



City of Grand Island

Tuesday, September 9, 2014

Council Session

Item G-2

Approving Minutes of August 26, 2014 City Council Regular Meeting

Staff Contact: RaNae Edwards

CITY OF GRAND ISLAND, NEBRASKA

MINUTES OF CITY COUNCIL REGULAR MEETING

August 26, 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 August 26, 2014. Notice of the meeting was given in *The Grand Island Independent* on August 20, 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 Darren Guthridge, Trinity United Methodist Church, 511 North Elm Street followed by the PLEDGE OF ALLEGIANCE.

Mayor Vavricek introduced Community Youth Council member Sarah Salman.

City Attorney Robert Sivick recommended Resolutions #2014-256 and #2014-257 be pulled to a later date for further review by the City Attorney.

PRESENTATIONS:

Presentation of the Grand Island Fire Department's Citizen's Citation Award to Megan Gangwish and Deb O'Hara. Fire Chief Cory Schmidt and EMS Division Chief Russ Blackburn presented the Grand Island Fire Department's Citizen's Citation for life saving efforts to Megan Gangwish and Deb O'Hara for saving the life of a child from drowning on July 4, 2014. Ms. Gangwish and Ms. O'Hara were present to receive the award.

PUBLIC HEARINGS:

Public Hearing on Request from Jacqueline E. Bowen dba j. elizabeth and the Happy Brush, 305 West 3rd Street for a Class "I" Liquor License. City Clerk RaNae Edwards reported that an application for a to Class "I" Liquor License had been received from Jacqueline E. Bowen dba j. elizabeth and the Happy Brush, 305 West 3rd Street. Ms. Edwards presented the following exhibits for the record: application submitted to the Liquor Control Commission and received by the City on August 8, 2014; notice to the general public of date, time, and place of hearing published on August 16, 2014; notice to the applicant of date, time, and place of hearing mailed on August 12, 2014; along with Chapter 4 of the City Code. Staff recommended approval contingent upon final inspections and completion of a state approved alcohol server/seller training program. Jackie Bowen, 1705 Gretchen Avenue and Amos Anson, 4234 Arizona Avenue spoke in support. No further public testimony was heard.

Public Hearing on Request from Red Lobster Hospitality, LLC dba Red Lobster #0734, 3430 West 13th Street for a Class "I" Liquor License. City Clerk RaNae Edwards reported that an application for a to Class "I" Liquor License had been received from Red Lobster Hospitality, LLC dba Red Lobster #0734, 3430 West 13th Street. Ms. Edwards presented the following exhibits for the record: application submitted to the Liquor Control Commission and received by the City on August 13, 2014; notice to the general public of date, time, and place of hearing published on August 16, 2014; notice to the applicant of date, time, and place of hearing mailed on August 14, 2014; along with Chapter 4 of the City Code. Staff recommended approval contingent upon final inspections and completion of a state approved alcohol server/seller training program. Tim O'Neill, attorney for Red Lobster was present to answer questions. No further public testimony was heard.

Public Hearing on Acquisition of Utility Easement located along the West Side of Highway 281 to the South of 3445 West Stolley Park Road (CNH Industrial American, LLC). Utilities Director Tim Luchsinger reported that acquisition of a utility easement located along the west side of Highway 281 to the south of 3445 West 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 construct a new three phase overhead power line to CNH. Staff recommended approval. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement located on the South Side of Airport Road just East of St. Paul Road (Copart of Connecticut, Inc.). Utilities Director Tim Luchsinger reported that acquisition of a utility easement located on the south side of Airport Road, just east of St. Paul Road, was needed in order to have access to install, upgrade, maintain, and repair water lines. The easement would be used to install water lines along Airport Road to provide a loop system (or back-up) to the existing line on Skypark Road and firefighting capacity in the entire Airport area. Staff recommended approval. No public testimony was heard.

Public Hearing on Acquisition of Public Utility Easement for the North Interceptor Phase II; Sanitary Sewer Project No. 2013-S-4 (J & B Rentals, LLC). Public Works Director John Collins reported that acquisition of public utility easements were needed for the North Interceptor Phase II in order to replace aged force main sanitary sewer, reduce or eliminate current sewer pumping station(s), and provide additional capacity for existing and new growth areas of Grand Island. This 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 on Amendment to Redevelopment Plan for CRA Area 6 located at 620 West State Street. Regional Planning Director Chad Nabity reported that Super Market Developers, a subsidiary of Associated Wholesale Grocers, developer had submitted a proposed amendment to the redevelopment plan that would provide for site acquisition, demolition and construction of a new grocery store, in line retail space and restaurant pad site at the Five Points location. Staff recommended approval. Scott Wilmoski with Supermarket Developers spoke in support. No further public testimony was heard.

