



City of Grand Island

Tuesday, October 08, 2002

Council Session

Item G2

Approving Minutes of September 24, 2002 City Council Regular Meeting

The Minutes of the September 24, 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

September 24, 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 September 24, 2002. Notice of the meeting was given in the Grand Island Independent on September 18, 2002.

Mayor Ken Gnadt called the meeting to order at 7:00 p.m. The following members were present: Councilmembers Pielstick, Larson, Hornady, Whitesides, Haase, Murray, Walker and Sorensen. Councilmembers Ward and Seifert were 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 Allen Runyon, Grand Island Family Church, 2304 Macron Street. Ashley Suntych and George Burgess presented an *It's About Kids!* Asset.

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

PRESENTATIONS AND PROCLAMATIONS:

Proclamation "Republic of China Day", October 10, 2002. Mayor Gnadt proclaimed October 10, 2002 as "Republic of China Day" and encouraged all citizens join in extending congratulations and best wishes to the Republic of China on Taiwan during their 91st anniversary celebration.

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

Motion by Sorensen, second by Pielstick, to approve Resolutions #2002-BE-8, #2002-BE-9, and #2002-BE-10 carried unanimously.

#2002-BE-8 – Determining Benefits for Business Improvement District #4.

#2002-BE-9 – Determining Benefits for Sanitary Sewer District #493, Old Potash Subdivision.

#2002-BE-10 – Determining Benefits for Sanitary Sewer District #503, Edna Drive in Gosda Subdivision.

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

PUBLIC HEARINGS:

Public Hearing on Annexation Component to the Grand Island Comprehensive Development Plan. Marlan Ferguson, City Administrator, reported that a proposal to add an annexation Component to the Grand Island Comprehensive Development Plan had been submitted. This proposal had been approved by the Regional Planning Commission at their June 6, 2002 meeting. No public testimony was heard.

Public Hearing on Amendment to the Grand Island Zoning Map. Chad Nabity, Regional Planning Director, reported that the Evangelical Free Church, owner of property located at 2916 West Stolley Park Road was requesting a change of zoning from R-4 High Density Residential to RO Residential Office. This change was in conformance with the Grand Island Comprehensive Plan. The Regional Planning Commission at their regular meeting held September 4, 2002 unanimously voted to approve and recommend the Grand Island City Council approve this amendment to the Grand Island Zoning Map. Sam Huston, representing the Evangelical Free Church spoke in support. No further public testimony was heard.

Public Hearing on Request of Heartland Catering, Inc., 700 East Stolley Park Road, for Class "C/K" Liquor License. City Clerk RaNae Edwards, reported that Gary Shovlain, representing Heartland Catering, Inc., 700 East Stolley Park Road, had submitted an application with the City Clerk's Office for a Class "C/K" Liquor License. A Class "CK" Liquor License allows for the sale of alcoholic beverages on and off sale within the corporate limits of the City and for a catering license to deliver, sell or dispense alcoholic liquors for consumption at a location designated on a Special Designated License (SDL). Ms. Edwards presented the following exhibits for the record: application submitted to the Liquor Control Commission and received by the City on September 6, 2002; notice to applicant of date, time and place of hearing mailed on September 6, 2002; notice to the general public of date, time and place of hearing published on September 14, 2002; Chapter 4 of City Code and departmental reports as required by City Code. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement Located at 610 Midaro Drive. (Garry and Jeanne Williams) Gary Mader, Utilities Director, reported that acquisition of a utility easement located at 610 Midaro Drive was required in order to have access to install, upgrade, maintain, and repair power appurtenances. This easement would be used to locate primary electrical underground cable and a pad mounted transformer to serve a new home at that location. No public testimony was heard.

Public Hearing on Acquisition of Public Utility Easement Located at 3511 Andrew Avenue. (James and Judith Webb) Steve Riehle, Public Works Director, reported that acquisition of a utility easement located at 3511 Andrew Avenue was required in order to have access to install, upgrade, maintain and repair sanitary sewer mains to be installed in Sanitary Sewer District No. 500. The cost of the easement was expected to be a small portion of the District costs. The easement was necessary so the construction could proceed. No public testimony was heard.

