



City of Grand Island

Tuesday, May 13, 2014

Council Session

Item G-1

Approving Minutes of April 22, 2014 City Council Regular Meeting

Staff Contact: RaNae Edwards

CITY OF GRAND ISLAND, NEBRASKA

MINUTES OF CITY COUNCIL REGULAR MEETING
April 22, 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 April 22, 2014. Notice of the meeting was given in *The Grand Island Independent* on April 16, 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 Father Jonathan Sorenson, St. Mary's Cathedral Catholic Church, 204 South Cedar Street followed by the PLEDGE OF ALLEGIANCE.

Mayor Vavricek introduced Community Youth Council member Jimmy Riley.

PRESENTATIONS AND PROCLAMATIONS:

Proclamation "School Nurse Day" May 7, 2014. Mayor Vavricek proclaimed May 7, 2014 as "School Nurse Day". Jill Foltz RN, MSN was present to receive the proclamation.

Recognition of Korean War Hero Flights to Washington, D.C. Mayor Vavricek and the City Council recognized the volunteers of the Korean War Hero Flights to Washington, D.C. Ken Brandt, Ken Gnadt, and several Korean War Veterans were present for the recognition.

PUBLIC HEARINGS:

Public Hearing on Request from the City of Grand Island for a Conditional Use Permit for a 130' Communications Tower Located at 700 East Bischeld Street. Building Department Director Craig Lewis reported that an application from the Grand Island Utilities Department had been received for a Conditional Use Permit to allow a 130' lattice communication tower at 700 East Bischeld Street to facilitate departmental communications. Staff recommended approval. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement Located North of Fonner Park Road between Adams Street and Lincoln Avenue (Chief Fabrication, LLC). Utilities Director Tim Luchsinger reported that acquisition of a utility easement located north of Fonner Park Road between Adams Street and Lincoln Avenue was needed in order to have access to install, upgrade, maintain, and repair power appurtenances, including lines and transformers for the purpose of providing electrical service to the addition of Chief Industries Fabrication Plant building. Staff recommended approval. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement Located the 1st 1/4 Mile West of St. Paul Road on the South Side of Airport Road (Oscar and Rose Ann Bredthauer). Utilities Director Tim Luchsinger reported that acquisition of a utility easement located the first 1/4 mile of St. Paul Road on the south side of Airport Road was needed in order to have access to install, upgrade, maintain, and repair power appurtenances, including water lines for the purpose of constructing Water Main District 466T. The agreed upon appraised value was \$6,300.00. Staff recommended approval. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement Located East of Substation C on the South Side of Airport Road (Douglas and Tamara Petersen). Utilities Director Tim Luchsinger reported that acquisition of a utility easement located east of Substation C on the south side of Airport Road was needed in order to have access to install, upgrade, maintain, and repair power appurtenances, including water lines for the purpose of constructing Water Main District 466T. The agreed upon appraised value was \$6,880.00. Staff recommended approval. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement Located West of Sky Park Road on the South Side of Airport Road (Petersen Farms, Inc.). Utilities Director Tim Luchsinger reported that acquisition of a utility easement located west of Sky Park Road on the south side of Airport Road was needed in order to have access to install, upgrade, maintain, and repair power appurtenances, including water lines for the purpose of constructing Water Main District 466T. The agreed upon appraised value was \$6,990.00. Staff recommended approval. No public testimony was heard.

Public Hearing on Acquisition of Public Right-of-Way in Section 24, Township 11 North, Range 10 (Chief Industries, Inc.). Public Works Director John Collins reported that acquisition of a public right-of-way located in Section 24, Township 11 North, Range 10 was needed in order to construct Street Improvement District No. 1261; Westgate Road – North Road east to paved section of Westgate Road. Staff recommended approval. No public testimony was heard.

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:

- #9482 - Consideration of Creation Sanitary Sewer District No. 532; Westwood Park Subdivision
- #9483 - Consideration of Amending Chapter 22 of the Grand Island City Code Relative to Parking
- #9484 - Consideration of Vacation of Lots 69, 70, 71 and 84 of Copper Creek Estates Subdivision
- #9485 – Consideration of Creation of Sanitary Sewer District No. 533; Lots 1, 2, 21 & 22, all in Block 5 of Valley View Subdivision

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.

#9482 - Consideration of Creation of Sanitary Sewer District No. 532; Westwood Park Subdivision

Public Works Director John Collins reported that Council action was needed in order to create Sanitary Sewer District No. 532. A petition signed by 26 residents of the Westwood Park Subdivision was received. A ten year assessment period was recommended. Ordinance #9482 was approved on first reading only at the April 8, 2014 City Council meeting.

Motion by Gilbert, second by Donaldson to approve Ordinance #9482 on second and final reading.

