



# City of Grand Island

Tuesday, April 08, 2003

Council Session

## Item G1

### **Approving Minutes of March 18, 2003 City Council Regular Meeting**

*The Minutes of March 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

March 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 March 18, 2003. Notice of the meeting was given in the Grand Island Independent on March 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 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 John Hayes, Grace Baptist Church, 1115 South Vine Street.

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

#### PRESENTATIONS AND PROCLAMATIONS:

Recognition of Ron Underwood, Public Works Department for 35 Years of Service. Steve Riehle, Public Works Director introduced Ron Underwood and made a few comments. Mayor Vavricek presented Ron Underwood, Senior Civil Engineer with a certificate for 35 years of dedicated service with the Grand Island Public Works Department.

Recognition of Fire Chief Jim Rowell for 30 Years of Service. Mayor Vavricek presented Fire Chief Jim Rowell with a certificate for 30 years of dedicated service with the Grand Island Fire Department.

Proclamation "Child Abuse Prevention Month" March, 2003. Mayor Vavricek proclaimed the month of March 2003 as "Child Abuse Prevention Month". Members of the Girl Scout Junior Troop from Wasmer Elementary School were present and handed out blue ribbons in conjunction with the Blue Ribbon Campaign.

Proclamation "Abbott Sisters Day" March 20, 2003. Mayor Vavricek proclaimed March 20, 2003 as "Abbott Sisters Day". Library Director Steve Fosselman and Duane Burns, Board Member were present to receive the proclamation.

#### PUBLIC HEARINGS:

Public Hearing on Annexation of Property Being Platted as Neumann Subdivision, Located South of 13<sup>th</sup> Street and West of North Road. Chad Nabity, Regional Planning Director reported that annexation of property being platted as Neumann Subdivision, an addition to the City of Grand Island, was located South of 13th Street, and West of North Road, in the N1/2NE1/4 Section 14, Township 11, Range 10. Louise Miller, 1104 West Charles Street spoke in opposition. Duane Burns, 3140 Briarwood Blvd. spoke in support. No further public testimony was heard.

Public Hearing on Annexation of Property Being Platted as Timberline Subdivision Located North of Highway 2 and West of Webb Road. Chad Nabity, Regional Planning Director reported that annexation of property being platted as Timberline Subdivision, an addition to the City of Grand Island, was located North of Highway 11 and West of Webb Road, in the SE1/4NE1/4 Section 1, Township 11, Range 10. Bruce Schreiner, 3535 Grassridge Drive, spoke in support. No further public testimony was heard.

Public Hearing on Changes to the Grand Island Zoning Map for Property Located West of Diers Avenue and North of Faidley Avenue from B2 General Business to RD Residential Development. Chad Nabity, Regional Planning Director reported that Concord Development L.L.C., owner was requesting a change of zoning for property located North of Faidley Avenue, and West of Diers Avenue (Lot 3 Crane Valley 6th Subdivision). This application proposed to change the zoning from B2 General Business to RD Residential Development, and create the Final Plat of Crane Valley 7th Subdivision. This change was in conformance with the Grand Island Comprehensive Plan. Matt Rief, representing Olsson Associates spoke in support. No further public testimony was heard.

Public Hearing of Byco, Inc. dba Byco, 1309 Diers Avnue, for Class "D" Liquor License. City Clerk RaNae Edwards reported that Byco, Inc. dba Byco, 1309 Diers Avenue had submitted an application with the City Clerk's Office for a Class "D" Liquor License which allows for the sale of alcoholic beverages Off Sale only 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 February 28, 2003; notice to the applicant of date, time and place of hearing mailed on February 28, 2003; notice to the general public of date, time and place of hearing published on March 8, 2003; along with Chapter 4 of the City Code. Byron Wheeler, 2606 Apache Road spoke in support. Louise Miller, 1104 West Charles Street spoke in opposition. No further public testimony was heard.

Public Hearing of Byco, Inc. dba Byco, 1222 South Locust Street, for Class "D" Liquor License. City Clerk RaNae Edwards reported that Byco, Inc. dba Byco, 1222 South Locust Street had submitted an application with the City Clerk's Office for a Class "D" Liquor License which allows for the sale of alcoholic beverages Off Sale only 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 February 28, 2003; notice to the applicant of date, time and place of hearing mailed on February 28, 2003; notice to the general public of date, time and place of hearing published on March 8, 2003; along with Chapter 4 of the City Code. Byron Wheeler, 2606 Apache Road spoke in support. Louise Miller, 1104 West Charles Street spoke in opposition. No further public testimony was heard.

