



City of Grand Island

Tuesday, July 23, 2002

Council Session

Item G2

Approving Minutes of July 9, 2002 City Council Regular Meeting

*The Minutes of the July 9, 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

July 9, 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 July 9, 2002. Notice of the meeting was given in the Grand Island Independent on July 3, 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 Father Walter Phelan, Chaplain at the Veterans Hospital.

PRESENTATIONS AND PROCLAMATIONS:

Proclamation "National Aquatic Week" July 14-20, 2002. Mayor Gnadt proclaimed the week of July 14-20, 2002 as "National Aquatic Week".

Recognition of Police Officers Attending the Top Gun Motorcycle Competition. The Mayor and City Council recognized Officer Ellis Collins, Sergeant Joe Rodriquez, Officer James Colgan and Officer Doug Whiles for their accomplishments at the Top Gun Motorcycle Competition in Golden, Colorado. Police Chief Kyle Hetrick was present for the presentation.

Presentation by CH2MHill Relative to Wastewater Treatment Plant. Tom Heinemann representing CH2MHill updated the Council on the Engineering Study of the Wastewater Treatment Plant operations. Presented were the following Implementation Plans:

Implementation Plan 2003-2004

- Belt Press System
- Digester Modifications
- Short-Term Grit Handling
- Construction Cost: \$5.6 million

Implementation Plan Phase II

- Grease Improvements
- Short-Term Secondary Clarifiers
- Short-Term Primary Clarifiers
- Polymer System Modifications
- Construction Cost: \$3.1 million

Implementation Plan Phase III

- Off-site Composting
- Convert to Vortex Grit Removal
- Primary Clarifier No. 3
- Construction Cost: \$7.1 million
- Implementation Plan Phase IV
- Secondary Clarifier No., 4
- Construction Cost: \$1.9 million
- Odor Control Summary
 - Biofilter for belt filter presses
 - Sludge lagoon abandonment
 - Covers & biofilter for digesters
 - Eventual off-site composting
 - Conversion to vortex grit removal
 - Primary clarifier weir covers & biofilter

Discussion was held concerning other systems and having an independent review. The consensus of the Council was to move forward with the independent review.

PUBLIC HEARINGS:

Public Hearing on Acquisition of Utility Easement Located at 1466 South Gunbarrel Road. (Robert K. and Kathleen McFarland) Gary Mader, Utilities Director, reported that acquisition of a utility easement located at 1466 South Gunbarrel Road, was required in order to have access to install, upgrade, maintain, and repair power appurtenances. This easement would be used to locate an underground power line and pad mounted transformer to serve a new house being constructed. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement Located at 1310 South Gunbarrel Road. (Ronald C., and Norma J. Shullaw) Gary Mader, Utilities Director, reported that acquisition of a utility easement located at 1310 South Gunbarrel Road, was required in order to have access to install, upgrade, maintain, and repair power appurtenances. This easement would be used to locate an underground power line and pad mounted transformer to serve a new house that is being constructed. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement Located at 1450 South Gunbarrel Road. (Michael J. and Beverly E. Nolan) Gary Mader, Utilities Director, reported that acquisition of a utility easement located at 1450 South Gunbarrel Road, was required in order to have access to install, upgrade, maintain, and repair power appurtenances. This easement would be used to locate an underground power line and pad mounted transformer to serve a new house that is being constructed. No public testimony was heard.

Public Hearing on Amendment to the Community Redevelopment Authority (CRA) Redevelopment Plan and Authorizing Tax Increment Financing for Renovation of Facility at 1003 West Third Street. Cindy Johnson, Community Projects Director, reported that at the June 4, 2002 meeting of the Community Redevelopment Authority, the CRA adopted Resolution #38 providing for an amendment to the Redevelopment Plan for Blight and Substandard Area #4,

approving a redevelopment contract and giving notice of intent to enter into a redevelopment contract. Kris and Tim Harris, dba RSF Limited, were redeveloping the property at 1003 West Third Street for a dental office.

The proposed redevelopment contract provided for the use of tax increment financing for the redevelopment project. Tax increment financing was a mechanism whereby the increased property taxes for the improved property are used to pay for the improvements. The anticipated tax increment financing for this project was \$35,000.