Public Hearing on Amendment to Redevelopment Plan for CRA Area 9 located at 2228 N. Webb Road. Regional Planning Director Chad Nabity reported the developer intends to use Tax Increment Financing to aid in renovation, reconfiguration and expansion of existing retail space located within the Grand Island Mall property north of Shopko and south of Dollar Tree at 2228 N. Webb Road. Staff recommended approval. Tim Lowe, Lincoln, NE spoke in support. No further public testimony was heard.

Public Hearing on the Semi-Annual Report by the Grand Island Area Economic Development Corporation/Citizen Advisory Review Committee on the Economic Development Program Plan. Dehn Renter, President of the Citizen Advisory Review Committee (CARC) stated the CARC had met and recommended approval of the EDC Semi-Annual Report. Randy Gard, president of Grand Island Area Economic Development Corporation (GIAEDC) gave the semi-annual report. 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:

- #9494 - Consideration of Amending Grand Island City Code Chapters 17-6, Notice to Remove; Noncompliance with Notice and 17-52, Notice to Abate: Remove Nuisance
- #9495 - Consideration of Salary Ordinance

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 aye. Motion adopted.

- #9494 - Consideration of Amending Grand Island City Code Chapters 17-6, Notice to Remove; Noncompliance with Notice and 17-52, Notice to Abate: Remove Nuisance

Police Chief Steve Lamken reported that the Nebraska Legislature revised State Statute 16-230 in 2013. The revisions in the statute provided for cities to establish the method of notice for specific nuisances. The Police Department and Legal Department were recommending that the City amend ordinances 17-6 and 17-52 to provide for notice of violation to be done by either personal service or by first class mail and posting of the property. Lewis Kent, 624 Meves Avenue spoke in support.

Motion by Gilbert, second by Nickeson to approve Ordinance #9494 on first reading.

City Clerk: Ordinance #9494 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 #9494 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 #9494 is declared to be lawfully adopted upon publication as required by law.

#9495 - Consideration of Salary Ordinance

Human Resources Director Brenda Sutherland reported that a Salary Ordinance is presented each year as a part of the budget process. Some wages were set as part of negotiated labor agreements and others through salary surveys. Wage changes in this Ordinance were for the positions in the AFSCME bargaining unit, FOP bargaining unit and the non-union positions.

Motion by Haase, second by Gericke to approve Ordinance #9495 on first reading.

City Clerk: Ordinance #9495 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 #9495 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 #9495 is declared to be lawfully adopted upon publication as required by law.

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 August 12, 2014 City Council Regular Meeting.

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

Approving Minutes of August 19, 2014 City Council Special Meeting.

#2014-234 - Approving Preliminary Plat for Sterling Estates Subdivision and Final Plat and Subdivision Agreement for Sterling Estates Fourth Subdivision. It was noted that Niedfelt Property Management Preferred LLC, developer/owner, had submitted the Preliminary Plat for Sterling Estates Subdivision and the Final Plat and Subdivision Agreement for Sterling Estates Fourth Subdivision for the purpose of creating 78 lots located south of Capital Avenue and east of North Road containing 23.46 acres.

#2014-235 - Approving Final Plat and Subdivision Agreement for Sterling Estates Fifth Subdivision. It was noted that Niedfelt Property Management Preferred LLC, developer/owner, had submitted the Final Plat and Subdivision Agreement for Sterling Estates Fifth Subdivision for the purpose of creating 9 lots located south of Capital Avenue and east of North Road containing 3.26 acres.

#2014-236 - Approving Final Plat and Subdivision Agreement for TLST Spiehs Subdivision. It was noted that Timothy Spiehs and Gary Ummel, developers/owners, had submitted the Final Plat and Subdivision Agreement for TLST Spiehs Subdivision for the purpose of creating 2 lots located south of Capital Avenue and east of St. Paul Road containing 5.781 acres.

#2014-237 - Approving Preliminary and Final Plat and Subdivision Agreement for Kurz Subdivision. It was noted that Grand Island Area Habitat for Humanity, developer/owner, had submitted the Final Plat and Subdivision Agreement for Kurz Subdivision for the purpose of creating 7 lots located north of 8th Street and east of Superior Street containing 1.80 acres.

#2014-238 - Approving Acquisition of Utility Easement located along the West Side of Highway 281 to the South of 3445 West Stolley Park Road (CNH Industrial America, LLC).

#2014-239 - Approving Acquisition of Utility Easement located on the South Side of Airport Road just East of St. Paul Road (Copart of Connecticut, Inc.).

#2014-240 - Approving Bid Award for Communication Tower & Shelter Project at Phelps Control Center with Platte Valley Communications of Grand Island, NE in an Amount of \$73,723.00.

#2014-241 - Approving Bid Award for Ortho-Polyphosphate for Corrosion Control with Carus Phosphates, Inc. of Peru, IL in an Amount of \$83,718.00.

