



# **City of Grand Island**

**Monday, December 30, 2013**

**Special Meeting**

## **Item G-1**

**Approving Minutes of December 17, 2013 City Council Regular Meeting**

**Staff Contact: RaNae Edwards**

CITY OF GRAND ISLAND, NEBRASKA

MINUTES OF CITY COUNCIL REGULAR MEETING  
December 17, 2013

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 December 17, 2013. Notice of the meeting was given in *The Grand Island Independent* on December 11, 2013.

Mayor Jay Vavricek called the meeting to order at 7:00 p.m. The following City Council members were present: Bob Niemann, 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 Stan Davis, New Life Community Church, 301 West 2<sup>nd</sup> Street followed by the PLEDGE OF ALLEGIANCE.

Mayor Vavricek introduced Community Youth Council member John Albers and board member Danna Burchess.

PUBLIC HEARINGS:

Public Hearing on Request from Carnivores Meat Supply LLC dba Carnivores Meat Supply, 3721 W. Old Potash Highway for a Class "C" Liquor License. City Clerk RaNae Edwards reported that an application for a Class "C" Liquor License had been received from Carnivores Meat Supply LLC dba Carnivores Meat Supply, 3721 W. Old Potash Highway. Ms. Edwards presented the following exhibits for the record: application submitted to the Liquor Control Commission and received by the City on November 20, 2013; notice to the general public of date, time, and place of hearing published on December 7, 2013; notice to the applicant of date, time, and place of hearing mailed on November 20, 2013; along with Chapter 4 of the City Code. Staff recommended approval. No public testimony was heard.

Public Hearing on Request from The Chocolate Bar, Inc. dba The Chocolate Bar, 116 West 3<sup>rd</sup> Street for a Catering Designation to Class "I-86925" Liquor License. City Clerk RaNae Edwards reported that an application for a catering designation to Class "I-86925" Liquor License had been received from The Chocolate Bar, Inc. dba The Chocolate Bar, 116 West 3<sup>rd</sup> Street. Ms. Edwards presented the following exhibits for the record: application submitted to the Liquor Control Commission and received by the City on December 3, 2013; notice to the general public of date, time, and place of hearing published on December 7, 2013; notice to the applicant of date, time, and place of hearing mailed on December 4, 2013; along with Chapter 4 of the City Code. Staff recommended approval. No public testimony was heard.

Public Hearing on Request from Hazel L. Struble for a Conditional Use Permit for Off Street Parking for Grand Island Public Schools Located at 421 West 9<sup>th</sup> Street. Building Department Director Craig Lewis reported that an application for a Conditional Use Permit was received from Hazel L. Struble for property located at 421 West 9<sup>th</sup> Street, south of Howard School. The

request was for Grand Island Public Schools to construct a parking lot for elementary school parking. Staff recommended approval. No public testimony was heard.

