



City of Grand Island

Tuesday, June 11, 2002

Council Session

Item G5

Approving Minutes of May 21, 2002 City Council Regular Meeting

*The Minutes of the May 21, 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 21, 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 21, 2002. Notice of the meeting was given in the Grand Island Independent on May 15, 2002.

Mayor Ken Gnadt called the meeting to order at 7:00 p.m. The following members were present: Councilmembers Piels tick, 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 Dr. James Keyser, Trinity United Methodist Church, 511 North Elm Street.

RESERVE TIME TO SPEAK ON AGENDA ITEMS: 12 individuals reserved time to speak on agenda items.

PRESENTATIONS AND PROCLAMATIONS:

Recognition of Kenneth Hasenauer, Utility Employee for 20 Years of Service. Mayor Gnadt and the City Council recognized Kenneth Hasenauer for his 20 Years of Service in the Utility Department. Gary Mader, Utilities Director introduced Kenneth Hasenauer.

Proclamation "Emergency Medical Services Week" May 19-25, 2002. Mayor Gnadt proclaimed the week of May 19-25, 2002 as "Emergency Medical Services Week". Larry Nelson, EMS Division Chief was present to receive the proclamation.

PUBLIC HEARINGS:

Public Hearing on Request of Raymond O'Connor for Change of Land Use Designation for Property Located in Part of the SW1/4 of the SE1/4 of Section 14, Township 11, Range 10 from AG to R1 and R2. Chad Nabity, Regional Planning Department Director reported that Raymond O'Connor, had submitted a request to rezone approximately 25 acres of land located North of Old Potash Highway, and east of Shoemaker Elementary School from AG to R1 and R2. The purpose of the request was to rezone the property to allow residential housing. The Regional Planning Commission, at their meeting of May 1, 2002, with 7 members voting in favor and 1 member abstaining, voted to approve the request. Bill Francis, Attorney, representing Raymond O'Connor spoke in favor. No further public testimony was heard.

Public Hearing on Acquisition of Utility Easement Located at 3045 North U.S. Highway 281. (Kramer's Auto Parts and Iron Company, Inc.) Gary Mader, Utilities Director reported that acquisition of a utility easement relative to property of Kramer's Auto Parts and Iron Company, Inc. located at 3405 North U.S. Highway. 281, was required in order to have access to install, upgrade, maintain, and repair power appurtenances. This easement would be used to facilitate a new pad mounted transformer. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement Located in the Southwest Corner of 3015 West North Front Street. (Oh Ho Partnership) Gary Mader, Utilities Director reported that acquisition of a utility easement located in the southwest corner of property located at 3015 West North Front Street, was required in order to have access to install, upgrade, maintain, and repair power appurtenances. This easement would be used as a site for a pad mounted transformer to serve a new apartment building No public testimony was heard.

Public Hearing on Acquisition of Utility Easement Located on East Highway 30 and Shady Bend Road. (GIA, Inc.) Gary Mader, Utilities Director reported that acquisition of a utility easement located at East Highway 30 and Shady Bend Road, was required in order to have access to install, upgrade, maintain, and repair power appurtenances. This easement would be used in the extension of both overhead and underground distribution lines to a new pad mounted transformer. No public testimony was heard.

Public Hearing on Request of Westside Bowling Lanes, Inc., dba Huddle Lounge, 112 Kaufman Avenue for Class "K" Liquor License. RaNae Edwards, City Clerk reported that Westside Bowling Lanes, Inc. dba Huddle Lounge, 112 Kaufman Avenue, had submitted an application with the City Clerk's Office for a catering license in conjunction with their Class "C-4162" Liquor License currently held. Ms. Edwards presented the following exhibits for the record: application submitted to the Liquor Control Commission and received by the City on May 8, 2002; notice to applicant of date, time and place of hearing mailed on May 8, 2002; notice to the general public of date, time and place of hearing published on May 12, 2002; Chapter 4 of City Code and departmental reports as required by City Code. No public testimony was heard.

ORDINANCES:

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

#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

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

#8737 – Consideration of Change of Land Use Designation for Part of the SW1/4 of the SE1/4 of Section 14-11-10 from AG Agricultural to R1 Suburban Residential and R2 Low Density Residential

#8738 – Consideration of Deleting Chapter 2, Article X from the Grand Island City Code Relative to the Grand Island Heritage Zoo

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

Mayor: Is there any one in the audience interested in these ordinances? Bill Francis, Attorney spoke in support of Ordinance #8736. Randy Rapien, 226 Lakeside Drive spoke in opposition to Ordinance #8736. No further public testimony was heard.