#2014-242 - Approving Change Order #1 for Construction of Substation "J" with IES Commercial, Inc. of Holdrege, NE for an Increase of \$97,844.00 and a Revised Contract Amount of \$2,570,678.38.

#2014-243 - Approving Change Order #1 for Installation of 72/48 Fiber - Contract #2013-OPWG-V with IES Commercial, Inc. of Holdrege, NE for a Decrease of \$34,000.00 and a Revised Contract Amount of \$273,117.00.

#2014-244 - Approving Acquisition of Public Utility Easement for the North Interceptor Phase II; Sanitary Sewer Project No. 2013-S-4 (J & B Rentals, LLC).

#2014-245 - Approving the Adoption of a Resolution Designating Terry Brown as the Responsible Charge Individual for Federal Aid Transportation Projects.

#2014-246 - Approving Agreement for Temporary Construction Easement for Faidley Avenue Paving Improvements; Project No. 2014-P-1 (T & E Cattle Company).

#2014-247 - Approving Agreement for Utility Relocation Services to be performed by NorthWestern Energy for the Capital Avenue – Webb Road to Broadwell Avenue Project.

#2014-248 - Approving Subordination Agreement for Miguel & Maria Mendoza - 405 East 3rd Street.

RESOLUTIONS:

#2014-249 - Consideration of Request from Jacqueline E. Bowen dba j. elizabeth and the Happy Brush, 305 West 3rd Street for a Class "I" Liquor License. This item was related to the aforementioned Public Hearing. Discussion was held concerning the church located within 150'. Mr. Sivick stated the Liquor Control Commission would make the final decision.

Motion by Paulick, second by Minton to approve Resolution #2014-249 with conditions. Upon roll call vote, all voted aye. Motion adopted.

#2014-250 - Consideration of Request from Red Lobster Hospitality, LLC dba Red Lobster #0734, 3430 West 13th Street for a Class "I" Liquor License and Liquor Manager Designation for Sean Korth, 17303 "M" Street, Omaha, NE. This item was related to the aforementioned Public Hearing.

Motion by Haase, second by Hehnke to approve Resolution #2014-250 with conditions. Upon roll call vote, all voted aye. Motion adopted.

#2014-251 - Consideration of Approving Contract for HRIS Solution with EPICOR of Austin, TX in an Amount not-to-exceed \$55,350.00 and \$1,200.00 for Project Control Center Set Up. Human Resources Director Brenda Sutherland reported that a contract for Human Resources Information System (HRIS) would automate the records of all personnel files in the Human Resources Department thereby saving time and money.

Motion by Minton, second by Paulick to approve Resolution #2014-251. Upon roll call vote, all voted aye. Motion adopted.

#2014-252 - Consideration of Approving Contract for Interactive Voice Response and Alertworks Calling Systems with Tele-Works Inc. of Blacksburg, VA in an Amount of \$44,455 and Annual Fees of \$25,675.00. Finance Director Jaye Monter reported that on July 9, 2013 the City Council approved a contract with N. Harris Computer Corporation for a utility billing and customer information system. One component unit not added at the time of the new utility billing system contract was the addition of an Interactive Voice Response (IVR) system which enables the ability to automate inbound and outbound calls with customers. The addition of the Tele-Works Inc. contract would increase the total project cost to \$976,955.00.

Motion by Haase, second by Minton to approve Resolution #2014-252. Upon roll call vote, all voted aye. Motion adopted.

#2014-253 - Consideration of Amendment to Redevelopment Plan for CRA Area 6 located at 620 West State Street. This item was related to the aforementioned Public Hearing. Scott Wilmoski with Supermarket Developers spoke in support.

Motion by Donaldson, second by Nickerson to approve Resolution #2014-253. Upon roll call vote, all voted aye. Motion adopted.

#2014-254 - Consideration of Amendment to Redevelopment Plan for CRA Area 9 located at 2228 N. Webb Road. This item was related to the aforementioned Public Hearing. Mr. Nabity explained the amount of Tax Increment Financing begin requested. Comments were made by Council regarding this being a great plan and the additional service to the community.

Motion by Haase, second by Paulick to approve Resolution #2014-254. Upon roll call vote, all voted aye. Motion adopted.

#2014-255 - Consideration of Approving a Confirmation Resolution Declaring a Portion of the Grand Island Mall located at 2228 N. Webb Road an Enhanced Employment Area Eligible for the Imposition of an Occupation Tax. Regional Planning Director Chad Nabity that the CRA has the authority to designate an area or portion of an area that has been declared blighted and substandard as an Enhanced Employment Area (EEA). The property in the EEA is therefore eligible for the imposition of an occupation tax. The actual decision to impose an occupation tax must be made and approved by the City Council in the form of an ordinance. Since Council must ultimately agree to such a tax it made sense to ask Council to confirm the declaration made by the CRA prior to negotiating the details of any occupation tax with the owner\developer and tenants within the area.