Public Hearing on Request from Dawn Dreikosen for a Conditional Use Permit for Off Street Parking for Grand Island Public Schools Located at 1323 West 7<sup>th</sup> Street. Building Department Director Craig Lewis reported that an application for a Conditional Use Permit was received from Dawn Dreikosen for property located at 1323 West 7<sup>th</sup> Street, south of Jefferson School. This request was for Grand Island Public Schools to construct a parking lot for elementary school parking. Staff recommended approval. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement Located North of US Hwy. 30 and East of Engleman Road (West Park Plaza Mobile Home Park). Utilities Director Tim Luchsinger reported that acquisition of a utility easement located north of US Hwy. 30 and east of Engleman Road was needed in order to have access to install, upgrade, maintain, and repair power appurtenances, including lines and transformers. This easement would place new cable and transformers to improve the service to the West Park Plaza. Staff recommended approval. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement Located North of U.S. Hwy. 30, South of Westgate Road and East of North Road (Chief Industries). Utilities Director Tim Luchsinger reported that acquisition of a utility easement located north of US Hwy. 30, south of Westgate Road and east of North Road was needed in order to have access to install, upgrade, maintain, and repair power appurtenances, including lines and transformers. This easement would provide for the location of electrical conduit, cable, and a pad-mounted transformer to provide power to Lot Three (3), and possible Lot Four (4) in the future. Staff recommended approval. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement Located North of Brome Grass Drive and West of Yarrow Drive (The Guarantee Group, L.L.C.). Utilities Director Tim Luchsinger reported that acquisition of a utility easement located north of Brome Grass Drive and west of Yarrow Drive was needed in order to have access to install, upgrade, maintain, and repair water lines. This easement would be included as part of the public right-of-way in a future phase of the Copper Creek Estates development, but was needed now to provide the loop for both water flow and fire protection. Staff recommended approval. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement Located West of U.S. Hwy. 281 and North of Stolley Park Road (Timothy & Merlene Roe). Utilities Director Tim Luchsinger reported that acquisition of a utility easement located west of U.S. Hwy. 281 and north of Stolley Park Road was needed in order to have access to install, upgrade, maintain, and repair power appurtenances, including lines and transformers. Roe Buick's secondary electric service was fed from the south side of Stolley Park Road and recently failed. Primary electric conduit, cable and a pad-mounted transformer were placed closer to the building to more efficiently provide service. This easement to be acquired was the location of the new electric feed for the business. Staff recommended approval. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement Located between Clark Street and Greenwich Avenue at the South Street Intersection (Carmalor NE, L.P.). Utilities Director Tim Luchsinger reported that acquisition of a utility easement located between Clark Street and Greenwich

Avenue at the South Street Intersection was needed in order to have access to install, upgrade, maintain, and repair power appurtenances, including lines and transformers. This easement would provide for the required access for maintenance with no planned changes to the infrastructure. Staff recommended approval. No public testimony was heard.

Public Hearing on Acquisition of Right-of-Way Located at 922 N. Lambert Street (Grand Island Area Habitat for Humanity). Regional Planning Director Chad Nabity reported that the Grand Island Area Habitat for Humanity had purchased property at 922 N. Lambert Street and requested the City to vacate right-of-way for Lambert Street and 12<sup>th</sup> Street in exchange for right-of-way for Evans Street. Staff recommended approval. No public testimony was heard.

ORDINANCE:

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

- #9463 – Consideration to Amend and Restate the City of Grand Island, Nebraska Police Officers’ Retirement System Plan and Trust
- #9464 – Consideration to Amend and Restate the City of Grand Island, Nebraska Firefighters’ Retirement System Plan and Trust
- #9465 – Consideration of Acquisition of Real Estate Located at 922 N. Lambert Street – tract 2 from Habitat for Humanity
- #9466 – Consideration of Sale of Real Estate Located at 922 N. Lambert Street – Tract 1 and 3 to Habitat for Humanity
- #9467 – Consideration of Amending 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, Councilmembers Minton, Paulick, Gilbert, Nickerson, Hehnke, Haase, Donaldson and Niemann voted aye. Councilmember Gericke voted no. Motion adopted.

- #9463 – Consideration to Amend and Restate the City of Grand Island, Nebraska Police Officers’ Retirement System Plan and Trust
- #9464 – Consideration to Amend and Restate the City of Grand Island, Nebraska Firefighters’ Retirement System Plan and Trust

Finance Director Jaye Monter reported that in order to stay in compliance with all federal and state retirement plan laws the City of Grand Island’s Police Officers’ and Firefighters’ Retirement System Plan and Trust plans needed to be restated.

Mike Nelson, representative on the Police Pension Committee requested Ordinance #9463 be postponed to the next council meeting because the Police Pension Committee did not receive the updates until Saturday before the meeting and did not have a chance to meet and review the changes to the plan.

City Attorney Bob Sivick stated the changes were a housekeeping measure and that the Council was the administrator of the plans.

Motion by Haase, second by Paulick to postpone Ordinances #9463 and #9464 to the December 30, 2013 Council meeting.

William Bradshaw, attorney, explained the amendments to the plans. He recommended these ordinances be decided by the end of the calendar year.

Motion by Gilbert, second by Hehnke to adjourn to executive session for the purpose to discuss litigation at 7:34 p.m.

Tracy Overstreet with the Independent objected to the closed session. Discussion was held by council regarding the need to go into executive session.

