



City of Grand Island

Tuesday, April 27, 2004

Council Session

Item G2

Approving Minutes of April 13, 2004 City Council Regular Meeting

The Minutes of April 13, 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

April 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 April 13, 2004. Notice of the meeting was given in the Grand Island Independent on April 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, Public Works Director Steve Riehle, and City Attorney Doug Walker.

PLEDGE OF ALLEGIANCE was said followed by the INVOCATION given by Pastor Robert Stretch, Berean Bible Church, 4116 West Capital Avenue.

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

MAYOR COMMUNICATION: Mayor Vavricek commented on the following:

1. Firefighter Training Demonstration Saturday, April 17, 2004 at the Valentine Motel on South Locust.
2. Spring was the time for cleanup, requested that all citizens keep our city looking great by not littering.
3. Grand Island Senior High 2001 graduate – Noah Boye, a Marine serving in Iraq who lost his life in the line of duty. Pastor Robert Stretch gave a prayer.

PRESENTATIONS AND PROCLAMATIONS:

Proclamation “Community Development Week” April 12-18, 2004. The Mayor proclaimed the week of April 12-18, 2004 as “Community Development Week”. Joni Kuzma, Development Specialist was present to receive the proclamation.

Proclamation “April is for the Arts Month” April 2004. The Mayor proclaimed the month of April 2004 as “April is for the Arts Month”.

Proclamation “National Library Week” April 18-24, 2004. The Mayor proclaimed the week of April 18-24, 2004 as “National Library Week”. Library Director Steve Fosselman was present to receive the proclamation.

Recognition of Parks and Recreation Director Steve Paustian for 25 Years of Service with the Grand Island Parks and Recreation Department. Mayor Vavricek and the City Council recognized and congratulated Steve Paustian, Parks and Recreation Director for his 25 years of dedicated service to the City of Grand Island. Steve Paustian was present for the recognition.

PUBLIC HEARINGS:

Public Hearing on Request of Gas 'N Shop, Inc. dba Gas 'N Shop, 3320 Langenheder Street for a Class "B" Liquor License. City Clerk RaNae Edwards reported that due to annexation of several properties in 2002, Gas 'N Shop, Inc. dba Gas 'N Shop located at 3320 Langenheder Street had to apply for a new liquor license. Submitted was an application with the City Clerk's Office for a Class "B" Liquor License which allows for the sale of alcohol off 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 Clerk on March 17, 2004; notice to the applicant of date, time and place of hearing mailed March 22, 2004; notice to the general public of date, time and place of hearing published on April 3, 2004; and Chapter 4 of the City Code. No public testimony was heard.

Public Hearing on Request of Bobbi Ritter dba Flight Deck Restaurant & Lounge, 3773 Sky Park Road, Suite 5 for a Class "I" Liquor License. City Clerk RaNae Edwards reported that due to annexation of several properties in 2002, the Flight Deck Restaurant & Lounge located at 3773 Sky Park Road had to apply for a new liquor license. Submitted was an application with the City Clerk's Office for a Class "I" Liquor License which allows for the sale of alcohol 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 Clerk on March 29, 2004; notice to the applicant of date, time and place of hearing mailed April 6, 2004; notice to the general public of date, time and place of hearing published on April 6, 2004; and Chapter 4 of the City Code. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement Located at 3200 Bachman Street. (Lyman-Richey Corporation) Gary Mader, Utilities Director reported that acquisition of a utility easement located at 3200 Bachman Street was required in order to have access to install, upgrade, maintain, and repair power appurtenances, including lines and transformers. This easement would be used to locate underground power lines and pad mounted transformer to serve a new building being constructed on the lot. No public testimony was heard.

Public Hearing on Acquisition of Property Located at 508 South Shady Bend Road. (Jerry and Pamela Miller) Steve Riehle, Public Works Director reported that the City had negotiated acquisition of property owned by Jerry and Pamela Miller located at 508 South Shady Bend Road. This property was in litigation between the City and the Miller's due to contamination of their lake. A settlement of the lawsuit in the amount of \$200,000 was negotiated. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement Along and Within Proposed Pleasant View Thirteenth Subdivision. (GMR Development Corporation). Steve Riehle, Public Works Director reported that acquisition of a utility easement in the proposed Pleasant View Thirteenth

Subdivision located north of Fonner Park Road and south of South Street was required in order to have access to install, upgrade, maintain, and repair public utilities. 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 ordinances numbered:

#8896 – Consideration of Creation of Sanitary Sewer District No. 515, Dale Roush Subdivision (Indian Acres)

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 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? No public comment was heard.

City Clerk: Ordinance #8896 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 #8896 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 #8896 is declared to be lawfully passed and adopted upon publication as required by law.

CONSENT AGENDA: It was noted that Item G-8 was pulled from the agenda until the April 27, 2004 City Council meeting. Item G-7 was pulled from the Consent Agenda for further discussion. Motion by Pielstick, second by Hornady, to approve the Consent Agenda excluding Item G-7. Upon roll call vote, all voted aye. Motion adopted.

