



City of Grand Island

Tuesday, December 03, 2002

Council Session

Item -3

Approving Minutes of November 26, 2002 City Council Regular Meeting

The Minutes of November 26, 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

November 26, 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 November 26, 2002. Notice of the meeting was given in the Grand Island Independent on November 20, 2002.

Mayor Ken Gnadt called the meeting to order at 7:00 p.m. The following members were present: Councilmembers Pielstick, Seifert, Ward, Larson, Hornady, Whitesides, Haase, Murray, Walker, and Sorensen. The following City Officials were present: City Administrator Marlan Ferguson, City Clerk RaNae Edwards, Assistant City Attorney Dale Shotkoski, Public Works Director Steve Riehle and Finance Director David Springer.

PLEDGE OF ALLEGIANCE was said followed by the INVOCATION given by Associate Pastor Gary Schulte, Evangelical Free Church, 2609 South Blaine Street.

PRESENTATIONS AND PROCLAMATIONS:

"It's About Kids!" Presentations by Angela Raynolds and Emily Griess. Youth Leadership Tomorrow, "Its About Kids!" assets were presented by Angela Raynolds and Emily Griess.

PUBLIC HEARINGS:

Public Hearing on Proposed Amendment to Chapter 36 of the Grand Island City Code Relative to Vehicle Sales and Rental Business, Sign Regulations along South Locust Street and Self Storage Facilities. Chad Nabity, Regional Planning Director, reported that amendments were proposed to Chapter 36 of the Grand Island City Code to address vehicle sales and rental business. This amendment would revise code to set performance standards for Automobile Sales and Rental business, define and allow self-storage facilities in the B2 and M1 zoning districts, and amend the AC Arterial Commercial Overlay district regulations relative to billboards. Mert Nietfeldt, 4934 Fort Kearney Road, Randy Rapien, 226 Lakeside Drive and Carl Mettenbrink, 2200 E One-R Road spoke in opposition to the vehicle sales and rental changes. No further public testimony was heard.

Public Hearing on Changes to the Grand Island Zoning Map for Property Located in the NW1/4 of Section 13-11-10. Chad Nabity, Regional Planning Director, reported that Joel Shafer, owner was requesting a change of zoning for property located in the NW 1/4 of Section 13, Township 11, Range 10, in the City of Grand Island. This application proposed to change the zoning from TA Transitional Agricultural to RO Residential Office and RD Residential Development. This change was in conformance with the Grand Island Comprehensive Plan. The Regional Planning Commission at their regular meeting held November 6, 2002 voted to approve and recommend

to the Grand Island City Council approval of this amendment to the Grand Island Zoning Map. No public testimony was heard.

Public Hearing on Request of Perez Brothers, Inc. dba Guitarron, 413 West 4th Street, for Class "C" Liquor License. RaNae Edwards, City Clerk, reported that Perez Brothers, Inc. dba Guitarron, 413 West 4th Street, had submitted an application for a Class "C" Liquor License. A Class "C" Liquor License allows for the sale of alcoholic beverages on and off sale 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 November 5, 2002; notice to applicant of date, time and place of hearing mailed on November 5, 2002; notice to the general public of date, time and place of hearing published on November 16, 2002; Chapter 4 of City Code and departmental reports as required by City Code. John Bain, Attorney from Lincoln representing Perez Brother, Inc. spoke in support. No further public testimony was heard.

Public Hearing on Proposed Economic Development Program. Marlan Ferguson, City Administrator, reported that on November 19, 2002, the City Council heard a presentation by the Progress for Grand Island Committee on their request for the Council to consider placing the issue of community adoption of an economic development program on a special election in May, 2003. Economic Development Programs were authorized by the Nebraska Legislature in 1991.

City staff had been working closely with the Progress for Grand Island Committee on development of the Economic Development Program. The Program addressed the City Council's priorities of creating more good paying jobs in the community, diversifying the economy for greater economic strength and assisting all residents with the opportunity to have a high standard of living. A three-step approval process had been developed to ensure that each request for assistance was reviewed thoroughly by people who are intimately familiar with the project, the finances, and the process and yet maintained an appropriate level of confidentiality for the applicants. Minor modifications had been made to more clearly delineate the roles and responsibilities of the City and the Economic Development Corporation.

Mr. Ferguson stated the action before the City Council would be to forward the proposed Economic Development Program to the voters at a special election set for May 6, 2003.

John Browenll, 4309 Quail Lane, Jackie Havel, 5052 Forth Kearney Road, Tim White, 1709 Rio Grande Circle, and Steve Joel, 1716 Stagecoach Road spoke in support. No further public testimony was heard.

