



City of Grand Island

Tuesday, March 18, 2003

Council Session

Item G2

Approving Minutes of March 4, 2003 City Council Regular Meeting

The Minutes of March 4, 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

March 4, 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 March 4, 2003. Notice of the meeting was given in the Grand Island Independent on February 26, 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 Administrator Marlan Ferguson, 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 Pastor Bob Stretch, Berean Bible Church, 4116 West Capital Avenue.

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

PRESENTATIONS AND PROCLAMATIONS:

“It’s About Kids!” Presentation. Jennifer Worthington, Executive Director for Youth Leadership Tomorrow, “It’s About Kids!” mentioned that due to the weather, Wil Hotz was not able to make it to the meeting. Ms. Worthington spoke about this week’s asset.

Presentation Police Chief Kyle Hetrick by Sergeant Steve Rathman for Patriotism Award from the Department of Defense. Sergeant Steve Rathman from the Police Department presented Police Chief Kyle Hetrick with the Patriotism Award from the Department of Defense for allowing members of the Armed Forces to stay employed full-time with the Grand Island Police Department and to be able to complete their military missions.

Presentation by Sonja Simpson, Central District Health Department Director, Regarding Updates to the Health Department. Central District Health Department Director Sonja Simpson updated the Mayor and Council regarding issues at the Health Department. Presented were small pox vaccinations, new health department building, and various events the Health Department had been involved with.

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

#2003-BE-3 – Determining Benefits for Sanitary Sewer District #499, Platte Valley Industrial Park. Steve Riehle, Public Works Director, reported that the contract for Sanitary Sewer District 499 was awarded to Starostka Group Company of Grand Island, Nebraska on February 26, 2002 and was substantially complete by November 8, 2002. The project was completed at a construction price of \$565,978.12. Total assessed cost of the project was \$636,747.71. It was recommended that Council establish the assessments for this district. Most of the cost would be assessed against the properties that benefit from the project. Motion was made by Pielstick, second by Hornady, to approve Resolution #2003-BE-3, carried unanimously.

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

PUBLIC HEARINGS:

Public Hearing on Acquisition of Utility Easement Located at 410 Claude Road. (Pitcher & Pitcher Properties) Gary Mader, Utilities Department Director reported that acquisition of a utility easement located at the northwest corner of 410 Claude Road, was required in order to have access to install, upgrade, maintain, and repair power appurtenances. This easement would be used to locate primary underground cable and a pad mounted transformer. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement Located at 3242 West 2nd Street.(Healthcare Support Service, LLC) Gary Mader, Utilities Department Director reported that acquisition of a utility easement located at 3242 West 2nd Street was required in order to have access to install, upgrade, maintain, and repair power appurtenances. This easement would be used to locate underground cable and a pad mounted transformer. No public testimony was heard.

Public Hearing on Request of Hooker Brothers Sand & Gravel/Werner Construction, Inc. for an Amendment to the Time Frame of their Conditional Use Permit Located at 3860 South Locust Street. Craig Lewis, Building Department Director reported that Richard Ray of Werner construction had submitted a request to modify the time frame allowed in the Conditional Use Permit granted at the February 18, 2003 City Council meeting. In reviewing their proposed work schedule for the coming year, Mr. Ray had requested the time frame be modified to allow the six month period beginning June 1, 2003 and ending November 30, 2003. This would allow for the operation of the asphalt plant and construction of the Locust Street project in October of 2003.

Ignacio Contreras, 3892 South Locust Street spoke in opposition. Richard Ray representing Werner Construction spoke in support. An e-mail was read from Ace and Robin Buettenback, 3742 South Locust Street thanking the council for the compromise being made and had no objections to the amendment. No further 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

#8795 – Consideration of Assessments for Sanitary Sewer District #499, Platte Valley Industrial 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 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 #8795 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 #8795 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 #8795 is declared to be lawfully passed and adopted upon publication as required by law.

CONSENT AGENDA: Councilmember Walker requested items G-7 and G-10 be removed from the Consent Agenda. Motion by Seifert, second by Larson, carried unanimously to approve the Consent Agenda excluding items G-7 and G-10.

Receipt of Official Document – Civil Service Minutes of February 11, 2003.

Receipt of Official Document – Tort Claim Submitted by Rhonda Hawthorne.

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

Approving Minutes of February 22, 2003 City Council Special Study Session (Retreat).

Approving Appointment of K.C. Hehnke to Business Improvement District #2 Board.

Approving Request of Ronnie L. Smith, 3019 East Stolley Park Road, #109 for Liquor Manager Designation for Carlos O’Kelly’s Mexican Care, 1810 Diers Avenue.

#2003-59 – Approving Acquisition of Utility Easement at 410 Clause Road. (Pitcher & Pitcher Properties)

#2003-60 – Approving Acquisition of Utility Easement at 3242 West 2^d Street. (Healthcare Support Service, LLC)

#2003-62 – Approving Installation of Four Way Stop at the Intersection of Eddy Street and Koenig Street.

#2003-63 – Approving Platte Valley State Bank & Trust Company to the Approved Financial Institutions List for Public Funds.

