



City of Grand Island

Tuesday, June 10, 2003

Council Session

Item G2

Approving Minutes of May 20, 2003 City Council Regular Meeting

The Minutes of May 20, 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

May 20, 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 May 20, 2003. Notice of the meeting was given in the Grand Island Independent on May 14, 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 the Reverend Daniel Bremer, Grace Lutheran Church, 545 East Memorial Drive.

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

PUBLIC HEARINGS:

Public Hearing Relative to Establishment of Business Improvement District #5, Downtown. Community Projects Director, Cindy Johnson reported that the Business Improvement District for the downtown (BID #2) was in its last year of a five year life. BID #2 expires on September 30, 2003. Annual assessments were paid by property owners in the district and area based on valuation (a % of total valuation of all property in the district). 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 allowed 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. Ms. Johnson noted that the City Council had approved the boundaries for the district and the Regional Planning Commission had approved the creation of the district. The BID Board had completed the goals, objectives and budget for the five year district and had developed a total,

five-year budget of \$401,066. This equated to a 0% increase from the existing budget of \$80,213/year. The proposed activities and budget allocations were approved by the City Council at the meeting of April 22, 2003.

Jim Truell – Attorney representing clients from the downtown area stated they were not against the creation of the district, but had the following concerns: 1) the board needs to be created from all members of the district; not just those who agree with the City's plan of administration, and 2) the administrator of the operation of the district should be selected by them.

Patrick Brock – Attorney representing Buck's Rental, Inc. and Cedar Street Properties submitted protests to creating the district. Concerns were made regarding the district's failure to identify the proposed public facilities and improvements to be made or maintained within the district and felt there was no benefit to these businesses.

John Luna, 712 East 8th Street spoke with regards to why there was not a business improvement district on 4th street and the problems in that area. No further public testimony was heard.

Public Hearing on Acquisition of Utility Easement Located at 3134 West Highway 34 (Central Community College Area) Gary Mader, Utilities Director reported that acquisition of a utility easement located at 3134 West Highway 34, was required in order to have access to install, upgrade, maintain, and repair power appurtenances. This easement would be used to locate underground primary cable and a pad-mounted transformer to feed a new addition to the College. No public testimony was heard.

RESOLUTIONS:

#2003-147 – Approving Refunded Bonds for Sewer System Revenue Bonds, Series 1994. David Springer, Finance Director and Bill Beavers, Senior Vice President representing Ameritas Investment Corp. stated that this Resolution related to Ordinance #8811 Refinancing and Issuing Revenue Bonds for City's Sanitary Sewer System. Motion was made by Hornady, second by Nickerson to approve Resolution #2003-147. Upon roll call vote, all voted aye. 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

#8811 – Consideration of Issuing Revenue Bonds for City's Sanitary Sewer System
#8812 – Consideration of Establishment of Business Improvement District #5,
Downtown

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 commenting on Ordinance #8811? Bill Beavers, Senior Vice President of Ameritas Investment Corp. commented on the issuance of Bonds for the City's Sanitary Sewer System. Discussion was held concerning the low interest rates and the renovations at the Wastewater Treatment Plant.

Motion was made by Larson, second by Hornady to approve Ordinance #8811.

City Clerk: Ordinance #8811 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 aye. Motion adopted.

City Clerk: Ordinance #8811 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 #8811 is declared to be lawfully passed and adopted upon publication as required by law.

Mayor: Is there any one in the audience interested in commenting on Ordinance #8812? Councilmember Pielstick addressed Mr. Luna's questions concerning 4th Street, stating there had been efforts made to create a BID district, but the businesses did not want one. Councilmember Walker questioned the background of the BID's board and the city's responsibilities. City Administrator Marlan Ferguson stated the positions are advertised, the Mayor appoints and the Council confirms the appointment. BID #5 board members were carried over from BID #2. Also the Council has the responsibility to approve the BID's budgets.

