



# City of Grand Island

Tuesday, March 04, 2003

Council Session

## Item G3

### Approving Minutes of February 18, 2003 City Council Regular Meeting

*The Minutes of February 18, 2003 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

February 18, 2003

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 February 18, 2003. Notice of the meeting was given in the Grand Island Independent on February 12, 2003.

Mayor Jay Vavricek called the meeting to order at 7:00 p.m. The following members were present: Councilmembers Meyer, Whitesides, Pielstick, Larson, Nickerson, Seifert, Pauly, Hornady, Walker and Haase. The following City Officials were present: City Clerk RaNae Edwards, Public Works Director Steve Riehle, City Attorney Doug Walker and Finance Director David Springer.

PLEDGE OF ALLEGIANCE was said followed by the INVOCATION given by Elder Jerry Bady, Church of Christ, 2822 West Stolley Park Road.

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

#### PRESENTATIONS AND PROCLAMATIONS:

"It's About Kids!" Presentation by Paul Bennett. Youth Leadership Tomorrow, "It's About Kids!" asset was presented by Paul Bennett.

Presentation by McDermott & Miller, for FY 2002 City Single Audit and General Purpose Financial Statements. Mike Wassinger, representing McDermott & Miller presented the City Single Audit and General Purpose Financial Statements for FY 2002 2001 and stated that the City had received an unqualified opinion which was the best rating given. Mr. Wassinger thanked the staff for their cooperation.

#### PUBLIC HEARINGS:

Public Hearing on Changes to the Grand Island Zoning Map for Property Located at 4576 West US Highway 30. Chad Nabity, Regional Planning Director reported that Diane Means, owner, was requesting a change of zoning for property located at 4576 west US Highway 30. This application proposed to change the zoning from TA Transitional Agricultural to B2 General Business. This change was in conformance with the Grand Island Comprehensive Plan. The Regional Planning Commission at their regular meeting held February 5, 2003, voted to approve and recommended the Grand Island City Council approve this amendment to the Grand Island Zoning Map. Diane Means, 4576 West Highway 30 spoke in support. No further public testimony was heard.

Public Hearing on Request of Heartland Insurance Pool, Inc. for Conditional Use Permit Located at 1023 East Airport Road. Craig Lewis, Building Department Director reported that Mike Merrill of Heartland Insurance Pool, Inc., 1023 East Airport Road, had submitted an application with the City Clerk's Office for a Conditional Use Permit to allow for a salvage yard and insurance pool auction located at 1023 East Airport Road. The Grand Island city code amended by the City Council on September 10, 2002 required all salvage operations to acquire approval of the City Council in the form of an approved conditional use permit. No public testimony was heard.

Public Hearing on Request of Hooker Brother Sand & Gravel for a Conditional Use Permit Located at 3860 South Locust Street. Craig Lewis, Building Department Director reported that Hooker Brothers Sand & Gravel, 3860 South Locust Street, had submitted a request with the City Clerk's Office to renew their Conditional Use Permit to temporarily allow for a portable hot-mix asphalt plant, belonging to Werner Construction to be located at 3860 South Locust Street. On February 27, 2001, City Council approved this request for a two-year period of time. This property was zoned TA Transitional Agricultural and as such these types of uses were only allowed as temporary and must be approved by the City Council.

Robin Buettenback, 3742 South Locust, Ignacio Contreras, 3892 South Locust, and Otto Frauen, 394 J Road, Chapman spoke in opposition. Richard Ray representing Werner Construction spoke in support. No further public testimony was heard.

Public Hearing on Request of Manuel V. Garcia, dba Garcia's Mexican Restaurant, 610 West 2<sup>nd</sup> Street, for a Class "C" Liquor License. City Clerk, RaNae Edwards reported that Manuel V. Garcia, dba Garcia's Mexican Restaurant, 610 West 2<sup>nd</sup> Street had submitted an application with the City Clerk's Office for a Class "C" Liquor License which allows for the sale of alcoholic beverages on and off sale within the corporate limits of the City of Grand Island. Ms. Edwards presented the following exhibits for the record: application submitted to the Liquor Control Commission and received by the City on January 22, 2003; notice to applicant of date, time and place of hearing mailed on January 29, 2003; notice to the general public of date, time and place of hearing published on February 8, 2003; Chapter 4 of the City Code. Manuel Garcia, owner of Garcia's Mexican Restaurant spoke in support. No further public testimony was heard.