Public Hearing on Request of Thomas Graves for a Conditional Use Permit for an Automotive Salvage Yard Located at 403 East 4th Street. Craig Lewis, Building Department Director reported that Thomas Graves, President of Owl Auto Parts, 403 East 4th Street, has submitted a request with the City Clerk's Office for a Conditional Use Permit to allow for the operation of automotive salvage yards at six locations along and adjacent to East Fourth Street. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement Located at the East Frontage of Gold Core Drive (Grand Island Area Economic Development) Gary Mader, Utilities Director reported that acquisition of a utility easement located at the east frontage of Gold Core Drive, was required in order to have access to install, upgrade, maintain, and repair power appurtenances. This easement would be used to eliminate the possibility of electric lines in a drainage area. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement Located at the Frontage of 4079 Gold Core Drive (Robert and Judith Poland) Gary Mader, Utilities Director reported that acquisition of utility easement located at the frontage of 4079 Gold Core Drive, was required in order to have access to install, upgrade, maintain, and repair power appurtenances. This easement would be used to keep electric lines out of a drainage area. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement Located at Highway 281 and Wildwood Drive (Dwayne and Evelyn Lewis) Gary Mader, Utilities Director reported that acquisition of utility easement located at Highway 281 and Wildwood Drive, was required in order to have access to install, upgrade, and maintain water lines. This easement would be used to locate a new water main and give the contractor an area to place equipment to bore underground across Highway 281. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement Located at 1810 South Locust Street (Goodwill Industries of Greater Nebraska) Steve Riehle, Public Works Director reported that Council action was required for acquisition of Public Utility Easements. The current Public Utility Easement would be vacated at this meeting. The new easement would be used for sanitary sewer main to serve the property and costs for the easement would be minimal. No public testimony was heard.

Public Hearing on Grant Application to Nebraska Department of Economic Development for Owner Occupied Rehabilitation Funds. Cindy Johnson, Community Projects Director reported that the Community Projects Department had prepared an application for submittal to the Nebraska Department of Economic Development, seeking \$270,600 in grant funding to assist with the renovation of 10-12 homes. The community match would be met by interest buy down and owner equity. Dave Soto and Beverly Biggs, Community Development Advisory Board members spoke in support. No further public testimony was heard.

RESOLUTION:

#2003-69 – Approving Acquisition of Utility Easement Located at 1810 South Locust Street (Goodwill Industries of Greater Nebraska) Steve Riehle, Public Works Director, reported that a Public Utility Easement along the southwest side of Lot 2 was required in order to allow sanitary sewer service to the property. Motion was made by Councilmember Hornady, second by Walker. Unanimously approved Resolution #2003-69. Motion adopted.

ORDINANCES:

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

- #8796 – Consideration of Conveyance of Easement to the Hall County Airport Authority
- #8797 – Consideration of Vacation of Easement at 1810 South Locust Street (Goodwill Industries of Greater Nebraska)
- #8800 – Consideration of Change of Land Use Designation from Property Located West of Diers Avenue and North of Faidley Avenue from B2 General Business to Residential Development

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 Whitesides 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 #8796, #8797, and #8800 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: Ordinances #8796, #8797, and #8800 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 #8796, #8797, and #8800 are declared to be lawfully passed and adopted upon publication as required by law.

#8798 – Consideration of Annexation of Property Being Platted at Nuemann Subdivision, Located South of 13<sup>th</sup> Street and West of North Road. Chad Naby, Regional Planning Director, reported that annexation of property being platted as Neumann Subdivision an addition to the City of Grand Island, which property was located South of 13th Street, and West of North Road, in the N 1/2 NE 1/4 Section 14, Township 11, Range 10. The Regional Planning Commission at their meeting of March 5, 2003, voted to approve and recommend the city council approve this annexation.

Steve Joel, Grand Island Public Schools Superintendent discussed funding and state aid. Also discussed was the use of the land, the Northwest School District and bonds.

Motion was made by Whitesides, second by Larson to approve Ordinance #8798 on first reading only. Unanimously approved. Motion adopted.

#8799 – Consideration of Annexation of Property Being Platted as Timberline Subdivision, Located North of Highway 2 and West of Webb Road. Chad Nabity, Regional Planning Director, reported that annexation of property being platted as Timberline Subdivision an addition to the City of Grand Island, which property was located North of Highway 11 and West of Webb Road, in the SE1/4NE1/4 Section 1, Township 11, Range 10. The Regional Planning Commission at their meeting of March 5, 2003, unanimously voted to approve and recommend the city council approve this annexation.

Motion was made by Pielstick, second by Larson to approve Ordinance #8799 on first reading only. Discussion was had by council concerning city sewer and septic tank systems.

