



City of Grand Island

Tuesday, May 07, 2002

Council Session

Item G1

Approving Minutes of April 23, 2002 City Council Regular Meeting

*The Minutes of the April 23, 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

April 23, 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 April 23, 2002. Notice of the meeting was given in the Grand Island Independent on April 17, 2002.

Mayor Ken Gnadt 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. The following City Officials were present: City Administrator Marlan Ferguson, City Clerk RaNae Edwards, City Attorney Charlie Cuypers, Public Works Director Steve Riehle and Finance Director David Springer.

PLEDGE OF ALLEGIANCE was said followed by the INVOCATION given by Pastor Russell Wolf, United Pentecostal Church.

John Amick representing the Hall County Historical Society invited the Mayor, Council and public to the formal ribbon cutting ceremony of the Plum Street Station on May 1, 2002.

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

PRESENTATIONS AND PROCLAMATIONS:

It's About Kids! Youth Leadership Tomorrow, It's About Kids! assets were presented by Kailey Rock and Melissa Freeland.

Proclamation "Sexual Assault Awareness Month" April 2002. Mayor Gnadt proclaimed the month of April, 2002 as "Sexual Assault Awareness Month". Lauri Shultis, representing the Crisis Center was present to receive the proclamation.

Proclamation "Electrical Safety Month" May 2002. Mayor Gnadt proclaimed the month of May, 2002 as "Electrical Safety Month". Gary Mader, Utilities Director was present to receive the proclamation.

Proclamation "Information Security Awareness Week" April 20-26, 2002. Mayor Gnadt proclaimed the week of April 20-26, 2002 as "Information Security Awareness Week". David Springer, Finance Director was present to receive the proclamation.

PUBLIC HEARINGS:

Public Hearing on Acquisition of Utility Easement Located Along the East Side of Elm Street Between 1st Street and Division Street. (St. Mary's Church) Gary Mader, Utilities Director reported that acquisition of a utility easement located on the east side of Elm Street, between 1st Street and Division Street, was required in order to have access to install, upgrade, maintain, and repair power

appurtenances. This easement would be used to locate underground primary lines and a pad mounted transformer to serve the new Parish Center. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement Located in the Southwest Corner of the Liederkranz Building at 403 West 1st Street. (Grand Island Liederkranz). Gary Mader, Utilities Director reported that acquisition of a utility easement located in the southwest corner of the Liederkranz building located at 403 West 1st Street, was required in order to have access to install, upgrade, maintain, and repair power appurtenances. This easement would be used to locate a pad-mounted transformer to serve the entire block. No public testimony was heard.

Public Hearing on Acquisition of Right of Way Located in the SW1/4 of Section 13-11-10. (T & E Cattle Company). Steve Riehle, Public Works Director reported that acquisition of right-of-way located in the SW 1/4 of Section 13-11-10, along the east side of North Road from the Rogers Well property at Old Potash north to the ditch 370.0 feet north of Faidley Avenue was required in order to construct and maintain a drainage ditch as an extension of the Moores Creek Drainway. Greg Baxter, 1723 Bridle Lane spoke in opposition. No further public testimony was heard.

Public Hearing on Grand Application to the Affordable Housing Trust Fund for Housing Development. Cindy Johnson, Community Projects Director reported that the Nebraska Department of Economic Development Affordable Housing Program was intended to provide funds to eligible recipients for acquisition, rehabilitation, construction and production of affordable housing to increase the supply of decent, safe, and sanitary housing for low—to-moderate income Nebraskans and to provide a mechanism to leverage private investment in the development of affordable housing. Ms. Johnson also stated the Community Projects Department, was preparing a grant application to the Affordable Housing Trust Fund for funding to assist in the category of Homeownership New Construction with Infrastructure. John Luna, 712 East 8th Street spoke in opposition. No further public testimony was heard.

ORDINANCES:

Ordinance #8736 was pulled from the Agenda.

