



City of Grand Island

Tuesday, December 09, 2003

Council Session

Item G3

Approving Minutes of November 18, 2003 City Council Regular Meeting

The Minutes of November 18, 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 18, 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 18, 2003. Notice of the meeting was given in the Grand Island Independent on November 12, 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 Nancy Lambert, Trinity United Methodist Church, 511 North Elm Street.

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

MAYOR COMMUNICATION: Mayor Vavricek commented on the recruiting process for the City Administrator's position. Interviews were scheduled for Saturday, November 22, 2003 for two of the candidates. Also mentioned was the newspaper article concerning the Lincoln Pool. Mayor Vavricek stated that this was just one of many projects to be looked at and it was not the intent of the City to close it.

PRESENTATIONS AND PROCLAMATIONS:

Proclamation "American Education Week" November 16-22, 2003. Mayor Vavricek proclaimed the week of November 16-22, 2003 as "American Education Week". Loretta Green and several students from Gates Elementary School were present to receive the proclamation.

Proclamation "Child Abuse Prevention and Awareness Day" Everyday of the Year. Mayor Vavricek proclaimed everyday as "Child Abuse Prevention and Awareness Day". William Weese representing the Amvets Post 15 and Wendell McMurrain representing the United Veteran's Against Child abuse were present to receive the proclamation.

Proclamation "Adoption Awareness Month" November, 2003. Mayor Vavricek proclaimed the month of November 2003 as "Adoption Awareness Month".

Proclamation “National Children’s Book Week” November 17-23, 2003. Mayor Vavricek proclaimed the week of November 17-23, 2003 as “National Children’s Book Week”. Mary VonSeggren from the library 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-21 – Determining Assessments for Sanitary Sewer District No. 505. Steve Riehle, Public Works Director reported that the Certificate of Final Completion for Sanitary Sewer District No. 505 was approved by Council on October 28, 2003. The contract for Sanitary Sewer District 505 was awarded to The Diamond Engineering Company of Grand Island, Nebraska on April 17, 2003. Work commenced on June 6, 2003 and was completed on August 18, 2003. This project was completed on schedule and at a construction cost of \$ 84,231.27. The total cost of the project, including contract administration was \$ 93,603.33. All costs for this District would be assessed to the benefiting properties.

Motion by Pielstick, second by Cornelius, carried unanimously to approve Resolution #2003-BE-21. Motion adopted.

#2003-BE-22 – Determining Benefits for Sanitary Sewer District No. 508. Steve Riehle, Public Works Director reported that the Certificate of Final Completion for Sanitary Sewer District No. 508 was approved by Council on October 28, 2003. The contract for Sanitary Sewer District 508 was awarded to The Diamond Engineering Company of Grand Island, Nebraska on April 17, 2003. Work commenced on May 23, 2003 and was completed on June 24, 2003. This project was completed on schedule and at a construction cost of \$ 23,739.39. The total cost of the project, including contract administration is \$ 30,295.07. All costs for this District would be assessed to the benefiting properties.

Motion by Pielstick, second by Cornelius, carried unanimously to approve Resolution #2003-BE-22. Motion adopted.

#2003-BE-23 – Determining Benefits for Street Improvement District No. 1239. Steve Riehle, Public Works Director reported that the Certificate of Final Completion was approved by Council on October 28, 2003. The contract for Street Improvement District No. 1239 was awarded to Gehring Construction and Ready Mix Company, Inc. of Columbus, Nebraska on March 18, 2003. Work commenced on June 17, 2003 and was completed on September 30, 2003. This project was completed on schedule and at a construction cost of \$ 632,267.25. The total cost of the project, including Engineering and contract administration is \$ 695,493.98. All costs for this District would be assessed to the benefiting properties.

Motion by Pielstick, second by Cornelius, carried unanimously to approve Resolution #2003-BE-23. Motion adopted.

#2003-BE-24 – Determining Correction of Benefits for Business Improvement District No. 5. Jean Goss, Executive Assistant reported that in October, invoices were mailed to Downtown property owners in Business Improvement District #5 detailing the assessments for 2003-2004. During conversations with property owners, it was discovered that four invoices were based on

incorrect valuation figures. It was appropriate that the property owners for these four properties be assessed the correct amount, based on corrected valuation figures.

Motion by Cornelius, second by Hornady, carried unanimously to approve Resolution #2003-BE-24. Motion adopted.

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

PUBLIC HEARINGS:

Public Hearing on Request of Union Pacific Railroad for a Conditional Use Permit for a Skid-Mounted Shed Located at 1219½ North Front Street Craig Lewis, Building Department Director reported that Brian Symons representing The Forrester Group on behalf of the Union Pacific Railroad, Kansas City, Missouri, had submitted an application with the City Clerk's Office to extend their Conditional Use Permit for an additional two years to allow use of a 10' x 12' skid-mounted shed with electrical service located at 1219 1/2 North Front Street. This request was for use during a US EPA-mandated remediation project. The system was currently not operating, but start-up would begin in May 2004 with operation planned for one year. The equipment would be removed following the one year operation and shut down verification. No public testimony was heard.

