



City of Grand Island

Tuesday, October 28, 2003

Council Session

Item G2

Approving Minutes of October 14, 2003 City Council Regular Meeting

*The Minutes of October 14, 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

October 14, 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 October 14, 2003. Notice of the meeting was given in the Grand Island Independent on October 8, 2003.

Mayor Jay Vavricek called the meeting to order at 7:00 p.m. The following members were present: Councilmembers Meyer, Whitesides, Pielstick, Gilbert, Nickerson, Cornelius, Pauly, Hornady, Walker and Haase. The following City Officials were present: Interim City Administrator David Springer, City Clerk RaNae Edwards, Public Works Director Steve Riehle, and City Attorney Doug Walker.

PLEDGE OF ALLEGIANCE was said followed by the INVOCATION given by Pastor Russell Wolf, United Pentecostal Church, 515 South Oak Street.

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

PRESENTATIONS AND PROCLAMATIONS:

Recognition of Jacob Ambroz and Boy Scout Troop 114 for Installing Sidewalk at the Nebraska Veterans Home. Mayor Jay Vavricek and the City Council recognized Jacob Ambroz and Boy Scout Troop 114 for installing a sidewalk in front of the Grand Island Veterans Home along Capital Avenue. This 800 foot sidewalk was Central Catholic senior, Jacob Ambroz's Eagle Scout project along with the help of Boy Scout Troop 114.

Presentation of Marketing Video by Marlan Ferguson, Grand Island Area Economic Development Corporation. Marlan Ferguson, President of the Grand Island Area Economic Development Corporation presented a power point presentation on what the EDC has to offer and their goals. Also presented was a video used in marketing the Grand Island area.

PUBLIC HEARINGS:

Public Hearing on Request of AYR, Inc. dba El Toro Mexican Restaurant, 3425 West State Street for a Class "I" Liquor License. City Clerk RaNae Edwards reported that Jose Ayala representing AYR, Inc. dba El Toro Mexican Restaurant, 3425 West State Street had submitted an application with the City Clerk's Office for a Class "I" Liquor License which allows for the sale of alcoholic beverages on sale only 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 September 24, 2003; notice to applicant of date, time

and place of hearing mailed on September 24, 2003; notice to the general public of date, time and place of hearing published on October 4, 2003; and Chapter 4 of the City Code. No public testimony was heard.

Public Hearing on Request of Chloe Aguilar, 808 East 8th Street for a Conditional Use Permit for Single Family Home/Child Care Center Located at 4103 Prairie Ridge Lane. Craig Lewis, Building Department Director reported that Chloe Aguilar, 808 East 8th Street had submitted an application with the City Clerk's Office for a Conditional Use Permit to allow for a Single Family Home/Child Care Center located at 4103 Prairie Ridge Lane. The property was currently zoned R1-Suburban Residential and as such, day care centers in which the number of children exceed that allowed by the customary home occupation standards were allowed only as a conditional use approved by the City Council. Applicant Chloe Aguilar, 808 East 8th Street spoke in support. No further public testimony was heard.

Public Hearing on Request of Robert Rasher, 1519 North Taylor Avenue for a Conditional Use Permit for an Auto Sales Lot Located at 117 & 123 East 5th Street. Craig Lewis, Building Department Director reported that Robert Rasher, 1519 North Taylor Avenue had submitted a request for a Conditional Use Permit to allow for the continued operation of a used car establishment at 117 & 123 East 5th Street. The City Council earlier this year amended the City Code to require that existing vehicle sales establishments without improved hard surfaced lots receive approval in the form of a Conditional Use Permit from the City Council. Section 36-49(A) allowed for a waiver approved by the City Council for businesses that were operating at the same location prior to March 9, 1999. This request appeared to be in compliance with the established City Code and approval was recommended. No public testimony was heard.

Public Hearing on Request of Hooker Brothers/Werner Construction for a Conditional Use Permit for a Portable Hot-Mix Asphalt Plant Located at 3860 South Locust Street. Craig Lewis, Building Department Director reported that Hooker Brothers Sand & Gravel, 3860 South Locust Street, had submitted an application with the City Clerk's Office to extend their Conditional Use Permit through the remaining months of 2003 and for the entire Calendar Year 2004. This request was to temporarily allow for a portable hot-mix asphalt plant, belonging to Werner Construction to be located at 3860 South Locust Street. On March 4, 2003, City Council approved a Conditional Use Permit for a 6 month period, beginning June 1, 2003 and ending November 30, 2003. Also with the condition that they comply with the regulations as set out by the Nebraska Department of Environmental Quality (NDEQ) in order to operate the plant. Richard Ray representing Werner Construction spoke in support. No further public testimony was heard.

