Team for Second Consecutive Class "B" State Championship. Mayor Vavricek and the City Council recognized the Grand Island Northwest Girls Basketball Team and Coach Mike Herzberg for their second consecutive Class "B" State Championship. Coach Herzberg and the Viking Team were present for the recognition.

Recognition of "Race for GRACE" April 5, 2014. Mayor Vavricek and the City Council recognized the volunteers for the "Race for GRACE" event to be held on Saturday, April 5, 2014. Lisa Willman, Julie Pfeifer, and Angie Ziller were present for the recognition and commented on the event.

Recognition of March 30, 2014 – Prayer Vigil Service for Members of the Grand Island Veterans Home. Kaytlyn Hensen and Korinna Naranjo invited everyone to the Prayer Vigil Service on March 30, 2014 at the Grand Island Veterans Home for veterans, care givers, and family of veterans.

PUBLIC HEARINGS:

Public Hearing on Amendment to the Redevelopment Plan for CRA Area 1 located at 8th Street and Superior Street. Regional Planning Director Chad Nabity reported that the Grand Island Area Habitat for Humanity submitted an amendment to the redevelopment plan that would provide for site acquisition, site work and extension of utilities and subsequent construction of six single family houses on property located at the corner of 8th Street and Superior Street. Staff recommended approval. No public testimony was heard.

Public Hearing on Amendment to the Redevelopment Plan for CRA Area 2 located at 3051 South Locust Street. Regional Planning Director Chad Nabity reported that Heritage Hospitality Inc. had submitted an amendment to the redevelopment plan that would provide for site acquisition, necessary clearance, site work and planning activities and the subsequent construction of a 59 room Mainstay Suites Extended Stay Hotel at 3051 South Locust Street. Staff recommended approval. No public testimony was heard.

Public Hearing on Consideration of Amending Chapter 33 of the Grand Island City Code Relative to Subdivision Regulations – Street Design Standards. Public Works Director John Collins and Regional Planning Director Chad Nabity reported that staff had been updating the street typical section drawings to accommodate the streets, storm sewer, and public and private utilities. Amendments to be considered included changes to Chapter 33-12 Streets and Alleys and the addition of Addendum “C” Street Cross Sections. The Planning Commission recommended Section 33-12 be amended to reduce the standard residential street width from 37 feet to 32 feet. Staff recommended approval. Pat O’Neill spoke in support of the 32’ street width. No further public testimony was heard.

Public Hearing on Citizen Participation Plan Revision. Finance Director Jaye Monter reported that the Nebraska Department of Economic Development (NDED) required all communities receiving Community Development Block Grants (CDBG) funds adopt a Citizen Participation Plan. This plan sets forth how citizens, especially lower income and/or disabled persons, were to be provided with opportunities to participate in the planning, implementation and assessment of the CDBG programs. The last update was on August 25, 1997. Staff recommended approval. No public testimony was heard.

Public Hearing on Contract Amendment for Community Development Block Grant 13-CR-002. Finance Director Jaye Monter reported that on August 5, 2013 the city had been awarded a \$240,000 Community Development Block Grant (CDBG) for projects such as sidewalk, street, sewer and rental housing improvements. The city was seeking a contract amendment to change the scope of the project activities to better fit project plans of the Public Works Department. Staff recommended approval. No public testimony was heard.

Public Hearing on Contract Amendment for Community Development Block Grant 13-CR-102. Finance Director Jaye Monter reported that on August 5, 2013 the city had been awarded a \$240,000 Community Development Block Grant (CDBG) for projects such as improvements to public facilities, streets and sidewalks. Additional funds of \$300,000 were approved in October 2013. The city was seeking a contract amendment to change the scope of the project activities to better fit project plans of the Public Works Department. Staff recommended approval. No public testimony was heard.

RESOLUTION:

#2014-70 - Consideration of Approving the Purchase Agreement for Sale of Land to Michael Lilienthal. This item was related to the aforementioned Public Hearing. Ron Depue, Attorney for Michael Lilienthal, Cindy Johnson with the Chamber of Commerce, and Jay Kaspar with the Economic Development Corporation (EDC) spoke in support.

