



City of Grand Island

Wednesday, November 12, 2014
Council Session

Item G-1

Approving Minutes of October 28, 2014 City Council Regular Meeting

Staff Contact: RaNae Edwards

CITY OF GRAND ISLAND, NEBRASKA

MINUTES OF CITY COUNCIL REGULAR MEETING

October 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 October 28, 2014. Notice of the meeting was given in *The Grand Island Independent* on October 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, Mitch Nickerson, Peg Gilbert, John Gericke, Mark Stelk, Mike Paulick, and Vaughn Minton. Councilmember Julie Hehnke was absent. The following City Officials were present: City Administrator Mary Lou Brown, City Clerk RaNae Edwards, Treasurer and Finance Director Jaye Monter, Assistant City Attorney Stacy Nonhof, and City Engineer and Public Works Director John Collins.

INVOCATION was given by Pastor Bill Rowland, Beacon of Hope Church, 2525 West State Street followed by the PLEDGE OF ALLEGIANCE.

Mayor Vavricek introduced Community Youth Council member Mitzy Matul-Diaz.

PRESENTATIONS AND PROCLAMATIONS:

Proclamation "National Adoption Month" November, 2014. Mayor Vavricek proclaimed the month of November, 2014 as "National Adoption Month". Child and Family Services Administrator Casey Smith was present to receive the proclamation.

SPECIAL ITEMS:

Approving Appointment of Yolanda Chavez Nuncio to City Council Ward 1. Mayor Vavricek submitted the appointment of Yolanda Chavez Nuncio to City Council Ward I to replace Kent Mann.

Lisa Avila O'Connor, 325 Ponderosa Drive spoke in support. Comments were made by Council concerning the process, timing, and phone calls received opposing this appointment. Ms. Nuncio spoke about diversity being an issue in our community.

Motion by Nickerson, second by Minton to approve the appointment. Upon roll call vote, Councilmember Nickerson voted aye. Councilmembers Minton, Paulick, Stelk, Gericke, Gilbert, and Donaldson voted no. Councilmember Haase abstained. Motion failed.

PUBLIC HEARINGS:

Public Hearing on Request from Arts and Drafts LLC dba Arts and Drafts, 214 & 216 North Locust Street for a Class "I" Liquor License. City Clerk RaNae Edwards reported that an

application for a Class “I” Liquor License had been received from Arts and Drafts LLC dba Arts and Drafts, 214 & 216 North Locust Street. Ms. Edwards presented the following exhibits for the record: application submitted to the Liquor Control Commission and received by the City on October 6, 2014; notice to the general public of date, time, and place of hearing published on October 18, 2014; notice to the applicant of date, time, and place of hearing mailed on October 6, 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. No public testimony was heard.

Public Hearing on Request from Third City Christian Church for a Conditional Use Permit for a Temporary Parking Lot Extension located at 4100 West 13th Street. Building Department Director Craig Lewis reported that a request had been received from Third City Christian Church to allow for the renewal of a parking lot located at 4100 West 13th Street. Staff recommended approval with the condition that 1) a landscape buffer included within the required 25’ front yard setback along the south boundary adjacent to 13th Street needed to be provided to comply with setback requirements of the City Code, and 2) the responsibility of controlling any dust created from the lots needed to be addressed by the applicant during any dry months throughout the duration of the use. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement located at 924 Claude Road (Buehler Properties, LLC). Utilities Director Tim Luchsinger reported that acquisition of a utility easement located at 924 Claude 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, cable, and a pad-mounted transformer to provide new three phase service to a new building being constructed by Lift Solutions. 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 (John Menard). Public Works Director John Collins reported that acquisition of a public utility easement was needed for the North Interceptor Phase II, Part C project. The easement would allow for 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 Acquisition of Public Utility Easement in Rainbow Lake Sixth Subdivision (SSB Development, LLC). Public Works Director John Collins reported that acquisition of a public utility easement was needed for Rainbow Lake Sixth Subdivision. The easement would allow for placement and maintenance of utilities within the Subdivision to allow for further housing development. Staff recommended approval. No public testimony was heard.