Councilmember Nickerson questioned how the Council could address Mr. Truell's concerns. Mr. Truell wondered how the City could already have a board and budget for BID #5 when we were just now creating the district. Community Projects Director Cindy Johnson stated that state statutes direct the creation of these boards and districts and this process had been in the works for months with the boundaries and initial appointments to BID #5 being approved by Council in early March, 2003.

Discussion was held concerning assessments of the districts, which were collected by the City, but allocating the funds was the responsibility of the boards. It was mentioned that money collected in each district stayed within that district. Comments were made concerning the benefits of BID's to the whole city.

George Bartenbach, Chairman of BID #2 & #5 thanked the Council and city for their cooperation. John Luna, 712 East 8th Street commented that the Planning and Zoning Department should handle these districts.

Motion was made by Pielstick, second by Walker to approve Ordinance #8812.

City Clerk: Ordinance #8812 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 aye. Motion adopted.

City Clerk: Ordinance #8812 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 #8812 is declared to be lawfully passed and adopted upon publication as required by law.

CONSENT AGENDA: It was noted that items G-8 and G-12 had been removed from the Agenda to a later date. Motion by Seifert, second by Horandy, carried unanimously to approve the Consent Agenda.

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

Approving Minutes of May 6, 2003 City Council Regular Meeting.

Approving Minutes of May 13, 2003 City Council Study Session.

#2003-132 – Approving Acquisition of Utility Easement Located at 3134 West Highway 34 (Central Community College Area)

#2003-133 – Approving Final Plat and Subdivision Agreement for Grand Island Farmstead Project 4th Subdivision. It was noted that Richard & Helen Strehle, owners, had submitted the final plat for Grand Island Farmstead Project 4th Subdivision, located west of Stuhr Road and south of Highway 34, Hall County within the Grand Island 2 mile jurisdiction. This plat proposed to create 2 lots on a parcel of land containing part of Lot 2, Grand Island Farmstead Project 2nd Subdivision, and part of the E1/2NE1/4 Section 34-11-9. These lots would be served by individual wells and on-site waste water treatment systems as city services were not available.

#2003-134 – Approving Final Plat and Subdivision Agreement for North Fork West Subdivision. It was noted that Mettenbrink Farms Inc., owners, had submitted the final plat for North Fork West Subdivision, located east of Monitor Road and north of Capital Avenue. This plat proposed to develop 1 lot on a currently unplatted parcel of land in the NW1/4SW1/4 Section 3-11-10. This lot would be served by an individual well and on site waste water treatment system as city services were not available.

#2003-135 – Approving Final Plate and Subdivision Agreement for Webb Road Second Subdivision. It was noted that Dugan Funeral Services, Inc., owners, had submitted the final plat for Webb Road Second Subdivision, located east of Webb Road and south of Faidley Avenue, Grand Island, Nebraska. This plat proposed to resubdivide Lot 4, Webb Road Subdivision into 2 lots. The subdivision agreement for this will specify that access to Lot 2 shall be from Webb Road across Lot 5 of Webb Road Subdivision as agreed upon by Grand Island Utilities and the owners of Lot 4 of Webb Road Subdivision.

#2003-136 – Approving Interlocal Agreement with Grand Island School District Relative to Joint Utility Purchasing. This item was removed from the Agenda at the request of the City Attorney.

#2003-137 – Approving Memorandum of Understanding with the Hall County Historical Society Relative to Old Stolley House.

#2003-138 – Approving Continuation of Street Improvement District #1245, James Road in Pedcor Subdivision.

#2003-139 – Approving Change Order #1 for Installation of Irrigation System on the South Side of the Grand Island Cemetery with Tilley Sprinkler Systems, Inc. of Grand Island, Nebraska for an Increased Amount of \$2,453.12 and a Revised Contract Amount of \$127,863.12. Councilmember Pielstick voted no.

#2003-140 – Approving Certificate of Final Completion for Installation of Irrigation System on the South Side of the Grand Island Cemetery with Tilley Sprinkler Systems, Inc. of Grand Island. This item was pulled from the Agenda at the request of the Parks and Recreation Director.