Upon roll call vote to adjourn to executive session, Councilmembers Gilbert, Hehnke, and Haase voted aye. Councilmembers Minton, Paulick, Gericke, Nickerson, Donaldson, and Niemann voted no. Motion failed.

Upon roll call vote of the main motion to postpone, Councilmembers Minton, Paulick, Gilbert, Nickerson, Hehnke, Haase, Donaldson, and Niemann voted aye. Councilmember Gericke voted no. Motion adopted.

#9465 – Consideration of Acquisition of Real Estate Located at 922 N. Lambert Street – tract 2 from Habitat for Humanity

This ordinance related to the aforementioned Public Hearings.

Motion by Paulick, second by Gericke to approve Ordinance #9465.

City Clerk: Ordinance #9465 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 #9465 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 #9465 is declared to be lawfully adopted upon publication as required by law.

#9466 – Consideration of Sale of Real Estate Located at 922 N. Lambert Street – Tract 1 and 3 to Habitat for Humanity

Motion by Donaldson, second by Gericke to approve Ordinance #9466.

City Clerk: Ordinance #9466 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 #9466 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 #9466 is declared to be lawfully adopted upon publication as required by law.

RESOLUTION:

#2013-411 – Consideration of Amendment to IAFF Contract. Human Resources Director Brenda Sutherland reported that this amendment would add the positions of Life Safety Inspector and Shift Commander to the IAFF Local 647 Labor Agreement. Discussion was held regarding the benefits for the Life Safety Inspector position.

Motion by Haase, second by Minton to approve Resolution #2013-411. Upon roll call vote, Councilmembers Minton, Paulick, Gericke, Gilbert, Nickerson, Haase, Donaldson, and Niemann voted aye. Councilmember Hehnke voted no. Motion adopted.

ORDINANCE:

#9467 – Consideration of Amending Salary Ordinance

Human Resources Director Brenda Sutherland reported that this ordinance supported the amendment to the IAFF Local 647 Labor agreement for Life Safety Inspector and Shift Commander. Other housekeeping measures were mentioned. Discussion was held regarding the job description and pay range of the Assistant Public Works Director position.

Motion by Donaldson, second by Hehnke to approve Ordinance #9467.

City Clerk: Ordinance #9467 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: Ordinance #9467 on second and final reading. All those in favor of the passage of these ordinances on second and final reading, answer roll call vote. Upon roll call vote, Councilmembers Minton, Gericke, Gilbert, Nickerson, Hehnke, Haase, Donaldson, and Niemann voted aye. Councilmember Paulick voted no. Motion adopted.

Mayor Vavricek: By reason of the roll call votes on first reading and then upon final passage, Ordinance #9467 is declared to be lawfully adopted upon publication as required by law.

Councilmember Minton was absent at 8:25 p.m.

CONSENT AGENDA: Consent Agenda item G-9 was removed for further discussion. Motion by Donaldson, second by Paulick to approve the Consent Agenda excluding item G-9. Upon roll call vote, all voted aye. Motion adopted.

Approving Minutes of November 26, 2013 City Council Regular Meeting.

Approving Minutes of December 3, 2013 City Council Regular Meeting.

Approving Appointment of Wanda Stelk to the Animal Advisory Board.

Approving Appointment of Jeff Vinson to the Citizens Advisory Review Committee.

Approving Re-Appointment of Steve Kunzman to the Central District Health Board.

Approving Re-Appointment of Bob Loewenstein and Appointments of Dennis Garcia, Anita Lewandowski-Brown, and Jacinto Corona to the Community Development Advisory Board.

Approving Appointment of Francisco Garcia to the Downtown Business Improvement District 2013 Board.

Approving Re-Appointment of Densel Rasmussen and Appointment of Jason Hornady to the Grand Island Facilities Corporation Board.

Approving Appointment of John Hoggatt to the Police Pension Committee and Firefighters Pension Committee. Council commented on the importance of Council representation on these committees.

Motion by Gilbert, second by Paulick to deny the appointment of John Hoggatt to the Police and Firefighters Pension Committees. Upon roll call vote, Councilmembers Paulick, Gilbert, Hehnke, Haase, Donaldson, and Niemann voted aye. Councilmembers Gericke and Nickerson voted no. Motion to deny adopted.