City Attorney Bob Sivick explained this Resolution was the purchase agreement which was contingent upon Mr. Lilienthal receiving Tax Increment Financing (TIF). Assistant City Attorney Stacy Nonhof answered questions concerning the appraised value which was \$575,000. Finance Director Jaye Monter stated the book value was \$587,821.

Motion by Haase, second by Nickerson to approve Resolution #2014-70. Upon roll call vote, all voted aye. Motion adopted.

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:

- #9478 - Consideration of Sale of Real Estate to Michael Lilienthal
- #9479 - Consideration of Amending Chapter 5 of the Grand Island City Code Relative to Animals
- #9480 - Consideration of Amending Chapter 33 of the Grand Island City Code Relative to Subdivision Regulations – Street Design Standards
- #9481 - Consideration of Amending Chapter 8-14 of the Grand Island City Code Relative to Buildings
- #9477 – Consideration of Setting Forth Gender Neutral Calculation for Pre-84 Police Pension

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.

- #9478 - Consideration of Sale of Real Estate to Michael Lilienthal

This item related to the aforementioned Public Hearing.

Motion by Haase, second by Hehnke to approve Ordinance #9478 on first reading. Upon roll call vote, all voted aye. Motion adopted.

City Clerk: Ordinance #9478 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 #9478 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 #9478 is declared to be lawfully adopted upon publication as required by law.

- #9479 - Consideration of Amending Chapter 5 of the Grand Island City Code Relative to Animals

Assistant City Attorney Stacy Nonhof reviewed the changes to Chapter 5 of the Grand Island City Code relating to animals. Kathy Nabity, 121 West 23rd Street spoke in support of backyard hens. Lewis Kent, 624 Meves Avenue spoke in support.

Comments were made by Council concerning enforcement, nuisance owner, enclosures for animals, education of animal owners, pet license fee, property boundaries, and chickens.

Motion by Gilbert second by Minton to approve Ordinance #9479 on first reading. Upon roll call vote, all voted aye. Motion adopted.

City Clerk: Ordinance #9479 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, Stelk, Gilbert, Nickerson, Hehnke, Haase, Donaldson, and Mann voted aye. Councilmembers Paulick and Gericke voted no. Motion adopted.

City Clerk: Ordinance #9479 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, Stelk, Gilbert, Nickerson, Hehnke, Haase, Donaldson, and Mann voted aye. Councilmembers Paulick and Gericke voted no. Motion adopted.

Mayor Vavricek: By reason of the roll call votes on first reading and then upon final passage, Ordinance #9479 is declared to be lawfully adopted upon publication as required by law.

#9480 - Consideration of Amending Chapter 33 of the Grand Island City Code Relative to Subdivision Regulations – Street Design Standards

This item related to the aforementioned Public Hearing.

Motion by Gilbert, second by Haase to approve Ordinance #9480 on first reading.

Discussion was held regarding parking and sidewalks.

Motion by Gericke, second by Paulick to amend the motion to approve Section B - 37' street width. Upon roll call vote, Councilmembers Paulick, Stelk, Gericke, and Nickerson voted aye. Councilmembers Minton, Gilbert, Hehnke, Haase, Donaldson, and Mann voted no. Motion failed.

City Clerk: Ordinance #9480 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, Stelk, Gilbert, Hehnke, Haase, Donaldson, and Mann voted aye. Councilmembers Paulick, Gericke, and Nickerson voted no. Motion adopted.

City Clerk: Ordinance #9480 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, Stelk, Gilbert, Hehnke, Haase, Donaldson, and Mann voted aye. Councilmembers Paulick, Gericke, and Nickerson voted no. Motion adopted.

Mayor Vavricek: By reason of the roll call votes on first reading and then upon final passage, Ordinance #9480 is declared to be lawfully adopted upon publication as required by law.