In December, 2000, the City Council adopted a Redevelopment Plan for this area, which was generally described as the central portion of the City of Grand Island, beginning at the intersection of the west line of Clark Street and the north line of the alley between Fourth and Fifth Streets, south to the alley between Second and Third Streets, and west to Broadwell Avenue.

State Statutes require that amendments to the Redevelopment Plan, to address specific projects, be considered by the Community Redevelopment Authority and Regional Planning Commission, in addition to the City Council. The Regional Planning Commission considered the Amendment at their meeting of June 19, 2002 and recommended approval. Notification of the proposed Amendment and Redevelopment Project was provided to all taxing entities and appropriate neighborhood associations. Kris Harris, DDS, 702 West Koenig Street, spoke in support. No further public testimony was heard.

Public Hearing on Request of Daffodil, LLC dba Conoco One Stop, 2105 West 2nd Street, for Class "C" Liquor License. City Clerk RaNae Edwards, reported that Habibur Khan, representing Daffodil, LLC dba Conoco One Stop, 2105 West 2nd Street had submitted an application with the City Clerk's Office for a Class "D" Liquor License. A Class "D" Liquor License allows for the sale of alcoholic beverages off sale only within the corporate limits of the City. Ms. Edwards presented the following exhibits for the record: application submitted to the Liquor Control Commission and received by the City on June 21, 2002; notice to applicant of date, time and place of hearing mailed on June 24, 2002; notice to the general public of date, time and place of hearing published on June 29, 2002; Chapter 4 of City Code and departmental reports as required by City Code. Tom Emerton, Attorney, Habibur Khan and Mahammad Kalam representing Conoco One Stop were present and spoke in support. No further public testimony was heard.

Public Hearing on Acquisition of Right of Way Located in the SW1/4 of Section 13-11-10 by Eminent Domain. (T & E Cattle Company) Charlie Cuypers, City Attorney, reported that following the Mayor and City Council's earlier approval of acquiring the right of way from T&E Cattle Company necessary for construction of a drainage ditch to serve two new subdivisions in the North Road/Potash Road area, representatives of the legal and public works departments met with Greg Baxter to negotiate terms for a voluntary acquisition of the right of way. Negotiations were not successful due to the landowner's position that he felt he was given binding assurances that this land transaction would not occur for several years during the course of a prior land sale.

The proposals for the new subdivisions were unknown at the time of these discussions. The drainage ditch would serve not only the new subdivisions, but also would serve part of the Little

B'S and T&E land when it was developed. Greg Baxter, 1723 Bridle Lane and Kevin Schneider, Attorney representing T & E Cattle Company spoke in opposition. No further 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:

#8745 - Consideration of Vacating Easement Located at 2322 South Locust Street. (Gary Shovlain)

#8746 - Consideration of Creating Sanitary Sewer District #507, Along Cannon Road Between North Road and Mansfield Road, and a Short Piece North of State Street East of North Road

#8747 – Consideration of Amending Chapter 34 of City Code Relative to Telecommunications

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 Walker 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 #8745, #8746 and #8747 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 #8745, #8746 and #8747 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 #8745, #8746 and #8747 are declared to be lawfully passed and adopted upon publication as required by law.

Motion was made by Whitesides, second by Larson, to approve Ordinance #8748 – Consideration of Annexation – Areas 2, 3, 5b, 6, 9 10 & 11 on first reading. City Attorney Charlies Cuypers explained the areas to be annexed. Mike Johnson, Attorney representing South Public Power District and Bob Mettenbrink, 270 E One R Road, spoke in opposition. Upon roll call vote, all voted aye. Motion adopted.

Motion was made by Whitesides, second by Hornady, to approve Ordinance #8749 – Consideration of Annexation – Area 12 on first reading. The following people spoke in opposition:

Chris Riha, 3560 Hillside Drive
Bill Heider, 4148 Springview Drive
Susie Springer, 3624 Schroeder Avenue
Tim Victor, 4228 Springview Drive

John Amick, 410 Amick Avenue, Doniphan – member of Regional Planning Commission encouraged the Council to adopt the recommendations of the Planning Commission which opposed areas #12 & 4.