Public Hearing on Acquisitio of a Temporary Access Easement Located West of Freedom Drive. Steve Riehle, Public Works Director, reported that Sanitary Sewer District 501 was created by the City Council on August 28, 2001 and was continued at the October 23, 2001 Council meeting. A construction contract was awarded to The Diamond Engineering Company at the July 9, 2002 Council meeting. Construction commenced in fall 2002. Sanitary Sewer District 501 would serve properties on both sides of Freedom Drive as well as Liberty Lane. In order to reduce costs for the district and avoid relocation expenses for other utilities, the plans for the project involved laying the sewer main down the existing dirt median of the divided street. When

construction started on the sanitary sewer main, it became evident we could not save enough of the existing asphalt road to maintain access to the homes for property owners. To alleviate the problem, an agreement had been negotiated with Hooker Brothers Construction Company for a temporary road to be built across their property located west of the homes on the west side of Freedom Drive. This road would be constructed from asphalt millings and would be in place through the construction to provide access to homeowners. When construction is completed, the land would be restored to its previous condition as a cornfield. The cost for the easement was minimal. No public testimony was heard.

RESOLUTIONS:

#2002-366 - Approving Special Election for an Economic Development Program. City Administrator Marlan Ferguson reported that this item related to the aforementioned Public Hearing. The action before the City Council would be to forward the proposed Economic Development Program to the voters at a special election set for May 6, 2003. Councilmember Ward stated the importance of this issue. Councilmember Hornady emphasized the importance of current businesses. Motion was made by Councilmember Ward, second by Pielstick, unanimously approved. Motion adopted.

#2002-367 – Approving Purchase Agreement with ProCon for the Former City Hall Building Renovation. City Administrator Marlan Ferguson reported that this item related to the aforementioned Ordinance. A purchase agreement had been prepared by attorney Ron Depue, representing ProCon, and had been reviewed by the Assistant City Attorney.

Councilmember Sorensen advised we should have kept the building for City purposes. Councilmember Pielstick stated a feasibility study conducted in 1999 recommended using old City Hall for city purposes. Bruce Schreiner, 3535 Grassridge Drive spoke in support. John Luna, 712 East 8th Street spoke in opposition.

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

ORDINANCES:

Motion was made by Councilmember Larson, second by Seifert, to approve Ordinance #8784 on first reading only.

#8784 – Consideration of Amendment to Chapter 36 of the Grand Island City Code Relative to Sign Regulations Along South Locust Street

Mike Toukan, 1808 South Locust Street, Chairman of BID #4 spoke in support. Upon roll call vote, all voted aye. Motion adopted.

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

#8766 - Consideration of Amendment to Chapter 36 of the Grand Island City Code Relative to Self Storage Facilities

#8785 – Consideration of Changes to Zoning for Property Located in the NW1/4 of Section 13-11-10

#8786 – Consideration of Conveyance of Former City Hall

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 Seifert 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 #8766, #8785, and #8786 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. It was noted Councilmember Pielstick voted no on Ordinance #8786. Motion adopted.

City Clerk: Ordinance #8766, #8785, and #8786 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. It was noted Councilmember Pielstick voted no on Ordinance #8786. Motion adopted.

Mayor: By reason of the roll call votes on first reading and then upon final passage, Ordinances #8766, #8685, and #8786 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 ordinances numbered:

#8783 – Consideration of Amendment to Chapter 36 of the Grand Island City Code Relative to Vehicle Sales and Rental Business

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

Mayor: Is there any one in the audience interested in these ordinances? Councilmember Whitesides stated these issues could be dealt with through the Code Compliance Department and that he would be voting no. Discussion was had regarding the number of car lots and what effect this ordinance would have on them. No further public testimony was heard.

City Clerk: Ordinance #8783 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 Pielstick, Ward,

Seifert, Larson, Hornady, Haase, Murray and Walker voted yes. Councilmembers Whitesides and Sorensen voted no. Motion adopted.

City Clerk: Ordinance #8783 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 Pielstick, Ward, Seifert, Larson, Hornady, Haase, Murray and Walker voted yes. Councilmembers Whitesides and Sorensen voted no. Motion adopted.

Mayor: By reason of the roll call votes on first reading and then upon final passage, Ordinance #8783 is declared to be lawfully passed and adopted upon publication as required by law.

CONSENT AGENDA: Item G-13 was pulled from the Consent Agenda until December 17, 2002. Items G-7 and G-8 were pulled. Motion by Pielstick, second by Hornady, carried unanimously to approve the Consent Agenda.

Approving Minutes of November 12, 2002 City Council Special Meeting. Councilmember Ward abstained.

Approving Minutes of November 12, 2002 City Council Regular Meeting. Councilmember Ward abstained.

Approving Minutes of November 19, 2002 City Council Study Session.

Approving Appointments of Vic Aufdemberge, Helen Pohl, George Bartenbach, Steve Rasmussen and Steve Poppe to Business Improvement District #2 Board Beginning January 2003 and Expiring December 2005.

Approving Correction to Term of Office for Sharon Walsh to Business Improvement District #2 Board Expiring December 31, 2004.

Approving Appointment of Barry Sandstrom to the Community Redevelopment Authority for a Three-Year Term Expiring October 10, 2005.

Approving Preliminary Plat for Cedar Ridge Subdivision.

#2002-360 – Approving Final Plat and Subdivision Agreement for Cedar Ridge First Subdivision.

