



City of Grand Island

Tuesday, July 09, 2002

Council Session

Item G4

Approving Minutes of June 25, 2002 City Council Regular Meeting

*The Minutes of the June 25, 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

June 25, 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 June 25, 2002. Notice of the meeting was given in the Grand Island Independent on June 19, 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, Walker and Sorensen. Councilmember Murray 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 David Vaughn, Victory Bible Fellowship 2416 North Hancock.

PRESENTATIONS AND PROCLAMATIONS:

Proclamation "Home Ownership Month" June 2002. Mayor Gnadt proclaimed the month of June 2002 as "Home Ownership Month".

Proclamation "Push America Day" July 1, 2002. Mayor Gnadt proclaimed the July 1, 2002 as "Push America Day".

Recognition of Jenny Green, State Championship Winner in Pole Vault. The Mayor and City Council recognized Jenny Green, Central Catholic High School State Championship Winner in Pole Vault. Jenny along with her coach Bob Zavala were present for the presentation.

Recognition of Central Catholic High School Boy's Golf Team – State Championship Winners. The Mayor and City Council recognized the Central Catholic High School Boy's Golf Team for their State Championship Win. Coach Bob McFarland and several of the golf team members were present for the presentation.

Recognition of Megan Bowden and Maggie McDermott – State Champions in Tennis Doubles. Megan Bowden and Maggie McDermott were not able to be present for the presentation, so this was postponed for another meeting.

Presentation by Betty Curtis, Clean Community Systems with Regards to "Keep Nebraska Beautiful!" Betty Curtis, Executive Director of Clean Community Systems presented the Mayor and City Council with a 1st Place Award for Division I and overall award for the Deanie Anderson Community Award held in Nebraska City on June 21, 2002 with regards to "Keep

Nebraska Beautiful!" Ms. Curtis also mentioned receiving \$124,271.00 grant for the household hazardous waste which encompasses a 38 county area.

ADJOURN TO SOLID WASTE AGENCY: Motion by Ward, second by Walker, carried unanimously to adjourn to the Solid Waste Agency.

#2002-SWA-1 – Approving User Fee Schedule Relative to Solid Waste Division. Motion by Ward, second by Hornady, to approve Resolution #2002-SWA-1. Upon roll call vote, Ward, Seifert, Larson, Hornady, Whitesides, Haase, Walker and Sorensen voted yes. Councilmember Pielstick voted no.

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

ADJOURN TO BOARD OF EQUALIZATION: Motion by Hornady, second by Larson, carried unanimously to adjourn to the Board of Equalization.

#2002-BE-4 – Determining Benefits for Street Improvement District #1238 – Tech Drive Between Central Community College and College Park. Motion by Pielstick, second by Hornady to approve Resolution #2002-BE-4, carried unanimously.

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

PUBLIC HEARINGS:

Public Hearing on Request of James McCaslin of SCT/LB Foster for a Conditional Use Permit to Allow for the Continued Use of Temporary Buildings Located at 710 East US Highway 30. Craig Lewis, Building Department Director, reported that James McCaslin representing CXT /LB Foster Company, had submitted an application with the City Clerk's Office for a Conditional Use Permit to allow the continued use of two temporary structures located at 710 East Highway 30. The two buildings are used as office and employee break facilities, they had been on site and approved by council since June of 1998 and were expected to be needed for the life of CXT's initial contract with the Union Pacific. This contract was expected to expire on September 30,2003. No public testimony was heard.

Public Hearing on Acquisition of Ingress/Egress Easement at 2322 South Locust Street. (Gary Shovlain) Steve Riehle, Public Works Director, reported that acquisition of an Ingress/Egress easement at this location to provide access to the property from a shared driveway. The owner, Gary Shovlain, had agreed to sell the north sixteen feet of Lot 2, Shovlain Subdivision to the City of Grand Island for a purchase price of \$1.00. No public testimony was heard.

Public Hearing on Amendment of Public Utility Easement at 2322 South Locust Street. (Gary Shovlain) Steve Riehle, Public Works Director, reported that acquisition of an additional Public Utility easement was required due to changes in the design for the South Locust project. The

owner, Gary Shovlain, had agreed to sell 0.02 acres to the City of Grand Island for a purchase price of \$1.00. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement Located in Lots 14 and 15, Meadowlark West Fourth Subdivision. (Robert M. Allen Family Limited Partnership) Steve Riehle, Public Works Director, reported that acquisition of easements located in Lots 14 and 15, Meadowlark West Fourth Subdivision was required to relocate sanitary sewer main away from a storm sewer main on the property. The Robert M. Allen Family Limited Partnership, owner of the property, had agreed to sell 0.033 acres to the City of Grand Island for a purchase price of \$1.00.

