



City of Grand Island

Tuesday, June 24, 2003

Council Session

Item G4

Approving Minutes of June 10, 2003 City Council Regular Meeting

The Minutes of June 10, 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

June 10, 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 June 10, 2003. Notice of the meeting was given in the Grand Island Independent on June 4, 2003.

Mayor Jay Vavricek called the meeting to order at 7:00 p.m. The following members were present: Councilmembers Whitesides, Pielstick, Larson, Nickerson, Seifert, Hornady, Walker and Haase. Councilmembers Meyer and Pauly were absent. 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 Sheri Lodel, Calvary Lutheran Church, 1304 North Custer Avenue.

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

PRESENTATIONS AND PROCLAMATIONS:

Proclamation "United States Army Week" June 9-15, 2003. Mayor Vavricek proclaimed the week of June 9-15, 2003 as "United States Army Week". Sgt. Clauss with the Grand Island Recruiting Station was present to receive the proclamation.

PUBLIC HEARINGS:

Public Hearing on Request of Ronald King dba King's Bar, 316 East 2nd Street for a Class "C" Liquor License. City Clerk RaNae Edwards reported that Ronald King dba King's Bar, 316 East 2nd 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 May 14, 2003; notice to applicant of date, time and place of hearing mailed on May 14, 2003; notice to the general public of date, time and place of hearing published on May 31, 2003; and Chapter 4 of the City Code. Ronald King, 316 East 2nd Street was present to answer questions. No further public testimony was heard.

Public Hearing on Request of Greg J. Penner dba Fine Liquors, 1939 North Broadwell Avenue for a Class "D" Liquor License. City Clerk RaNae Edwards reported that Greg J. Penner dba Fine Liquors, 1939 North Broadwell 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 May 19, 2003; notice to applicant of date, time and place of hearing mailed on May 19, 2003; notice to the general public of date, time and place of hearing published on May 31, 2003; and Chapter 4 of the City Code. No public testimony was heard.

Public Hearing on Request of Mike and Janel Tagart for a Conditional Use Permit to Allow for Temporary Use of Existing Home During Construction of a New Home Located at 3045 West Schimmer Drive. Craig Lewis, Building Department Director reported that Mike and Janel Tagart, 3045 West Schimmer Drive, had submitted a request with the City Clerk's Office for a Conditional Use Permit to allow for the temporary use of their existing home during the construction of a new house located on the same property. The property was currently zoned T-A Transitional Agriculture. One of the restrictions of that zoning classification was to allow only one principal building on one zoning lot. As a single family dwelling exists on the property, a permit to build a new single family dwelling could not be issued without the consent of the City Council in the form of an approved conditional use permit. City code provided for conditional uses for temporary buildings and uses not to exceed two years in undeveloped areas. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement Located at the Northeast Corner of Goldcore Drive and Wildwood Drive (Randall and Jean Kathman) Gary Mader, Utilities Director reported that acquisition of a utility easement located along the east side of Goldcore Drive, in the northeast corner of Goldcore Drive and Wildwood Drive, was required in order to have access to install, upgrade, maintain, and repair power appurtenances. This easement would be used to locate underground primary electrical cable and a pad-mounted transformer to serve the new building. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement Located off Engleman Road South of Stolley Park Road. (Raymond and Dianne Stahla) Gary Mader, Utilities Director reported that acquisition of a utility easement located off of Engleman Road, south of Stolley Park Road, was required in order to have access to install, upgrade, maintain, and repair power appurtenances. This easement would be used to create two-way feeds and would allow replacement of cable without day long outages. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement Located at 3560 Kaufman Avenue. (Nebraska 6 Cellular Corporation) Gary Mader, Utilities Director reported that acquisition of a utility easement located along the east property line of property located at 3560 Kaufman Avenue, was required in order to have access to install, upgrade, maintain, and repair power appurtenances. This easement would be used for a pad-mounted transformer and underground cable. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement Located at 3721 and 3755 West 13th Street. (Shafer Properties LLC) Gary Mader, Utilities Director reported that acquisition of a utility easement located on 13th Street and Cedar Ridge Court at 3721 and 3755 West 13th 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 pad mounted transformers to serve electricity to the site. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement Located at 1019, 1115, 1116, and 1203 Cedar Ridge Court. (Shafer Properties LLC) Gary Mader, Utilities Director reported that acquisition of a utility easement located along the front lots located at 1019, 1115, 1116, and 1203 Cedar Ridge Court 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 transformers to serve electricity to the site. No public testimony was heard.

Public Hearing on Acquisition of Public Utility Easement Located at 2707 and 2709 South Locust Street. (Eloy Uribe and Oralia Erives) Steve Riehle, Public Works Director reported that William E. Lawrey and Sandra L. Lawrey, the owners of property located at 2719 South Locust Street, had requested that the City acquire an easement from Eloy Uribe and Oralia Erives, the owners of property located at 2707 and 2709 South Locust Street. This easement would allow for the installation of sanitary sewer mains to serve the Lawrey's new business. The owners of 2707 and 2709 South Locust Street had been contacted regarding the terms of this easement. 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 ordinances numbered

#8813 – Consideration of Creating Street Improvement District 1248, Faidley Avenue from the Moore's Creek Drainway East to Diers Avenue

#8814 – Consideration of Salary Ordinance Pertaining to Executive Assistant

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? No public testimony was heard.