Approving Appointment of Craig Vincent to the Regional Planning Commission.

Approving Re-Appointments to the Electrical Board.

Approving Re-Appointments to the Mechanical Examining Board.

Approving Re-Appointments to the Plumbers Examining Board.

#2013-389 – Approving Acquisition of Utility Easement Located North of U.S. Hwy. 30 and East of Engleman Road (West Park Plaza Mobile Home Park).

#2013-390 – Approving Acquisition of Utility Easement Located North of U.S. Hwy. 30, South of Westgate Road and East of North Road (Chief Industries).

#2013-391 – Approving Acquisition of Utility Easement Located North of Brome Grass Drive and West of Yarrow Drive (The Guarantee Group, L.L.C.).

#2013-392 – Approving Acquisition of Utility Easement Located West of U.S. Hwy. 281 and North of Stolley Park Road (Timothy & Merlene Roe).

#2013-393 – Approving Acquisition of Utility Easement Located Between Clark Street and Greenwich Avenue at the South Street Intersection (Carmalor NE, L.P.).

#2013-394 – Approving Bid Award for Tree Trimming Contracts 2014-TT-1 with Leetch Tree Service of Grand Island, NE in an Amount of \$67,615.00 and Tom’s Tree Service of Grand Island, NE in an Amount of \$16,300.00.

#2013-395 – Approving Certificate of Final Completion for Water Main Project 2013-W-2 – Sycamore Street with The Diamond Engineering Company of Grand Island, NE.

#2013-396 – Approving Certificates of Final Completion for Water Main Districts 464 & 465 – Antelope, Wildwood, Elk and Cougar Drive with The Diamond Engineering Company of Grand Island, NE and Setting Board of Equalization Hearing for January 28, 2014.

#2013-397 – Approving Change Order No. 1 for Irrigation Installation at Jackrabbit Run Golf Course with Duininck, Inc. of Prinsburg, MN for an increase of \$7,021.39 and a Revised Contract Amount of \$499,559.39.

#2013-398 – Approving Request from Doug Emery, 545 Linden Avenue for Building Permit to Construct a Detached Accessory Building.

#2013-399 – Approving Award of Proposal for Office/Utility Building Construction at the Solid Waste Landfill with Mehring Construction Company, LLC of Grand Island, NE in an Amount of \$65,488.60.

#2013-400 – Approving Amendment No. 8 to the Agreement for Professional Engineering Services Entitled “Wastewater Treatment Plan and Collection System Rehabilitation” with Black & Veatch of Kansas City, MO in an Amount of \$904,524.00 and a Revised Contract Amount of \$7,334,476.00.

#2013-401 – Approving Continuation of Drainage Improvement District No. 2013-D-4; Westgate Subdivision.

#2013-402 – Approving Authorization for Emergency Sanitary Sewer Repairs on Sycamore Street and Adjoining Alley (Between 21<sup>st</sup> Street and 22<sup>nd</sup> Street) with Van Kirk Bros. Contraction of Sutton, NE in an Amount of \$87,764.73.

#2013-403 – Approving Addendum #3 Scope of Services for Website Development with Vision Internet in an Amount of \$18,500.00.

#2013-404 – Approving Subscription Services Agreement with Vision Internet for Four Years in an Amount of \$6,600 annually with a 5% Increase each Additional Year of the Contract.

#2013-405 – Approving Acquisition of Right-of-Way Located at 922 N. Lambert Street (Grand Island Area Habitat for Humanity).

REQUESTS AND REFERRALS:



Consideration of Request from Hazel L. Struble for a Conditional Use Permit for Off Street Parking for Grand Island Public Schools Located at 421 West 9<sup>th</sup> Street. This item related to the aforementioned Public Hearing. Councilmember Nickerson recused himself from this issue due to a conflict of interest.

Motion by Paulick, second by Hehnke to approve the request.

Building Department Director Craig Lewis answered questions concerning lighting on this property. Virgil Harden representing the Grand Island Public Schools stated they had no reservations with the “no lighting” on the lot.