City Clerk: Ordinances #8721, #8736, #8737 and #8738 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. Councilmember Pielstick voted no on Ordinance #8736 and #8737. Councilmember Haase voted no on Ordinance #8736. Motion adopted.

City Clerk: Ordinance #8721, #8736, #8737 and #8738 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. Councilmember Pielstick voted no on Ordinance #8736 and #8737. Councilmember Haase voted no on Ordinance #8736. Motion adopted.

Mayor: By reason of the roll call votes on first reading and then upon final passage, Ordinances #8721, #8736, #8737 and #8738 are declared to be lawfully passed and adopted upon publication as required by law.

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

#8739 – Consideration to Refer Annexation Areas to the Regional Planning Commission

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 this ordinance on its first reading and then upon final passage and call for a roll call vote on each reading and then upon final passage. Councilmember Hornady seconded the motion. Upon roll call vote, Councilmembers Ward, Seifert, Larson, Hornady, Whitesides, Haase, Murray, Walker and Sorensen voted aye. Councilmember Pielstick voted no. Motion adopted.

Mayor: Is there any one in the audience interested in these ordinances? Rollie Reynolds, 239 Lakeside Drive; Randy Rapien, 226 Lakeside Drive and Willie Skala, 323 Mallard Lane spoke in opposition. City Attorney Charlie Cuypers explained that approving Ordinance #8739 was the first step in the process and that this item would come before the Council again at least four times. No further public testimony was heard.

City Clerk: Ordinance #8739 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 Ward, Seifert,

Larson, Hornady, Whitesides, Haase, Murray, Walker and Sorensen voted aye. Councilmember Pielstick voted no. Motion adopted.

City Clerk: Ordinance #8739 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 Ward, Seifert, Larson, Hornady, Whitesides, Haase, Murray, Walker and Sorensen voted aye. Councilmember Pielstick voted no. Motion adopted.

Mayor: By reason of the roll call votes on first reading and then upon final passage, Ordinance #8739 is declared to be lawfully passed and adopted upon publication as required by law.

CONSENT AGENDA: Items G-9, G-19, G-20 and G-28 were removed from the Consent Agenda. Motion by Pielstick, second by Sorensen, carried unanimously to approve the Consent Agenda excluding items G-9, G-19, G-20 and G-28.

Receipt of Official Document – Civil Service Minutes of April 9, 2002.

Approving Appointment of Paul A. Leeper to the Civil Service Commission.

Approving Appointments of Bob Sorensen and Ann Marsh to the Central District Health Board.

Approving Appointments of Gerald Bryant and Mike Kneale to the Library Board.

Approving Minutes of May 7, 2002 City Council Regular Meeting. Councilmember Pielstick abstained.

Approving Minutes of May 14, 2002 City Council Study Session.

Approving Request of Westside Bowling Lanes, Inc. dba Huddle Lounge, 112 Kaufman Avenue for Class “K” Liquor License.

Approving Request of George P. Kurtz, 616 Pheasant Place for Liquor Manager Designation for Albertson’s, Inc. dba Albertson’s Express #2265, 1235 Allen Drive.

#2002-56 – Approving Reconfiguration of Detention Cell Including Acquisition of Real Estate and Approval of Exchange Agreement.

#2002-78 – Approving Final Plat and Subdivision Agreement for Meadowlark West Fourth Subdivision. It was noted that Robert M. Allen Family Limited Partnership, owners, had submitted the final plat for Meadowlark West 4th Subdivision, located South of 13th Street, and West of Webb Road for the propose to develop 15 lots and 1 out lot.

#2002-132 – Approving Acquisition of Utility Easement Located at 3405 North U.S. Highway 281. (Kramer’s Auto Parts and Iron Company, Inc.)

#2002-133 – Approving Acquisition of Utility Easement Located at 3015 West North Front Street. (Oh Ho Partnership)

#2002-134 – Approving Acquisition of Utility Easement Located on East Highway 30 and Shady Bend Road. (G.I.A., Inc.)

#2002-135 – Approving Joint Reporting Agreement with Nebraska Public Power District and the City of Grand Island.

#2002-136 – Approving Bid Award for Turbine Control System Equipment with GE Global Services, Loveland, Colorado in the Amount of \$405,000.00.

#2002-137 – Approving Bid Award for Generator Excitation Control Equipment with GE Global Services, Loveland, Colorado in the Amount of \$134,380.00.

#2002-138 – Approving Bid Award for Wildwood Railroad Crossing Replacement with Railworks Track Systems, Inc., Grand Island, Nebraska in the Amount of \$40,821.90.

