



City of Grand Island

Tuesday, May 21, 2002

Council Session

Item G5

Approving Minutes of May 7, 2002 City Council Regular Meeting

*The Minutes of the May 7, 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

May 7, 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 May 7, 2002. Notice of the meeting was given in the Grand Island Independent on May 1, 2002.

Mayor Ken Gnadt called the meeting to order at 7:00 p.m. The following members were present: Councilmembers Ward, Seifert, Larson, Hornady, Whitesides, Haase, Murray, Walker and Sorensen. Councilmember Pielstick was absent. 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 Dick Bacon, Hall County Chaplaincy Corps.

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

PRESENTATIONS AND PROCLAMATIONS:

Proclamation "Tourism Week" May 6-10, 2002. Mayor Gnadt proclaimed the week of May 6-10, 2002 as "Tourism Week". Trish Beam and Rene' Seifert representing the Hall County Convention Visitors Bureau were present to receive the proclamation. Introduced was Ted Lee Ubanks representing Fermata, Inc. was introduced and spoke about tourism.

Proclamation "Salvation Army Week" May 13-19, 2002. Mayor Gnadt proclaimed the week of May 13-19, 2002 as "Salvation Army Week". Captain Al Simmert representing the Salvation Army was present to receive the proclamation.

Proclamation "Older American Month" May, 2002. Mayor Gnadt proclaimed the month of May, 2002 as "Older American Month". Lois Stienike, Executive Director of the Grand Generation of Hall County was present to receive the proclamation.

PUBLIC HEARINGS:

Public Hearing on Request of Jerome Niedfelt for Conditional Use Permit for Telecommunications Tower Located at 1124 South Adams Street Craig Lewis, Building Department Director reported that Laurie Kelly representing Faulk & Foster and Western Wireless and Jerome Niedfelt, had submitted an application with the City Clerks Office for a Conditional Use Permit to allow for the construction of a Telecommunication Tower located at

1124 South Adams Street. Laure Kelly representing Faulk & Foster spoke in support. No further public testimony was heard.

Public Hearing on Acquisition of Right of Way Located Along the North Side of Stolley Park Road From U.S. Highway 30 West to Freedom Acres. (Chief Industries, Inc.) Gary Mader, Utilities Director reported that acquisition of property located along the north side of Stolley Park Road, from U.S. Highway 30 west to Freedom Acres, was required in order to have access to install, upgrade, maintain, and repair power appurtenances. The overhead power line will be moved from the south side of Stolley Park Road to facilitate the installation of a sewer line to serve Freedom Acres. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement Located at 707 North Diers Avenue. (Grand Island P.H., Inc.) Gary Mader, Utilities Director reported that acquisition of a utility easement located in the northeast corner of property at 707 North Diers Avenue - Faidley & U.S. Highway 281, was required in order to have access to install, upgrade, maintain, and repair power appurtenances. Pizza Hut was constructing a new building at this location. This easement would be used to locate a pad-mounted transformer to serve the new business. No further public testimony was heard.

ORDINANCES:

Motion was made by Larsen, second by Whitesides, to table Ordinance #8721 and Resolutions #2002-56 and #2002-78 until the May 21, 2002 Regular Council meeting. Motion was adopted unanimously.

#8721– Consideration of Conveyance of Real Estate in Meadowlark West Third Subdivision and Part of the SE1/4 NE1/4 of Section 13-11-10 Hall County, Nebraska to Reconfigure Detention Cell.

CONSENT AGENDA: Items G-5 and G-6 were removed from the Consent Agenda. Motion by Whitesides, second by Sorensen, carried unanimously to approve the Consent Agenda excluding items G-5 and G-6.

Approving Minutes of April 23, 2002 City Council Regular Meeting.

Approving Request of Nancy Smith, 1614 West 7th Street, Hastings, Nebraska for Liquor Manager Designation for Stratford Plaza, LLC dba Best Western Riverside Inn, 3333 Ramada Drive.

Approving Request of Olivia Llamas, 3005 East Highway 30, Grand Island, Nebraska for Liquor Manager Designation for El Tapatio of Grand Island Inc. dba El Tapatio Restaurant, 2610 South Locust Street.

Approving Request of Jerome Niedfelt for Conditional Use Permit for Telecommunications Tower Located at 1124 South Adams Street.

#2002-56 – Approving Reconfiguration of Detention Cell Including Acquisition of Real Estate and Approval of Exchange Agreement. This item was tabled until the May 21, 2002 City Council Meeting.

#2002-78 – Approving Final Plat and Subdivision Agreement for Meadowlark West Fourth Subdivision. This item was tabled until the May 21, 2002 City Council Meeting.

#2002-122 – Approving Amending Resolution #2002-77 Final Plat and Subdivision Agreement for The Village Third Subdivision. It was noted that Resolution #2002-77 approved The Village Third Subdivision with one lot as it was originally presented in December of 2001. The Regional Planning Commission recommended approval of The Village Third Subdivision as presented in March of 2002 with 29 lots and 3 outlots. Resolution #2002-77 needed to be amended to show that The Village Third Subdivision was made up of 29 lots and 3 outlots.

