



City of Grand Island

Tuesday, February 10, 2004

Council Session

Item G1

Approving Minutes of January 27, 2004 City Council Regular Meeting

*The Minutes of January 27, 2004 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

January 27, 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 27, 2004. Notice of the meeting was given in the Grand Island Independent on January 21, 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, Public Works Director Steve Riehle, and City Attorney Doug Walker.

PLEDGE OF ALLEGIANCE was said followed by the INVOCATION given by Reverend Richard Karohl, Faith United Methodist Church, 724 West 12th Street.

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

MAYOR COMMUNICATION: Mayor Vavricek commented on the changes to the Administration Department with LeAnne Doose, Public Information Officer and Jean Goss, Executive Assistant leaving and the potential hiring for these two positions. Mentioned were the Ribbon Cutting ceremony for the Central District Health Department on Saturday, January 24, 2004 and a snow removal update.

Due to the number of birds near Principal Financial and Continental Gardens, the Mayor asked Ryan King with the Central District Health Department to give an update to council. Mr. King gave a PowerPoint presentation concerning the problem of approximately 50,000 European starlings within the city and the problems they were causing. The USDA had been called in to help with the problem. Health issues, property damage, and relocation issues were discussed. Denzel Rasmussen representing the Human Resource Department from Principal Financial spoke regarding the damage to vegetation, working with the USDA, and the possibility of removing pine trees so the birds wouldn't roost on their property.

PRESENTATIONS AND PROCLAMATIONS:

Proclamation Supporting Earned Income Tax Credit Program. The Mayor mentioned that Statistics from the Internal Revenue Service showed that about 18% of eligible families in Grand Island/Hall County failed to claim Earned Income Tax Credit (EITC) amounting to \$1.5 million dollars in 2002. The Mayor encouraged all families who are eligible, to apply and take advantage

of the Earned Income Tax Credit. Joni Kuzma representing the Community Development Department was present to receive the proclamation.

Proclamation "Random Acts of Kindness Week" February 1-7, 2004. The Mayor proclaimed February 1-7, 2004 as "Random Acts of Kindness Week". Gloria Wolbach representing the AOK Ladies was present to receive the proclamation.

Presentation by BKD, LLP Relative to Fiscal Year 2003 Electric and Water Audit Reports. Finance Director David Springer introduced Roger Watton from BKD to give the audit reports. Mr. Watton stated that this was an unqualified opinion and there were no weaknesses with the internal control. Comments were made with regards to operational efficiencies and an Audit Committee was recommended.

ORDINANCES:

Motion by Pielstick, second by Hornady, to approve Ordinance #8884 on Final 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:

#8886 – Consideration on Vacation of Conservation Easement Along Webb Road Between NE Highway 2 and US Highway 281

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 except Meyer who voted no. Motion adopted.

Mayor: Is there any one in the audience interested in this Ordinance? No testimony was heard.

City Clerk: Ordinance #8886, 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 except Meyer who voted no. Motion adopted.

City Clerk: Ordinance #8886, 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 except Meyer who voted no. Motion adopted.

Mayor: By reason of the roll call votes on first reading and then upon final passage, Ordinance #8886 is declared to be lawfully passed and adopted upon publication as required by law.

CONSENT AGENDA: Motion by Hornady, second by Cornelius, to approve the Consent Agenda. Upon roll call vote, all voted aye. Motion adopted.

Approving Minutes of January 13, 2004 City Council Regular Meeting.

Approving Minutes of January 20, 2004 City Council Study Session.

Approving Request of Michael Van Horn, 268 South Kimball Street, Apt. 1 for Liquor Manager Designation for Red Lobster, 3430 West 13th Street.

Approving Referral of One & Six Year Street Improvement Program to Regional Planning Commission.

#2004-14 – Approving Agreement for Restricted Yard Space Located at Lots 1-10 in Timberline Subdivision. Councilmember Meyer voted no.

#2004-15 – Approving Amendment to Timberline Subdivision Agreement. Councilmember Meyer voted no.

#2004-16 – Approving Short Term Financing.

#2004-17 – Approving Lease Agreement for Copiers/Printers/Scanners for City Hall with Imagistics International, Inc. of Grand Island, Nebraska in an Amount of \$1,145.10 per month.

#2004-18 – Approving Bid Award for Transmission Line Work – Contract No. 04-PCC-01 with Schmader Electric Construction Co. of West Point, Nebraska in an Amount of \$431,945.52.