#2002-139 – Approval to Proceed with Engineering Services for Corrosion Control System Implementation with CH2M Hill, Englewood, Colorado in an Amount not to exceed \$63,288.00.

#2002-141 – Approving Bid Award for Asbestos Removal at Old City Hall with Environmental Direct, Grand Island, Nebraska in the Amount of \$96,487.00.

#2002-142 – Approving Bid Award for Sanitary Sewer District #503, Gosda Subdivision with The Diamond Engineering Company, Grand Island, Nebraska in the Amount of \$39,212.90.

#2002-143 – Approving Certificate of Final Completion for Street Improvement District #1238, Tech Drive with The Diamond Engineering Company, Grand Island, Nebraska and Setting June 25, 2002 for the Board of Equalization to Determine Benefits and Set Assessments.

#2002-144 – Approving Certificate of Final Completion for Island Landscape Project No. 1, 2001 with Partridge Construction, Inc., Grand Island, Nebraska.

#2002-145 – Approving Bid Award for Shoemaker Hike/Bike Trail with Galvan Construction, Grand Island, Nebraska in the Amount of \$274,491.00.

#2002-146 – Approving Certificate of Final Completion for Ball Field Lighting at George Park with Ensley Electrical Services, Grand Island, Nebraska.

#2002-147 – Approving Certificate of Final Completion for Filter Face Piping Repairs at Island Oasis Water Park with Neuman Pools, Beaver Dam, Wisconsin.

#2002-149 – Approving Partial Waiver of Water and Sewer Connection Fee Located on Block 3, Ponderosa Lake Estates Third Subdivision.

#2002-150 – Approving Construction Engineering Services with Olsson Associates for Shoemaker Trail Project in an Amount not to exceed \$29,750.00.

Approving Preliminary Plat for Country Meadows Subdivision. It was noted that Raymond O'Connor, owner, had submitted the preliminary plat for Country Meadows Subdivision, located North of Old Potash Highway and East of Shoemaker Elementary School for the propose to develop an unplatted parcel of land into 83 lots.

Motion was made by Murray, second by Larson to approve. Councilmember Seifert questioned curbs and gutters. Steve Riehle, Public Works Director stated that this subdivision would be in compliance with sewer, water and curbs. Upon roll call vote. Councilmembers Ward, Seifert, Larson, Hornady, Whitesides, Haase, Murray, Walker and Sorensen voted aye. Councilmember Pielsick voted no. Motion adopted.

#2002-140 – Approving Final Plat and Subdivision Agreement for Country Meadows Subdivision. It was noted that Raymond O'Connor, owner, had submitted the final plat for Country Meadows Subdivision, located North of Old Potash Highway and East of Shoemaker Elementary School for the propose to develop 39 lots on a currently unplatted parcel of land.

Motion was made by Murray, second by Larson to approve Resolution #2002-140. Upon roll call vote. Councilmembers Ward, Larson, Hornady, Whitesides, Haase, Murray, Walker and Sorensen voted aye. Councilmembers Pielsick and Seifert voted no. Motion adopted.

#2002-148 – Approving Public Sidewalk Plans in the Vicinity of Seedling Mile, Stolley Park and Engelman Elementary Schools. Motion was made by Larson, second by Ward to approve Resolution #2002-148. Dan Yenny, 2805 East Seedling Mile Road and Charlie Mefferd, 2725 East Seedling Mile Road opposed Resolution #2002-148. Rick Schroder, 3407 Gregory Street; Shelly Anderson, 3712 East Seedling Mile Road; Tom Brown, 2510 Commerce Avenue; Tom Noble, 1715 Hudson Circle; Jeff Gilbertson, Principal at Stolley Park and Seedling Mile Schools; Randy Rapien, 226 Lakeside Drive; Deidre Mack, 112, Villa Mar Dee Avenue and Tom O'Neill, 804 West Stolley Park Road spoke in favor.

Councilmember Sefiert offered a friendly amendment to the motion to have the sidewalks completed by the 2002 fall school year. Upon roll call vote, all voted aye. Motion adopted.

PUBLIC HEARING

Public Hearing to Consider Revocation of Conditional Use Permit for Automobile Wrecking Yard, Oakleaf Auto Crushing, 1803-1911 Eldorado Street. Charlie Cuypers, City Attorney reported that the Mayor and City Council had received copies of a letter dated May 1, 2002, advising Craig Oakleaf, d/b/a Oakleaf Auto Crushing, of the intent of the City Attorney's Office, Code Compliance Officer and Building Department to conduct a public hearing to consider revocation of the conditional use permit for the automobile wrecking yard operated at 1803-1911 Eldorado Street, Grand Island, Hall County, Nebraska.