#8736– Consideration of Creating Sanitary Sewer District #505, Livengood, Sharon Rose and Rapien Subdivision and Part of Sections 15-11-9 and 10-11-9

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

#8733 – Consideration of Conveyance of Real Estate in Part of Block 13, Koehler Subdivision to Correct Title Defect

#8734 – Consideration of Amendment to Chapter 13 of the Grand Island City Code Relative to Sidewalk Usage

#8735 – Consideration of Amendment to Chapter 13 of the Grand Island City Code Relative to Implementation of Fees for the Parking Ramp

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 Larson seconded the motion. Upon roll call vote, all voted aye. Motion adopted.

Mayor: Is there any one in the audience interested in these ordinances? Councilmember Haase questioned Ordinance #8735 with regards to the number of parking spaces, upkeep and cost of the parking monitor. Cindy Johnson, Community Projects Director stated that there were a total of 83 parking stalls. The Finance Department would be in charge of the accounting procedures. No further public testimony was heard.

City Clerk: Ordinances #8733, #8734 and #8735 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 #8733, #8734 and #8735 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.

Mayor: By reason of the roll call votes on first reading and then upon final passage, Ordinances #8733, #8734 and #8735 are declared to be lawfully passed and adopted upon publication as required by law.

CONSENT AGENDA: Item G-9 was removed from the Consent Agenda. Councilmember Pielstick requested that item G-19 be removed also. Motion by Pielstick, second by Walker, carried unanimously to approve the Consent Agenda excluding items G-9 and G-19.

Receipt of Official Documents – Civil Service Minutes of March 7, 2002.

Receipt of Official Documents – Pawnbroker’s Official Bonds for Wayne’s Pawn Shop, Stewart’s Loan and Pawnshop and Grand Island, NE 6880 Loan Shop.

Approving Appointment of Bob Obst to the Regional Planning Commission.

Approving Minutes of April 9, 2002 City Council Regular Meeting. Councilmember Larson abstained.

Approving Minutes of April 16, 2002 City Council Study Session.

Approving Request of Donald Bradley, 4039 Manchester Road for Liquor Manager Designation for Sam’s West, Inc. dba Sam’s Club #6461, 1510 North Diers Avenue.

#2002-105 – Approving Acquisition of Utility Easement Located Along the East Side of Elm Street Between 1st Street and Division Street. (St. Mary’s Church)

#2002-106 – Approving Acquisition of Utility Easement Located in the Southwest Corner of the Liederkrantz Building at 403 West 1st Street. (Grand Island Liederkrantz) Councilmember Pielstick voted no.

#2002-108 – Approving Bid Award for Playground Equipment for Cedar Hills Park to Churchich Recreational Design, Omaha, Nebraska in the Amount of \$30,289.00.

#2002-109 – Approving Bid Award for Playground Equipment for Ryder Park to PRS Associates, Bismark, North Dakota in the Amount of \$16,391.00 and Playground Equipment for Broadwell Park to Churchich Recreational Design, Omaha, Nebraska in the Amount of \$19,700.00.

#2002-110 – Approving Contract for 2002-AC-1 Asphalt Maintenance Program to J.I.L. Asphalt Paving Company, Grand Island, Nebraska in the Amount of \$519,970.86.

#2002-111 – Approving Grant for a Gas Utility Easement to Northwestern Public Service in the SE1/4 of Section 24-12-9. (Nebraska Law Enforcement Training Center)

#2002-112 – Approving Submittal of Grant Application to US Department of Justice on Behalf of the Crisis Center for Safe Haven.

#2002-113 – Approving Renewal of Leases for CHAAP Storage Buildings with Dominion Construction Company, Kirk Hartmann and Jerry Harders.

#2002-114 – Approving Bid Award for Dump Truck for Street Department with Hansen International, Grand Island, Nebraska in the Amount of \$45,791.74.

#2002-115 – Approving Contract for Greenhouse for the Parks and Recreation Department with Stuppy Greenhouse Manufacturing Company, North Kansas City, Missouri in the Amount of \$45,846.00.

#2002-116 – Approving Change Order #3 for Street Improvement District #1221 with Diamond Engineering Company, Grand Island, Nebraska for a Net Increase of \$15,807.50 and Revised Contract Amount of \$5,166,064.86. Councilmember Pielstick voted no.

