



# City of Grand Island

Tuesday, November 18, 2003

Council Session

## Item G3

### **Approving Minutes of November 4, 2003 City Council Regular Meeting**

*The Minutes of November 4, 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

November 4, 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 November 4, 2003. Notice of the meeting was given in the Grand Island Independent on October 29, 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 Todd Bowen, Covenant Presbyterian Church, 418 West 12<sup>th</sup> Street.

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

MAYOR COMMUNICATION: Mayor Vavricek recognized Councilmember Nickerson's birthday on November 7<sup>th</sup>. Mentioned was no council meeting on November 11th due to Veteran's Day holiday. Also mentioned was the Humane Society Festival of Lights at Stolley Park starting in November.

#### PRESENTATIONS AND PROCLAMATIONS:

Proclamation "Hunger and Homeless Week" November 9-15, 2003. Mayor Vavricek proclaimed the week of November 9-15, 2003 as "Hunger and Homeless Week". Cindi Preisendorf representing the Community Humanitarian Resource Center was present to receive the proclamation.

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

#2003-BE-20 – Determining Assessments for Water Main District No. 440 – Kay-Dee Subdivision. Gary Mader, Utilities Director reported that Water Main District 440 was created by the Council upon receipt of a petition from property owners within the district. The water main was located in: Roberta Avenue between Barbara Avenue and Stolley Park Road; Gretchen Avenue between Barbara Avenue and Del Mar Avenue; and Del Mar Avenue, between Arthur Avenue and Harrison Street; within the Kay-Dee Subdivision.

All construction was installed as per City Standards, placed in service, and incorporated into the City system. The district was an "assessment district" used by the City to recoup construction costs when mains are installed at the request of the property owners. Computations for fees within the District were based on the actual cost of construction, divided by the number of lots which received service within the subdivision. This method provided an equal and same assessment to each property in the amount of \$2,808.10. The total project cost was \$115,790.17. The City's share in the construction was \$42,779.57 due to the lay-out of the area previously served by other districts.

Motion by Hornady, second by Pielstick, carried unanimously to approve Resolution #2003-BE-20. Motion adopted.

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

PUBLIC HEARINGS:

Public Hearing on Acquisition of Utility Easement Located at 1833 East Seedling Mile Road. (Livengood Properties LLC) Gary Mader, Utilities Department Director reported that acquisition of a utility easement located at 1833 East Seedling Mile Road, was required in order to have access to install, upgrade, maintain, and repair power appurtenances. This easement would be used to locate a new pad-mounded transformer to feed the existing UPS/ARA Mark building. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement Located at 3225 West Wildwood Road. (Lewis Greenscape, Inc.) Gary Mader, Utilities Department Director reported that acquisition of a utility easement located at 3225 West Wildwood Road, was required in order to have access to install, upgrade, maintain, and repair power appurtenances. This easement would be used to place a pad-mounted transformer to serve the business, including a new addition. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement Located at 3516 Richmond Circle. (Richmond Building, LLC) Gary Mader, Utilities Department Director reported that acquisition of a utility easement located at 3516 Richmond Circle, was required in order to have access to install, upgrade, maintain, and repair power appurtenances. This easement would be used to locate a pad-mounted transformer to serve electricity to the new building. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement Located at 2009 West Faidley Avenue. (Kraft-Janda, Inc.) Gary Mader, Utilities Department Director reported that acquisition of a utility easement located at 2009 West Faidley Avenue, was required in order to have access to install, upgrade, maintain, and repair power appurtenances. This easement would be used to locate a pad-mounted transformer to serve a new Dental Clinic. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement Located at 2810 East Highway 30. (Eugene and Janet Penrose). Gary Mader, Utilities Department reported that acquisition of a utility

easement located at 2810 East Highway 30 was required in order to have access to install, upgrade, maintain, and repair power appurtenances. This easement would be used for an anchor and down guy to back-up a line to the south of the highway. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement Located at 2809 East Highway 30. (Virgil R. Eihusen) Gary Mader, Utilities Department Director reported that acquisition of a utility easement located at 2809 East Highway 30, was required in order to have access to install, upgrade, maintain, and repair power appurtenances. This easement would be used to relocate both overhead and underground facilities to continue service to the business at 2809 East Highway 30. No public testimony was heard.

