



City of Grand Island

Tuesday, May 06, 2003

Council Session

Item G1

Approving Minutes of April 22, 2003 City Council Regular Meeting

The Minutes of April 22, 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

April 22, 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 April 2, 2003. Notice of the meeting was given in the Grand Island Independent on April 16, 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 Vern Rice, Independent Bethel Baptist Church, 1223 East 6th Street.

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

PRESENTATIONS AND PROCLAMATIONS:

“It’s About Kids!” Presentations by Jenna Rathke and Anna Galbraith. Youth Leadership Tomorrow, “It’s About Kids!” assets were presented by Jenna Rathke and Anna Galbraith.

Recognition of Officer Roger Philbeck for Thirty Years of Service with the Grand Island Police Department. Mayor Vavricek presented Officer Roger Philbeck with a certificate recognizing Thirty Years of Service with the Grand Island Police Department. Police Chief Hetrick was present and congratulated Officer Philbeck.

Recognition of Michael J. Nolan for Receiving the American Red Cross Certificate of Merit. Mayor Vavricek recognized Michael J. Nolan for life saving efforts to a motorcycle victim. Todd McCoy, Parks and Recreation Superintendent was present for the recognition.

Proclamation “Community Development Week” April 20-26, 2003. Mayor Vavrick proclaimed the week of April 20-26, 2003 as “Community Development Week”. Community Projects Director Cindy Johnson was present to receive the proclamation.

Presentation to Heartland Events Center from Community Youth Council. Community Projects Director Cindy Johnson and Rachael Ahrends and Amy Martinez representing the Community Youth Council presented the Heartland Events Center with a check in the amount of \$552.00.

Presentation by Bill Stovall with Central Nebraska Regional Airport Regarding Apache Helicopter Project. Bill Stovall, Executive Director with the Central Nebraska Regional Airport updated the Mayor and Council on the Apache Helicopter Project. Presented was a video presentation that was part of the presentation to the National Guard.

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

#2003-BE-4 – Determining Benefits for Sanitary Sewer District #506, Lillie Drive in Gosda Subdivision. Motion by Pielstick, second by Whitesides, to approve Resolution #2003-BE-4, carried unanimously.

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

PUBLIC HEARINGS:

Public Hearing on Changes to the Grand Island Zoning Map for Lots 23-26 and Lots 32-37 Bosselman Second Subdivision, and Lot 1 Bosselman Third Subdivision. Chad Naby, Regional Planning Department Director, reported that Raymond O'Connor, owner was requesting a change of zoning for property containing lots 23-26 and lots 32-37 Bosselman Second Subdivision, and lot 1 Bosselman Third Subdivision. This application proposed to change the zoning from RO Residential Office and B2 General Business to RD Residential Development. No public testimony was heard.

Public Hearing on Request of Omaha Paper Stock Company, Inc. for a Conditional Use Permit for a Paper Recycling Facility Located at 1215 East Highway 30. Craig Lewis, Building Department Director, reported that Michael Mercer, Vice President of Omaha Paper Stock Company, Inc. had submitted an application with the City Clerks office for a conditional use permit to allow for the continued operation of a paper recycling facility at 1215 E. Highway #30 in Grand Island. The operation of a salvage or recycling facility was required to be approved by the City Council in the form of a conditional use permit. The application had been reviewed by City staff and two exceptions were noted: 1.) the existing fence needed to be independently constructed and not rely on the paper bails for support, and 2.) landscaping adjacent to Highway #30 was proposed to be constructed within six months of the completion of the highway improvement project, a completion date of October 30, 2003 needed to be established for the landscaping. Jeff Epstein, representing Omaha Paper Stock Company from Omaha spoke in support. Lewis Kent, 624 East Meves Avenue encouraged the Council to see that the deadlines were met. No further public testimony was heard.

Public Hearing on Request of Oakleaf Auto Crushing for a Conditional Use Permit Located at 1911 Eldorado Street. Craig Lewis, Building Department Director, reported that Craig Oakleaf representing Oakleaf Auto Crushing had submitted a request with the City Clerk's Office for a Conditional Use Permit to allow for the continued operation of a salvage yard located at 1911 Eldorado Street. Two exceptions were noted in the review process: 1). the property to the west of the proposed salvage yard was a residential zoned property and needed to be cleared of any and all salvage operations prior to approval, and 2). the existing fence did not provide the degree of

sight-obscuring protection intended in the City Code and needed to be modified. A September 30, 2003 completion date for the modification of the fence appeared reasonable.

