



City of Grand Island

Tuesday, May 11, 2004

Council Session

Item G2

Approving Minutes of April 27, 2004 City Council Regular Meeting

The Minutes of April 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

April 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 April 27, 2004. Notice of the meeting was given in the Grand Island Independent on April 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, Pauly, Walker, and Haase. Councilmembers Cornelius and Hornady were absent. 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 Father Jerry Carlson, St. Mary's Cathedral Catholic Church, 204 South Cedar Street.

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

MAYOR COMMUNICATION: Mayor Vavricek commented on the following:

1. Thanked everyone who attended the Military Support Walk.
2. Mentioned the Wall of Remembrance on display here at City Hall and those military personnel who gave the ultimate sacrifice.
3. Commented on the City of Grand Island being recognized this year as a "Tree City".

PRESENTATIONS AND PROCLAMATIONS:

Proclamation "Tourism Month" May, 2004. The Mayor proclaimed the month of May, 2004 as "Tourism Month". Renee Seifert and several other persons representing the Convention Visitors Bureau were present to receive the proclamation.

Proclamation "Drinking Water Week" May 2-8, 2004. The Mayor proclaimed the week of May 2-8, 2004 as "Drinking Water Week". Utilities Director Gary Mader was present to receive the proclamation.

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

#2004-BE-3 – Consideration of Determining Benefits for Sanitary Sewer District No. 507, Cannon Road and North Road. Motion by Pielstick, second by Walker, to approve Resolution #2004-BE-3, carried unanimously.

#2004-BE-4 – Consideration of Determining Benefits for 2003 Weed Abatement Program. George Overfield, 1010 Bismark Road spoke in opposition. A lengthy discussion followed concerning the process of the 2003 Weed Abatement Program. Motion by Pielstick, second by Walker, to approve Resolution #2004-BE-4, carried unanimously.

#2004-BE-5 – Consideration of Determining Benefits for Water Main District No. 441 – Faidley Avenue, Diers to Claude Road – extended, and lots 9 & 13, Richmond Subdivision. Motion by Pielstick, second by Walker, to approve Resolution #2004-BE-5, carried unanimously.

#2004-BE-6 – Consideration of Determining Benefits for Water Main District No. 442T – Faidley Avenue, Diers to Claude Road – extended, and lots 9 & 13, Richmond Subdivision. Motion by Pielstick, second by Walker, to approve Resolution #2004-BE-6, carried unanimously.

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

PUBLIC HEARINGS:

Public Hearing on Request of Fonner View Concessions, Inc. dba Fonner View Golf Course, 2224 South Stuhr Road for a Class ‘D1’ Liquor License. City Clerk RaNae Edwards reported that Fonner View Concession, Inc. dba Fonner View Golf Course, 2224 South Sturh Road had applied for a Class “D1” liquor license. Submitted was an application with the City Clerk’s Office which allowed for the sale of alcohol off sale only within the extraterritorial zoning jurisdiction 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 30, 2004; notice to the applicant of date, time and place of hearing mailed April 8, 2004; notice to the general public of date, time and place of hearing published on April 17, 2004; and Chapter 4 of the City Code. No public testimony was heard.

Public Hearing on Request of Skagway Discount Dept Stores, Inc. dba Skagway Discount Dept Stores, 620 West State Street for a Class “DK” Catering Liquor License. City Clerk RaNae Edwards reported that Skagway Discount Dept Stores located at 620 West State Street had applied for a Class “DK” Catering liquor license. Submitted was an application with the City Clerk’s Office for a Class ‘DK’” Liquor License which allowed for the delivery, selling or dispensing of alcoholic liquors at a location designated on a Special Designated License. Ms. Edwards presented the following exhibits for the record: application submitted to the Liquor Control Commission and received by the City Clerk on April 15, 2004; notice to the applicant of date, time and place of hearing mailed April 15, 2004; notice to the general public of date, time and place of hearing published on April 17, 2004; and Chapter 4 of the City Code. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement Located at 420 North Diers Avenue. (Drs. Grange, Pedersen & Brown) Gary Mader, Utilities Director reported that acquisition of a utility easement located at 420 North Diers Avenue was required in order to have access to install,

upgrade, maintain, and repair power appurtenances, including lines and transformers. This easement would be used in connection with the next Richmond Subdivision Plat. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement Located West of Blaine Street, South of Highway 34. (Steve and Ginger Johnson) Gary Mader, Utilities Director reported that acquisition of a utility easement located west of Blaine Street, south of Highway 34 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 cable and transformer to serve electricity to new construction. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement Located at 1115 Allen Drive. (Robert M. Allen Family Limited Partnership) Gary Mader, Utilities Director reported that acquisition of a utility easement located at 1115 Allen Drive 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 primary cable and a pad-mounted transformer to serve the new building. 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:

- #8897 – Consideration of Creation of Water Main District No. 448 – Stolley park Road, Bellwood Drive to Kingswood Drive
- #8898 – Consideration of Creation of Sanitary Sewer District No. 516, Stolley Park Road from Bellwood Drive to East of Kingswood drive (Roush Subdivision)
- #8899 – Consideration of Assessments for Sanitary Sewer District No. 507, Cannon Road and North Road
- #8900 – Consideration of Assessments for 2003 Weed Abatement Program
- #8901 – Consideration of Assessments for Water Main District No. 441

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 Whitesides 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.