Public Hearing on Acquisition of Public Utility Easement Located at 3732 West Husker Highway. (Gladys V. Schoel) Steve Riehle, Public Works Director reported that in conjunction with the installation of Water Main District No. 444, Marylane and Sanitary Sewer District 512, Kentish Hills, it was necessary to acquire an easement for the installation, upgrade, maintenance and repair of the water and sewer mains to be installed under these Districts. No public testimony was heard.

Public Hearing on Acquisition of Public Utility Easement Located at 3803 Marylane. (Matthew J. and Lori A. Beiber) Steve Riehle, Public Works Director reported that in conjunction with the installation of Water Main District No. 444, Marylane and Sanitary Sewer District 512, Kentish Hills, it was necessary to acquire an easement for the installation, upgrade, maintenance and repair of the water and sewer mains to be installed under these Districts. No public testimony was heard.

#### ORDINANCES:

Motion was made by Pielstick, second by Walker, to approve Ordinance #8863 on Second Reading only.

#8863 – Consideration of Annexation of Property Being Platted as Smith Acres Subdivision, Located North of Capital Avenue and West of Saint Paul Road

Upon roll call vote, all voted aye. Motion adopted.

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

#8865 – Consideration of Assessments for Water Main District 440 – Kay-Dee Subdivision

#8866 – Consideration of Amendment to Chapter 31 of the Grand Island City Code Relative to Billboards

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 first reading and then upon final

passage and call for a roll call vote on each reading and then upon final passage. Councilmember Haase seconded the motion. Upon roll call vote, all voted aye. Motion adopted.

Mayor: Is there any one in the audience interested in these Ordinances? June O'Neill, 1002 South Shady Bend Road commented on Ordinance #8866 with regards to the size of signs and recommended that the square footage be increased from 300 to 378. Craig Lewis, Building Department Director had no objections to increasing the size of signs. Ron Deitemeyer, 10750 South Buffalo Road, Doniphan spoke in support of Ordinance #8866. No further public comment was heard.

Motion was made by Pielstick, second by Haase to amend Ordinance #8866 to reflect the 378 square foot size of signs instead of 300 square foot. Upon roll call vote, Councilmembers Meyer, Pielstick, Gilbert, Nickerson, Cornelius, Pauly, Hornady, Walker, and Haase voted aye. Councilmember Whitesides vote nay. Motion adopted.

City Clerk: Ordinances #8865 and #8866 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. Motion adopted.

City Clerk: Ordinances #8865 and #8866 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. Motion adopted.

Mayor: By reason of the roll call votes on first reading and then upon final passage, Ordinances #8865 and #8866 are declared to be lawfully passed and adopted upon publication as required by law.

CONSENT AGENDA: Consent Agenda items G-2, G-9, G-10, and G-16 were removed. Motion by Whitesides, second by Haase, carried unanimously to approve the Consent Agenda. Upon roll call vote, all voted aye. Motion adopted.

Approving Minutes of October 28, 2003 City Council Regular Meeting.

#2003-319 – Approving Acquisition of Utility Easement Located at 1833 East Seedling Mile Road. (Livengood Properties, LLC)

#2003-320 – Approving Acquisition of Utility Easement Located at 3225 West Wildwood Road. (Lewis Greenscape, Inc.)

#2003-321 – Approving Acquisition of Utility Easement Located at 3516 Richmond Circle. (Richmond Building, LLC)

#2003-322 – Approving Acquisition of Utility Easement Located at 2009 West Faidley Avenue. (Kraft-Janda, Inc.)

#2003-323 – Approving Acquisition of Utility Easement Located at 2810 East Highway 30. (Eugene and Janet Penrose)

#2003-324 – Approving Acquisition of Utility Easement Located at 2809 East Highway 30. (Virgil R. Eihusen)

#2003-327 – Approving Purchase of One Clay Based Alternative Daily Cover Sprayer and One Semi-Load of Clay Product for Solid Waste Division of the Public Works Department with Enviro Group, Inc. of Greenwood, Indiana in an Amount of \$37,970.00.

#2003-328 – Approving Amendment #4 to Design Agreement with Olsson Associates of Grand Island, Nebraska for South Locust Street; Stolley Park Road to Fonner Park Road in an Amount of \$23,258.27.

#2003-329 – Approving Purchase of One 2 x 4 Half Ton Pickup Truck for the Solid Waste Division of the Public Works Department with Husker Auto Group of Lincoln, Nebraska in an Amount of \$17,320.00.

#2003-330 – Approving Removal of a 20 Minute Express Parking Zone Located at 414 West 3<sup>rd</sup> Street.