Wayne Gleason, 2715 N. North Road; Craig Oakleaf, 1911 Eldorado Street; Rita Hemmer, 1902 Eldorado Street; Dave Seiser, 1004 Geddes Street; and Gary Quandt, Grand Island, spoke in support. No further public testimony was heard.

Public Hearing on Request of Kramer's Auto Parts & Iron Company, Inc. for a Conditional Use Permit for a Salvage Yard Located at 3405 North US Highway 281. Craig Lewis, Building Department Director, reported that Kramer's Auto Parts & Iron Company, Inc. had submitted a request with the City Clerk's Office for a Conditional Use Permit to allow for the continued operation of a salvage yard located at 3405 North US Highway 281. The one exception to the requirements for a salvage operation was the installation of a site-obscuring fence around the property. Allowing a September 30, 2003 completion date for the installation of the required fence appeared to be reasonable. Lisa Bartz representing Kramer's Auto Parts spoke in support. No further public testimony was heard.

Public Hearing on Request of Alter Scrap Processing for a Conditional Use Permit for a Salvage Yard Located at 1119 East 4th Street. Craig Lewis, Building Department Director, reported that Alter Scrap Processing had submitted a request with the City Clerk's Office for a Conditional Use Permit to allow for the continued operation of a salvage yard located at 1119 East 4th Street. One exception to this request was noted as the required fencing was not currently completed, a completion date of September 30, 2003 appeared reasonable. An additional item noted in reviewing the subdivision agreements for this property dated March 8, 1998 was that public sidewalks were to be installed adjacent to lot 2 within six months of Council approval of the final plat. It would appear that installation of the required sidewalks within the same time frame as the required fencing was a reasonable request.

Danielle McGowan, representing Alter Scrap spoke in support. No further public testimony was heard.

Public Hearing on Acquisition of Utility Easement Located at 920 Diers Avenue. (Shafer Properties, LLC) Gary Mader, Utilities Department Director, reported that acquisition of utility easement located along the north property line of 920 Diers Avenue 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 pad mounted transformer to serve a new building at 920 Diers Avenue. No public testimony was heard.

Public Hearing on Submittal of Grant Application to the Nebraska Department of Economic Development for Renovation and Expansion of the Senior Citizen Center. Cindy Johnson, Community Projects Director, reported that the Nebraska Department of Economic Development accepts applications through the Community Development Block Grant Program for grant funding to assist with public works activities, including community centers, senior centers, primary health and mental health clinics and dependent care facilities. Community Projects staff had met with a number of agencies who had requested the City make application on their behalf. After careful review of the proposed projects and discussion with the DED Program

Representative, City staff was recommending the submittal of an application for the renovation and expansion of the Senior Citizens/Grand Generation Center. The renovation would include an additional 4,300 square feet of space for program uses and 300 square feet for kitchen expansion. The City's request to CDBG was for funding in the amount of \$350,000; total cost of the project was anticipated to be approximately \$470,000. The grant required a 25% match (\$117,500) which would be met by the Senior Citizens Industries, Inc. Community Projects staff would monitor and oversee the grant activities. Lois Stienike, representing the Senior Citizens Center spoke in support. No further public testimony was heard.

ORDINANCES:

#8798 – Consideration of Annexation of Property Being Platted at Nuemann Subdivision, Located South of 13th Street and West of North Road (Final Reading). Chad Nabity, Regional Planning Director, reported that annexation of property being platted as Nuemann 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. First reading was approved at the March 18, 2003 City Council meeting and second reading was approved at the April 8, 2003 City Council meeting.

Motion was made by Pielstick, second by Seifert, to approve Ordinance #8798 on final reading. 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 (Second Reading). 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. It was noted that this issue had been discussed by the City Council at their March 25, 2003 City Council Study Session. First reading was approved at the April 8, 2003 City Council meeting.

Motion was made by Larson, second by Seifert, to approve Ordinance #8799 on second reading only. Upon roll call vote, Councilmembers Larson, Nickerson, Seifert, Pauly, Hornady, Walker, and Haase voted yes. Councilmembers Meyer, Whitesides, and Pielstick voted no. Motion adopted.

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

#8805 – Consideration of Creating Street Improvement District #1246, South Locust Street from Stolley park Road to Fonner Park Road

#8806 – Consideration of Change of Land Use Designation for Property Containing Lots 23-26 and Lots 32-37 Bosselman Second Subdivision, and Lot 1 Bosselman Third Subdivision from RO Residential Office and B2 General Business to RD Residential Development

#8807 – Consideration of Assessments for Sanitary Sewer District #506, Lillie Drive in Gosda Subdivision

#8808 – Consideration of Amendment to Chapter 32 of the Grand Island City Code Relative to Sidewalk Permit Fees

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? Discussion was held regarding permits and fees. No public testimony was heard.