#2004-19 – Approving Funding to Central Nebraska Humane Society for Animal Damage Control in an Amount of \$2,500.00. Councilmember Pielstick voted no.

#2004-20 – Approving Two Handicapped-Accessible Parking Spaces in front of Old City Hall.

#2004-21 – Approving Handicapped-Accessible Parking Space at 522 West 1st Street.

RESOLUTIONS:

#2004-22 – Approving Memorandum of Understanding Regarding Moores Creek Drainway Property, Wal-Mart Site South of State Street. City Attorney Doug Walker reported that Walmart was interested in locating a Walmart Supercenter on property south of State Street and west of the Comfort Inn on the west side of Highway 281. Walmart was requesting an MOU from the City to ascertain whether the City was willing to enter into a license agreement that would permit Walmart to develop City Easements and right of way next to their property. The development of the City property would be necessary for adequate parking and access to the new Supercenter building.

City staff was concerned about this location and Walmart's request to use City easements and right of way for the following reasons:

- 1) The Walmart development plan would require enclosing the Moores Creek Drainway in a box culvert approximately 850 feet in length. The culvert would be covered by the parking lot and driveway and would be difficult to access for maintenance.
- 2) Access to the Supercenter building would be under a power line which was in front of the proposed store creating some possible public safety and maintenance concerns.
- 3) Current plans included a hike/bike trail through the area proposed for development. The hike/bike trail would; therefore, have to be relocated.
- 4) The Supercenter would be across the street from Fire Station #4 which created potential traffic problems that may delay response to fires and accidents from this fire station.
- 5) State Street would need to be widened to accommodate the additional traffic to the new store.
- 6) The proposed Supercenter would be located west of the Moores Creek Drainway in an area that was intended for residential development.
- 7) A sanitary Sewer main would be covered by the parking lot creating potential concerns about maintenance.

Mr. Walker stated that if the City Council decided to approve the MOU this would indicate the City's willingness to permit planning and development of this site to continue. If the Council decided to reject the proposed MOU then Walmart would not be able to develop this store site as currently proposed.

Motion was made by Walker, second by Pielstick to deny Resolution #2004-22 until city staff could properly inform Council on this issue.

Discussion was had concerning the merits of the MOU in that it was not a binding document, but gave the indication that Council was willing to look at this site and possible solutions to the above stated problems. Mentioned were engineering and planning issues and the need for policy direction at this particular site. Councilmember Pielstick questioned if Wal-Mart had contacted the Natural Resource District. Darrick Rademacher representing Olsson Associates stated they have visited with Milt Moraveck.

Councilmember Meyer stated he was excited to see two Wal-Mart's come to Grand Island and would like to see city staff work with Wal-Mart to find solutions to these problems. Questioned was the South Locust site if the State Street site did not work out. Ken Bunger, Attorney with Kutak Rock LLP representing Wal-Mart stated that they really wanted to go forward with the two stores at the same time. Their plan was not to pull the South Locust Street site but may delay the construction.

Discussion was had concerning the Comprehensive Plan and the rezoning requirements at the State Street location if Wal-Mart were to locate there. Also discussed was Fire Station #4 and traffic congestion at this location.

Harold Rosenkotter, 3115 Goldenrod Drive and Dr. Dave Jaycox, Omaha, Nebraska representing Mosaic Properties who own the property at the State Street location, spoke in support. Gene Dominick, 221 East 1st Street commented on building infrastructure before businesses come to Grand Island. Mr. Dominick opposed changing the Master Plan for one store.

Upon roll call vote to deny Resolution #2004-22, all voted nay. Motion denied.

Motion was made by Whitesides, second by Cornelius that city staff be directed to move forward with Wal-Mart at the State Street location. Upon roll call vote, Councilmembers Meyer, Whitesides, Pielstick, Gilbert, Cornelius, Pauly, Hornady, Walker, and Haase voted aye. Councilmember Nickerson voted nay. Motion adopted.

PAYMENT OF CLAIMS:

Motion by Cornelius, second by Haase, carried unanimously to approve the Claims for the period of January 14, 2004 through January 27, 2004, for a total amount of \$2,597,953.38. Motion adopted.

ADJOURNMENT: The meeting was adjourned at 8:50 p.m.

Respectfully submitted,

RaNae Edwards
City Clerk