City Clerk: Ordinances #8897, #8898, #8899, #8900, and #8901 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 #8897, #8898, #8899, #8900, and #8901 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 #8897, #8898, #8899, #8900, and #8901 are declared to be lawfully passed and adopted upon publication as required by law.

Motion was made by Whitesides, second by Walker to deny Ordinance #8895.

#8895 – Consideration of Amending Chapter 16 of the Grand Island City Code Pertaining to Fireworks

Mayor: Is there any one in the audience interested in these Ordinances? A lengthy discussion was held concerning the procedures in mowing and changes that would be consistent with Fire Marshall regulations.

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

Motion was made by Whitesides, second by Walker to approve Ordinance #8895.

City Clerk: Ordinance #8895 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 #8895 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 #8895 is declared to be lawfully passed and adopted upon publication as required by law.

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

Receipt of Official Document – Tort Claim Filed by Donald A. Nelsen.

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

Approving Minutes of April 20, 2004 City Council Study Session. Councilmember Haase abstained.

Approving Appointment of Joanne Holmes as Alternate to the Zoning Board of Adjustment.

Approving Request of Fonner View Concessions, Inc. dba Fonner View Golf Course, 2224 South Stuhr Road for a Class “D1” Liquor License.

Approving Request of Wendy Willman, 2224 South Stuhr Road for Liquor Manager Designation for Fonner View Golf Course, 2224 South Stuhr Road.

Approving Request of Skagway Discount Dept Stores, Inc. dba Skagway Discount Dept Stores, 620 West State Street for a Class "DK" Catering Liquor License.

#2004-72 – Approving Final Plat and Subdivision Agreement for Richmond Fourth Subdivision. It was noted that Arlington Investment, Inc. of Grand Island, Nebraska had submitted a final plat for Richmond Fourth Subdivision, located on a parcel of land in the NW1/4SE1/4 of Section 13-11-10 for the purpose of creating 6 lots.

#2004-88 – Approving Acquisition of Utility Easement Located at 420 North Diers Avenue. (Dr. Grange, Pedersen & Brown)

#2004-89 – Approving Acquisition of Utility Easement Located West of Blaine Street, South of Highway 34. (Steve and Ginger Johnson)

#2004-90 – Approving Acquisition of Utility Easement Located at 1115 Allen Drive. (Robert M. Allen Family Limited Partnership)

#2004-91 – Approving Connection Fees for Water Main District No. 442T.

#2004-92 – Approving Certificate of Final Completion with General Excavating, Lincoln, Nebraska and Setting of Board of Equalization date for Water Main District No. 444 – Mary Lane Subdivision. It was noted that the resolution in the packet had Starostka instead of General Excavating.

#2004-93 – Approving Contract Award for Engineering Services for Fuel Storage and Handling Areas Evaluation and Upgrades with Black & Veatch of Overland Park, Kansas in an Amount not to exceed \$59,600.00.

#2004-94 – Approving Certificate of Final Completion with Galvan Construction, Inc. of Grand Island, Nebraska and Setting Date for Board of Equalization Hearing for Sidewalk District No. 1, 2003.

#2004-95 – Approving Certificate of Compliance with Nebraska Department of Roads Maintenance Agreement Number 12 for Calendar Year 2003.

#2004-96 – Approving Renewal of Maintenance Agreement Number 12 with the State of Nebraska Department of Roads for 2004.

#2004-97 – Approving Change Order No. 1 for Waste Water Treatment Plant Solids Handling Project with J.T. Jones Construction of Fargo, North Dakota for an Increase of \$78,629.00 and a Revised Contract Amount of \$8,540,629.00.

#2004-98 – Approving Interlocal Agreement with Hall County relative to Joint Special Weapons and Tactics Team (SWAT).

PAYMENT OF CLAIMS:

Motion by Whitesides, second by Haase, carried unanimously to approve the Claims for the period of April 14, 2004 through April 27, 2004, for a total amount of \$2,298,865.01. Motion adopted.

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

Respectfully submitted,

RaNae Edwards
City Clerk