



# City of Grand Island

Tuesday, February 12, 2002

Council Session

## Item G2

### Approving Minutes of January 22, 2002 City Council Regular Meeting

*The Minutes of the January 22, 2002 City Council Regular Meeting are submitted for approval. See attached MINUTES.*

Staff Contact: RaNae Edwards

OFFICIAL PROCEEDINGS

CITY OF GRAND ISLAND, NEBRASKA

MINUTES OF CITY COUNCIL REGULAR MEETING

January 22, 2002

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 January 22, 2002. Notice of the meeting was given in the Grand Island Independent on January 16, 2002.

Council President Whitesides called the meeting to order at 7:00 p.m. The following members were present: Councilmembers Pielstick, Ward, Seifert, Larson, Hornady, Whitesides, Haase, Murray, Walker and Sorensen. Mayor Ken Gnadt was absent. The following City Officials were present: City Administrator Marlan Ferguson, City Clerk RaNae Edwards, Finance Director David Springer, Public Works Director Steve Riehle and City Attorney Charlie Cuypers.

PLEDGE OF ALLEGIANCE was said followed by the INVOCATION given by Father Tom Ryan, St. Mary's Cathedral Catholic Church, 204 South Cedar Street.

PRESENTATIONS AND PROCLAMATIONS:

It's About Kids! Crystal Kuzma and Jenna Huffman presented *It's About Kids!* assets.

Recognition of Dr. Richard Fruehling for Dedication to the Practice of Family Medicine. President Whitesides and Mike Gloor, President and CEO of St. Francis Medical Center presented Dr. Richard Fruehling a Certificate of Appreciation for his unceasing dedication to the mentorship and practice of family medicine in Grand Island and throughout rural Nebraska.

Presentation by McDermott & Miller, for FY 2001 City Single Audit and General Purpose Financial Statements. Mike Wassinger of McDermott & Miller presented the City Single Audit for Fiscal Year 2001 and stated that the City had received an unqualified opinion which was the best rating given. Mr. Wassinger thanked the staff for their cooperation.

RESERVE TIME TO SPEAK ON AGENDA ITEMS: One individual reserved time to speak on an agenda item.

BOARD OF EQUALIZATION: Motion by Sorensen, second by Pielstick, carried unanimously to adjourn to the Board of Equalization.

#2002-BE-1 – Board of Equalization for Sidewalk District No. 1, 2001, Stolley Park Road and Broadwell Avenue at the Union Pacific Railroad Tracks. Steve Riehle, Public Works Director, reported that all work was completed and the special assessments were calculated for the properties in Sidewalk District No. 1 - 2001. The district included the Union Pacific Railroad Right of Way lying east of and adjacent to Broadwell Avenue between west South Front Street &

Old Lincoln Highway and the Union Pacific Railroad Right of Way lying north of and adjacent to Stolley Park Road approximately 300' east of Ada Street. The Certificate of Final Completion was approved by Council on December 18, 2001 and a Board of Equalization date of January 22, 2002 was set. All costs of the District would be assessed to the Union Pacific Railroad. The total to be assessed, including Engineering Services, equaled \$3,266.56. Motion by Murray, second by Hornady, carried unanimously to approve.

RETURN TO REGULAR SESSION Motion by Pielstick, second by Hornady, carried unanimously to return to Regular Session.

PUBLIC HEARINGS:

Public Hearing on Adoption of the Official City Zoning Map for 2002. Chad Nabity, Planning Director, reported that the Regional Planning Department had developed the Official Zoning Map in accordance with Section 36-7 of the Grand Island City Code whereby establishing the location, size, shape and boundaries of the zones approved by the City Council for the enforcement of zoning regulations. It had been recommended that the Official Zoning Map be ratified, affirmed, readopted and published on an annual basis. The Regional Planning Commission approved the Official Zoning Map, with the recommended changes, at their January 9, 2002 meeting. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement Located at 3537 West 13<sup>th</sup> Street (Mid-Country Trading, L.L.C.). Gary Mader, Utilities Director, reported that acquisition of a utility easement located east and west of Whiskey Creek Steakhouse on Lot One, (1), Park Island Square 5th Subdivision, was required in order to have access to install, upgrade, maintain, and repair power appurtenances. This easement would be used to locate high voltage underground cable to serve the new strip mall immediately south of Whiskey Creek Steakhouse. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement in the 1000 Block North of Gunbarrel Road (Midland Ag Services, Inc.). Gary Mader, Utilities Director, reported that acquisition of a utility easement located west of Gunbarrel Road, 1/4 mile south of Capital Avenue, was required in order to have access to install, upgrade, maintain, and repair power appurtenances. This easement would be used to locate a new underground primary cable and single phase pad mounted transformer to serve a new home. No public testimony was heard.

Public Hearing on Request of Airgate Wireless, Inc. for Conditional Use Permit for 170' Telecommunications Tower Located at 3703 West Capital Avenue. This item was pulled from the agenda at the request of Airgate Wireless, Inc.