#2003-331 – Approving Procurement Procedures and Code of Conduct for Use of Community Development Block Grant (CDBG) Funds.

#2003-333 – Approving Continuation of Water Main District No. 443 – American Independence Subdivision.

#2003-334 – Approving Authorization for Negotiating an Agreement with Kirkham Michael and Associates, Inc. of Omaha, Nebraska for Consulting Services Relative to Water Main Work on Second Street.

#2003-318 – Approving Agreement with Gladys V. Schoel Regarding Terms for Utility Easement Acquisition. Public Works Director Steve Rhiehle reported that the City Utility and Public Works Departments were seeking an easement to facilitate the installation of City Sewer service to the Marylane and Kentish Hills Subdivisions in the event that the residents of these subdivisions chose to permit the formation of a City Sewer District. Acquisition of this easement would also permit the water mains that would be installed in the Marylane and Kentish Hills Subdivisions to be looped to enhance the flow of water through those mains and the service to the residents of those areas. Discussion was had concerning the about of the easement.

Motion was made by Walker, second by Gilbert to approved Resolution #2003-318. Upon roll call voted, all voted aye. Motion adopted.

#2003-325 – Approving Acquisition of Public Utility Easement Located at 3732 West Husker Highway. (Gladys V. Schoel) Public Works Director Steve Riehle reported that this acquisition was connected to Resolution #2003-318. Discussion was held with regards to cost of the

acquisition. Utilities Director Gary Mader explained the advantages of this easement with regards to the water main being construction in the Maryland and Kentish Hills Subdivisions.

Motion was made by Cornelius, second by Haase to approve Resolution #2003-325. Upon roll call vote, all voted aye. Motion adopted.

#2003-326 – Approving Acquisition of Public Utility Easement Located at 3803 Marylane. (Matthew J. and Lori A. Beiber) Motion was made by Pieldtick, second by Gilbert to deny Resolution #2003-326.

Public Works Director Steve Riehle reported that in conjunction with the installation of the Water Main Districts No. 444 and 445 and Sanitary Sewer District 512, it was necessary to acquire an easement for the installation, upgrade, maintenance and repair of the water and sewer mains to be installed under these Districts. Discussion was held concerning the cost to the City for acquisition of this easement.

Upon roll call vote, all voted nay. Motion failed.

Motion was made by Whitesides, second by Cornelius to approve Resolution #2003-326. Upon roll call vote, all voted aye. Motion adopted.

#2003-332 – Approving Contract with Central Nebraska Humane Society. City Attorney Doug Walker reported that the following language was added to the contract: “The Humane Society shall obtain approval from the Central District Health Department prior to submitting each animal for rabies testing if reimbursement is to be requested.” Council questioned if this change would slow down the process for rabies testing. It would not.

Discussion was had concerning the hours of operation. Pat Devine representing the Central Nebraska Humane Society commented that this change would coincide with what was currently being done. She stated she would bring the issue of longer office hours to the Humane Society Board. City Attorney Doug Walker stated that the agreement was for a minimum number hours of operation. Councilmember Whitesides stated Council should not dictate the Humane Society hours as they were an outside agency and encouraged the Council to approve the Resolution with the recommendation that the Humane Society Board look at extending their hours of operation.

Motion was made by Whitesides, second by Cornelius to approve Resolution #2003-332 with the addition relative to the Central District Health Department wording regarding rabies testing. Upon roll call vote, all voted aye. Motion adopted.

#### REQUEST AND REFERRALS:

Request of Grand Island Kennel Club, Inc. 2860 East Bismark Road to be Annexed into the City of Grand Island. City Attorney Doug Walker reported that the Grand Island Kennel Club was requesting that their property be annexed into the City of Grand Island. The Kennel Club was also requesting that city sewer service be extended to the improvements on their property as soon as possible. If the council approved this request for annexation and referred it to the Planning

Commission for approval prior to the Council adopting an annexation ordinance, then Public Works could begin the process of extending sewer service to the Kennel Club property.

Motion was made by Nickerson, second by Cornelius, to approve the request of the Grand Island Kennel Club. Upon roll call vote, all voted aye. Motion adopted.

PAYMENT OF CLAIMS:

Motion by Cornelius, second by Nickerson, carried unanimously to approve the Claims for the period of October 29, 2003 through November 4, 2003, for a total amount of \$1,874,481.13. Motion adopted.

ADJOURNMENT: The meeting was adjourned at 8:35 p.m.

Respectfully submitted,

RaNae Edwards  
City Clerk