The business had been in operation for more than two decades, accompanied by virtually continual enforcement action going back to at least October 13, 1981, at which time Oakleaf Auto Crushing was sent a letter by then Assistant City Attorney William Shreffler, advising the

manager of complaints regarding junked vehicles and junked vehicle parts being stored outside the fence in the public right-of-way and that the fence did not meet the requirements set forth in the Grand Island City Code requiring that it be at least eight feet in height and site obscuring in nature. Additional correspondence was sent periodically to this business over the years and virtually innumerable personal conversations had been conducted between city staff and manager Craig Oakleaf.

The results of the conversations had been periodic minimal improvements related solely to removing junked vehicles, vehicle parts and salvage materials from Eldorado Street but there had never been any significant progress toward lowering the height of the stacks of material which reach above the fence and the business had continued to use Lot 18, Frank P. Bark's Subdivision No. 2 adjacent to the west side of the yard in violation of the Grand Island Zoning Code. Because the adjacent property is zoned R4, it cannot be used as a salvage yard or for any of the uses to which Oakleaf Auto Crushing had been utilizing the property for a number of years.

The City had received repeated promises during the course of many visits with Mr. Oakleaf that corrections and improvements would occur but as mentioned earlier, other than removing temporarily junk from Eldorado Street temporarily, nothing had changed.

It was recommended that the conditional use permit be revoked so that the City could proceed to bring the operation to closure. As an alternative, the Grand Island City Council could revoke the existing conditional use permit and reissue a new permit with additional conditions and periodically review opportunities

Craig Lewis, Building Department Director and Tim Holloway, Code Compliance Officer spoke regarding the conditions over the years of this property. Jim Wagoner, Attorney for Oakleaf Auto; Craig Oakleaf, 1911 Eldorado Street; Larry Cook, 517 West 4th Street and Gary Quandt 3111 Magnolia Road spoke in opposition.

REQUESTS AND REFERRALS:

Consideration of Revocation of Conditional Use Permit for Automobile Wrecking Yard, Oakleaf Auto Crushing, 1803-1911 Eldorado Street. Charlie Cuypers, City Attorney reported that this item related to the aforementioned Public Hearing.

Motion by Ward, second by Larson, to approve the revocation of Conditional Use Permit for Oakleaf Auto Crushing. Councilmember Haase questioned how many other salvage yards had been sent letters. City Attorney Charlie Cuypers stated that they have had contact with several others. Councilmember Pielstick was concerned about putting Oakleaf out of business but was more concerned about meeting the City Code regulations.

Councilmember Whitesides made a motion to table this matter until the June 11, 2002 Regular Meeting to give staff time to look into changing the City Code. Second by Sorensen. Upon roll call vote, all voted aye. Motion adopted.

Councilmember Pielstick recommended referring this property to the Problem Resolution Team for review over the next year to keep them in compliance. Councilmember Murray stated that he would like to see new conditional use permits with time lines and regulations. Councilmember Larson stated his concern of City staff's time put into this issue over the last 20 years. City Attorney Charlie Cuypers stated that he would be looking at new conditional use permits for all salvage yards with an annual review.

Consideration of Leroy and Arlene Kramer for Extension of Non-Conforming Use at 3405 North U.S. Highway 281. Craig Lewis, Building Department Director reported that this item related to the aforementioned Public Hearing. A request was submitted by Leroy and Arlene Kramer of Kramer's Auto Parts & Iron Co. Inc. for approval of an extension of a non-conforming use at 3405 North U.S. Highway 281. The request was to allow for the construction of a 50'x50' building addition to accommodate a bailer for the processing of metals. Council approval was required as the property was zoned T-A Transitional Agriculture and that zoning classification does not allow for the present use. The use was in existence prior to zoning restriction creating a legal non-conforming use. Any expansions, extensions, or additions to the legal non-conforming use must by section 36-86 of the City Code be approved by the City council.

Motion by Larson, second by Sorensen, carried unanimously to approve the request. Motion adopted.

PAYMENT OF CLAIMS:

Motion by Whitesides, second by Hornady, carried unanimously to approve the Claims for the period of May 8, 2002 through May 21, 2002, for a total amount of \$2,463,524.21.

ADJOURNMENT: The meeting was adjourned at 9:20 p.m.

Respectfully submitted,

RaNae Edwards
City Clerk