Public Hearing on Request of Randy & Marianne Rapien for a Conditional use Permit for a Dealer Used Car Lot Located at 215 Willow Street Craig Lewis, Building Department Director reported that Randy and Marianne Rapien, 215 Willow Street had submitted a request for a Conditional Use Permit to allow for the continued operation of a used car establishment at 215 Willow 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) allows 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, with the exception of landscaping as required by the Subdivision agreements. Landscaping was to be installed adjacent to Highway #30 and was complete except for some additional plantings scheduled to be installed by May 1st, 2004. The application included both lots 1 and 2 of Rapien's subdivision, but only lot 1 should be considered in this request as lot 2 had not been improved or utilized as a used car lot. Approval of lot 1 with the condition that the landscaping be completed by May 1 2004 was recommended. Randy Rapien, 215 Willow Street spoke in support. No further public testimony was heard.

Public Hearing on Acquisition of Utility Easement Located at 524 South Webb Road. (B.E. and Bev J. Burhoop) Gary Mader, Utilities Department Director reported that acquisition of a utility easement located at 524 South Webb 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 transformer. No public testimony was heard.

Public Hearing on Changes to the Grand Island Zoning Map for Property Proposed for Platting as El Huerto Subdivision Located South of Capital Avenue and East of St. Paul Road from TA Transitional Agricultural to RD Residential Development. Chad Nabity, Regional Planning Director reported that Ward F. Hoppe, as the owner was requesting a change of zoning for property located south of Capital Avenue and east of Saint Paul Road. This application proposed to change the zoning from TA Transitional Agricultural to RD Residential Development. This change was in conformance with the Grand Island Comprehensive Plan. The applicant for the RD zone was required to submit both the preliminary and final plat to the Planning Commission and City Council for approval with the application to rezone the property. Approval to rezone the property was predicated upon approval of the development concept displayed on the preliminary and final plats. The Regional Planning Commission at their regular meeting held October 1, 2003 voted to approve and recommend the Grand Island City Council approve this amendment to the Grand Island Zoning Map with 8 members voting in favor and 2 members voting against. The Regional Planning Commission split a vote on approval of the preliminary and final plats with a 5 members voting in favor of approval and 5 members voting against approval. Fred Hoppe developer of this property from Lincoln, Nebraska spoke in support commenting on the width of the streets. Bill Weese, 917 East 13th Street spoke in opposition with concerns of access on narrow streets for public safety. No further public testimony was heard.

Public Hearing on Purchase of Yeager Property Located at 30000 East Bismark Road Adjoining to the South Side of the Wastewater Treatment Plant. (Carole Yeager) Steve Riehle, Public Works Department Director reported that Carole Yeager owned the property south of the Grand Island Wastewater Treatment Plant and had offered to sell this property to the City for the assessed value. The City's consultant for the wastewater treatment plant had recommended that the city purchase properties that adjoin the wastewater treatment plant as they become available to help create a buffer zone around the facility. The proposed property included a gravel pit and a dwelling house. The property was also adjacent to the east side of the Kennel Club property. The Kennel Club Property was referred to the planning commission at the last City Council meeting for a recommendation on annexation. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement Located at 2903 East Highway 30. (James & Donna Allen) Gary Mader, Utilities Department Director reported that acquisition of a utility easement located at 2903 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 an overhead primary line to feed lots five and six. No public testimony was heard.

ORDINANCES:

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

#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:

- #8867 – Consideration of Creation of Water Main District No. 446T, Kentish Hills Subdivision
- #8868 – Consideration of Assessments for Sanitary Sewer District No. 505, North of Highway 30 and West of Stuhr Road
- #8869 – Consideration of Assessments for Sanitary Sewer District No. 508, West of Highway 281 and North of Husker Highway
- #8870 - Consideration of Assessments for Street Improvement District No. 1239, Gold Core Drive in Platte Valley Industrial Park
- #8871 - Consideration of Change of Land Use Designation for Property Proposed for Platting as El Huerto Subdivision Located South of Capital Avenue and East of St. Paul Road from TA Transitional Agricultural to RD Residential Development
- #8872 - Consideration of Correction of Assessments for Business Improvement District No. 5
- #8873 - Consideration of Amendment to Salary Ordinance Relative to Victim Assistance Unit Coordinator
- #8874 - Consideration of Amending Chapter 2 of the Grand Island City Code Relative to Community Redevelopment Authority
- #8875 – Consideration of Amending Chapter 2-61 of the Grand Island City Code Relative to the Community Development Advisory Board
- #8876 – Consideration of Amending Chapter 19-3 of the Grand Island City Code Relative to the Library Board

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 Hornady 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 comment was heard.