Public Hearing on Acquisition of Utility Easement Located at 2916 West Stolley Park Road. (T.J.C.W., L.L.C.) Gary Mader, Utilities Director reported that acquisition of a utility easement located at 2916 West Stolley Park Road, was required in order to have access to install, upgrade, maintain, and repair power appurtenances. This easement would be used to locate underground power lines and a pad mounted transformer to serve a new building. No public testimony was heard.

Public Hearing on Acquisition of Sanitary Sewer Easement Located at 1916 West State Street. (Trenton Falk) Steve Riehle, Public Works Director reported that Mark & Tresa Arthur of 1903 Grand Island Avenue currently had sanitary sewer service, however, the line serving their property was in need of replacement and did not run in a public easement. In order to properly serve this property a public sanitary sewer easement was needed from the adjacent property. Trenton H. Falk of 1916 West State Street had granted a sanitary sewer easement to accommodate this installation. The property owner (Trenton Falk) has been contacted regarding the terms of this easement. Mr. Falk had agreed to provide the easement at no cost. No public testimony was heard.

Public Hearing on Acquisition of Drainage Easement Located at 1518 Warbler Circle. (Little B's Corp.) Steve Riehle, Public Works Director reported that Little B's Corporation was developing Summerfield Third Subdivision located north of 13th Street and east of North Road. In conjunction with this development Little B's was granting drainage easements to the city to accommodate storm drainage in the subdivision. In conjunction with this development it was necessary to acquire easements in Lot's 6 and 7 in Summerfield Third Subdivision. The property owner has agreed to provide the easements at no cost to the city. No public testimony was heard.

Public Hearing on Acquisition of Drainage Easement Located at 1524 Warbler Circle. (Little B's Corp.) Steve Riehle, Public Works Director reported that Little B's Corporation was developing Summerfield Third Subdivision located north of 13th Street and east of North Road. In conjunction with this development Little B's was granting drainage easements to the city to accommodate storm drainage in the subdivision. In conjunction with this development it was necessary to acquire easements in Lot's 6 and 7 in Summerfield Third Subdivision. The property owner has agreed to provide the easements at no cost to the city. No public testimony was heard.

ORDINANCES:

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

#8857 – Consideration of Creation of Water Extension District 444 – Marylane 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 this ordinance on its first reading and then upon final passage and call for a roll call vote on each reading and then upon final passage. Councilmember Hornady seconded the motion. Upon roll call vote, all voted aye. Motion adopted.

Mayor: Is there any one in the audience interested in this Ordinance? Utilities Director Gary Mader commented on the creation of Water Extension District No. 444. He also stated a petitioned was received to create a water extension district in the Kentish Hills Subdivision, which would come before Council in the near future. No public comment was heard.

City Clerk: Ordinance #8857 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 #8857 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 #8857 is declared to be lawfully passed and adopted upon publication as required by law.

CONSENT AGENDA: Consent Agenda items G-10, G-30, and G-33 were pulled from the consent agenda. Motion by Pielstick, second by Hornady, carried unanimously to approve the Consent Agenda, excluding items G-10, G-30, and G-33. Upon roll call vote, all voted aye. Motion adopted.

Receipt of Official Document – Civil Service Minutes of September 3, 2003.

Approving Minutes of September 23, 2003 City Council Regular Meeting.

Approving Minutes of September 30, 2003 City Council Study Session. Councilmembers Walker and Cornelius abstained.

Approving Minutes of October 7, 2003 City Council Study Session.

Approving Request of AYR, Inc. dba El Toro Mexican Restaurant, 3425 West State Street for a Class “T” Liquor License.

Approving Request of Jose Ayala, 3720 West State Street #F9, for Liquor Manager Designation for El Toro Mexican Restaurant, 3425 West State Street.

Approving Request of Nicholas Mortensen, 2017 West Koenig Street, for Liquor Manager Designation for Bosselman, Inc. dba Pump & Pantry #6, 3355 Stolley Park Road.

Approving Request of Chloe Aguilar, 808 East 8th Street for a Conditional Use Permit for Single Family Home/Child Care Center Located at 4103 Prairie Ridge Lane.