Public Hearing on Request of Balz, Inc. dba Balz Sports Bar, 700 East Stolley Park Road, for Class "C" Liquor License. City Clerk, RaNae Edwards reported that Jeffrey S. Richardson, President, representing Balz Sports Bar, 700 East Stolley Park Road had submitted an application with the City Clerk's Office for a Class "C" Liquor License which allows for the sale of alcoholic beverages on and off sale within the corporate limits of the City of Grand Island. Ms. Edwards presented the following exhibits for the record: application submitted to the Liquor Control Commission and received by the City on January 28, 2003; notice to applicant of date, time and place of hearing mailed on January 29, 2003; notice to the general public of date, time and place of hearing published on February 8, 2003; Chapter 4 of the City Code. No public testimony was heard.

Public Hearing on One and Six Year Street Improvement Program. Steve Riehle, Public Works Director reported that adoption of a One and Six Year Street Improvement Program was required by State law as one of the requirements to receive approximately three million dollars of road funds each year. The Regional Planning Commission unanimously approved the One and Six Year Street Improvement Program at their meeting on Wednesday, February 5, 2003. The City Council reviewed the program at the Tuesday, February 11, 2003 Study Session. At that time, it was requested that the widening of Stolley Park Road west of US Highway 281 be moved from the 2005 construction season to the 2004 season. This change had been made.

Sam Huston, 2008 West Stolley Park Road spoke in opposition of the Stolley Park Road expansion. Valerie Palu, 4019 Kay Avenue spoke about problems at Kay Avenue and Macron Street. No further public testimony was heard.

Public Hearing on Acquisition of Public Utility Easement in Lots 1 and 2, Lassonde Subdivision Located at 1027 Capital Avenue. (R & M Lassonde Family Trust) Steve Riehle, Public Works Director reported that Fred Hoppe would be developing the property directly south of the Lassonde Subdivision. The Public Utility Easement would provide access for the installation and maintenance of the public sewer mains to serve this area. Ray Lassonde, 2915 West Stolley Park Road spoke about concerns he had and money already spent. No further public testimony was heard.

Public Hearing on Acquisition of Public Utility Easement in Lot 2, Pedcor Subdivision Located at 3330 Husker Highway. (Pedcor Investments) Steve Riehle, Public Works Director reported that it was necessary to acquire an easement for the installation and maintenance of public sewer mains. The sewer would serve businesses along Langenheder Street north and west of the intersection of US Highway 281 and Husker Highway. Acquisition of this easement would significantly reduce the cost of the sanitary sewer district and the assessments to the benefiting properties. 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 minimal fee. No public testimony was heard.

#### ORDINANCES:

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

#8794 – Consideration of Change of Land Use Designation for Property Located at 4576 West US Highway 30

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

Mayor: Is there any one in the audience interested in this ordinance? No public testimony was heard.

City Clerk: Ordinance #8794 on first reading. All those in favor of the passage of this ordinance on first reading, answer roll call vote. Upon roll call vote, all voted any. Motion adopted.

City Clerk: Ordinance #8794 on final passage. All those in favor of the passage of this ordinance 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, Ordinance #8794 is declared to be lawfully passed and adopted upon publication as required by law.

CONSENT AGENDA: Councilmember Whitesides requested items G-5, G-6, and G-14 be removed from the Consent Agenda. Councilmember Walker had questions concerning items G-12 and G-19. Councilmember Pielstick had a question concerning item G-16. Councilmember Larson had questions concerning items G-23 and G-24. Councilmember Nickerson had a question on item G-17. Motion by Whitesides, second by Walker, carried unanimously to approve the Consent Agenda excluding items G-5, G-6, G-14, G-16 and G-24.

Receipt of Official Document – Civil Service Minutes of January 29, 2003.

Approving Minutes of February 4, 2003 City Council Regular Meeting.

Approving Minutes of February 11, 2003 City Council Study Session. Councilmember Hornady abstained.

Approving Request of Heartland Insurance Pool, Inc. for Conditional use Permit Located at 1023 East Airport Road.

Approving Request of Heartland Catering, Inc. dba Heartland Catering, 700 East Stolley Park Road, Liquor License “C-57251” for Deletion of Designated Areas. Councilmember Meyers abstained.

Approving Request of Balz, Inc. dba Balz Sports Bar, 700 East Stolley Park Road, for Class “C” Liquor License. Councilmember Meyer abstained.

Approving Request of Jeffery Richardson, #47 Kuester Lake for Liquor Manager Designation for Balz, Inc. dba Balz Sports Bar, 700 East Stolley Park Road. Councilmember Meyer abstained.

Approving Preliminary Plat for Timberline Subdivision.

#2003-44 – Approving Final Plat and Subdivision Agreement for Country Meadows Second Subdivision.

#2003-45 – Approving One and Six Year Street Improvement Program.

#2003-46 – Approving Renewal of Leases at Cornhusker Army Ammunition Plant with Dominion Construction Company and Jerry Harders.