Tim Lowe representing the Staenberg Group from St. Louis, MO spoke in support. Mr. Nabity explained that all tenants in the area must be in agreement to charge the additional tax. He stated the additional tax was needed to help finance the project.

Motion by Haase, second by Gerickje to approve Resolution #2014-255. Upon roll call vote, all voted aye. Motion adopted.

#2014-256 - Consideration of Approving Certificate of Final Completion for Water Main District 458T - Blaine, Schimmer to Wildwood, to Gold Core Road and Setting the Board of Equalization Hearing Date for September 23, 2014. Utilities Director Tim Luchsinger reported that Diamond Engineering Company of Grand Island was awarded the bid for Water Main District 458T to provide municipal water service adjacent to the properties at the Platte Valley Industrial Park East to make the area more attractive for commercial and industrial usage. All construction of the project had been completed and the City Council was requested to approve the Certificate of Final Completion for Water Main District 458T and sit as a Board of Equalization on September 23, 2014 to establish the connection fees for the properties within the district.

Mr. Sivick advised the Council to postpone this item to September 9, 2014 in order for him to assess the costs of the district, form a legal opinion, and put it in writing due to the controversy of this issue. Discussion was held regarding the process of assessing districts. Mr. Sivick stated a large portion of this district was part of a block grant. Mayor Vavricek commented on what would happen if the EDC didn't get the jobs for the CDBG and if that would affect these assessments.

Motion by Gericke, second by Gilbert to approve Resolution #2014-256. Upon roll call vote, all voted aye. Motion adopted.

#2014-257 - Consideration of Approving Certificate of Final Completion and Scheduling the Board of Equalization for Sanitary Sewer District No. 527T – Platte Valley Industrial Park. Public Works Director John Collins reported that Diamond Engineering Company of Grand Island was awarded the bid for Sanitary Sewer District 457T to provide one mile of extended 18” and 15” sanitary sewer service along the length of Wildwood Drive and Schimmer Drive, between Gold Core and Blaine Street at Platte Valley Industrial Park East to make the area more attractive for commercial and industrial usage. All construction of the project had been completed and the City Council was requested to approve the Certificate of Final Completion for Water Main District 457T and sit as a Board of Equalization on September 23, 2014 to establish the connection fees for the properties within the district.

Motion by Haase, second by Donaldson to approve Resolution #2014-257. Upon roll call vote, all voted aye. Motion adopted.

#2014-258 - Consideration of Approving the Semi-Annual Report by the Grand Island Area Economic Development Corporation/Citizens Advisory Review Committee on the Economic Development Program Plan. This item related to the aforementioned Public Hearing.

Motion by Haase, second by Paulick to approve Resolution #2014-258. Upon roll call vote, all voted aye. Motion adopted.

#2014-259 - Consideration of Approving Interlocal Agreement with Hall County Regarding Transit Services. Public Works Director John Collins reported that this agreement would allow Hall County to continue to contract with Senior Citizens Industries, Inc. to provide the same level of transit services within the City of Grand Island as they have in the past. The agreement would also allow the City of Grand Island to provide a payment of \$104,665.00 to Hall County as shown in the proposed 2014-2015 budget in fund 226.

Motion by Minton, second by Mann to approve Resolution #2014-259. Upon roll call vote, all voted aye. Motion adopted.

PAYMENT OF CLAIMS:

Motion by Donaldson, second by Nickerson to approve the Claims for the period of August 13, 2014 through August 26, 2014, for a total amount of \$6,612,291.73. Unanimously approved.

Discussion Concerning the Proposed Fiscal Year 2014-2015 City of Grand Island and Community Redevelopment Authority (CRA) Budgets. Ms. Monter reviewed the City of Grand Island tax rate history. Comments were made concerning the increase in valuation and the increase in taxes to property owners even at the same tax rate as last year. Mentioned was planning for future projects.

ADJOURN TO EXECUTIVE SESSION: Motion by Gilbert, second by Nickerson to adjourn to Executive Session at 9:49 p.m. for the purpose of a strategy session with respect to negotiations with IBEW and International Association of Firefighters (IAFF – Local 647); strategy session

with respect to a real estate purchase, and strategy session with respect to litigation which is imminent as evidenced by communication or a claim or threat of litigation to or by the public body. Unanimously approved.

RETURN TO REGULAR SESSION: Motion by Gilbert, second by Haase to return to Regular Session at 10:54 p.m. Unanimously approved.

ADJOURNMENT: The meeting was adjourned at 10:54 p.m.

RaNae Edwards
City Clerk