Motion was made by Hornady, second by Walker to approve Ordinances #8867, #8868, #8869, #8870, #8872 and #8873.

City Clerk: Ordinances #8867, #8868, #8869, #8870, #8872 and #8873 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 #8867, #8868, #8869, #8870, #8872 and #8873 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 #8867, #8868, #8869, #8870, #8872 and #8873 are declared to be lawfully passed and adopted upon publication as required by law.

Motion was made by Nickerson to approve Ordinance #8871 for a change of zone, the preliminary and final plats contingent on the developer resubmitting the plans with the streets dedicated to the public and built to the minimum (37 foot) Grand Island standard for residential public street. Second by Pielstick.

#8871 - Consideration of Change of Land Use Designation for Property Proposed for Platting as El Huerto Subdivision Located South of Capital Avenue and East of St. Paul Road from TA Transitional Agricultural to RD Residential Development

Approving Preliminary Plat for El Huerto Subdivision. It was noted that Ward F Hoppe, owner, had submitted the preliminary plat for El Huerto, located south of Capital Avenue and east of Saint Paul Road for the proposed development of 115 lots.

#2003-337 - Approving Final Plat and Subdivision Agreement for El Huerto Subdivision. It was noted that Ward F Hoppe, owner, had submitted the final plat for El Huerto Subdivision, located south of Capital Avenue and east of Saint Paul Road for the proposed development of 46 lots.

Discussion was held with regards to the width of streets, difficulty and inconvenience of narrow streets for emergency vehicles, costs of homes in this area, city standards for subdivisions and backyard buffer zones. Developer Fred Hoppe commented on this being an ideal location because of the schools, water and sewer access.

City Clerk: Ordinance #8871 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 Meyer, Whitesides, Pielstick, Nickerson, Cornelius, Pauly, Hornady, Walker, and Haase voted aye. Councilmember Gilbert voted no. Motion adopted.

City Clerk: Ordinance #8871 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 Meyer, Whitesides, Pielstick, Nickerson, Cornelius, Pauly, Hornady, Walker, and Haase voted aye. Councilmember Gilbert voted no. Motion adopted.

Mayor: By reason of the roll call votes on first reading and then upon final passage, Ordinance #8871 is declared to be lawfully passed and adopted upon publication as required by law.

Motion was made by Hornady, second by Cornelius to approve Ordinance #8874.

#8874 - Consideration of Amending Chapter 2 of the Grand Island City Code Relative to Community Redevelopment Authority

A lengthy discussion was held concerning the residency requirements, 2 mile jurisdiction, role of the City as it related to the CRA, state statutes, and other boards with similar requirements. Also

discussed were changes to the reference of the Community Projects Department which was to be deleted and the addition of a City Council liaison.

Tom O'Neill, 802 West Stolley Park Road commented on the discussion by council and supported the council taking more time to review this issue. John Luna, 712 East 8th Street supported the residency requirement.

Motion was made by Pielstick, second by Walker to amend the motion to delete the wording in the ordinance that read "or reside within two (2) miles of the corporate boundaries of the City of Grand Island". Upon roll call vote, Councilmembers Meyer, Whitesides, Pielstick, Pauly, Walker, and Haase voted aye. Councilmembers Gilbert, Nickerson, Cornelius, and Hornady voted no. Motion adopted.

City Clerk: Ordinance #8874 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 Meyer, Whitesides, Pielstick, Pauly, Walker, and Haase voted aye. Councilmembers Gilbert, Nickerson, Cornelius, and Hornady voted no. Motion adopted.

City Clerk: Ordinance #8874 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 Meyer, Whitesides, Pielstick, Pauly, Walker, and Haase voted aye. Councilmembers Gilbert, Nickerson, Cornelius, and Hornady voted no. Motion adopted.

Mayor: By reason of the roll call votes on first reading and then upon final passage, Ordinance #8874 is declared to be lawfully passed and adopted upon publication as required by law.

Motion was made by Hornady, second by Pielstick to deny Ordinance #8875.

#8875 – Consideration of Amending Chapter 2-61 of the Grand Island City Code Relative to the Community Development Advisory Board

Discussion was held with regards to studying this Ordinance and Ordinance #8876 at a study session.

#8876 – Consideration of Amending Chapter 19-3 of the Grand Island City Code Relative to the Library Board

Motion was made by Hornady, second by Pauly to refer Ordinances #8875 and #8876 to a Study Session. Upon roll call vote, all voted aye. Motion adopted.