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:

#8742 - Consideration of Creating Sanitary Sewer District #506, Lillie Drive West of North Road

#8743 - Consideration of Assessments for Street Improvement District #1238 – Tech Drive Between Central Community College and College Park

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? No public testimony was heard.

City Clerk: Ordinances #8742 and #8743 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 #8742 and #8743 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. Motion adopted.

Mayor: By reason of the roll call votes on first reading and then upon final passage, Ordinances #8742 and #8743 are declared to be lawfully passed and adopted upon publication as required by law.

CONSENT AGENDA: Motion by Pielstick, second by Whitesidies, carried unanimously to approve the Consent Agenda excluding items G- and G-.

Approving Minutes of June 11, 2002 City Council Regular Meeting.

Approving Minutes of June 18, 2002 City Council Study Session.

Approving Request of CXT/LB Foster Company for Renewal of Conditional Use Permit for Temporary Placement of Office Buildings at 710 East US Highway 30.

#2002-97 – Approving Acquisition of Ingress/Egress Easement Located at 2322 South Locust Street. (Gary Shovlain)

#2002-98 – Approving Amendment of Public Utility Easement at 2322 South Locust Street. (Gary Shovlain)

#2002-175 – Approving Donation of Scoreboard at Ryder Park Baseball Field to Phillips Baseball Program, Phillips, Nebraska from the Parks and Recreation Department.

#2002-176 – Approving Change Order #1 for Main Power Transformers – Combustion Turbine Project with Waukesha Electric Systems, Waukesha, Wisconsin, for a Decreased Amount of \$8,680.00.

#2002-177 – Approving Change Order #1 for Disconnect Switches – Combustion Turbine Project with USCO Power Equipment Corporation, Birmingham, Alabama, for an Increased Amount of \$1,287.36.

#2002-178 – Approving Change Order #1 for Distributed Control System – Combustion Turbine Project with ABB Automation, Inc., Wickliffe, Ohio, for an Increased Amount of \$32,110.44 and a Final Contract Amount of \$264,795.44. Councilmember Pielstick voted no.

#2002-179 – Approving Bid Award for 3-Phase Digital Panel Meters to Satec, Inc., Summit, New Jersey, in the Amount of \$75,673.00.

#2002-180 – Approving No Parking Designation from 7:00 a.m. to 4:00 p.m., Monday through Friday, Along Prospect Street Between Lafayette Avenue and Park Avenue.

#2002-181 – Approving Bid Award for Street Improvement District #1240 to The Diamond Engineering Company, Inc., Grand Island, Nebraska in the Amount of \$222,829.65.

#2002-182 – Approving Bid Award for One Used Farm Tractor For the Wastewater Division of the Public Works Department to T & B Sales, Grand Island, Nebraska, in the Amount of \$12,800.00.

#2002-183 – Approving Change Order #1 for the Library Expansion Project, Phase II to Starostka Group Company, Grand Island, Nebraska for an Increased Amount of \$2,288.50 and a Revised Contract Amount of \$84,288.50. Councilmember Pielstick voted no.

#2002-184 – Approving Change Order #1 to the Contract with The Diamond Engineering Company for Sanitary Sewer District #492 with The Diamond Engineering Company, Grand Island, Nebraska, for an Increased Amount of \$25,146.82.

#2002-185 – Approving Certificate of Final Completion for Sanitary Sewer District #492 with The Diamond Engineering Company, Grand Island, Nebraska and Setting Board of Equalization Date of August 13, 2002 to Determine Benefits and Set Assessments.

#2002-186 – Approving Agreement to Join the Nebraska Habitat Conservation Coalition.

#2002-187 – Approving Fee Schedule for Fiscal Year 2002-2003.

#2002-188 – Approving Amendment to Interlocal Agreement with Hall County Relative to Providing Ambulance Service to Hall County Correctional Facility.

#2002-189 – Approving Acquisition of Permanent Utility Easement Located in Lots 14 and 15, Meadowlark West Fourth Subdivision.