Approving Request of Robert Rasher, 1519 North Taylor Avenue for a Conditional Use Permit for an Auto Sales Lot Located at 117 & 123 East 5th Street.

#2003-277 – Approving City Council Meeting Schedule for 2004.

#2003-278 – Approving Acquisition of Utility Easement Located at 2916 West Stolley Park Road. (T.J.C.W., L.L.C.)

#2003-279 – Approving Electric Utility Contract with Omaha Public Power District.

#2003-280 – Approving Bid Award for Substation Transformer Testing and Inspection Services with Waukesha Electric Systems of Maitland, Florida in an Amount of \$83,600.00 and an

Additional Amount at a Maximum of \$97,500.00 for Major Load Tap Charger Component Replacement.

#2003-281 – Approving Certificate of Final Completion with Starostka Group Company of Grand Island and Setting of Board of Equalization Hearing date for Water Main District 440 – Kay-Dee Subdivision.

#2003-282 – Approving Rejection of Terrorist Coverage – Boiler and Machinery Insurance Policy – Utilities Department.

#2003-283 – Approving Change Order #1 for the Platte River Pumping Station Engineering Services with CH2M Hill of Englewood, Colorado for an Increase of \$29,755.00 for a Modified Contract Sum of \$87,864.00.

#2003-284 – Approving Final Plat and Subdivision Agreement for Columbian Subdivision. It was noted that St. Mary's Church of Grand Island, owners, had submitted the final plat for Columbian Subdivision, located north of Delta Street and west of Eddy Street for the propose of developing 2 lots.

#2003-285 – Approving Final Plat and Subdivision Agreement for Goodwill Fifth Subdivision. It was noted that Goodwill Industries, owners, had submitted the final plat for Goodwill Fifth Subdivision, located south of Delta Street and west of Locust Street for the propose of developing 3 lots.

#2003-286 – Approving Outside Funding for the Community Humanitarian Resource Center in an Amount of \$4,500.00.

#2003-287 – Approving Outside Funding for The Crisis Center, Inc. in an Amount of \$12,000.00.

#2003-288 – Approving Outside Funding for the Grand Island Area – Clean Community System in an Amount of \$20,000.00.

#2003-289 – Approving Outside Funding for the Grand Island Area Council for International Visitors in an Amount of \$1,000.00.

#2003-290 – Approving Outside Funding for the Grand Island Dive & Rescue Team in an Amount of \$2,500.00.

#2003-291 – Approving Outside Funding for the Grand Island Hall County Convention and Visitors Bureau in an Amount of \$10,000.00.

#2003-292 – Approving Outside Funding for the Retired Senior Volunteer Program in an Amount of \$10,000.00.

#2003-293 – Approving Outside Funding for the Senior Citizens Industries, Inc. in an Amount of \$15,000.00.

#2003-294 – Approving Acquisition of Sanitary Sewer Easement Located at 1916 West State Street. (Trenton Falk)

#2003-295 – Approving Acquisition of Drainage Easement Located at 1518 and 1524 Warbler Circle. (Little B's Corp.)

#2003-297 – Approving Bid Award for Solids Handling Contract at WWTP (Amendment 3 Project 2003-WWTP-1) with CH2M Hill of Englewood, Colorado in an Amount of \$849,400.00.

#2003-298 – Approving Bid Award for Amendment B – Electrical Services Contract at WWTP with CH2M Hill of Englewood, Colorado in an Amount not to Exceed \$289,300.00.

#2003-300 – Approving Renewal of Interlocal Agreement with Hall County Relative to Juvenile Accountability Program.

#2003-301 – Approving Amendment to IAFF Contract Relative to HRA Benefit.

#2003-302 – Approving Authorization for the Mayor, City Administrator and Finance Director to Sign Corporate Resolution for Smith-Hayes Fire Pension Funds.

#2003-303 – Approving Authorization for the Mayor, City Administrator and Finance Director to Sign Corporate Resolution for Smith-Hayes Police Pension Funds.

Approving Request of Hooker Brothers/Werner Construction for a Conditional Use Permit for a Portable Hot-Mix Asphalt Plant Located at 3860 South Locust Street. Motion was made by Walker, second by Nickerson to approve the request of Hooker Brothers/Werner Construction for a Conditional Use Permit. Councilmembers Walker and Meyer requested that the time frame be limited to less than the 2004 calendar year. Richard Ray representing Werner Brothers stated he was not sure when the South Locust interchange would be completed. He also mentioned projects around Giltner and Phillips that they would like to finish while the plant was at this location.

