



City of Grand Island

Tuesday, January 27, 2004

Council Session

Item G1

Approving Minutes of January 13, 2004 City Council Regular Minutes

*The Minutes of January 13, 2004 City Council Regular Minutes are submitted for approval.
See attached MINUTES.*

Staff Contact: RaNae Edwards

OFFICIAL PROCEEDINGS

CITY OF GRAND ISLAND, NEBRASKA

MINUTES OF CITY COUNCIL REGULAR MEETING

January 13, 2004

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 January 13, 2004. Notice of the meeting was given in the Grand Island Independent on January 7, 2004.

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

PLEDGE OF ALLEGIANCE was said followed by the INVOCATION given by Youth Minister Brian Pielstick, Independent Bethel Baptist Church, 1223 East 6th Street.

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

MAYOR COMMUNICATION: Mayor Vavricek mentioned that the Quad City Mayor's Conference would be held on January 21, 2004 and the Council Retreat on February 21, 2004. Also mentioned were the following deadlines for filing for office: Incumbent deadline February 15, 2004 and Non-incumbent deadline March 1, 2004. It was noted that Councilmember Margaret Hornady had filed for re-election. Mayor stated that the council would meet on March 9, 2004 for a Study Session even though the Chamber of Commerce Annual Banquet was that same night.

PUBLIC HEARINGS:

Public Hearing on Request of Chicken Coop of Grand Island, Inc. dba Chicken Coop Sports Bar and Grill, 120 East 3rd Street, for Class "C" Liquor License. City Clerk RaNae Edwards reported that Chicken Coop of Grand Island, Inc. dba Chicken Coop Sports Bar and Grill, 120 East 3rd 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 December 24, 2003; notice to applicant of date, time, and place of hearing mailed on December 24, 2003; notice to the general public of date, time, and place of hearing published on January 3, 2004; Chapter 4 of the City Code. No public testimony was heard.

Public Hearing on Request of Emil Schaaf on Behalf of Werner Construction for Conditional Use Permit Located at 5588 South Engleman Road for Gravel Dredging and Aggregate Stockpiling. Craig Lewis, Building Department Director reported that Emil Schaaf on behalf of Werner Construction, Hastings, Nebraska, had submitted an application with the City Clerk's Office for a Conditional Use Permit for gravel dredging and aggregate stockpiling located at 5588 South Engleman Road. The property was currently zoned AG-Agricultural Zone and as such, an operation of a sand and gravel pit and accessory uses were allowed only if approved by the City Council in the form of a conditional use permit. The existing operation had the approval of the Hall County Board in the form of a conditional use permit approved on July 11, 2000. Because part of the property was within the two mile zoning jurisdiction of the City of Grand Island and the applicants had requested modifications to the existing approval it was required that the City approve the modifications in a new permit. Richard Ray, Hastings, Nebraska representing Werner Construction spoke in support. Bill Carson, 5575 South Engleman Road spoke in opposition and submitted a petition with approximately 50 signatures from residents in the area. Alan Hult, 4262 West Wildwood Drive also spoke in opposition. No further public testimony was heard.

Public Hearing on Acquisition of Utility Easement Located on the East Side of North Road at Manchester Road. (Johnson and Johnson, Inc.) Gary Mader, Utilities Director, reported that acquisition of a utility easement located on the east side of North Road at Manchester Road, 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 hold the overhead line going west from this location. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement Located on the East Side of North Road at Manchester Road. (Good Hitters, Inc.) Gary Mader, Utilities Director, reported that acquisition of a utility easement located on the east side of North Road at Manchester Road, was required in order to have access to install, upgrade, maintain, and repair power appurtenances. This easement would be used to construct an overhead three-phase line to serve the property. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement Located at 527 North Diers Avenue. (Encinger Properties II, L.L.C.) Gary Mader, Utilities Director, reported that acquisition of a utility easement located at 527 North Diers Avenue, 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-mounted transformer to serve a new building at this location. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement Located at Midaro Drive and U.S. Highway 34. (Ryan and Lisa Crouch) Gary Mader, Utilities Director, reported that acquisition of a utility easement located on the east side of Midaro Drive and north of U.S. Highway 34, was required in order to have access to install, upgrade, maintain, and repair power appurtenances. This easement would be used to serve an upgraded overhead power line to serve a new home. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement Located at 3356 North Gunbarrel Road. (Herman, Robin, and Janet Elstermeier) Gary Mader, Utilities Director, reported that acquisition of a utility easement located at 3356 North Gunbarrel Road, was required in order to have access to install, upgrade, maintain, and repair power appurtenances. This easement would be used for a relocated overhead power line. No public testimony was heard.