City Clerk: Ordinance #9482 on second and final passage. All those in favor of the passage of this ordinance on second and 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 second reading and then upon final passage, Ordinance #9482 is declared to be lawfully adopted upon publication as required by law.

#9483 - Consideration of Amending Chapter 22 of the Grand Island City Code Relative to Parking

Police Chief Steve Lamken reported that Ordinance #9482 was approved on first reading only at the April 8, 2014 City Council meeting with an amendment to increase the unpaid parking tickets from two (2) to five (5). The Police Department requested Council reconsider the number of unpaid parking tickets before a vehicle could be towed and impounded to the initial recommendation of two (2).

Motion by Gilbert, second by Mann to approve Ordinance #9483 with the amendment that 2 unpaid parking tickets replace 5 unpaid parking tickets on second and final reading.

Discussion was held concerning the number of days a ticket had to be paid. Chief Lamken stated they had five days.

Motion by Nickerson, second by Gericke to amend Section 22-106 (B) to allow 25 days after the 5 days when the ticket was due. Upon roll call vote, Councilmembers Nickerson and Haase voted aye. Councilmembers Minton, Paulick, Stelk, Gericke, Gilbert, Hehnke, Donaldson, and Mann voted no. Motion failed.

Motion by Haase, second by Gilbert to amend Section 22-106 (4) to change Police Fund to General Fund. Upon roll call vote, all voted aye. Motion adopted.

City Clerk: Ordinance #9483 on second and final passage. All those in favor of the passage of this ordinance on second and 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 second reading and then upon final passage, Ordinance #9483 is declared to be lawfully adopted upon publication as required by law.

#9484 - Consideration of Vacation of Lots 69, 70, 71 and 84 of Copper Creek Estates Subdivision

Motion by Haase, second by Paulick to approve Ordinance #9484 on second and final reading.

City Clerk: Ordinance #9484 on second and final passage. All those in favor of the passage of this ordinance on second and 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 second reading and then upon final passage, Ordinance #9484 is declared to be lawfully adopted upon publication as required by law.

#9485 – Consideration of Creation of Sanitary Sewer District No. 533; Lots 1, 2, 21 & 22, all in Block 5 of Valley View Subdivision

Public Works Director John Collins reported that Council action was needed to create Sanitary Sewer District No. 533. This district would serve the remainder of the Valley View Subdivision. A petition for the sanitary sewer was signed by 1 of the 2 property owners.

Motion by Donaldson, second by Hehnke to approve Ordinance #9485.

City Clerk: Ordinance #9485 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 #9485 on second and final passage. All those in favor of the passage of this ordinance on second and 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 second and final passage, Ordinance #9485 is declared to be lawfully adopted upon publication as required by law.

CONSENT AGENDA: Consent Agenda item G-12 was pulled from the agenda at the request of the City Attorney. Motion by Haase, second by Minton to approve the Consent Agenda excluding item G-12. Upon roll call vote, all voted aye. Motion adopted.

Approving Minutes of April 8, 2014 City Council Regular Meeting.

Receipt of Official Documents – Pawnbroker’s Official Bonds for G.I. Loan Shop, 1004 West 2nd Street and Express Pawn, 645 South Locust Street.

Approving Liquor Manager Designation for Henry Polak, 1316 North Lafayette with J-Boy’s Seven Seas Lounge, 2332 North Broadwell Avenue.

#2014-82 - Approving Final Plat and Subdivision Agreement for Copper Creek Estates 7th Subdivision. It was noted that The Guarantee Group, LLC, owner had submitted the Final Plat

and Subdivision Agreement for Copper Creek Estates 7th Subdivision for the purpose of creating 31 lots located west of North Road and south of Old Potash Highway containing 5.85 acres.

#2014-84 - Approving Acquisition of Utility Easement Located North of Fonner Park Road between Adams Street and Lincoln Avenue (Chief Fabrication, LLC).

#2014-85 - Approving Acquisition of Utility Easement Located the 1st 1/4 Mile West of St. Paul Road on the South Side of Airport Road (Oscar and Rose Ann Bredthauer).

#2014-86 - Approving Temporary Construction Occupancy Agreement Located the 1st 1/4 Mile West of St. Paul Road on the South Side of Airport Road (Oscar and Rose Ann Bredthauer) in an Amount of \$24,533.55.

#2014-87 - Approving Acquisition of Utility Easement Located East of Substation C on the South Side of Airport Road (Douglas & Tamara Petersen).

#2014-88 - Approving Temporary Construction Occupancy Agreement Located East of Substation C on the South Side of Airport Road (Douglas & Tamara Petersen) in an Amount of \$11,719.94.

#2014-89 - Approving Acquisition of Utility Easement Located West of Sky Park Road on the South Side of Airport Road (Petersen Farms, Inc.).

#2014-90 - Approving Temporary Construction Occupancy Agreement Located West of Sky Park Road on the South Side of Airport Road (Petersen Farms, Inc.) in an Amount of \$18,445.00.