#2002-107 – Approving Acquisition of Right of Way Located in the SW1/4 of Section 13-11-10. (T & E Cattle Company) Motion by Hornady, second by Larson to approve Resolution #2002-107. Councilmember Haase wanted to know what would happen if we did not approve Resolution #2002-107. Steve Riehle, Public Works Director stated that the developers created subdivision in this area which required the need for this district. Councilmember Pielstick questioned if the cost to create the detention cell would be paid by the developers. Mr. Riehle stated that the City usually pays for this. Councilmember Ward asked if the ditch or the detention cell would be built at this time. Mr. Riehle stated that at this time it would be the ditch. The detention cell would be built when the property was developed. Construction of the ditch would probably be started next year.

Councilmember Walker asked Greg Baxter what his #1 concern was as to why this should not be approved at this time. Mr. Baxter stated several issues. He felt that as a developer, he has had to pay for these types of services and did not feel that this should be paid for by the City at this time. Councilmember Larson wanted to clarify that Mr. Baxter was not opposed to the creation to this ditch but would like to wait 2 years. Mr. Baxter stated that it was. Charlie Cuypers, City Attorney explained the process and that approval would allow staff to negotiate with Mr. Baxter.

Motion was made by Whitesides, second by Pielstick to table Resolution #2002-107 for further study. Upon roll call vote, Councilmembers Pielstick, Sefiert, Hornady, Whitesides and Haase voted yes. Councilmembers Ward, Larson, Murray, Walker and Sorensen voted no. Casting the deciding vote Mayor Gnadt voted no. Motion failed.

Councilmember Whitesides made a motion, second by Haase to amend Resolution #2002-107 that this issue come back to Council if condemnation is needed. Upon roll call vote Councilmembers

Ward, Larson, Hornady, Whitesides, Haase, Murray, Walker and Sorensen voted yes. Councilmembers Pielstick and Seifert voted no. Motion was adopted.

Upon roll call vote to approve Resolution #2002-107 with the amendment, Councilmembers Larson, Hornady, Whitesides, Haase, Murray, Walker and Sorensen voted yes. Councilmembers Pielstick, Ward and Seifert voted no. Motion was adopted.

#2002-117 – Approving Application to the Affordable Housing Trust Fund Grant for Housing Development. Councilmember Pielstick questioned the \$400,000 grant amount. Motion was made by Larson, second by Seifert to approve Resolution #2002-117. Upon roll call vote Councilmembers Ward, Seifert, Larson, Hornady, Whitesides, Haase, Murray, Walker and Sorensen voted yes. Councilmember Pielstick voted no.

REQUESTS AND REFERRALS:

Consideration of Request from Grand Island Senior High School for Fireworks Display. City Clerk RaNae Edwards reported that the City Clerk's Office had received a request from Grand Island Senior High School for a fireworks display to be presented at the conclusion of the Graduation Commencement exercises on Saturday, May 11, 2002. Motion by Seifert, second by Larson carried unanimously to approve

Consideration of Request by Councilmember Whitesides for Temporary Leave as Council President and Appointment of Interim President. Councilmember Whitesides requested a temporary leave as Council President. Mr. Whitesides made a motion to appoint Councilmember Seifert as Interim President, second by Pielstick. Motion was adopted unanimously.

RESOLUTIONS:

#2002-118 – Approving Adoption of Park and Recreation Department Scheduling and Access to Athletic Field Policy. Steve Paustian, Parks and Recreation Director reported that the Grand Island Parks and Recreation Department was faced with ever increasing demand from various groups and organizations to use the City's baseball, softball and soccer fields for practice and competition. In order to clearly state the nature and extent of the Department's authority and discretion, as well as providing written guidelines of the factors considered by the Department in resolving various conflicts, disputes and issues regarding athletic field management, it was recommended that an Athletic Field Policy be adopted. Councilmember Sorensen stated that the City needs to look at building more ball fields in the future. Motion by Sorensen, second by Walker, carried unanimously to approve.