Motion was made by Whitesides, second by Meyer to amend the motion to limit the Conditional Use Permit to June 30, 2004. Discussion was held with regards to revoking permits, cost of permit, and time it would take to come back to council for approval. Upon roll call vote, Councilmembers Whitesides and Myer voted yes. Councilmembers Pielstick, Gilbert, Nickerson, Cornelius, Pauly, Hornady, Walker, and Haase voted no. Motion denied.

Upon roll call to approve the original motion, Councilmembers Whitesides, Pielstick, Gilbert, Nickerson, Cornelius, Pauly, Hornady, Walker, and Haase voted yes. Councilmember Meyer voted no. Motion adopted.

#2003-296 – Approving Bid Award for Sludge Handling Improvement Project at WWTP (Project 2003-WWTP-1) with John T. Jones Construction of Fargo, North Dakota in an Amount of \$8,462,000.00. Motion was made by Hornady, second by Nickerson to approve Resolution #2003-296. Discussion was held with regards to the engineer's estimate being less than the bids received. Public Works Director Steve Riehle stated he was comfortable with the bids and would have to eliminate items such as the scrubbers, which were essential to the project, in order to get below the engineer's estimate. Upon roll call vote, all voted aye. Motion adopted.

#2003-299 – Approving Purchase of Two (2) 2 x 4 Pickup Trucks for Street & Transportation Division from State Contract Holder, Husker Auto Group, Inc. of Lincoln, Nebraska in an Amount of \$32,019.60. Motion was made by Walker, second by Hornady to approve Resolution #2003-299. Discussion was held concerning the local dealers bidding on these vehicles. Public Works Director Steve Riehle explained the state bidding process and that local dealers would service the vehicles. Upon roll call vote, all voted aye. Motion adopted.

REQUESTS AND REFERRALS:

Request of Kyle and Clydene Reinhard for Interest Reimbursement. City Attorney Doug Walker reported that Kyle and Clydene Reinhard were protesting the interest charged on their sewer main assessment. The Reinhard's claimed that they did not receive a statement for their sewer main last year when it was installed and did not realize that a payment was due. The Reinhard's received a statement this year and elected to pay the full amount of their sewer main assessment but were requesting that they be relieved of the requirement to pay interest for the last year because they were stating that they would have paid in full if they had received their statement.

Motion was made by Nickerson, second by Haase, to approve the request reimbursing Kyle and Clydene Reinhard the amount of \$415.84 interest. Upon roll call vote, all voted aye. Motion adopted.

RESOLUTION:

#2003-304 – Approving Economic Development Funding Request. Interim City Administrator David Springer reported that on July 22, 2003, the Grand Island City Council, by Ordinance No. 8830, and amended by Ordinance No. 8832 on August 12, 2003, adopted an economic development program for the City of Grand Island which was prepared in conformity with Neb. Rev. Stat. 18-2710. This called for annual funding of \$750,000. A request had been received from the Grand Island Area Economic Development Corporation, duly approved by its President and the Chairman of its Citizen's Review Committee for payment of \$350,000. Said funds were to be used for operating expenses, community publicity, and promotion.

A lengthy discussion was held with regards to the \$350,000 and public access to the EDC budget. Marlan Ferguson, President of the EDC explained that this money would be incorporated in the EDC budget and would be audited. Tom Ward, 4060 West Capital Avenue representing the Citizens Review Committee was present and explained the process of the Citizens Review Committee.

Motion was made by Walker, second by Hornady to approve Resolution #2003-304. Upon roll call vote, all voted aye. Motion adopted.

PAYMENT OF CLAIMS:

Motion by Cornelius, second by Hornady, carried unanimously to approve the Claims for the period of September 24, 2003 through October 14, 2003, for a total amount of \$3,272,472.12. Councilmember Hornday abstained from claim #285753 and Councilmember Pielstick abstained from claim #3168. Motion adopted.

EXECUTIVE SESSION: Motion was made by Hornady, second by Wlaker, to adjourn to Executive Session at 8:40 p.m. for the purpose of discussing personnel issues and land negotiations.

RETURN TO REGULAR SESSION: Motion was made by Whitesides, second by Pielstick, to return to Regular Session at 9:40 p.m.

ADJOURNMENT: The meeting was adjourned at 9:40 p.m.

Respectfully submitted,

RaNae Edwards
City Clerk