Public Hearing on Acquisition of Public Utility Easement Located in Lot 1, Crane Valley Fourth Subdivision. (Concord Development, L.L.C.) Steve Riehle, Public Works Director, reported that it was necessary to acquire an easement for the installation, upgrade, maintenance and repair of the sewer mains to be installed in conjunction with new construction in Crane Valley Fourth Subdivision. The sewer was being routed outside of the current easements to allow for changes in the design for the property. The property owner had been contacted regarding the terms of this easement and it was now time for Council approval of the acquisition. The cost of the easement was a token fee of \$1.00. No public testimony was heard.

Public Hearing on Acquisition of Public Utility Easement Located in Lot 3, Crane Valley Fourth Subdivision. (Shafer Properties) Steve Riehle, Public Works Director, reported that it was necessary to acquire an easement for the installation, upgrade, maintenance and repair of the sanitary sewer mains to be installed in conjunction with new construction in Crane Valley Fourth Subdivision. The sewer was being routed outside of the current easements to allow for changes in the design for the property. The property owner had been contacted regarding the terms of this easement and it was now time for Council approval of the acquisition. The cost of the easement was a token fee of \$1.00. 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:

- #8771 - Consideration of Assessments for Business Improvement District No.4
- #8772 – Consideration of Assessments for Sanitary Sewer District #493, Old Potash Subdivision
- #8773 – Consideration of Assessments for Sanitary Sewer District #503, Edna Drive in Gosda Subdivision
- #8774 – Consideration of Changes to the Grand Island Zoning Map for Property Located at 2916 West Stolley Park Road from R-4 High Density Residential to RO Residential Office
- #8775 – Consideration of Vacating Fortune Street from the Intersection with Trust Street South 340', Adjacent to Lot Twenty-One, Grand Island Industrial Park West Subdivision
- #8776 – Consideration of Conveyance of a Tract of Land in the Southeast Quarter (SE1/4) of Section 23-11-11
- #8777 – Consideration of Two Hour Parking Designation for the North Side of First Street from Wheeler Avenue to Sycamore Street

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? City Attorney Charlie Cuyper noted that Ordinance #8775 Section 2 was in error. Property to be vacated would be City owned and not revert to the property owners. No public testimony was heard.

Motion was made by Whitesides to approve Ordinance #8775 with the amendment. Second by Hornady. Carried unanimously.

City Clerk: Ordinances #8771, #8772, #8773, #8774, #8775 with amendment, #8776 and #8777 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 #8771, #8772, #8773, #8774, #8775 with amendment, #8776 and #8777 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 #8771, #8772, #8773, #8774, #8775 with amendment, #8776 and #8777 are declared to be lawfully passed and adopted upon publication as required by law.

CONSENT AGENDA: Motion by Pielstick, second by Walker, carried unanimously to approve the Consent Agenda.

Receipt of Official Document – Civil Service Minutes of August 23, 2002.

Approving Minutes of September 10, 2002 City Council Regular Meeting.

Approving Appointment of Dianne Miller to the Regional Planning Commission.

Approving Garbage and Refuse Haulers Permits for Full Circle, Inc., Clark Brothers Sanitation, Inc., Mid-Nebraska Disposal, Inc., Central Waste Disposal and Scott's Hauling.

Approving Request of Heartland Catering, Inc., 700 East Stolley Park Road, for Class "C/K" Liquor License.

Approving Request of Gary Shovlain, 2211 Riverside Drive, for Liquor Manager Designation for Heartland Catering, Inc., 700 East Stolley Park Road.

#2002-286 – Approving Annexation Component to the Grand Island Comprehensive Development Plan.

#2002-287 – Approving Acquisition of Utility Easement Located at 610 Midaro Drive. (Garry and Jeanne Williams)

#2002-288 – Approving Acquisition of Public Utility Easement Located at 3511 Andrew Avenue. (James and Judith Webb)

#2002-289 – Approving Acquisition of Public Utility Easement Located in Lot 1, Crane Valley Fourth Subdivision. (Concord Development, L.L.C.)

#2002-290 – Approving Acquisition of Public Utility Easement Located in Lot 3, Crane Valley Fourth Subdivision. (Shafer Properties)

#2002-291 – Approving Bid Award for Storage Building at Fire Station #4 with Husker's Sales and Distribution, Inc. of Grand Island, Nebraska in an Amount of \$29,847.00.

#2002-292 – Approving Bid Award for Snow Removal Services with Nickman Brothers of Kearney, Nebraska in an Amount of \$95.00 per hour for Truck Plows and \$95.00 per hour for Hauling Snow.