City Clerk: Ordinance #8813 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 #8813 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.

Motion was made by Councilmember Whitesides to deny Ordinance #8814, second by Pielstick. Councilmember Whitesides recommended the salary for the Executive Assistant position be comparable to the City Clerk's salary. City Administrator Marlan Ferguson stated that a comparability study was being done for all non-union positions. Councilmember Pielstick

questioned the position of Community Projects Secretary and the need for that position since there was no longer a Community Projects Director. Mr. Ferguson stated that position would stay in place due to the reorganization of the front line in the Administration/Legal suite.

Upon roll call vote, Councilmembers Whitesides and Pielstick voted aye. Councilmembers Larson, Nickerson, Seifert, Hornady, Walker and Haase voted no. Motion failed.

Motion was made by Larson, second by Seifert to approve Ordinance #8814. Upon roll call vote, Councilmembers Larson, Nickerson, Seifert, Hornady, Walker, and Haase voted aye. Councilmembers Whitesides and Pielstick voted no. Motion adopted.

City Clerk: Ordinance #8814 on first reading. All those in favor of the passage of this ordinance on first reading, answer roll call vote. Upon roll call vote, Councilmembers Larson, Nickerson, Seifert, Hornady, Walker, and Haase voted aye. Councilmembers Whitesides and Pielstick voted no. Motion adopted.

City Clerk: Ordinance #8814 on final passage. All those in favor of the passage of this ordinance on final passage, answer roll call vote. Upon roll call vote, Councilmembers Larson, Nickerson, Seifert, Hornady, Walker, and Haase voted aye. Councilmembers Whitesides and Pielstick voted no. Motion adopted.

Mayor: By reason of the roll call votes on first reading and then upon final passage, Ordinances #8813 and #8814 are declared to be lawfully passed and adopted upon publication as required by law.

CONSENT AGENDA: Consent Agenda item G-14 was removed from the agenda to a future meeting. Motion by Seifert, second by Walker, carried unanimously to approve the Consent Agenda excluding item G-14.

Receipt of Official Document – Hall County Election Commissioner Certificate of Election for May 6, 2003 Special Election

Approving Minutes of May 20, 2003 City Council Regular Meeting.

Approving Minutes of June 3, 2003 City Council Study Session. Councilmember Nickerson abstained.

Approving Request of Ronald King dba King's Bar, 316 East 2nd Street for a Class "C" Liquor License.

Approving Request of Greg J. Penner dba Fine Liquors, 1939 North Broadwell Avenue for a Class "D" Liquor License.

Approving Request of Mike and Janel Tagart for a Conditional Use Permit to Allow for Temporary Use of Existing Home During Construction of a New Home Located at 3045 West

Schimmer Drive. It was noted that a maximum of two years from the date of approval was recommended.

#2003-136 – Approving Interlocal Agreement with Grand Island School District Relative to Joint Purchasing.

#2003-148 – Approving Acquisition of Utility Easement Located in the Northeast Corner of Coldcore Drive and Wildwood Drive. (Randall and Jean Kathman)

#2003-149 – Approving Acquisition of Utility Easement Located off Engleman Road South of Stolley park Road. (Raymond and Dianne Stahla)

#2003-150 – Approving Acquisition of Utility Easement Located at 3560 Kaufman Avenue. (Nebraska 6 Cellular Corporation)

#2003-151 – Approving Acquisition of Utility Easement Located at 3721 and 3755 West 13th Street. (Shafer Properties LLC)

#2003-152 – Approving Acquisition of Utility Easement Located at 1019, 1115, 1116, and 1203 Cedar Ridge Court. (Shafer Properties LLC)

#2003-153 – Approving Continuation of Street Improvement District #1246, South Locust Street from Stolley Park Road to Fonner Park Road.

#2003-154 – Approving Cooperative Service Field Agreement with the United States Department of Agriculture, Wildlife Services for Wildlife Damage Control in an Amount of \$2,500.00.

#2003-155 – Approving Lease Agreement at Cornhusker Army Ammunition Plant with Department of Administrative Services for the Nebraska State Patrol in an Amount of \$500.00.

#2003-156 – Approving Bid Award for Substation Secondary Spill Containment 03-PCC-01 with Lange Containment of Denver, Colorado in an Amount of \$147,965.00.

#2003-157 – Approving Change Order #1 for Power Plant Security System with Electronic Contracting, Inc. of Lincoln, Nebraska for an Increase of \$3,150.00 and a Revised Contract Amount of \$131,250.00. Councilmember Pielstick voted no.

#2003-158 – Approving Change Order #1 for Burdick Station and Platte Generating Station Security Gates with American Fence Company of Grand Island, Nebraska for an Increase of \$2,134.10 and a Revised Contract Amount of \$88,783.50. Councilmember Pielstick voted no.