#2002-190 – Approving Amendment to Community Connections/Neighborhood Associations Policy with Regards to Grant Application Cycles.

#2002-191 – Approving Authorization to Transfer Excess Bond Payment Proceeds from the County Treasurer to the City General Fund.

PUBLIC HEARING ON ANNEXATION:

Public Hearing on Annexation. Charlie Cuypers, City Attorney, reported that a public hearing was required by statute on the proposed annexation of nine areas of land contiguous and adjacent to the City of Grand Island and proposed annexation plan for extension of City services to these lands.

Leon Cederlind, 4706 Gunbarrel Place and VirJeanne Baker, 607 Hermitage Place spoke in support.

The following people spoke in opposition: Rollie Reynolds, 239 Lakeside Drive, Al Karle, 4710 Stoneride Path, Bob Kutz, #20 Kuester Lake, Dean Ritz, 3615 Arabian Circle, Robert Mettenbrink, 270 One R Road, Louise Miller, 1104 West Charles Street, Gary Trump, 4232 Summer Circle, Kim Meyer, 4221 Springview Drive, Rhonda Riha, 3560 Hillside Drive, Tim Victor, 4228 Springview Drive, E. W. Sakala, 323 Mallard Lane, Adrianna Davis, 4227 Springview Drive, John Thiel, 4228 Calvin Drive, Debra Rombach, 206 Lakeside Drive, Jerry Persinger, #21 Kuester Lake, Randy Rapien, 226 Lakeside Drive, Robert Happold, 4236 Calvin Drive, Bud Jefferie, #28 Kuester Lake, Virgil Roush, #62 Kuester Lake, Mel Carlson, #56 Kuester Lake, Nancy Emken, 4413 Pintail Lane, Raymond Mayhew, 4610 Calvin Drive and Lewis Kent, 624 East Meves Avenue.

ORDINANCE ON ANNEXATION:

Councilmember Larson, moved to adopt Ordinance #8744, second by Whitesides.

#8744 – Consideration of Annexation (First Reading)

Councilmember Ward questioned if this ordinance included all 9 areas. City Attorney Charlie Cuypers stated that it did, but the Council did not have to approve all 9 areas at this time. Councilmember Pielstick stated that everyone wanted growth, but not in their back yard. Several people from the audience thought the Council should wait to annex the east lakes area and Schroeder Subdivision. Councilmember Haase asked when the best time would be. It was suggested 5 years. The audience wanted more studies and time to look at this.

Councilmember Whitesides wanted to clarify that even if this ordinance passed, it would take 4 to 5 years before service was available and then it would be up to the people to decide whether to hook up to it. Councilmember Ward recommended that the City, at their annual planning meeting, look at areas to be annexed so people could be informed in a more-timely manner.

Motion was made by Ward, second by Walker to amend the motion to include three separate votes as follows: a.) Areas 2, 3, 5b, 6, 9, 10 & 11; b.) Area 4 and c.) Area 12. Upon roll call vote, Councilmembers Ward, Haase, Walker and Sorensen voted yes. Councilmembers Pielstick, Seifert, Larson, Hornady and Whitesides voted no. Motion failed.

Discussion was held with regards to police services for the east lakes area. Police Chief Kyle Hetrick commented on the number of calls that the Hall County Sheriff's office received and assured the residents that there would be enough law enforcement officers to meet their needs.

Louise Fiene, 219 Lakeside Drive encouraged the Council to listen to the people. Leighton Wiley, 4040 Scheel Road asked why the Rainbow Lakes Subdivision was not considered as part of the annexation plan. City Administrator Marlan Ferguson and Public Works Director Steve Riehle, stated that it was cost prohibitive and they had their own private lift station for sewer.

Upon roll call vote to approve Ordinance 8744, Councilmembers Seifert, Larson, Hornady and Whitesides voted yes. Councilmembers Pielstick, Ward, Haase, Walker and Sorensen voted no. Motion failed.

Councilmember Ward recommended that staff bring this issue back before council at the next regular meeting with a separate vote for the three different areas mentioned above.

PAYMENT OF CLAIMS:

Motion by Whitesides, second by , carried unanimously to approve the Claims for the period of June 12, 2002 through June 25, 2002, for a total amount of \$2,640,767.98.

ADJOURNMENT: The meeting was adjourned at 9:15 p.m.

Respectfully submitted,

RaNae Edwards

City Clerk