#2002-293 – Approving Speed Limit on South Locust Street from Stagecoach to Stolley Park Road at 35 mph.

#2002-294 – Approving Change Order #1 for Concrete Overlay of Tennis Courts in Buechler Park with L & L Concrete & Construction, Inc. of Grand Island, Nebraska for a Net Increase of \$1,584.12 and a Revised Contract Amount of \$37,116.12.

#2002-295 – Approving Certificate of Final Completion for Concrete Overlay to Tennis Courts in Buechler Park with L & L Concrete & Construction, Inc. of Grand Island, Nebraska.

#2002-296 – Approving Certificate of Final Completion for Park Maintenance Building Construction with Chief Construction of Grand Island, Nebraska.

#2002-297 – Approving Certificate of Final Completion for Street Improvement District #1240, Grand West Third Subdivision with The Diamond Engineering Company of Grand Island and Setting Board of Equalization Date for October 22, 2002 to Set Assessments.

#2002-298 – Approving Correction to the AFSCME Contract.

REQUESTS AND REFERRALS:

Request to Refer Proposed Amendment to Chapter 36 of the Grand Island City Code Relative to Vehicle Sales and Rental Businesses to the Regional Planning Commission. City Attorney Charlie Cuypers, reported that the City had previously considered whether to require certain minimum improvements for all vehicle sales and rental lots and in 1999 required all new lots to have hard surfaced storage and display areas. Since then there had been several car lots started which have been the subject of complaints concerning whether the premises were suited for this type of use based on appearance, lack of space, storage of used tires, batteries, oil, etc. Dealing with complaints about car lots had become a continual, if not continuous problem for the building department, police department, public works and code compliance office. City staff requested the Mayor and City Council revisit the issue of requiring minimum improvements for car lots. The first step was to refer the matter to the Regional Planning Commission for a public hearing and recommendation.

Councilmember Pielstick mentioned the used car lots in her neighborhood and the problems that existed. Councilmember Murray questioned how many car lots currently comply with this

change. City Attorney Charlie Cuypers stated approximately ½ of the almost 100 car lots have store front and about 10 had hard surfaced lots. Councilmember Larson questions what would happen if they did not comply. Mr. Cuypers stated they would get a letter and then ultimately the case would be filed in the District Court to obtain an injunction.

The following people spoke in opposition: Randy Rapien, 226 lakeside Drive, Mert Niedfelt, 4934 Fort Kearney Road, Carl Mettenbrink, 2200 East One-R Road, Roger Roscoe, 3114 West 15th Street, Allen Doudna, 524 West 8th Street #4, and Lloyd Soukop, 701 West 4th Street.

Motion was made by Pielstick, second by Whitesides to approve this request. Upon roll call vote, Councilmembers Pielstick, Larson, Hornady, Whitesides, Haase, Walker and Murray voted yes. Councilmember Sorensen voted no. Motion was adopted.

RESOLUTIONS:

#2002-299 –Approving Adoption of the 2002 Edition to the Grand Island City Code. City Attorney Charlie Cuypers, reported that the City Code was reissued as a new edition periodically in order to clean up references to amendments, deleting old numbers, and generally updating the work available to the public. The last edition was adopted in 1995 and because the City Code was now available on the internet, it was prudent to approve and adopt the City Code as the 2002 edition. There were no provisions of the code which were amended by adopting this edition, but a substantial amount of accumulated, unnecessary, amendment references would be eliminated. It was recommended adoption of a new edition every year or two.

Motion was made by Larson, second by Hornady, carried unanimously to approve.

PAYMENT OF CLAIMS:

Motion by Whitesides, second by Hornady, carried unanimously to approve the Claims for the period of September 11, 2002 through September 24, 2002, for a total amount of \$5,353,662.66.

ADJOURN TO EXECUTIVE SESSION: Motion by Whitesides, second by Walker, carried unanimously to adjourn to executive session at 8:25 p.m. to discuss FOP Union Negotiations.

RETURN TO REGULAR SESSION: Motion by Whitesides, second by Walker, carried unanimously to return to Regular Session at 9:25 p.m.

ADJOURNMENT: The meeting was adjourned at 9:25 p.m.

Respectfully submitted,

RaNae Edwards
City Clerk