ORDINANCES:

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

#8708 – Consideration of Salary Increase for City Council and Mayor

#8713 – Consideration of Establishing Assessments for Sidewalk District No. 1, 2001, Stolley Park Road & Broadwell Avenue at the Union Pacific Railroad Tracks

#8714 – Consideration of Amendment to Chapter 5 of the Grand Island City Code Relative to the Animal Advisory Board

#8715 – Consideration of Amendment to Chapter 34 of the Grand Island City Code Relative to Taxicab Company Permits

#8716 – Consideration of Amendment to Chapter 25 of the Grand Island City Code Relative to Tattoos

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 their first reading and then upon final passage and call for a roll call vote on each reading and then upon final passage. Councilmember Murray seconded the motion. Upon roll call vote, all voted aye. Motion adopted.

Council President Whitesides: Is there any one in the audience interested in these ordinances? Heidi Maxon, spoke in favor of Ordinance #8716. Councilmember Larson questioned Ordinance #8715 with regards to running a business out of a residence. City Attorney Charlie Cuypers stated that as long as no service or repair to the vehicles was done at the residence, the cars were parked properly and no external signage was located on the property, there would be no problem. Councilmember Larson stated there was a need for taxi services and we need to do it right. No further public testimony was heard.

City Clerk: Ordinance #8708 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 Pielstick, Seifert, Whitesides, Haase, Murray and Sorensen voted aye. Councilmembers Ward, Larson, Hornady and Walker voted no. Motion adopted.

City Clerk: Ordinance #8708 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 Pielstick, Seifert, Whitesides, Haase, Murray and Sorensen voted aye. Councilmembers Ward, Larson, Hornady and Walker voted no. Motion adopted.

City Clerk: Ordinances #8713, #8714, #8715 and #8716 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.

City Clerk: Ordinance #8713, #8714, #8715 and #8716 on final passage. All those in favor of the passage of these ordinances on final passage, answer roll call vote. Upon roll call vote, all voted aye.

Council President: By reason of the roll call votes on first reading and then upon final passage, Ordinances #8708, #8713, #8714, #8715 and #8716 are declared to be lawfully passed and adopted upon publication as required by law.

CONSENT AGENDA: Motion by Pielstick, second by Hornady, carried unanimously to approve the Consent Agenda minus item G-5 which was pulled from the agenda.

Receipt of Official Document – Civil Service Minutes of November 30, 2001.

Approving Minutes of January 8, 2002 City Council Regular Meeting.

Approving Minutes of January 15, 2002 City Council Special Meeting. Councilmember Ward abstained.

Approving Minutes of January 15, 2002 City Council Study Session. Councilmember Ward abstained.

Approving Request of Airgate Wireless, Inc. for Conditional Use Permit for 170' Telecommunications Tower Located at 3703 West Capital Avenue. This item was pulled from the agenda at the request of Airgate Wireless, Inc.

Approving Request of Michael C. Jordan, 2719 Stewart Drive, for Liquor Manager Designation for Nebraska Steak Company, dba Whiskey Creek Steakhouse, 3537 West 13<sup>th</sup> Street.

#2002-13 – Approving Acquisition of Utility Easement Located at 3537 West 13<sup>th</sup> Street (Mid-Country Trading, L.L.C.).

#2002-14 – Approving Acquisition of Utility Easement Located in the 1000 Block North of Gunbarrel Road (Midland Ag Services, Inc.)

#2002-15 – Approving Gas Facilities Agreement with Kinder Morgan.

#2002-16 – Awarding Bid for 2002 Truck with Telescopic Aerial Platform to Drake-Scruggs Equipment Company, Grandview, Missouri in the Amount of \$85,258.00.

#2002-17 – Awarding Bid for 125 VDC Battery System Replacement at Platte Generating Station to Ash Battery Systems, Omaha, Nebraska in the Amount of \$64,362.45.

#2002-18 – Approving Engineering Services for Pump Replacement at Platte River Pumping Station to CH2M Hill, Englewood, Colorado in the Amount of \$58,109.00.

#2002-19 – Awarding Bid for Utility Poles for George Park Ball Field Lighting to Ensley Electric Services, Inc., Grand Island, Nebraska in the Amount of \$17,756.00.

#2002-20 – Awarding Bid for 2002 Chevrolet 3/4 Ton Pickup with Utility Box to Husker Auto Group, Lincoln, Nebraska in the Amount of \$24,755.70.

#2002-21 – Awarding Bid for Swimming Pool Chemical Purchase to Aqua-Chem, Inc., Bellevue, Nebraska.

#2002-22 – Approving Proposal for Aquatic Facilities Soft Drink Supplier to Coca Cola Enterprises and Pepsi Bottling Group, Grand Island, Nebraska.

#2002-23 – Approving Contract for Design/Build for Park Maintenance Building to Chief Construction, Grand Island, Nebraska in the Amount of \$299,990.00.

#2002-24 – Approving Adoption of the 2002 Grand Island Zoning Map.