#2002-361 – Approving Final Plat and Subdivision Agreement for Cedar Ridge Second Subdivision.

#2002-362 – Approving Speed Limits in Annexed Areas.

#2002-364 – Approving Acquisition of a Temporary Access Easement Located West of Freedom Drive.

#2002-365 – Approving Renewal of Police Service Contract with Hall County Housing Authority.

#2002-363 – Approving Continuation of Sanitary Sewer District #508, Desch 1st and 2nd Subdivisions Located at the Northwest Corner of the Intersection of US Highway 281 and Husker Highway. This item was pulled until December 17, 2002.

Approving Request of Perez Brothers, Inc. dba El Guitarron, 413 West 4th Street, for Class “C” Liquor License. Motion was made by Councilmember Murray, second by Ward to approve the Request of Perez Brothers, Inc. dba El Guitarron, 413 West 4th Street, for Class “C” Liquor License contingent upon final inspections. Upon roll call, Councilmembers Ward, Seifert, Larson, Hornady, Whitesides, Haase, Murray, Walker and Sorensen voted yes. Councilmember Pielstick voted no. Motion adopted.

Approving Request of Laurencio Carrillo, 810 North Pine Street, for Liquor Manager Designation for Perez Brothers, Inc. dba El Guitarron, 413 West 4th Street. Motion was made by Councilmember Murray, second by Ward to approve the request of Laurencio Carrillo, 810 North Pine Street, for Liquor Manager Designation. Unanimously approved.

RESOLUTIONS:

#2002-368 – Approving Memorandum of Understanding Between Hall County and the City of Grand Island Regarding Facilities Needs. City Administrator Marlan Ferguson reported that this item related to the memorandum of understanding discussed at the Joint City/County Special Meeting held at 6:00 p.m. The memorandum of understanding supporting the work of the Joint City and County Facility Committee had been prepared and reviewed by the City and County Attorneys.

Tom O’Neill, 804 West Stolley Park Road spoke in favor.

Motion was made by Councilmember Larson, second by Seifert, unanimously approved. Motion adopted.

#2002-369 – Approving Contract with Central Nebraska Humane Society for Stolley Park Holiday Lighting Display. Steve Paustian, Parks and Recreation Director reported that the City Attorney's office had prepared a contract for the use of Stolley Park by the Central Nebraska Humane Society. Contract verbiage was developed based on Council input at the November 19th study session. The contract allowed for the Society to use Stolley Park for its Holiday Lighting fund raiser.

Motion was made by Councilmember Hornady, second by Sorensen, unanimously approved. Motion adopted. Charla Miller, 1523 Stagecoach Road and Jill Hornady, 67 Ponderosa Drive thanked the council for approving this request.

#2002-370 – Approving Resolution Directing Staff to Require Installation of Public Sidewalks on Harrison Street by Fall 2003. Steve Riehle, Public Works Director reported that at the August

20, 2002 City Council Study Session, the Sidewalk Committee presented a list of areas which were recommended for sidewalk installation. At the October 9, 2002 regular City Council meeting, the Council voted to table the installation of sidewalks on the west side of Harrison Street because of resident's concerns about ditch drainage, damage to sprinklers and landscaping, the potential of future street widening projects to tear up any newly installed sidewalks, and a speeding problem in the area.

The Sidewalk Committee had reviewed their concerns and addressed them as follows: Ditch Drainage - There would be some areas where fill material would be needed. The City would be responsible for the costs of placing the fill. The Sidewalk Committee walked the entire area to confirm that the sidewalks and associated fill could be constructed without causing drainage problems. Sprinklers and Landscaping - The location of the sidewalks could be adjusted to minimize the impact to sprinklers and landscaping. Some bushes would either have to be trimmed or removed. Road Projects - The existing road was wide enough to carry a substantial volume of traffic and the City does not anticipate widening it for quite some time. If the street were widened it would only exacerbate the speeding issue. Speeding - The Public Works, Engineering Division conducted a speed study. Although the results showed vehicles traveling above the posted 25 mph speed, the numbers were not that different from other residential streets. City costs would be minimal for placing fill in needed areas.

Charles Maser, 1222 South Harrison Street, Norm Saale, 1314 South Harrison Street, Bob Wagoner, 1710 South Harrison Street, and Roy Anderson, 1810 South Harrison Street spoke in opposition. Discussion was held regarding the policy of putting sidewalks on both sides of all streets within the City.

Motion was made by Councilmember Whitesides, second by Walker, to approve Resolution #2002-370. Upon roll call vote, Councilmembers Pielstick, Ward, Seifert, Larson, Hornady, Whitesides, Haase, and Walker voted yes. Councilmember Sorensen voted no. Councilmember Murray abstained. Motion adopted.

PAYMENT OF CLAIMS:

Motion by Whitesides, second by Haase, carried unanimously to approve the Claims for the period of November 13, 2002 through November 26, 2002, for a total amount of \$2,100,242.34. It was noted that Councilmember Hornady abstained from voting on Invoices #241825 and 249741.

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

Respectfully submitted,

RaNae Edwards
City Clerk