ORDINANCES:

Motion by Pielstick, second by Hornady, to approve Ordinance #8884 on Second Reading.

#8884 – Consideration of Annexation of Property Located at 2860 East Bismark 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 ordinance numbered:

#8885 – Consideration of Amendment to the Salary Ordinance Relative to City Administrator

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 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 this Ordinance? No testimony was heard.

City Clerk: Ordinance #8885, 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 #8885, 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 #8885 is declared to be lawfully passed and adopted upon publication as required by law.

CONSENT AGENDA: Items G-11 and G-24 were pulled from the Consent Agenda for further discussion. Item G-22 was pulled from the agenda at the request of the Finance Department. Motion by Cornelius, second by Pielstick, to approve the Consent Agenda excluding items G-11, G-24, and G-22. Upon roll call vote, all voted aye. Motion adopted.

Receipt of Official Document – Tort Claim filed by Luis Gutierrez

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

Approving Minutes of January 6, 2004 City Council Study Session. Councilmember Whitesides abstained.

Approving Appointment of Doug Jensen to the Animal Advisory Board.

Approving Appointment of Dehn Renter to the Economic Development Program Citizens' Review Committee.

Approving Appointments of Shawn Messersmith, Chad Johnson, Pat Bittner, and Bruce Kleint to the Electrical Board and Dean Mathis and Craig Lewis as Ex-Officio Members.

Approving Appointments of Norm Nietfeldt, Mike McElroy, and Loren Peterson to the Gas Fitters and Appliance Installers Board and David Scoggins and Craig Lewis as Ex-Officio Members.

Approving Appointments of Larry Callahan, Robert Luther, Eric Rose, and Jennifer Herman to the Plumbers Examining Board and David Scoggins as Ex-Officio Member.

Approving Request of Chicken Coop of Grand Island, Inc. dba Chicken Coop Sports Bar and Grill, 120 East 3rd Street, for a Class "C" Liquor License.

Approving Request of Dean Pegg, #28 Redwood Drive, Kearney, Nebraska, for Liquor Manager Designation for Chicken Coop Sports Bar and Grill, 120 East 3rd Street.

#2004-1 – Approving Acquisition of Utility Easement Located on the East Side of North Road at Manchester Road. (Johnson and Johnson, Inc.)

#2004-2 – Approving Acquisition of Utility Easement Located on the East Side of North Road at Manchester Road. (Good Hitters, Inc.)

#2004-3 – Approving Acquisition of Utility Easement Located at 527 North Diers Avenue. (Encinger Properties II, L.L.C.)

#2004-4 – Approving Acquisition of Utility Easement Located East of Midaro Drive and North of U.S. Highway 34. (Ryan and Lisa Crouch)

#2004-5 – Approving Acquisition of Utility Easement Located at 3356 North Gunbarrel Road. (Herman, Robin, and Janet Elstermeier)

#2004-6 – Approving Bid Award for Coal Handling and Machine Room Roof Replacement with Weathercraft Company of Grand Island, Nebraska in an Amount of \$69,447.00.

#2004-7 – Approving Change Order #1 for Platte River Pumping Station No. 3 Replacement with Kayton Electric of Grand Island, Nebraska for an Increase of \$9,184.89 and a Revised Contract Amount of \$136,684.89.

#2004-8 – Approving Bid Award for Street Improvement District No, 1245, James Road with the Diamond Engineering Company of Grand Island, Nebraska in an Amount of \$99,481.35.

#2004-9 – Approving Interlocal Cooperative Agreement for Victim Witness Services with Hall County.