Public Hearing on Amendment to the Redevelopment Plan for CRA Area 9 located at 2228 N. Webb Road known as Northwest Commons or the former “Grand Island Mall”. Regional Planning Director Chad Nabity reported that the developer for Northwest Commons intended to use Tax Increment Financing (TIF) and an occupation tax in an Enhanced Employment Area (EEA) to aid in renovation of the existing retail space located at 2228 N. Webb Road. Council was asked to consider the plan amendment, contract for TIF and EEA bonds and the passage of

an occupation tax on the area as a source of funding for the EEA bonds. 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:

#9507 - Consideration of Vacation of a Utility Easement Located in Copper Creek Estates Fifth Subdivision (The Guarantee Group, LLC)

#9508 – Consideration of Amending Chapter 15 of the Grand Island City Code Regarding the 2014 National Electric Codes

#9509 – Consideration of Approving the Enhanced Employment Area Occupation Tax

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.

#9507 - Consideration of Vacation of a Utility Easement Located in Copper Creek Estates Fifth Subdivision (The Guarantee Group, LLC)

Public Works Director John Collins reported that the developer/property owner of Copper Creek Estates Fifth Subdivision requested the vacation of a utility easement to support the development of Lots 6 and 7. The easement was not necessary to accommodate existing or proposed utilities. Staff recommended approval.

Motion by Gilbert, second by Gericke to approve Ordinance #9507.

City Clerk: Ordinance #9507 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 #9507 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 #9507 is declared to be lawfully adopted upon publication as required by law.

#9508 – Consideration of Amending Chapter 15 of the Grand Island City Code Regarding the 2014 National Electric Codes

Building Department Director Craig Lewis reported that the 2014 National Electric Code (NEC) was the current edition of the national standard for the installation of electrical wiring systems. The proposed amendment to Chapter 15 of the Grand Island City Code would adopt the current edition of the National Electric Code.

Motion by Donaldson, second by Minton to approve Ordinance #9508.

City Clerk: Ordinance #9508 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 #9508 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 #9508 is declared to be lawfully adopted upon publication as required by law.

RESOLUTION:

#2014-338 - Consideration of Amendment to the Redevelopment Plan for CRA Area 9 located at 2228 N. Webb Road known as Northwest Commons or the former "Grand Island Mall". This item related to the aforementioned Public Hearing.

Motion by Haase, second by Gericke to approve Resolution #2014-338. Upon roll call vote, all voted aye. Motion adopted.

ORIDINANCE:

#9509 – Consideration of Approving the Enhanced Employment Area Occupation Tax

Regional Planning Director Chad Nabity reported Ordinance #9509 related to the aforementioned Public Hearing regarding the Northwest Commons area and would levy a retail business occupation tax on or before October 1, 2015.

Motion by Haase, second by Donaldson to approve Ordinance #9509.

City Clerk: Ordinance #9509 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 #9509 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 #9509 is declared to be lawfully adopted upon publication as required by law.

CONSENT AGENDA: Motion by Donaldson, second by Minton to approve the Consent Agenda excluding G-3 (Appointment to CRA Board) and G-15 (#2014-330). Upon roll call vote, all voted aye. Motion adopted.

Approving Minutes of October 14, 2014 City Council Regular Meeting.

Approving Appointment of Jeremiah Krantz to the Downtown Business Improvement District 2013 Board.

Approving Appointment of Glenn Wilson to the Community Redevelopment Authority. Mayor Vavricek commented on the qualifications of Mr. Wilson to this board. Motion by Gilbert, second by Haase to approve the appointment of Glenn Wilson. Upon roll call vote, all voted aye. Motion adopted.

Approving Re-Appointments of Ray O'Connor and Tom O'Neill and Appointments of Ken Staab and Gail Yenny to the Citizens Advisory Review Committee.

#2014-320 - Approving the Purchase of Data 911 Mobile Video Systems for the Police Department with Data 911 in an Amount of \$7,210.00.

#2014-321 - Approving Acquisition of Utility Easement - 924 Claude Road (Buehler Properties, LLC).

#2014-322 - Approving Bid Award - 2015 Complete Unit with Telescopic Aerial Platform and Chassis (Bucket Truck) for Platte Generating Station with Altec of Elizabethtown, KY in an Amount of \$104,217.00.

#2014-323 - Approving Change Order #2 with IES Commercial, Inc. of Holdrege, NE for Construction of Substation J for an Increase of \$74,889.00 and a Revised Contract Amount of \$2,654,567.38 and a Completion Deadline of November 28, 2014.

#2014-324 - Approving Contract Extension to September 30, 2015 with Paramount Linen and Uniform Rental from Kearney, NE for Uniform Rental for Utilities and Public Works Departments.