Approving Request of Hooker Brothers Sand & Gravel/Werner Construction, Inc. for an Amendment to the Time Frame of their Conditional Use Permit at 3860 South Locust Street. Discussion was held by Council concerning location of the plant, application time frame, and start date of operation of the plant. Motion was made by Seifert, second by Hornady, unanimously approved Hooker Brothers request. Motion adopted.

#2003-61 – Approving Terrorist Insurance for Utilities Operations with Factory Mutual Insurance Company in an Amount of \$15,835.00 per Year. Motion was made by Whitesides, second by Walker to deny Resolution #2003-61. A lengthy discussion was had by Council regarding what constituted a terrorist act, cost of the power plant, and the use of this money for other projects. Councilmember Seifert offered a friendly amendment to have staff work with the League of Nebraska Municipalities and the National League of Cities to work on legislation, whereby the Federal Government would cover the cost of such acts and not involve the insurance companies.

Upon roll call vote, all voted aye. Motion to deny Resolution #2003-61 adopted.

RESOLUTIONS:

#2003-57 – Approving Agreement for Grant Funding for Exercise Equipment – Fire Department. Fire Chief Jim Rowell reported that the United States Congress established what was commonly called the Fire Act to help fire department across the country to be better prepared to meet the needs of the duties they perform. Those needs were put into five categories and any fire department could apply for grant funding in any category but only one category in any year. In the first year the Fire Department applied for funds for physical fitness but were not successful. In the second year the Fire Department learned from their first effort and submitted an improved grant application. They were successful and council approved the acceptance of the grant in January 2003. They then began the process of requesting bids on the equipment specified in the application. The equipment was heavy-duty commercial grade equipment that had the durability to withstand the daily use by several members of the department. The heavy-duty construction and 6-horse power motor would hold up well. They did however include an extended warranty adding a year to the manufactures year warranty. The recommended low bid for the treadmill was a local business and service and maintenance would be readily available.

Troy Hughes, Fire Training Officer and John Wayne representing Wayne Cyclery answered questions concerning the equipment and fitness program used by the Fire Department. Councilmember Meyer, a former Firefighter, spoke in support of purchasing the equipment. Councilmember Seifert stated “you can put a price on equipment, but not on health”.

Motion by Walker, second by Seifert, carried unanimously to approve Resolution #2003-57. Motion adopted.

#2003-64 – Approving General Work Change Order #4 – Final – Burdick Station GT-2 and GT-3 – Combustion Turbine Project – Utilities Department. Gary Mader, Utilities Director reported that The Industrial Company (TIC) from Steamboat Springs, Colorado was awarded the General Construction Contract for the installation of utility combustion turbine generators on December 4, 2001. Since construction began there had been numerous additions and changes as the system and subsystem specific information had become available and engineering design finalized. The Utilities Department recommended authorizing Change Order #4 to the General Contract Work Contract at the Burdick Generating Station for an addition to the contract price of \$1,650,772.00. This resulted in a final contract price of \$13,962,822.42.

Councilmember Larson questioned the status of liquidated damages and the status of the units. Mr. Mader stated a hearing was scheduled to be held this month on the liquidated damages and the units were close to being on line.

Motion by Sefiert, second by Larson, carried unanimously to approve Resolution #2003-64. Motion adopted.

#2003-65 – Approving Boundaries for Creation of Business Improvement District #5 and Establishing Initial Appointments to Board. Cindy Johnson, Community Project Director reported that the Business Improvement District for the downtown (BID #2) was in its last year of a five-year life. BID #2 would expire on September 30, 2003. Efforts had begun to create/form a new BID for the downtown. BID #5 would be effective October 1, 2003 and would have a life of five-years. State statutes allow for the creation of business improvement districts and the expenditure of funds for improvement of public places or facilities within the district, including the acquisition, construction, maintenance, and operation of such improvements, creation and implementation of a plan for improving the general architectural design of public areas within the district, the development of any public activities and promotion of public events, including the management and promotion and advocacy of retail trade activities or other promotional activities, and employing or contracting for personnel for any improvement program under the act. The first step in the creation process for the new downtown BID was to establish the boundaries for the district and designate a board to develop the goals, objectives and budget for the new district.

Individuals who were willing to serve in this capacity were: Victor Aufdemberge, George Bartenbach, Jim Berglund, Cindy Duff, Tom Emerton, K.C. Hehnke, Helen Pohls, Steve Poppe, Steve Rasmussen, Sharon Walsh and Tom Ziller. Following the determination of district boundaries and board, the BID would return to the City Council with a recommendation relative to funding for the activities to be undertaken by the district.

Motion was made by Pielstick, second by Whitesides, carried unanimously to approve Resolution #2003-65. Motion adopted.

PAYMENT OF CLAIMS:

Motion by Seifert, second by Pauly, carried unanimously to approve the Claims for the period of February 19, 2003 through March 4, 2003, for a total amount of \$3,717,413.59.

ADJOURNMENT: The meeting was adjourned at 8:35 p.m.

Respectfully submitted,

RaNae Edwards
City Clerk