Approving Minutes of March 23, 2004 City Council Regular Meeting.

Approving Minutes of April 6, 2004 City Council Special Meeting. Councilmember Gilbert abstained.

Approving Request of Gas 'N Shop, Inc. dba Gas 'N Shop, 3320 Langenheder Street for a Class "B" Liquor License.

Approving Request of Jess Vetrovsky, 200 South LaSalle, Beatrice, Nebraska for Liquor Manager Designation for Gas 'N Shop, 3320 Langenheder Street.

Approving Request of Bobbi Ritter dba Flight Deck Restaurant & Lounge, 3773 Sky Park Road, Suite 5 for a Class "T" Liquor License.

Approving Preliminary Plat for Richmond Fourth Subdivision.

#2004-72 – Approving Final Plat and Subdivision Agreement for Richmond Fourth Subdivision.
It was noted that this item was pulled until the April 27, 2004 City Council meeting.

#2004-73 – Approving Intent to Enter the Nebraska Community Improvement Program.
Questioned were which projects would be submitted. Joni Kuzma, Development Specialist reported that the projects had not been picked yet, but were in the process.

#2004-74 – Approving Renewal of Leases at Cornhusker Army Ammunition Plant for Storage Buildings with: Dominion Construction Company - \$2,000; Jerry Harders - \$500.00; and Nebraska State Patrol - \$500.00 per year.

#2004-75 – Approving Waiver of Annual Report from NorthWestern.

#2004-76 – Approving Acquisition of Utility Easement Located at 3200 Bachman Street. (Lyman-Richey Corporation)

#2004-77 – Approving Agreement to Continue Participation in the Whelan Energy Center Unit #2 Power Plant in an Amount not to exceed \$40,000.00.

#2004-78 – Approving Bid Award for 35,000 GVW Cab and Chassis and 10 Cubic Yard Vacuum Catch Basin Cleaner with Mid-Iowa Companies of Johnston, Iowa in an Amount of \$140,015.00. It was noted that Steve Riehle, Public Works Director explained the exceptions to the Council.

#2004-79 – Approving Bid Award for Asphalt Maintenance Project 2004-AC-1 with Gary Smith Construction Co., Inc. of Grand Island, Nebraska in an Amount of \$460,123.29.

#2004-80 – Approving Bid Award for Bleacher and Dugout Covers with Backyard Adventures of Omaha, Nebraska in an Amount of \$39,427.00.

#2004-81 – Approving Bid Award for Street Improvement District No. 1251 with The Diamond Engineering Company of Grand Island, Nebraska in an Amount of \$158,823.95.

#2004-82 – Approving Change Order No. 1 to the Purchase Order for Emergency Sewer Line Repairs Along the Bike Trail with The Diamond Engineering Company of Grand Island for an Increase of \$13,246.50 and a Revised Contract Amount of \$18,647.00. It was noted that these costs would be submitted to insurance.

#2004-83 – Approving Acquisition of Utilities Easement Along and Within Proposed Pleasant View Thirteenth Subdivision. (GNR Development Corporation)

#2004-84 – Approving Bid Award for 2005 Truck with 55 ft. Non-Overcenter Aerial Device with Terex Utilities West of Commerce City, Colorado in an Amount of \$141,892.00.

#2004-85 – Approving Boiler Inspection Agreement with Alstrom Power, Inc. of Charleroi, Pennsylvania in an Amount of \$6,275.00.

#2004-86 – Approving Revision to the Copier Lease with Imagistics International, Inc. of Grand Island, Nebraska for an Additional Monthly Rate of \$113.95.

Approving Preliminary Plat for Woodland Park Subdivision. Chad Nabity, Regional Planning Director explained that this was a preliminary plat for 159 lots on a parcel of land located north of Capital Avenue, between Independence Avenue and Northwest High School. A lengthy discussion was had concerning the access roads to the school, the layout of the subdivision, and safety issues with regards to traffic affecting the school.

Bill Mowinkle and Robert Dubas representing Northwest High School spoke in support. Mentioned was the need for a road on the north side of the school and safety issues. Terry Brown, Olsson Associates representing the developers spoke in support.

Motion was made by Hornady, second by Nickerson to approve the Preliminary Plat for Woodland Park Subdivision. Upon roll call vote, all voted aye. Motion adopted.

RESOLUTIONS:

#2004-87 – Approving Settlement Agreement and Acquisition of Property Located at 508 South Shady Bend Road. (Jerry and Pamela Miller) Motion by Pielstick, second by Hornady, to approve Resolution #2004-87. 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 March 24, 2004 through April 13, 2004, for a total amount of \$5,354,614.02. Motion adopted. Councilmembers Hornady abstained from claim #67167, Whitesides voted no on claims #66875 and #66876, and Pielsick abstained from #66871 and voted no on claims #66875 and #66876.

ADJOURNMENT: The meeting was adjourned at 8:20 p.m.

Respectfully submitted,

RaNae Edwards
City Clerk