#2014-91 - Approving Bid Award for Phelps Control Warehouse Construction. This item was pulled from the agenda at the request of the City Attorney.

#2014-92 - Approving Bid Awards for Substation J Control Building with Modular Connections, LLC of Springfield, NY in an Amount of \$293,469.90 and Substation J Control Relays with Electrical Power Products, Inc. of Des Moines, IA in an Amount of \$168,825.00.

#2014-93 - Approving Acquisition of Public Right-of-Way in Section 24, Township 11 North, Range 10 (Chief Industries, Inc.).

#2014-94 - Approving Change Order No. 1 for the Third and Wheeler Historical Lighting Project with Mid-Plains Power, LLC of Grand Island, NE for an Unchanged Contract Amount of \$226,719.40.

#2014-95 - Approving Authorization for Emergency Sanitary Sewer Repairs at the Northeast Corner of State Street & Huston Avenue with The Diamond Engineering Company of Grand Island, NE in an Amount of \$26,164.12.

#2014-96 - Approving Bid Awards for Hot-Mix Asphalt 2014 with J.I.L. Asphalt Paving Co. of Grand Island, NE; Gary Smith Construction Co., Inc. of Grand Island, NE; and Constructors, Inc. of Lincoln, NE.

#2014-97 - Approving Bid Award for Handicap Ramp Project No. 2014-HC-1 with Galvan Construction, Inc. of Grand Island, NE in an Amount of \$191,064.00.

#2014-98 - Approving Interlocal Agreement with Grand Island Public Schools for Walnut Middle School Entry Road Relocation Project.

REQUESTS AND REFERRALS:

Consideration of Request from the City of Grand Island for a Conditional Use Permit for a 130' Communications Tower located at 700 East Bischeld Street. This item was related to the aforementioned Public Hearing.

Motion by Gericke, second by Minton to approve.

Discussion was held concerning a light on the tower. City Attorney Bob Sivick encouraged Council to follow the FAA rules and not require this tower to be lit.

Motion by Gilbert, second by Haase to amend the motion to require this tower to be lit in accordance with FAA rules. Upon roll call vote, Councilmembers Minton, Paulick, Stelk, Gilbert, Nickerson, Hehnke, Haase, Donaldson, and Mann voted aye. Councilmember Gericke voted no. Motion adopted.

Upon roll call vote of the main motion, all voted aye. Motion adopted.

RESOLUTION:

#2014-99 - Consideration of Approving Request from the YMCA for Permission to Use City Streets, Hike/Bike Trail, and State Highway for a State Fair Marathon/Half Marathon/5K Race. City Administrator Mary Lou Brown reported that the YMCA in cooperation with the State Fair were expanding the Bill Seymour one half marathon to a full marathon and were seeking Council approval and notice to the Nebraska Department of Roads (NDOR) for the marathon route. State Statute 39-1359 requires the City Council to approve the route and for the City to inform the NDOR that the route had approval if it closed or blocked any part of a State highway. Staff recommended approval.

Race Director Jeff Doose representing the YMCA explained the race course. Jay Huston representing Ryder, Rosacker, McCue and Huston, liability insurance carrier for the city, explained the liability exposure to the city. He recommended the sponsors furnish the city with their own liability insurance, but stated it was unlikely the sponsors would be able to supply enough coverage. He did not know at this time what the extra insurance premium would be to the city.

Shaun Schleif with the Nebraska State Fair stated this race would be the flattest and fastest course in the nation. They were working on this race being certified and a possible qualifier for the Boston Marathon.

Motion by Haase, second by Paulick to approve Resolution #2014-99.

City Attorney Bob Sivick stated the permit process would change for all events such as this. Discussion was held regarding the risk and managing events like this. Police Chief Lamken commented on the public safety plans set up for this race with officers controlling traffic intersections. Mentioned was extra cost to the city for Police Department overtime, rent of traffic cones, and liability insurance.

Motion by Gilbert, second by Haase to amend the motion so that the costs incurred by the City Departments would be billed back to the event sponsors. Upon roll call vote, Councilmembers Minton, Stelk, Gericke, Gilbert, Nickerson, Hehnke, Haase, and Donaldson voted aye. Councilmembers Paulick and Mann voted no. Motion adopted.

Cara Lemburg commented on the number of people attending/participating in this race. Runners would be required to sign a release. The race would start at 6:15 a.m. during the cooler hours of the day and last for 6 hours.

Upon roll call vote of the main motion, all voted aye. Motion adopted.

PAYMENT OF CLAIMS:

Motion by Gericke, second by Nickerson to approve the Claims for the period of April 9, 2014 through April 22, 2014, for a total amount of \$6,566,133.07. Unanimously approved.

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

RaNae Edwards
City Clerk