#2002-123 – Approving Acquisition of Right of Way Located Along the North Side of Stolley Park Road From U.S. Highway 30 West to Freedom Acres. (Chief Industries, Inc.)

#2002-124 – Approving Acquisition of Utility Easement Located at 707 North Diers Avenue. (Grand Island P.H., Inc.)

#2002-125 – Approving Engineering Services for Well Field Collection Basin Project CH2M Hill, Englewood, Colorado in an Amount Not to Exceed \$74,414.00.

#2002-126 – Approving Utility Property Farm Leases. It was noted that The Utilities, Public Works and Parks and Recreation Departments lease lands owned at the Platte Valley Industrial Park, Burdick Station, the Well Field, land north of the Wastewater Treatment site, the City Landfill and CHAAP to the following tenants: Larry Knuth, Kenneth Clausen, Jack Webb, Mike Peters, Gerald Bremer, Robert Nunnenkamp, Matt Turek and Bill Cure.

#2002-127 – Approving Continuation and Construction of Street Improvement District #1240, Grand West Third Subdivision.

#2002-128 – Approving Supplemental Agreement #1 to Project No. S-30-4(1019) with the Nebraska Department of Roads to Improve US Highway 30 in Grand Island.

#2002-129 – Approving Bid Award for (1) New Commercial Mulching Turf Mower with Midwest Turf & Irrigation, Omaha, Nebraska in the Amount of \$10,543.00.

RESOLUTIONS:

#2002-130 – Approving Bid Award for Motor Grader for the Street Department. Steve Riehle, Public Works Director reported that the Public Works Department, Street and Transportation Division, was replacing a 40 year old motor grader. Bids were received on April 16, 2002 for a 33,000 lb., 6-wheel drive, 180 horsepower grader. All bids that were received were higher than the estimate of \$137,221.00. The bids ranged from \$152,660.00 to \$172,360.00. A motor grader

was available from the state contract holder at a cost that was less than the estimate, under State of Nebraska Contract Number CA-5747. The Public Works Department recommended that the purchase be awarded to Spreitzer, Inc. of Omaha in the amount of \$135,173.00 per this contract. Mr. Riehle stated that if the Council did not award the bid to the lowest bidder, all bids would be rejected and the project re-advertised with bid specifications that took into account the other items that can be considered when selecting equipment.

Councilmember Larson stated that he felt the lowest bid was not always the best bid. His concern was what the motor grader would be worth in 40 years. Councilmember Whitesides wanted to know what Steve Riehle's opinion was in purchasing a Volvo motor grader instead of one of the others. Mr. Riehle stated that he had some reservations, but the Street Department personnel were in favor of purchasing a Volvo motor grader from the State Contract.

Bob Snodgrass, Norfolk, Nebraska representing Volvo spoke in support.

Motion by Seifert, second by Sorensen, to approve the purchase of a motor grader through State Contract Number CA-5747 with Spreitzer, Inc., Omaha, Nebraska in the amount of \$135,173.00. Motion carried unanimously.

#2002-131 – Approving No Smoking Policy. Marlan Ferguson, City Administrator reported that at the April 2, 2002 City Council Study Session, representatives from the Tobacco Free Hall County organization made a presentation requesting City Council establish a policy banning smoking in city facility and vehicles. As a result of that, a policy had been prepared for the Council's consideration.

Tim Gregory, 1403 North Howard Place; Luke McMahan, 1109 South Cherry Street; Laura Haberman, 3007 Sothman Drive; Jason Meis, 3121 Briarwood Boulevard; Clint McCarthy, 2210 Gateway Avenue and Tom O'Neill, 804 West Stolley Park Road spoke in favor.

Councilmember Sorensen questioned if this Resolution could be enforced. City Attorney Charlie Cuypers stated that typically resolutions are advisory or self enforced. Councilmember Whitesides stated he felt we pass too many laws that are not enforceable. Councilmember Haase felt that putting up signs would help and she congratulated the youth on taking a stand.

Councilmember Walker asked if there had been problems in the pool areas. Steve Paustian, Parks and Recreation Director stated that there would not be much of a change except in the bleachers, grandstands and athletic fields. Councilmember Hornady stated she feels that non-smokers are passing off the responsibility and she has problems with government intruding on people's lives.

Motion by Seifert, second by Haase, to approve Resolution #2002-131 regarding the No Smoking Policy. Upon roll call vote, Councilmembers Seifert, Larsen, Haase, Murray and Walker voted yes. Councilmembers Ward, Hornady, Whitesides and Sorensen voted no. The Mayor voted in favor casting the sixth and deciding vote. Motion was adopted.

PAYMENT OF CLAIMS:

Motion by Whitesides, second by Ward, carried unanimously to approve the Claims for the period of April 24, 2002 through May 7, 2002, for a total amount of \$3,259,355.66.

ADJOURNMENT: The meeting was adjourned at 8:30 p.m.

Respectfully submitted,

RaNae Edwards
City Clerk