Motion by Gilbert, second by Haase to amend the motion that no lighting be added to the lot. Upon roll call vote, all voted aye. Motion adopted.

Upon roll call vote of the main motion to approve, Councilmembers Paulick, Gilbert, Hehnke, Haase, Donaldson, and Niemann voted aye. Councilmember Gericke voted no. Motion adopted.

Consideration of Request from Dawn Dreikosen for a Conditional Use Permit for Off Street Parking for Grand Island Public Schools Located at 1323 West 7<sup>th</sup> Street. This item related to the aforementioned Public Hearing.

Motion by Gilbert, second by Paulick to approve the request with the condition of no lighting on the lot. Upon roll call vote, Councilmembers Paulick, Gilbert, Nickerson, Hehnke, Haase, Donaldson, and Niemann voted aye. Councilmember Gericke voted no. Motion adopted.

#### RESOLUTIONS:

#2013-406 – Consideration of Request from Carnivores Meat Supply LLC dba Carnivores Meat Supply, 3721 W. Old Potash Highway for a Class “C” Liquor License and Liquor Manager Designation for Eric Muth, 3527 South Blaine Street. This item related to the aforementioned Public Hearing.

Motion by Gilbert, second by Donaldson to approve Resolution #2013-406 contingent upon final inspections and completion of a state approved alcohol server/seller training program. Upon roll call vote, all voted aye. Motion adopted.

#2013-407 – Consideration of Request from The Chocolate Bar, Inc. dba The Chocolate Bar, 116 West 3<sup>rd</sup> Street for a Catering Designation to Class “I-86925” Liquor License. This item related to the aforementioned Public Hearing.

Motion by Paulick, second by Donaldson to approve Resolution #2013-407. Upon roll call vote, all voted aye. Motion adopted.

#2013-408 – Consideration of Approving Contract to Provide the City of Grand Island Water System Master Plan. Utilities Director Tim Luchsinger reported that request for proposals for engineering services were received to evaluate and plan for the water system future demands for the next twenty years and to develop a strategy for replacement of aging infrastructure. Staff recommended approving HDR of Omaha, NE in an Amount not-to-exceed \$66,415.00.

Discussion was held regarding the scope of the contract. Mr. Luchsinger stated it would be directed more on the capital side instead of the operational/labor side.

Motion by Haase, second by Gilbert to approve Resolution #2013-408. Upon roll call vote, all voted aye. Motion adopted.

#2013-409 – Consideration of Approving Contract to Provide the City of Grand Island Electric System Master Plan. Utilities Director Tim Luchsinger reported that request for proposals for engineering services were received to evaluate current system conditions and upgrade plans. Staff recommended approving Black & Veatch of Overland Park, KS in an Amount not-to-exceed \$252,812.00.

Motion by Haase, second by Gilbert to approve Resolution #2013-409. Upon roll call vote, all voted aye. Motion adopted.

#2013-410 – Consideration of Approving Deferral of Grand Island as U.S. Dept. of Housing and Urban Development (HUD) Entitlement Grantee. Finance Director Jaye Monter reported that as an entitlement community, the City of Grand Island would receive funds directly from HUD on an annual formula basis from the Federal Government. The City needed to develop and submit a Consolidated Plan for fiscal years 2015, 2016, and 2017 and were requesting deferral of this plan to accommodate a detailed citizen participation plan and filling the vacancy of the Community Development Administrator.

A lengthy discussion was held regarding the entitlement grantee status. Comments were made by Council regarding the importance of this issue and the possibility of hiring out-side help.

Motion by Donaldson, second by Hehnke to approve Resolution #2013-410. Upon roll call vote, Councilmembers Gericke, Nickerson, Hehnke, Haase, Donaldson, and Niemann voted aye. Councilmembers Paulick and Gilbert voted no. Motion adopted.

#### PAYMENT OF CLAIMS:

Motion by Donaldson, second by Hehnke to approve the Claims for the period of November 27, 2013 through December 17, 2013, for a total amount of \$9,175,214.59. Unanimously approved.

ADJOURNMENT: The meeting was adjourned at 9:40 p.m.

RaNae Edwards  
City Clerk