City Clerk: Ordinances #8805, #8806, #8807, and #8808 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 on Ordinances #8805, #8806 and #8807. Ordinance #8808, Councilmembers Whitesides, Larson, Nickerson, Seifert, Pauly, Hornady, and Walker voted aye. Councilmembers Meyer, Pielstick and Haase voted no. Motion adopted.

City Clerk: Ordinances #8805, #8806, #8807, and #8808 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 on Ordinances #8805, #8806 and #8807. Ordinance #8808, Councilmembers Whitesides, Larson, Nickerson, Seifert, Pauly, Hornady, and Walker voted aye. Councilmembers Meyer, Pielstick and Haase voted no. Motion adopted.

Mayor: By reason of the roll call votes on first reading and then upon final passage, Ordinances #8805, #8806, 8807, and #8808 are declared to be lawfully passed and adopted upon publication as required by law.

CONSENT AGENDA: Items G-5, G-6, G-7, G-8, and G-22 were pulled from the Consent Agenda. Motion by Whitesides, second by Hornady, carried unanimously to approve the Consent Agenda excluding items G-5, G-6, G-7, G-8, and G-22.

Receipt of Official Document – Civil Service Minutes of March 6, 2003.

Receipt of Official Documents – Pawnbroker's Official Bonds for Wayne's Pawn Shop, Stewart's Loan and Pawnshop and G.I. Loan Shop.

Approving Minutes of April 8, 2003 City Council Regular Meeting.

Approving Minutes of April 15, 2003 City Council Study Session.

#2003-109 – Approving Acquisition of Utility Easement Located at 920 Diers Avenue. (Shafer Properties, LLC)

#2003-110 – Approving Final Plat and Subdivision Agreement for Bockmann Subdivision. It was noted that Dale & Marilyn Bockmann, owners, had submitted the final plat for Bockmann Subdivision, located east of North Road, and north of Wood River Road, Hall County, within the

Grand Island 2 mile jurisdiction. This plat proposed to develop 1 lot on a currently unplatted parcel of land in the SE 1/4 13-10-10. This lot was being split from an 80 acre tract and the house would be served with a well and septic system.

#2003-111 – Approving Final Plat and Subdivision Agreement for Pfeifenhof Schuett Subdivision. It was noted that Margaret Schuett, owner, had submitted the final plat for Pfeifenhof Schuett Subdivision, located west of Gunbarrel Road, and south of Airport Road, Hall County, within the Grand Island 2 mile jurisdiction. This plat proposed to develop 1 lot on a currently unplatted parcel of land in the E 1/2 NE 1/4 1-11-9. This lot was being split from an 80 acre tract and the house would be served with a well and septic system.

#2003-112 – Approving Final Plat and Subdivision Agreement for North Pointe Subdivision. It was noted that Raymond O'Connor, owners, had submitted the final plat for North Pointe Subdivision, located along Diers Ave, and north of Curran Avenue. This plat proposed to develop 14 lots as a Residential Development.

#2003-113 – Approving Resolution of Intent to Create Business Improvement District #5, Downtown.

#2003-114 – Approving Agreement with Nebraska Children and Families Foundation Relative to CYC Funding.

#2003-115 – Approving Request of E.A.S.T. Neighborhood Association for Matching Funds in the Amount of \$2,550.00. Councilmember Pielstick abstained.

#2003-116 – Approving Agricultural Deferral of Assessments for Sanitary Sewer District #499, Street Improvement District #1239, and Water Main District #437 for Judith and Robert Poland.

#2003-117 – Approving Bid Award for Sanitary sewer District #507, Cannon Road with The Diamond Engineering Company of Grand Island, Nebraska an Amount of \$121,389.95.

#2003-118 – Approving Bid Award for Padmounted Switchgear - Utilities Underground Division with Wesco of Grand Island, Nebraska an Amount of \$115,311.50 plus tax.

#2003-119 – Approving Bid Award for Mini-Derrick with Tandem Axle Trailer with SDP Manufacturing, Inc. of Albany, Indiana in an Amount of \$73,368.00.

#2003-120 – Approving Bid Award for Platte River Pumping Station No. 3 Replacement – Platte Generating Station, Utilities Department with Kayton Electric, Inc. of Holdrege, Nebraska in an Amount of \$127,500.00.