#2002-119 – Approving Interlocal Agreement with the Central District Health Department. Sonja Simpson, Health Department Director, reported that as discussed at the April 16, 2002 City Council Study Session, LB692 was landmark legislation passed by the legislature in 2001. It allowed for a trust fund to be established from interest from the tobacco settlement funds. The purpose of the legislation was to establish a public health infrastructure for the state. Nebraska has 93 counties and only 6 had any kind of a public health department.

The legislation indicated that district health departments could be formed and those districts needed to be at least 3 counties and 30,000 population. Grand Island invited several counties to join with

their established health department. Two counties (Hamilton and Merrick) have committed to joining the Grand Island Hall County Health Department.

Motion by Sorensen, second by Seifert, to approve the Interlocal Agreement with the Central District Health Department. City Administrator Marlan Ferguson suggested approving Resolution #2002-119 with an amendment to item #15 of the Interlocal Agreement relating to employees of the Central District Health Department. Motion was made by Hornady, second by Larson to amend Resolution #2002-119 relative to item #15. Upon roll call vote, all voted aye.

Upon roll call vote to approve Resolution #2002-119 with the amendment, Council voted unanimously to approve.

#2002-120 – Approving Funding for the Central District Health Department Building. Sonja Simpson, Health Department Director, reported the health department had been actively seeking improved space for at least the past five years. After a number of meetings with various people offering space for rent, the health department accepted the offer from Hall County to eventually move into the Hall County Office Building. The anticipated cost of the renovation is \$415,516.35. The Health Department has \$250,000 and Hall County is willing to put \$50,000 to the project. The health department seeks funding from the city for the project.

Motion by Sorensen, second by Seifert to approve Resolution #2002-120. Councilmember Murray spoke concerning increasing the funds to be provided by the City. Motion was made by Murray, second by Larson to amend Resolution #2002-120 and increase the funding from the City from \$50,000 to \$75,000. Motion carried unanimously.

Upon roll call vote to approve Resolution #2002-120 with the amendment, Council voted unanimously to approve.

#2002-121 – Approving Interlocal Agreement with Hall County Airport Authority Regarding Airport Security. Bill Stovall, representing Hall County Regional Airport reported that since the September 11, 2001, terrorist attacks, the US Department of Transportation, Transportation Security Administration (TSA) had provided security at United States civil aviation airports using the National Guard. With the pending departure of the National Guard, TSA was requiring the airports which do not have federal law enforcement officers to provide uniformed law enforcement officers at any time passengers are undergoing screening at check points.

The TSA has authorized reimbursement for airports such as the Central Nebraska Regional Airport for the cost of providing officers. Many airports have elected to contract with local law enforcement agencies to provide security personnel and this was the course which had been chosen by the Hall County Airport Authority. An Interlocal Agreement between the City of Grand Island and the Hall County Airport Authority to provide members of the Grand Island Police Department for security had been negotiated. In accordance with the program established by TSA, this arrangement is proposed to run no longer than December 1, 2003.

The Authority would reimburse the City for its actual direct and indirect employee expenses for these security services. Additionally, the Authority had the option of requesting that the City establish an off-site workstation at the airport in consideration of a payment of \$3,309.85 to the police department for providing a computer, appropriate programs, peripheral equipment and licenses necessary to operate our current law enforcement reporting and data collection program.

Councilmember Murray questioned the number of Police officers it would take for this security. Mr. Stovall stated that 1 officer per flight would be needed. It was stated that 2 officers per day would be needed. These officers would be off duty officers as there is already a short of officers on shift duty. These off duty officers would be paid over time which would be covered by the Federal Government. This would be for an 18 month duration.

Motion by Seifert, second by Sorensen, carried unanimously to approve.

PAYMENT OF CLAIMS:

Motion by Whitesides, second by Haase, carried unanimously to approve the Claims for the period of April 10, 2002 through April 23, 2002, for a total amount of \$2,289,688.45.

ADJOURNMENT: The meeting was adjourned at 9:00 p.m.

Respectfully submitted,

RaNae Edwards
City Clerk