#2003-159 – Approving Change Order #1 for Sanitary Sewer District #500, Seedling Mile Road with Starostka Group Company of Grand Island, Nebraska for an Increase of \$2,232.00 and a Revised Contract Amount of \$153,093.31. Councilmember Pielstick voted no.

#2003-160 – Approving Change Order #1 for Sanitary Sewer District #501, Freedom Acres with The Diamond Engineering Company of Grand Island, Nebraska for an Increase of \$3,189.25 and a Revised Contract Amount of \$325,612.41. Councilmember Pielstick voted no.

#2003-161 – Approving Certificate of Final Completion for 2003-PL-1 Parking Lot at the Impound Yard with The Diamond Engineering Company of Grand Island, Nebraska.

#2003-162 – Approving Bid Award for Traffic Signal Improvements at Old Potash Highway and Highway 281 with Dominion Construction of Scottsbluff, Nebraska in an Amount of \$12,528.20.

#2003-163 – Approving Agricultural Deferral of Assessments for Water Main District No. 437 for Louis and Virginia Graham.

#2003-164 – Approving Agreement with the Nebraska Department of Roads for Relocation of City Entrance Sign at Sundance Feed and Seed Company.

#2003-165 – Approving Contract for Remediation of Lead-Impacted Soil at CAAP Pistol Range with TCW Construction, Inc. of Lincoln, Nebraska in an Amount of \$146,051.16.

#2003-166 – Approving Subordination Agreement for House Purchased Under CDBG Down Payment Assistance Program.

#2003-167 – Approving Acquisition of Public Utility Easement Located at 2707 and 2709 South Locust Street. (Eloy Uribe and Oralia Erives)

#2003-168 – Approving Supplemental Funding Agreement with Economic Development Corporation (EDC) Regarding CNH Interest Buydown Agreement. Councilmember Seifert abstained.

#2003-169 – Approving Authorization for Agreement Negotiations with Kirkham Michael and Associates, Inc. of Omaha, Nebraska for Consulting Services Relative to 2nd Street Drainage.

#2003-170 – Approving Agreement with Kirkham Michael and Associates, Inc. of Omaha, Nebraska for Consulting Services Relative to 2nd Street Drainage in an Amount Not to Exceed \$19,840.00.

REQUESTS AND REFERRALS:

Request of Larry Bird to Create Water Main District Located at Faidley Avenue in Crane Valley 6th Subdivision. Gary Mader, Utilities Director reported that a request had been received from Larry Bird to create a water main improvement district along Faidley Avenue for the Crane Valley 6th Subdivision. The request was to extend the 10" water main along Faidley Avenue approximately 680 feet.

Motion was made by Larson, second by Hornady, carried unanimously to approve. Motion adopted.

RESOLUTION:

#2003-171 – Approving Continuation of Street Improvement District #1247, Cannon Road. Steve Riehle, Public Works Director reported that Street Improvement District 1247, Cannon Road from North Road to Mansfield Road, was created by the City Council on May 6, 2003. Legal notice of creation of the District was published in the Grand Island Daily Independent on May 13, 2003. Notification was also mailed to the property owners on that date, stating that the construction would take place unless more than 50% of the abutting landowners submitted written protests during the protest period.

Mr. Riehle stated meetings were held to discuss the Street Improvement District with area residents on May 21 and 28, 2003 with City staff, area residents, and Councilmembers Seifert and Walker. The City Council also reviewed the District at their June 3, 2003 Study Session.

The District completed the 20-day protest period at 5:00 p.m., Monday, June 2, 2003. Thirteen protests were filed against this district by abutting property owners. These owners represented 2,376.02 front feet, or 63.88% of the total district frontage of 3,719.38 feet. Due to stipulations in various Subdivision Agreements, only one of the protests that were filed was a valid protest.

If Council continues the District, staff will prepare plans for a 41' wide concrete paving project to follow the sanitary sewer project that is scheduled for this summer. If Council discontinues the District, staff would bring an item for creation of an asphalt paving district before Council at the June 24, 2003 meeting. This district would cover costs to fill in the median with asphalt and overlay the median and street with asphalt. The costs for filling in the median would be assessed to the abutting property owners. The property owners would also be responsible for removing their own sod and sprinklers. The City would be responsible for re-establishing the drainage ditches or swales next to the street.

Max Bachmann, 419 Cannon Road spoke in favor of an asphalt paving district. Steve Riehle, Public Works Director explained that at the next regular City Council meeting which will be June 24, 2003, this item would be brought before City Council for approval of creating an asphalt district.

Motion was made by Seifert, second by Walker, to deny Resolution #2003-171 and direct staff to create an asphalt paving district on Cannon Road. 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 20, 2003 through June 10, 2003, for a total amount of \$3,242,920.01.

ADJOURNMENT: The meeting was adjourned at 8:40 p.m.

Respectfully submitted,

RaNae Edwards
City Clerk