#2002-25 – Approving Final Plat and Subdivision Agreement for CSG Subdivision. It was noted that Clark Gauthier & Stephanie Gauthier, Trustees, had submitted a final plat for CSG Subdivision, located north of 4th Street and east of Locust Street, for the propose to re-subdivide all of lot 5, block 31, Original Town of Grand Island into 2 lots.

#2002-26 – Approving Final Plat and Subdivision Agreement for Luzenac 2<sup>nd</sup> Subdivision. It was noted that Luzenac America, Inc., owners, had submitted the final plat for Luzenac 2nd Subdivision, located south of Highway 30, north of the Burlington Northern Railroad Tracks and west of Stuhr Road for the propose to develop 2 lots on a parcel of land comprising of Lot 2 Luzenac Subdivision and part of the W1/2 of the NE1/4 of Section 15, Township 11, Range 9.

#2002-27 – Approving Final Plat and Subdivision Agreement for Starostka Subdivision. It was noted that L & P Investments, LLC., owners, had submitted the final plat for Starostka Subdivision, located north of Old Highway 30, and west of Industrial Lane for the propose to develop 7 lots on a parcel of land consisting of Lot 11, and part of lot 10 Commercial Industrial Park.

#2002-28 – Approving Final Plat and Subdivision Agreement for Sweley Subdivision. It was noted that Mark Sweley, owner, had submitted the final plat for Sweley Subdivision, located north of A Road, and east of Gunbarrel Road, in Merrick County, Nebraska for the propose to shift the existing lot lines between two parcels on a 20 acre unplatted tract of land located in the S1/2 of the SE1/4 of the SE1/4 of Section 7, Township 11, Range 8.

#2002-29 – Approving Contract 2002-AM-1 for Aerial Photography and Aerial Mapping to Surdex Corporation, Chesterfield, Missouri in the Amount of \$132,744.90.

#2002-30 – Approving Certificate of Final Completion for Street Improvement District #1237, Wortman Drive with The Diamond Engineering Company, Grand Island, Nebraska and Setting Board of Equalization Date for February 26, 2002 to Determine Benefits and Set Assessments.

#2002-31 – Approving Continuation and Construction of Sanitary Sewer District #503, Edna Drive in Gosda Subdivision.

#2002-32 – Approving Acquisition of Detention Cell Immediately South of West Ridge Middle School from Grand West, LLC and Agreement for Warranty Deed. Steve Riehle, Public Works Director, reported that the detention cell was located south of Westridge Middle School and west of Mansfield Road. The Public Works Department had been working with the developer on the detention cell project since the summer of 1999. The developer purchased the ground and was using the excavated material for fill in the Grand West Subdivision. The Public Works Department had committed to designing a cell that would have amenities to make it a desirable

addition to the neighborhood including a sprinkler system, landscaping, concrete ditch lining, and seeding or sodding. The City would own the completed cell and would be responsible for future maintenance of the cell.

#2002-33 – Awarding Bid for Sanitary Sewer Project 2001-S-5, South of State Street and West of Diers Avenue to The Diamond Engineering Company, Grand Island, Nebraska in the Amount of \$43,682.40.

#2002-34 – Approving Final Institutions for Public Funds.

#2002-35 – Setting February 26, 2002 for Board of Equalization for Annual Mowing Assessment.

#2002-36 – Approving Renewal of Contract with Fonner Park Relative to Stand-By Ambulance.

#2002-37 – Approving Support and Funding for the 10<sup>th</sup> Annual “Get Hooked on Fishing, Not Drugs or Alcohol” Derby.

#### REQUESTS AND REFERRALS:

Approving Referral of the One and Six Year Street Improvement Plan to Regional Planning Commission. Steve Riehle, Public Works Director, reported that State law requires that cities adopt a One and Six Year Street Improvement Plan on an annual basis in order to maintain eligibility to receive state gas tax revenues and that an updated plan had been developed by the Public Works Department for referral first to the Regional Planning Commission and then to the City Council. Motion by Hornady, second by Ward, carried unanimously to forward to the Regional Planning Commission.

#### RESOLUTIONS:

#2002-38 – Approving Former Zoo Site Reuse Plan. Steve Paustian, Parks and Recreation Director, reported that at the January 15, 2002 City Council Study Session, the Zoo Reuse Committee presented a development plan to Council for the use of the former Zoo site. Council was asked to formally accept the proposal as presented. Motion by Larson, second by Pielstick, carried unanimously. Herb Worthington, 4262 Pennsylvania Avenue, spoke in support. Councilmember Larson thanked the committee and suggested Council look at this project at the Council Retreat.

#### PAYMENT OF CLAIMS:

Councilmember Pielstick asked that claim #10011710 in the amount of \$2,202.75 be pulled from the claims. Motion by Walker, second by Haase, carried unanimously to approve the Claims for the period of January 9, 2002 through January 22, 2002, minus claim #10011710 for a total amount of \$1,419,755.84.

ADJOURNMENT: The meeting was adjourned at 8:10 p.m.

Respectfully submitted,

RaNae Edwards  
City Clerk