#2003-121 – Approving Subordination Agreement for House Purchased by David E. Zavala Under CDBG Down Payment Assistance Program.

#2003-123 – Approving Submittal of Grant Application to the Nebraska Department of Economic Development Relative to Expansion and Renovation of the Senior Citizens Center.

#2003-124 – Approving Application for Nebraska Community Improvement Program.

Approving Request of Omaha Paper Stock Company, Inc. for a Conditional Use Permit Located at 1215 East Highway 30. Motion was made by Hornady, second by Seifert to deny this request. Discussion was held concerning fencing, landscaping, and compliance. It was mentioned that if this was not approved, Omaha Paper Stock Company would have to close their business.

Motion was made by Whitesides to table this motion and give a July 1, 2003 deadline for completion of the fence and a September 1, 2003 deadline for landscaping. Motion died to lack of a second.

Upon roll call vote to deny the request, all voted no. Motion denied.

Motion was made by Larson, second by Whitesides to approve the request including the Building Departments recommendations. Upon roll call vote, all voted aye. Motion adopted.

Approving Request of Oakleaf Auto Crushing for a Conditional Use Permit for a Salvage Yard Located at 1911 Eldorado Street. Motion was made by Pielstick, second by Whitesides to approve the request of Oakleaf Auto Crushing. Several councilmembers commented on the work that had been done to clean up the property. Discussion was had on the sight-obscuring fence. Oakleaf requested more time to finish the fencing. Gary Quandt mentioned grant money to help with the fencing. The impound lot was discussed with regards to fencing and the difference between salvage yards and the impound lot. Upon roll call vote, all voted aye. Motion adopted.

Approving Request of Kramer's Auto Parts & Iron Company, Inc. for a Conditional Use Permit for a Salvage Yard Located at 3405 North US Highway 281. Motion was made by Seifert, second by Larson to approve the request of Kramer's Auto Parts. Discussed was the time frame for installation of a sight-obscuring fence. Upon roll call vote, all voted aye. Motion adopted.

Approving Request of Alter Scrap Processing for a Conditional Use Permit for a Salvage Yard Located at 1119 East 4th Street. Motion was made by Whitesides, second by Seifert. Discussion was held concerning the time frame for installation of the sidewalks. An Amendment to the motion was made by Nickerson, second by Whitesides to extend the installation of sidewalks until May 30, 2004. Upon roll call vote, all voted aye. Amendment adopted. Upon roll call vote of the original motion, all voted aye. Motion adopted.

#2003-122 – Approving Credit Card Policy. Motion was made by Seifert, second by Whitesides to approve Resolution #2003-122. Councilmember Haase questioned the number of departments and credit cards to be issued. Finance Director David Springer stated not all departments would want a card, but approximately 11 would be issued. Upon roll call vote, Councilmembers Whitesides, Larson, Nickerson, Seifert, Pauly, Hornady, and Walker voted aye. Councilmembers Meyer, Pielstick, and Haase voted no. Motion adopted.

REQUEST AND REFERRALS:

Request of Grand Island Senior High School for Fireworks Display. Motion was made by Nickerson, second by Siefert, to approve the request of Grand Island Senior High School. Upon roll call vote, all voted aye. Motion adopted.

RESOLUTION:

#2003-125 – Approving Waiver of Sidewalk Inspection Permit Fees for Areas Where Council Orders Sidewalks Installed. Steve Riehle, Public Works Director, reported that this Resolution provided for the waiving of the fee for property owners in the areas where sidewalks were ordered in by Council Resolutions 2002-323 and 2003-370, and for providing refunds to property owners who had already purchased the permit.

Motion was made by Larson, second by Walker, to approve Resolution #2003-125. Upon roll call vote, Councilmembers Whitesides, Larson, Nickerson, Pauly, Hornady, and Walker voted aye. Councilmembers Meyer, Pielstick, Seifert, and Haase voted no. Motion adopted.

PAYMENT OF CLAIMS:

Motion by Seifert, second by Haase, carried unanimously to approve the Claims for the period of April 9, 2003 through April 22, 2003, for a total amount of \$2,352,734.64.

EXECUTIVE SESSION:

Motion was made by Seifert, second by Walker, carried unanimously to adjourn to executive session at 9:15 p.m. for the purpose of discussing right of way negotiations and potential litigation.

RETURN TO REGULAR SESSION:

Motion by Pielstick, second by Walker, carried unanimously to reconvene in regular session at 10:00 p.m.

ADJOURNMENT: The meeting was adjourned at 10:00 p.m.

Respectfully submitted,

RaNae Edwards
City Clerk