



City of Grand Island

Tuesday, July 22, 2003

Council Session

Item G4

Approving Minutes of July 8, 2003 City Council Regular Meeting

The Minutes of July 8, 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

July 8, 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 July 8, 2003. Notice of the meeting was given in the Grand Island Independent on July 2, 2003.

Mayor Jay Vavricek called the meeting to order at 7:00 p.m. The following members were present: Councilmembers Meyer, Whitesides, Pielstick, 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 Associate Pastor Allan Davis, Independent Bethel Baptist Church, 1223 East 6th Street.

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

PRESENTATIONS AND PROCLAMATIONS:

Proclamation 'Push America Day' July 14, 2003. Mayor Vavricek proclaimed July 14, 2003 as "Push America Day".

PUBLIC HEARINGS:

Public Hearing on Request of Central Nebraska Humane Society for a Conditional Use Permit for a Mobile Office Located at 1312 Sky Park Road. Craig Lewis, Building Department Director reported that Pat Devine, Executive Director of the Central Nebraska Humane Society had submitted an application with the City Clerk's Office for a Conditional Use Permit to allow for temporary placement of a mobile office located at 1312 Sky Park Road. Section 36-119 of the City Code provided for temporary buildings and uses for periods not to exceed two years in undeveloped areas if approved by the City Council. This request had been reviewed by the Building, Legal, Utilities, Planning and Public Works Departments. No public testimony was heard.

Public Hearing on Request of Skagway Discount Department Stores, Inc. dba Skagway Discount Department Stores, 1607 South Locust Street for a Class "C" Liquor License. RaNae Edwards, City Clerk reported that William Martin, President of Skagway Discount Department Stores, Inc. dba Skagway Discount Department Stores, 1607 South Locust Street had submitted an application with the City Clerk's Office for a Class "C" Liquor License. A Class "C" Liquor

License allows for the sale of alcoholic beverages on and off sale within the corporate limits of the City. Ms. Edwards presented the following exhibits for the record: application submitted to the Liquor Control Commission and received by the City on June 26, 2003; notice to applicant of date, time and place of hearing mailed on June 26, 2003; notice to the general public of date, time and place of hearing published on June 28, 2003; and Chapter 4 of the City Code. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement Located in Lot 2, Lassonde Subdivision
Steve Riehle, Public Works Director reported that Fred Hoppe, developer with Orchard Development LLC, had requested that the City acquire an easement from the R&M Lassonde Family Trust. The Public Utility Easement would provide access for the installation and maintenance of the sanitary sewer mains to serve this area. No public testimony was heard.

ORDINANCES:

It was noted that Ordinance #8824 was pulled from the Agenda at the request of the Legal Department.

#8824 – Consideration of Amendment to the Grand Island City Code Relative to Nuisance Garbage

Motion was made by Pielstick, to approve Ordinance #8819 on Second Reading only, second by Hornady. Upon roll call vote, all voted aye. Motion adopted.

#8819 – Consideration of Annexation of Property Being Platted as Secundino Subdivision (Second Reading)

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

#8823 – Consideration of Change to the Grand Island City Code Relative to Dog Ordinances

#8825 – Consideration of Vacation of Lot 1, North Fork Subdivision

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? Councilmember Whitesides recommended a change to Ordinance #8823 with regards to the definition of bites. Discussion was had concerning the process of an investigation. Pat Devine representing the Central Nebraska Humane Society explained the process.

Motion was made by Whitesides to leave the original definition of bites in Ordinance #8823. The motion died for lack of a second. Lewis Kent, 624 East Meves spoke in support of Ordinance #8823. No further public testimony was heard.

City Clerk: Ordinances #8823 and #8825 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. Councilmember Whitesides voted no on Ordinance #8823. Motion adopted.

City Clerk: Ordinances #8823 and #8825 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. Councilmember Whitesides voted no on Ordinance #8823. Motion adopted.

Mayor: By reason of the roll call votes on first reading and then upon final passage, Ordinances #8823 and #8825 are declared to be lawfully passed and adopted upon publication as required by law.

CONSENT AGENDA: It was noted that Item G-20 was pulled from the Agenda at the request of the Utilities Department. Councilmember Pielstick requested that item G-10 be removed for further discussion. Motion by Seifert, second by Nickerson, carried unanimously to approve the Consent Agenda excluding Items G-10 and G-20. Upon roll call vote, all voted aye.

Approving Minutes of June 24, 2003 City Council Regular Meeting.

Approving Minutes of June 25, 2003 Joint City Council, Hall County Board, and Central District Health Department Meeting. Councilmembers Pielstick, Whitesides, Haase, Pauly, and Seifert abstained.

Approving Minutes of July 1, 2003 City Council Study Session.

Approving Appointments of Jacalyn Ayoub and Roy Anderson to the Community Development Advisory Board.

Approving Appointments of David Bartz and Daniel Naranjo to Business Improvement District #3 Board.

Approving Request of Pamela K. Cooper, 1313 West Louise Street for Liquor Manager Designation for Pump & Pantry #15, 2028 East Highway 30.

Approving Request of Gary Ebel, 4088 Nevada Avenue for Liquor Manager Designation for Skagway Discount Department Stores, 1607 South Locust Street.

Approving Request of Skagway Discount Department Stores, Inc. dba Skagway Discount Department Stores, 1607 South Locust Street for a Class "C" Liquor License.

Approving Request of Central Nebraska Humane Society for a Conditional Use Permit for a Mobile Office Located at 1312 Sky Park Road.