Motion was made by Hornady to table this issue to a Study Session, second by Meyer. Upon roll call vote, Councilmembers Meyer, Whitesides, Pielstick, Seifert, Pauly, Hornady, Walker, and Haase voted yes. Councilmembers Larson and Nickerson voted no. Motion adopted.

CONSENT AGENDA: Items G-6, G-10, G-13, G-16, and G-21 were pulled from the Consent Agenda. Motion by Pielstick, second by Meyer, carried unanimously to approve the Consent Agenda excluding items G-6, G-10, G-13, G-16, and G-21.

Receipt of Official Document – Civil Service Minutes of February 21, 2003.

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

Approving Request of Byco, Inc. dba Byco, 1309 Diers Avenue, for Class “D” Liquor License.

Approving Request of Byco, Inc. dba Byco, 1222 South Locust Street, for Class “D” Liquor License.

Approving Request of Byron Wheeler, 2606 Apache, for Liquor Manager Designation for Byco, 1309 Diers Avenue and 1222 South Locust Street.

#2003-66 – Approving Acquisition of Utility Easement Located on the East Frontage Property of Gold Core Drive (Grand Island Area Economic Development Corporation)

#2003-67 – Approving Acquisition of Utility Easement Located on Frontage Property at 4079 Gold Core Drive (Robert and Judith Poland)

#2003-68 – Approving Acquisition of Utility Easement Located East of Highway 281 and South of Wildwood Drive (Dwayne and Evelyn Lewis)

#2003-70 – Approving Final Plat and Subdivision Agreement for Neumann Subdivision. It was noted that Jacqueline Hanover, and Imogene Lechner, owners, had submitted the final plat for Neumann Subdivision, located South of 13th Street, and West of North Road for the proposes to develop 1 lot on a currently unplatted parcel of land in the N 1/2 NE 1/4 of Section 14, Township 11, Range 10.

#2003-71 – Approving Final Plat and Subdivision Agreement for Miki Subdivision. It was noted that Timothy O'Neill, owner, had submitted the final plat for Miki Subdivision, located East of Hope Street, and North of Hedde Street for the propose to resubdivide part of Block 12 Pleasant Home Subdivision, and part of vacated Windolph Avenue into 2 lots.

#2003-73 – Approving Final Plat and Subdivision Agreement for Crane Valley 6<sup>th</sup> Subdivision. It was noted that Concord Development, L.L.C., owners, had submitted the final plat for Crane Valley 6th Subdivision, located north of Diers Avenue and east of Concord Avenue for the propose to resubdivide part of Block A Crane Valley 3rd Subdivision into 3 lots.

#2003-74 – Approving Final Plat and Subdivision Agreement for Crane Valley 7<sup>th</sup> Subdivision. It was noted that Concord Development, L.L.C., owners, had submitted the final plat for Crane Valley 7th Subdivision, located north of Diers Avenue and east of Concord Avenue for the propose to create a final plat of lot 3 Crane Valley 6th Subdivision as part of the Residential Development.

#2003-76 – Approving Grant Application to Nebraska Department of Economic Development for Owner Occupied Rehabilitation Funds.

#2003-77 – Approving Guidelines Relative to Owner Occupied Rehabilitation Program.

#2003-78 – Approving Contract for Electric Safety Program with Culver Company for a Two-Year Lease in an Amount of \$5,500.

#2003-79 – Approving Bid Award for Radios for the Fire Department with D & D Communications of Omaha, Nebraska in an Amount of \$37,990.

#2003-81 – Approving Bid Award for Street Improvement District #1239 with Gehring Construction and Ready-Mix Company, Inc. of Columbus, Nebraska in an Amount of \$627,741.88. It was noted that funds from a \$400,000 Economic Development Administration grant would reduce the cost for paving, sanitary sewer and water mains in the Platte Valley Industrial Park.

#2003-82 – Approving Agreement for Design Services on South locust Street Bridges with the TranSystems Corporation of Omaha, Nebraska in an Amount of \$156,888.44.

#2003-83 – Approving Agreement with Nebraska Department of Roads for Utility Rehabilitation on Highway 30 East (Merrick County West).

#2003-84 – Approving Certificate of Final Completion for Sanitary Sewer District #506 with The Diamond Engineering Company of Grand Island, Nebraska.

#2003-85 – Approving Community Development Guidelines Relative to Lead Based paint Remediation and Reduction.

Approving Request of Thomas Graves for a Conditional Use Permit for Automotive Salvage Yard Located at 403 East 4<sup>th</sup> Street. Motion by Pielstick, second by Whitesides to approve the request of Thomas Graves for a Conditional Use Permit. Councilmembers Pielstick and Nickerson complemented Mr. Graves on how good the salvage yard looked. Upon roll call vote, all voted yes. Motion adopted.