Upon roll call vote, Councilmembers Seifert, Larson, Hornady, Whitesides, Haase, Murray, Walker and Sorensen voted yes. Councilmembers Pielstick and Ward voted no. Motion adopted.

Motion was made by Larson, second by Whitesides, to approve Ordinance #8750 – Consideration of Annexation – Area 4 on first reading. Leona Cederland, 4706 Gunbarrel Place spoke in support. The following people spoke in opposition:

Rollie Reynolds, 239 Lakeside Drive
Bob Kutz, #20 Kuester Lake
Al Karle, 4710 Stoneridge Path
Willie Skala, 323 Mallard Lane
Bud Jeffries, #28 Kuester Lake

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

CONSENT AGENDA: Motion by Pielstick, second by Larson, carried unanimously to approve the Consent Agenda excluding item G-21.

Receipt of Official Document – Civil Service Minutes of May 6, 2002.

Approving Appointments of Ben Murphy and Dave Soto to the Community Development Advisory Committee.

Approving Appointments of Glen Murray and Margaret Hornady to the Selection Committee for the Former City Hall.

Approving Minutes of June 25, 2002 City Council Regular Meeting.

Approving Request of Daffodil, LLC dba Conoco One Stop, 2105 West 2nd Street, for Class “D” Liquor License.

Approving Request of Mahammad Kalam, 2307 West 1st Street, for Liquor Manager Designation for Daffodil, LLC dba Conoco One Stop, 2105 West 2nd Street.

Approving Request of Sharon Scusa, 1835 Valley View Drive, Crete, Nebraska, for Liquor Manager Designation for Casey’s General Stores, Inc. dba Casey’s General Store #1768, 420 North Broadwell Avenue.

Approving Request of Danny C. Dennie, 3605 Bronco Road, for Liquor Manager Designation for U Save Foods, Inc., dba Sunmart #768, 3420 West State Street.

Approving Request of Susan R. McAfee, 1863 7th Avenue, Dannebrog, Nebraska, for Liquor Manager Designation for Bosselman, Inc., dba Pump & Pantry #8, 2028 North Broadwell Avenue.

#2002-192 – Approving Acquisition of Utility Easement Located at 1466 South Gunbarrel Road. (Robert K. and Kathleen McFarland)

#2002-193 – Approving Acquisition of Utility Easement Located at 1310 South Gunbarrel Road. (Ronald C. and Norma J. Shullaw)

#2002-194 – Approving Acquisition of Utility Easement Located at 1450 South Gunbarrel Road. (Michael J. and Beverly E. Nolan)

#2002-195 – Approving Amendment to Community Redevelopment Authority (CRA) Plan and Authorizing Financing for Dental Office Development.

#2002-196 – Approving Resolution of Intent to Create Business Improvement District #4, South Locust Street from Stolley Park Road to Fonner Park Road.

#2002-197 – Approving Bid Award for Sanitary Sewer District #501, Freedom Acres to The Diamond Engineering Company, Grand Island, Nebraska in the Amount of \$322,423.16.

#2002-198 - Approving Bid Award for Well Field Pump #3 Replacement to Flowserve, Taneytown, Maryland, in the Amount of \$513,566.00.

#2002-199 – Approving Bid Award for Downtown Alley Improvements, Phase IV Paving, Storm Sewer and Electrical Project 2002-UG-1 to The Diamond Engineering Company, Grand Island, Nebraska, in the Amount of \$392,096.45.

#2002-200 – Approving Designation of a Loading Zone for Trinity Lutheran Church at 212 West 12th Street.

#2002-201 – Approving Installation of a Stop Sign for Westbound Traffic on 8th Street Approaching Howard Avenue.

#2002-202 – Approving Continuation of Sanitary Sewer District #505, Seedling Mile and Willow Street, North of US Highway 30.

#2002-204 – Approving Bid Award for (3) Cardiac Monitors with Zoll Medical Corporation, Burlington, Massachusetts, in the Amount of \$30,975.00.