#9481 - Consideration of Amending Chapter 8-14 of the Grand Island City Code Relative to Buildings

Building Department Director Craig Lewis reported that Ordinance #9481 would amend Chapter 8-14 that would require the installation of a 3 inch pipe through floors, walls and into the attic space to provide a ventilation pipe in case future needs were to ventilate soil gasses.

Motion by Donaldson, second by Gericke to approve Ordinance #9481.

City Clerk: Ordinance #9481 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 #9481 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 #9481 is declared to be lawfully adopted upon publication as required by law.

#9477 – Consideration of Setting Forth Gender Neutral Calculation for Pre-84 Police Pension

Councilmember Gericke recused himself from Ordinance #9477.

City Attorney Bob Sivick stated this Ordinance would be read on second and final reading. He explained the background for Ordinance #9477 and stated this would allow the City to settle its disputes with the United States Equal Employment Opportunity Commission (USEEOC) related to gender discrimination complaints filed by past and present Grand Island Police Officers who were pre-84. This Ordinance would set forth a method of calculating gender neutral lump sum pension benefits for those police officers hired prior to 1984.

Motion by Haase, second by Hehnke to approve Ordinance #9477 on second and final reading. Upon roll call vote, Councilmembers Minton, Stelk, Gilbert, Nickerson, Hehnke, Haase, Donaldson, and Mann voted aye. Councilmember Paulick voted no. Motion adopted.

Councilmember Gericke returned to the meeting.

CONSENT AGENDA: Consent Agenda items G-3 and G-9 were removed for further discussion. Motion by Donaldson, second by Minton to approve the Consent Agenda excluding items G-3 and G-9. Upon roll call vote, all voted aye. Motion adopted.

Approving Minutes of March 11, 2014 City Council Regular Meeting.

Approving Minutes of March 18, 2014 City Council Study Session.

#2014-58 - Approving Change of City Council Meeting Date from May 13, 2014 to May 6, 2014. City Administrator Mary Lou Brown stated the May 13, 2014 meeting was the same date as the Primary Election and recommended moving that meeting to May 6, 2014. Comments were made by Council concerning not changing the date and that we had never changed a meeting in the past due to the Primary Election.

Motion by Gilbert, second by Gericke to maintain the Council meeting on May 13, 2014. Upon roll call vote, Councilmembers Paulick, Stelk, Gericke, Gilbert, Hehnke, Haase, and Donaldson voted aye. Councilmembers Minton, Nickerson, and Mann voted no. Motion adopted.

#2014-59 - Approving Police Department Purchase of Portable Radios with Platte Valley Communications of Grand Island, NE in an Amount of \$38,467.70.

#2014-60 - Approving Award of Proposal for Consulting Services for Geospatial Data Collection of Grand Island's Public Stormwater Conveyance System with EA Engineering, Science, and Technology, Inc. of Lincoln, NE in an Amount of \$50,000.00.

#2014-61 - Approving Certificate of Final Completion for Stuhr Road – Bismark Road to Burlington Northern Santa Fe Railroad Crossing; Paving Project No. 2013-P-4 with Gehring Construction and Ready Mix Co., Inc. of Columbus, NE.

#2014-62 - Approving Agreement for Engineering Consulting Services Related to Heartland Public Shooting Park Paving Improvements; Project No. 2014-HPSP-1 with Speece Lewis Engineers, Inc. of Lincoln, NE in an Amount of \$10,200.00.

#2014-63 - Approving Subordination Agreement for 1115 East 9th Street (Victor and Gina Henriquez).

#2014-64 - Approving Citizen Participation Plan Revision. This item was related to the aforementioned Public Hearing. Comments were made concerning this being the final Ordinance.

Motion by Gilbert, second by Haase to approve Resolution #2014-64. Upon roll call vote, all voted aye. Motion adopted.

#2014-65 - Approving Contract Amendment for Community Development Block Grant 13-CR-002.

#2014-66 - Approving Contract Amendment for Community Development Block Grant 13-CR-102.

RESOLUTIONS:

#2014-67 - Consideration of Approving Collaborative Community Wide Visioning Efforts. Mayor Vavricek reported that a Steering Committee had been formed to explore a community wide Visioning process that included Hall County. RFPs were received from seven consultants on February 4, 2014 and were reviewed by six members of the Steering Committee.