#2003-141 – Approving Certificate of Final Completion and Request Date for Board of Equalization Hearing for Water Main District #434T.

#2003-142 – Approving Certificate of Final Completion and Request Date for Board of Equalization Hearing for Water Main District #437.

#2003-143 – Approving Certificate of Final Completion and Request Date for Board of Equalization Hearing for Water Main District #438T.

#2003-144 – Approving Certificate of Final Completion and Request Date for Board of Equalization Hearing for Water Main District #439T.

#2003-145 – Approving Interlocal Agreement for Cooperative Agreement (CA) for Economic Analysis for the Platte River Coalition.

REQUESTS AND REFERRALS:

Request for Vacation of Platted Right of Way for Coventry Lane East of Newcastle Road. Motion was made by Seifert, second by Walker to approve the request of vacation of right of way. Steve Riehle, Public Works Director stated the Right of Way for Coventry Lane east of Newcastle Road had been platted but had never been constructed. The street was not currently needed, but may be needed in the future depending on the development of property to the east. The adjacent property owner, Toni Mayer, had requested the vacation of the Right of Way. The owner owns property on both sides of the Right of Way, maintains the area and had planted trees and other improvements. She would like to install a sprinkler system and benches to further improve the area. In the event the Right of Way is vacated, the owner was willing to grant an easement for utility use.

Mr. Riehle stated the Building, Planning and Public Works Departments had reviewed the request and did not recommend the vacation of Right of Way at this time. The Right of Way may need to be utilized in the future as a connection between Harrison and Adams Streets. If the

Right of Way was vacated, it may have to be purchased in the future. Aerial photo's were viewed highlighting: area residential streets that help provide connectivity, collector streets, arterial streets, a future connection of Church Street, and how this piece of Coventry Lane may be used for street connectivity. Staff recommend granting a License Agreement, which would allow the adjacent property owner to put in the sprinkler system and park benches and still protect the City's interests in the event the street was extended.

Katharine (Toni) Sothman Mayer, owner requesting the vacation of right of way spoke in support and mentioned the plans for a mini park at the intersection of Coventry Lane and Newcastle Road.

Upon roll call vote to approve the request of right of way, Councilmember Haase voted yes. Councilmembers Meyer, Whitesides, Pielstick, Larson, Nickerson, Seifert, Pauly, Hornady, and Walker voted no. Motion failed.

Motion was made by Larson, second by Seifert to enter into a license agreement with Katharine Mayer to allow for the improvements at the location discussed. Upon roll call vote, all voted aye. Motion adopted.

PAYMENT OF CLAIMS:

Motion by Seifert, second by Walker, carried unanimously to approve the Claims for the period of May 7, 2003 through May 20, 2003, for a total amount of \$2,642,913.18. Councilmember Pielstick abstained from #85590.

EXECUTIVE SESSION:

Motion by Whitesides, second by Meyer, carried unanimously to adjourn to executive session at 8:40 p.m. for the purpose of discussing litigation issues, personnel issues, and real estate purchase.

RETURN TO REGULAR SESSION:

Motion by Pielstick, second by Meyer, carried unanimously to reconvene in regular session at 9:45 p.m.

RESOLUTION:

#2003-146 – Approving Agreement Between the City of Grand Island Utilities Department and General Electric Power Systems. It was noted that the Combustion Turbine construction project at the Burdick Station was completed. The new generators were accepted by the Utilities Department for commercial operation on March 27, 2003. As can be the situation on a project of this cost and complexity, there were disputes between the Utilities Department and the major equipment supplier, General Electric Power Systems. After several months of discussions between the parties a settlement had been negotiated. It was recommended that the settlement offered be accepted.

Motion by Larson, second by Seifert, carried unanimously to approve Resolution #2003-146.
Motion adopted.

ADJOURNMENT: The meeting was adjourned at 9:45 p.m.

Respectfully submitted,

RaNae Edwards
City Clerk