#2003-48 – Approving Certificate of Final Completion for Installation of Greenhouse with Stuppy Greenhouse of North Kansas City, Missouri.

#2003-50 – Approving Acquisition of Public Utility Easement in Lot 1, Pedcor Subdivision Located at 3330 Husker Highway.

#2003-51 – Approving Authorization of R.J. Thomazin, dba Thomazin Company for U.S. Department of Agriculture Power of Attorney for the City of Grand Island.

#2003-52 – Approving Memorandum of Understanding Between Omaha Public Power District and Grand Island Utilities Department.

#2003-53 – Approving Agreement with Jacobson Helgoth Consultants, Inc. of Omaha, Nebraska for Value Engineering Consulting Services at the Wastewater Treatment Plant in an Amount of \$39,100.00.

#2003-54 – Approving Agreement with Midwest Laboratories, Inc. of Omaha, Nebraska for Environmental Monitoring Services at the Grand Island Regional Landfill.

#2003-55 – Approving Amendment to Agreement for Engineering Services with Olsson Associates of Grand Island, Nebraska to Perform Right of Way Appraisals on South Locust Street from Stolley Park Road to Fonner Park Road .

#2003-56 – Approving Contracts with General Collection, Inc. and Credit Management of Grand Island, Nebraska for the Collection of Delinquent Ambulance Billings.

#2003-58 – Approving Bid Award for Sucks Lake Improvement Project with General Excavating of Lincoln, Nebraska in an Amount of \$414,080.87.

#2003-49 – Approving Acquisition of Public Utility Easement in Lots 1 and 2, Lassonde Subdivision Located at 1027 Capital Avenue. Motion by Pielstick, second by Walker to table Resolution #2003-49 to give staff time to review this issue with Mr. Lassonde. Upon roll call vote, motion was approved unanimously.

#2003-57 – Approving Bid Award for Exercise Equipment for the Fire Department with the following Companies: Wayne's Cyclery of Grand Island, Nebraska for 4 Treadmills in an Amount of \$4,820 per unit and 8 Elliptical Trainers in an Amount of \$3,250 per unit; Nova Health Equipment of Omaha, Nebraska for 8 Power Block Pro Stands in an Amount of \$59.50 per unit; and Push-Pedal-Pull of Omaha, Nebraska for 8 Power Block Pro sets in an Amount of \$625.00 per unit and 4 Weight Benches in an Amount of \$5,900. Discussion was held concerning the amount for treadmills. Motion was made by Whitesides, second by Seifert to table Resolution #2003-57 for further review. Upon roll call vote, Councilmembers Meyer,

Whitesides, Pielstick, Larson, Seifert, Pauly, Hornady, Walker and Haase voted yes. Councilmember Nickerson voted no. Motion adopted.

Approving Request of Hooker Brother Sand & Gravel for Conditional Use Permit Located at 1023 East Airport Road. Motion was made by Larson, second by Seifert to approve the request of Hooker Brother Sand & Gravel for a Conditional Use Permit. A lengthy discussion was held concerning the time limit and NDEQ regulations. Councilmember Whitesides offered an amendment to limit the conditional use permit to 6 months and that NDEQ regulations would have to be followed. Second by Councilmember Pielstick. Upon roll call vote, all voted yes. Amendment adopted.

Upon roll call vote of the original motion including the amendment, Councilmembers Meyer, Whitesides, Pielstick, Larson, Seifert, Pauly, Hornady, Walker and Haase voted yes. Councilmember Nickerson voted no. Motion adopted.

Approving Request of Manuel V. Garcia, dba Garcia's Mexican Restaurant, 610 West 2<sup>nd</sup> Street, for Class "C" Liquor License. Motion by Whitesides, second by Walker to approve the request of Manuel Garcia for a Class "C" Liquor License for Garcia's Mexican Restaurant. Upon roll call vote, Councilmembers Meyer, Whitesides, Larson, Nickerson, Seifert, Pauly, Hornady, Walker and Haase voted yes. Councilmember Pielstick voted no. Motion adopted.

#2003-47 – Approving Bid Award for 25 Police Mobile Data Radio Units with Platte Valley Communications of Grand Island, Nebraska in an Amount of \$1,104.00 per unit. Discussion was held concerning the progress of the communications equipment at the Police Department. Motion was made by Whitesides, second by Larson to approve Resolution #2003-47. Unanimously approved.

#### PAYMENT OF CLAIMS:

Motion by Whitesides, second by Pauly, carried unanimously to approve the Claims for the period of February 5, 2003 through February 18, 2003, for a total amount of \$1,960,340.06.

ADJOURNMENT: The meeting was adjourned at 9:30 p.m.

Respectfully submitted,

RaNae Edwards  
City Clerk