The following intended outcomes included:

- identifying and analyzing emerging trends and community concerns
- articulating core community values through a communication and outreach plan
- developing a community vision statement from input gathered
- establishing a vision action plan to implement the vision
- defining a method to revise, update and maintain the vision and vision action plan

The Grand Island Chamber of Commerce, the Grand Island Economic Development Corporation and the Grand Island/Hall County Convention and Visitors Bureau had initiated a process to further enhance the business development initiatives throughout Grand Island. Their privately funded Business Development Strategy would address business growth, business recruitment and workforce development for the next five years.

The Grand Vision plan would include a community engagement element that would include a diverse number of people in our community beyond business interests and would seek a more broad base and all-encompassing number of individual interests. Both plans were complementary, but very different. They would both contribute to our community's success and well-being, quality of life and prosperity for Hall County and the City of Grand Island.

The following people spoke in support:

- Margaret Hornady, 2708 Arrowhead Road
- Ken Gnadt, 1610 Gretchen Avenue
- Karen Rathke, 3836 Meadowlark Circle
- Ray O'Conner, 611 Fleetwood Drive
- Clarence Stephens, 515 E. Division
- Cindy Johnson, Chamber of Commerce President

Councilmember Haase voiced his concern the expenditure was not in the budget even if it was with donated funds. City Attorney Bob Sivick stated Council was not appropriating funds tonight. Finance Director Jaye Monter stated donated funds received by the City go into a special fund and the budget for the fund included appropriations in excess of the anticipated cost.

Motion by Gilbert, second by Minton to approve Resolution #2014-67. Upon roll call vote, Councilmembers Minton, Paulick, Stelk, Gericke, Gilbert, Nickerson, Hehnke, Donaldson, and Mann voted aye. Councilmember Haase voted no. Motion adopted.

#2014-68 - Consideration of Approving Amendment to the Redevelopment Plan for CRA Area 1 located at 8th Street and Superior Street. This item was related to the aforementioned Public Hearing.

Motion by Donaldson, second by Minton to approve Resolution #2014-68. Upon roll call vote, all voted aye. Motion adopted.

#2014-69 - Consideration of Approving Amendment to the Redevelopment Plan for CRA Area 2 located at 3051 South Locust Street. This item was related to the aforementioned Public Hearing.

Motion by Minton, second by Stelk to approve Resolution #2014-69. Upon roll call vote, all voted aye. Motion adopted.

#2014-71 - Consideration of Approving the Approved Animal List. Assistant City Attorney Stacy Nonhof reported that an in-depth review of Chapter 5 of the Grand Island City Code relating to animals had taken place by the Animal Advisory Board. The goal of the proposed changes was to provide more definition where needed and to increase the enforceability of the regulations.

Motion by Gilbert, second by Hehnke to approve Resolution #2014-71. Upon roll call vote, Councilmembers Minton, Stelk, Gericke, Gilbert, Nickerson, Hehnke, Haase, Donaldson, and Mann voted aye. Councilmember Paulick voted no. Motion adopted.

#2014-72 - Consideration of Approving the Waiver Fine Schedule for City Code Violations. Assistant City Attorney Stacy Nonhof reported that the last update to the City Code Violations – Waiver Schedule had taken place in 2010. The proposed changes would include Chapter 5 along with numerous deficiencies in the Waiver Schedule.

Motion by Donaldson, second by Mann to approve Resolution #2014-72. Upon roll call vote, Councilmembers Minton, Stelk, Gilbert, Nickerson, Hehnke, Haase, Donaldson, and Mann voted aye. Councilmembers Paulick and Gericke voted no. Motion adopted.

PAYMENT OF CLAIMS:

Motion by Gericke, second by Nickerson to approve the Claims for the period of March 12, 2014 through March 25, 2014, for a total amount of \$6,718,072.65. Unanimously approved.

ADJOURNMENT: The meeting was adjourned at 10:07 p.m.

RaNae Edwards
City Clerk