#2004-10 – Approving Bid Award for Underground Electrical Lines at the Former Cornhusker Army Ammunition Plant with Southern Public Power District in the Amount of \$23,014.00.

#2004-12 – Approving Intent to Annex, Adoption of Annexation Plan, and Schedule Public Hearing for Property Located on the Southeast Corner of the Intersection of Highway 34 and South Locust Street.

Approving Request of Emil Schaaf on Behalf of Werner Construction for Conditional Use Permit Located at 5588 South Engleman Road. Motion was made by Hornady, second by Walker to approve the request for Conditional Use Permit. Discussion was held with regards to trucks traveling north past the Cedar Hollow School and safety issues, the storing of asphalt millings, noise, hours of operation, and the 300' setback recommended by the Building Department. Craig Lewis, Building Department Director explained the permit issued by Hall County and the fact that this operation would continue even if the City denied this request.

Richard Ray, Hastings, Nebraska representing Werner Construction spoke with regards to some trucks traveling north past the school, but stated most traveled south. Bill Carson, 5575 South Engleman Road commented on safety issues and wear to the road. Enforcement issues were discussed briefly.

Motion was made by Nickerson to amend the original motion to include the following recommendations from the Building Department:

1. The applicant apply for and receive a Flood Plain Development Permit from the Building and Regional Planning Departments.
2. No storage of material or any change in the existing grade elevations shall occur in the designated Floodway Boundary Area as identified on the Floodway Boundary and Floodway Map for Hall County, issued by the Federal Emergency Management Agency dated September 29, 1986.
3. A minimum setback of 300 feet shall be provided adjacent to the public street right of ways along Guenther and Engleman roads to provide for vehicular safety and future development. Existing areas already pumped shall be filled in to accommodate this setback at the completion of the dredging operation, no new pumping shall occur within the 300 foot setback.

Motion died due to lack of a second.

Motion was made by Hornady, second by Gilbert to refer this issue to a Study Session. Upon roll call vote, Councilmembers Meyer, Pielstick, Gilbert, Cornelius, Pauly, Hornady, and Haase voted aye. Councilmembers Whitesides, Nickerson, and Walker voted no. Motion adopted.

#2004-13 – Approving Dedicated Parking Stalls in the Public Parking Lot at South Front and Walnut Streets and at the Chamber Lot. City Attorney Doug Walker reported that ProCon Development and Jim Beltzer, President of the Old Sears Development Inc. were in the process of submitting a response to a request for proposals from the Nebraska Department of Health and Human Services for office space. Part of the response to this request was providing the Department with assurance that there would be adequate parking.

The Downtown Improvement board for BID #5 had reviewed the requests of each developer and was recommending that the City Council pass a resolution that would assure that adequate dedicated parking would be available if either developer submitted the successful proposal. Wells Fargo Bank currently had dedicated spaces for which they paid a monthly rental so there was precedent for dedicated parking in the downtown area. If either developer was successful in obtaining the NHHS lease a fee would be charged for the dedicated parking as set forth in the resolution.

Cindy Johnson, President of the Chamber of Commerce spoke with regards to the downtown assessments, parking lots, parking needs, and current use of the parking lots. Bruce Schreiner representing Procon regarding NHHS requirements. Tom O'Neill, 804 Stolley Park Road spoke in support but mentioned concerns about prices being consistent with the parking ramp and other designated parking areas.

Motion by Pielstick, second by Walker to approve Resolution #2004-13. Upon roll call vote, Councilmembers Meyer, Whitesides, Pielstick, Gilbert, Nickerson, Cornelius, Pauly, Hornady, and Haase voted aye. Councilmember Walker voted no. Motion adopted.

#2004-11 – Approving Bid Award for Copiers/Printers/Scanners for City Hall. This item was removed from the Agenda at the request of the Finance Department.

PAYMENT OF CLAIMS:

Motion by Cornelius, second by Haase, carried unanimously to approve the Claims for the period of December 24, 2003 through January 13, 2004, for a total amount of \$2,895,536.11. Motion adopted.

ADJOURNMENT: The meeting was adjourned at 8:30 p.m.

Respectfully submitted,

RaNae Edwards
City Clerk