CONSENT AGENDA:

Motion by Nickerson, second by Cornelius to approve the Request of Randy and Marianne Rapien for a Conditional Use Permit with the condition that landscaping would be completed by May 6, 2004. Upon roll call voted, all voted aye. Motion adopted.

Approving Request of Randy and Marianne Rapien for a Conditional Use Permit for a Dealer Used Car Lot Located at 215 Willow Street.

Motion by Hornady, second by Haase, carried unanimously to approve the Consent Agenda, excluding items G-6, G-9, and G-10 which had been voted upon earlier. Upon roll call vote, all voted aye. Motion adopted.

Receipt of Official Document – Civil Service Minutes of October 14, 2003.

Receipt of Official Document – Tort Claim Filed by Jerry and Pamela Miller.

Approving Minutes of November 4, 2003 City Council Regular Meeting.

Approving Request of Terry Carlson, 647 Swan Lane, for Liquor Manager Designation for Skagway Discount Department Stores, 1607 South Locust Street.

Approving Request of Union Pacific Railroad for a Conditional Use Permit for a Skid-Mounted Shed Located at 1219½ North Front Street.

#2003-335 - Approving Acquisition of Utility Easement Located at 524 South Webb Road. (B.E. and Bev J. Burhoop)

#2003-336 - Approving Acquisition of Utility Easement Located at 2903 East Highway 30. (James and Donna Allen)

#2003-338 - Approving Final Plat and Subdivision Agreement for Smith Acres Subdivision. It was noted that Helen Smith, owner, had submitted the final plat for Smith Acres, located north of Capital Avenue and west of Saint Paul Road for the proposed development of 1 lot.

#2003-339 - Approving Final Plat and Subdivision Agreement for Equestrian Meadows Subdivision. It was noted that Equestrian Meadows LLC, owners, had submitted the final plat for Equestrian Meadows Subdivision, located south of Stolley Park Road and east of South Locust Street for the proposed development of 6 lots.

#2003-340 - Approving Final Plat and Subdivision Agreement for Pomona Farms Subdivision. It was noted that Ann Martin and Douglas Axford, owners, had submitted the final plat for Pomona Farms Subdivision, located north of Quail Lane and west of Pheasant Drive for the proposed development of 1 lot.

#2003-341 - Approving Final Plat and Subdivision Agreement for Stoltenberg Acres Subdivision. It was noted that Wayne Stoltenberg, owner, had submitted the final plat for Stoltenberg Acres Subdivision, located north of Airport Road and west of North Road for the proposed development of 2 lots.

#2003-342 - Approving Final Plat and Subdivision Agreement for Westroads Estates Fifth Subdivision. It was noted that Diane Quandt, Laura & William Boersen, owners, had submitted

the final plat for Westroads Estates Fifth Subdivision, located south of Husker Highway and west of Summer Drive for the proposed development of 1 lot.

#2003-343 - Approving Correction of Assessments and Budget Adjustment for Business Improvement District No. 5.

#2003-344 - Approving Request to Move Forward with Implementation of Canine Unit.

#2003-345 - Approving Acquisition of Property Located at 3000 East Bismark Road Adjoining the South Side of the Waste Water Treatment Plant from Carole Yeager.

#2003-346 - Approving Purchase of (3) ½ Ton Trucks for Engineering, Underground and Storeroom Divisions of the Utilities Department through State Contract with Anderson Ford of Lincoln, Nebraska in an Amount of \$60,570.00.

#2003-347 - Approving Bid Award for Water Extension District 445 and Water Main District 446T with Starostka Group of Grand Island, Nebraska in an Amount of \$142,814.51.

#2003-348 - Approving Contract with Green Leaf Lawn Service of Grand Island, Nebraska for Parking Ramp in an Amount of \$360 per month for the months of April through October, and \$50 per month for the months of November through March, plus the sum of \$85 per hour for snow removal and \$15 per hour for additional special maintenance and Downtown Parking District No. 1 in an Amount of \$954 per month for the months of April through October, and \$132.50 per month for the months of November through March, plus the sum of \$85 per hour for snow removal and \$15 per hour for additional special maintenance.

#2003-349 - Approving Agreement with Kirkham Michael & Associates, Inc. of Omaha, Nebraska in an Amount not to Exceed \$16,600.00.

#2003-350 – Approving Authorization of Business Improvement Board to Administer Funds Collected for BID #3.

#2003-351 – Approving Authorization of Business Improvement Board to Administer Funds Collected for BID #4.

PAYMENT OF CLAIMS:

Motion by Cornelius, second by Haase, carried unanimously to approve the Claims for the period of November 5, 2003 through November 18, 2003, for a total amount of \$2,244,849.42. Motion adopted.

ADJOURNMENT: The meeting was adjourned at 9:10 p.m.

Respectfully submitted,

RaNae Edwards
City Clerk