Approving Preliminary Plat for Summerfiled Estates Subdivision. It was noted that Little B's Corporation, owners, had submitted the preliminary plat for Summerfield Estates Subdivision, located north of 13th Road, and east of North Road for the propose of creating 27 lots on a currently unplatted parcel of land in the SE 1/4 of Section 12-11-10.

#2003-140 – Approving Certificate of Final Completion for Installation of Irrigation System South Side of the Grand Island Cemetery with Tilley Sprinkler Systems of Grand Island, Nebraska.

#2003-193 – Approving Acquisition of Public Utility Easement in Lot 2, Lassonde Subdivision.

#2003-194 – Approving Final Plat and Subdivision Agreement for North Fork Second Subdivision. It was noted that Gary Mettenbrink, owner, had submitted the final plat for North Fork Second Subdivision, located north of Capital Avenue and east of Monitor Road for the propose of creating 2 lots on a parcel of land in the E 1/2 SE 1/4 of Section 10-11-9.

#2003-195 – Approving Final Plat and Subdivision Agreement for Summerfiled Estates 3rd Subdivision. It was noted that Little B's Corporation, owners, had submitted the final plat for Summerfield Estates 3rd Subdivision, located north of 13th Street and east of North Road for the propose of developing 16 lots on a parcel of land in the SE 1/4 of Section 12-11-10.

#2003-196 – Approving Change Order #1 to Sanitary Sewer Project 2002-S-4 with The Diamond Engineering Company of Grand Island, Nebraska for an Increase of \$3,238.00 and a Revised Contract Amount of \$105,679.23.

#2003-197 – Approving Certificate of Final Completion for Sanitary Sewer Project 2002-S-4, Lift Station 19 Modifications with The Diamond Engineering Company of Grand Island, Nebraska.

#2003-198 – Approving Installation of Four Way Stop at the Intersection of Broadwell Avenue and Anna Street. Councilmember Meyer voted no.

#2003-199 – Approving Bid Award for Water Main Project 2003-W-4 with The Diamond Engineering Company of Grand Island, Nebraska in an Amount of \$57,677.04.

#2003-200 – Approving Bid Award for Cooling Tower Fan Motor Control Equipment – Platte Generating Station with Hupp Electric of Cedar Rapids, Iowa in an Amount of \$133,409.00.

#2003-201 – Approving Bid Award for Burdick Generating Station Gas Turbine Exhaust Replacement with Braden Manufacturing of Tulsa, Oklahoma in an Amount of \$131,168.00.

#2003-202 – Approving Contract Agreement with Grand Island Soccer Amistad for Use of Webb Road Soccer Fields.

Approving Preliminary Plat for Livengood Second Subdivision. It was noted that Livengood Properties, L.L.C., owners, had submitted the preliminary plat for Livengood Second Subdivision, located west of Stuhr Road and north of Seedling Mile Road for the propose of creating 7 lots on a currently unplatted parcel of land in the E 1/2 of the SE 1/4 of Section 10-11-9.

Discussion was had concerning the location of the road. Chad Nabity, Regional Planning Director explained where the road would be located with regards to Livengood Second Subdivision.

Motion was made by Seifert, second by Hornady to approve the Preliminary Plat for Livengood Second Subdivision. Upon roll call vote, all voted aye. Motion adopted.

REQUESTS AND REFERRALS:

Request of Brett and Cindy Pier for License Agreement at 703 South Kimball Street. Motion by Walker, second by Meyer to approve the request of Brett and Cindy Pier for a License Agreement at 703 South Kimball Street.

Steve Riehle, Public Works Director reported that Brett and Cindy Pier had asked the Building Department about the location of the property corners in March. A building inspector visited the property to locate and flag the property pins. A subsequent inquiry was made in May about the installation of a fence. A sketch of the property was prepared and given to the property owners. The sketch showed the proper location for a fence to be installed on their property. The Right of Way on Kimball is 80' wide. The Street was a 37' wide concrete curb and gutter roadway with curb sidewalk. The distance from the back side of the sidewalk to their property line was approximately 17 ½'. The distance from their Property line to the house was 10' to 12'.

The owners did not want to install a fence that far away from the sidewalk, only 10' to 12' from the house. The property owners thought they could install the fence on City Right of Way along Kimball by receiving a License Agreement from the City. They proceeded with installation of the fence posts and stopped at Public Works to get a License Agreement application. They were told that their application would probably be denied by staff and they would have to appeal the License Agreement to Council.

The Piers believed their License Agreement should be approved because other fences, some in their neighborhood, were located in the Right of Way. Staff recommended against the License Agreement because the Right-of-Way should be clear of obstructions.

A lengthy discussion was had concerning the location of the easement, other residents with fences in the easement and right-of-way, purpose of the easements, and the fees associated with license agreements and appeals. Cindy Pier, 703 South Kimball spoke in support.

Motion was made by Seifert, second by Whitesides to amend the motion to include reimbursing Brett and Cindy Pier the \$150.00 license and appeal fee. Upon roll call vote, Councilmembers

Meyer, Whitesides, Pielstick, Seifert, Pauly, Hornady, Walker, and Haase voted yes. Councilmember Nickerson voted no. Motion adopted to amend the original motion.

Upon roll call vote on the original motion including the amendment, all voted aye. Motion adopted.

PAYMENT OF CLAIMS:

Motion by Seifert, second by Meyer, carried unanimously to approve the Claims for the period of June 25, 2003 through July 8, 2003, for a total amount of \$2,094,052.99. Councilmember Pielstick abstained from claim #3168.

ADJOURNMENT: The meeting was adjourned at 8:10 p.m.

Respectfully submitted,

RaNae Edwards
City Clerk