#2014-325 - Approving Change Order #1 for Surface Prep and Painting of Island Oasis Water Park with A1A Sandblasting from Cedar Rapids, IA for an Increase of \$4,000.00 and a Revised Contract Amount of \$51,300.00.

#2014-326 - Approving the Agreement with the National Joint Powers Alliance for Joint Material Purchases (Utilities Department).

#2014-327 - Approving Acquisition of Public Utility Easement for the North Interceptor Phase II; Sanitary Sewer Project No. 2013-S-4 (Menard).

#2014-328 - Approving Temporary Construction Easement for the North Interceptor Phase II; Sanitary Sewer Project No. 2013-S-4 (Menard).

#2014-329 - Approving Acquisition of Public Utility Easement in Rainbow Lake Sixth Subdivision (SSB Development, LLC).

#2014-330 - Approving Amendment No. 1 for Interlocal Cooperative Agreement for Upper Prairie/Silver/Moores Flood Control Project. Public Works Director John Collins and Regional Planning Director Chad Nabity explained that in order for continued support by the City on the flood control project for the Upper Prairie/Silver/Moores Creek an amendment to the original agreement resolution obligating funds toward this project was required. Such amendment would add an additional funding obligation to the City of \$2,929,800, over an additional 5 year period. Such project total was estimated at \$29,000,000 with projected completion in 2020. The schedule was contingent upon receiving sufficient funds from the State and that the Corps of Engineers finishes their remediation by the end of 2015. Comments were made by Council regarding the importance of this project.

Motion by Nickerson, second by Minton to approve Resolution #2014-330. Upon roll call vote, all voted aye. Motion adopted.

#2014-331 - Approving Certificate of Final Completion for Handicap Ramp Project No. 2014-HC-1 with Galvan Construction Co. of Grand Island, NE.

#2014-332 - Approving Storm Water Management Plan Program Grant.

#2014-333 - Approving Authorization for the City to Participate in the Securities Exchange Commission's Municipalities Continuing Disclosure Cooperation Initiative and Related Matters.

REQUESTS AND REFERRALS:

Consideration of Request from Third City Christian Church for a Conditional Use Permit for Temporary Parking Lot Extension located at 4100 West 13th Street. This item related to the aforementioned Public Hearing. Pastor Scott Jones representing the Third City Christian Church commented on the expansion of the hard surface parking lot.

Motion by Gilbert, second by Donaldson to approve the request with conditions as specified during the Public Hearing. Upon roll call vote, all voted aye. Motion adopted.

RESOLUTIONS:

#2014-334 - Consideration of Request from Arts and Drafts LLC dba Arts and Drafts, 214 & 216 North Locust Street for a Class "I" Liquor License and Liquor Manager Designation for Jill Canfield, 1623 West 1st Street. This item related to the aforementioned Public Hearing.

Motion by Gilbert, second by Minton to approve Resolution #2014-334 contingent upon final inspections and completion of a state approved alcohol server/seller program. Upon roll call vote, all voted aye. Motion adopted.

#2014-335 - Consideration of Approving Contract with Life Line Billings Systems, LLC of Wautoma, WI for Emergency Medical Services and Fire Department Billing Services. Senior Accountant William Clingman reported that due to recent changes in the healthcare industry, a

third party vendor would be able to bring efficiency as well as expertise to the Emergency Management Services billing and collections as well as reduce staff by 1 FTE. Fire Chief Cory Schmidt and Finance Director Jaye Monter spoke in support.

Zachary Zoul, 2723 Brentwood Boulevard spoke in opposition.

Motion by Gilbert, second by Minton to approve Resolution #2014-335. Upon roll call vote, Councilmembers Minton, Gilbert, Nickerson, and Donaldson voted aye. Councilmembers Paulick, Gericke, and Haase voted no. Councilmember Stelk abstained. Motion failed.

#2014-336 - Consideration of Approving Designated Depositories and City Treasurer Authorizations. This item was removed from the agenda due to Resolution #2014-335 being denied.

#2014-337 - Consideration of Approving Amendment to Finance Personnel FTE Budget Allocation. This item was removed from the agenda due to Resolution #2014-335 being denied.

PAYMENT OF CLAIMS:

Motion by Donaldson, second by Paulick to approve the Claims for the period of October 15, 2014 through October 28, 2014, for a total amount of \$3,749,072.14. Unanimously approved.

ADJOURNMENT: The meeting was adjourned at 9:05 p.m.

RaNae Edwards
City Clerk