#2002-205 – Approving Bid Award for Furnishing and Installation of Auto Cashier Multi-Space Pay Station with Access & Time Automations, Inc., Denver, Colorado, in the Amount of \$20,171.00.

#2002-203 – Approving Acquisition of Right of Way Located in the SW1/4 of Section 13-11-10 by Eminent Domain. Motion by Seifert, second by Whitesides to deny Resolution #2002-203. Public Works Director Steve Riehle explained where the drainage ditch would be located. Councilmembers Larson, Hornady and Murray stated concerns of the liability to the City if this was not passed.

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

Motion by Larson, second by Ward to approve Resolution #2002-203. Upon roll call vote, Councilmembers Pielstick, Ward, Larson, Hornady, Whitesides, Haase and Murray voted yes. Councilmembers Seifert, Walker and Sorensen voted no. Motion adopted.

RESOLUTIONS:

#2002-206 – Approving Installation of Additional Street Lights on 3rd Street from Blaine Street to Eddy Street. Steve Riehle, Public Works Director, reported that an informational meeting was held on February 28, 2002, at the Edith Abbott Memorial Library to discuss additional lighting for the Third Street corridor from Blaine Street to Eddy Street.

Ninety-eight invitations were mailed out to residents along Third Street. Three individuals attended the meeting. Grand Island's Street Light Standards were discussed at the June 18, 2002 Study Session. Councilmember Fred Whitesides requested a future Council agenda item to authorize the installation of one additional streetlight per block on Third Street. Seventeen (17) additional streetlights could be placed mid-block without major disruption of parking areas or major tree trimming. Lath stakes were installed where the additional streetlights would be placed so everyone could see where the lights were being proposed. The estimated capital construction cost would be \$26,600. Money would have to be transferred from an existing account to fund the work.

Councilmember Murray stated concerns of setting a precedence for other areas and the lack of people who showed up at the meeting to discuss street lights on 3rd Street.

Motion by Whitesides, second by Sorensen, to approve Resolution #2002-206. Upon roll call vote, Councilmembers Pielstick, Ward, Seifert, Larson, Whitesides, Haase, Walker and Sorensen voted yes. Councilmembers Hornady and Murray voted no. Motion adopted.

#2002-207 – Approving Resolution to Cbse Seedling Mile Road from Willow Street East for Approximately 450 Feet. Steve Riehle, Public Works Director, reported that the section of undisturbed concrete on Seedling Mile Road east of Willow Road and North of US Highway 30 was eligible for listing with the National Register of Historic Places.

Mr. Riehle briefed Council on the historical significance of this stretch of the Lincoln Highway at the April 3, 2001 Study Session. A Resolution to close Seedling Mile Road to vehicular traffic from the Willow Road intersection east for approximately 500' was on the agenda for Council consideration at the April 10, 2001 meeting. Abutting property owners expressed concerns about the impact of closing Seedling Mile Road on their property. They were especially concerned because the details of the Nebraska Department of Roads (NDOR) project to widen US Highway 30 were not yet finalized. The item was tabled so Staff could work with property owners to address their concerns.

A meeting was held with abutting property owners on May 15, 2002. Staff felt that the closing of this stretch of Seedling Mile Road would have to wait until the details of the NDOR's project were worked out. A new frontage road connection between Seedling Mile/Stuhr Road north of US Highway 30 was now complete. The frontage road provides an access for the property owners that were concerned about closing Seedling Mile Road. The Contractor was advised to keep construction equipment off this historical piece of road to preserve it. It was recommended that the road be closed to all public vehicular traffic to preserve its integrity and prevent future damage. Costs for installation of signs and barricades would be minimal.

Randy Rapien, 226 Lakeside Drive expressed concerns about the maintenance.

Motion by Seifert, second by Sorensen, carried unanimously to approve Resolution #2002-207.

PAYMENT OF CLAIMS:

Motion by Whitesides, second by Haase, carried unanimously to approve the Claims for the period of June 26, 2002 through July 9, 2002, for a total amount of \$4,464,701.19.

ADJOURNMENT: The meeting was adjourned at 10:00 p.m.

Respectfully submitted,

RaNae Edwards
City Clerk