#2003-72 – Approving Final Plat and Subdivision Agreement for Timberline Subdivision. It was noted that Rick Johnson and K.C. Hehnke, owners, had submitted the final plat for Timberline Subdivision, located North of Highway 11 and West of Webb Road for the propose to develop 11 lots on a currently unplatted parcel of land in the SE 1/4 NE 1/4 of Section 1, Township 11, Range 10.

Motion made by Pielstick, second by Whitesides to table Resolution #2003-72. Upon roll call voted, Councilmembers Meyer, Pielstick, Whitesides, Nickerson, Seifert, Pauly, Hornady, Walker, and Haase voted yes. Councilmember Larson voted no. Motion adopted.

#2003-75 – Approving Agreement with Cottonwood Lake Association for Matching Grant Funds Under CYC Program. Cindy Johnson, Community Projects Director, reported that funding for the Community Connections Neighborhood Association Program was included in the Family Preservation and Support Grant budget, which funding provides matching grants to support neighborhood programs. In January, the Community Youth Council received, and approved, an application from the Cottonwood Lake Association for matching grant monies. This association was requesting \$1,000 to assist with the dredging of the lake in order to improve the quality of the water that drains into Suck's Lake, improve the drainage of storm sewers into Cottonwood Lake and contribute to the Chevron Park development.

Councilmember Pielstick wanted to make sure that if the money was granted to the Cottonwood Lake Association, that this lake would be open to the public. Ms. Johnson stated the application met the guidelines for matching grant funds under the CYC Program. It was stipulated that the funds would be used for the general public.

Motion was made by Pielstick, second by Nickerson to approve Resolution #2003-75. Upon roll call vote, Councilmembers Meyer, Whitesides, Pielstick, Larson, Nickerson, Seifert, Pauly, Walker, and Haase voted yes. Councilmember Hornady abstained. Motion adopted.

#2003-80 – Approving Bid Award for Storm Drainage Project No. 2002-D-2 with Platte Valley Construction Company of Grand Island, Nebraska in an Amount of \$69,580.80. Steve Riehle, Public Works Director, reported that the Engineering Division of the Public Works Department advertised for bids for Storm Drainage Project 2002-D-2, along North Road between Old Potash Highway and Faidley Avenue on February 20, 2003. The Public Works Department, Engineering



Division and the Purchasing Division of the City Attorney's Office reviewed all bids received on March 10, 2003. All bids received met specifications. Four bids were received and all were less than the engineer's estimate of \$138,891.00. It was recommended that Council award the bid to Platte Valley Construction Company of Grand Island, Nebraska in the amount of \$69,580.80.

Discussion was had concerning the engineer's estimate and the amount of business the City had done with Platte Valley Construction Company. Greg Baxter, 1723 Bridle Lane spoke in opposition. Mr. Baxter stated the sales agreement and the bid specs did not meet the ingress/egress relative to a bridge.

Motion was made by Pielstick to table Resolution #2003-80, second by Pauly. Upon roll call vote, Councilmembers Meyer, Pielstick, Larson, Seifert, Pauly, Hornady, Walker, and Haase voted yes. Councilmembers Whitesides and Nickerson voted no. Motion adopted.

#### RESOLUTIONS:

#2003-86 – Approving Bid Award for Liquid Ortho-Polyphosphate for Corrosion Control. Gary Mader, Utilities Director reported that the City was issued an Administrative Order by Nebraska Health and Human Services (NHHS) on March 24, 1998, requiring compliance with the Lead and Copper Rule (LCR), including the preparation of an Optimum Corrosion Control Study (OCCT). The recommended OCCT was to inject a liquid ortho-polyphosphate solution into the water distribution system. This solution was designed to sequester manganese and to minimize pipeline corrosion, thereby reducing concentrations of lead and copper in the drinking water. One bid was received from Aqua Smart, Inc. of Atlanta, Georgia in an amount of \$139,950.

Motion by Seifert, second by Pauly, to approve Resolution #2003-86. Upon roll call vote, all voted yes. Motion adopted.

#### PAYMENT OF CLAIMS:

Motion by Seifert, second by Pauly, carried unanimously to approve the Claims for the period of March 5, 2003 through March 18, 2003, for a total amount of \$2,894,296.88. Councilmember Pauly abstained from Claim's #85325, #10710, #85615, and #85447.

ADJOURNMENT: The meeting was adjourned at 8:50 p.m.

Respectfully submitted,

RaNae Edwards  
City Clerk