



City of Grand Island

Tuesday, June 08, 2004

Council Session

Item G1

Approving Minutes of May 25, 2004 City Council Regular Meeting

The Minutes of May 25, 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

May 25, 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 May 25, 2004. Notice of the meeting was given in the Grand Island Independent on May 19, 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 Steve Warriner, Abundant Life Christian Center, 3409 West Faidley Avenue.

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

MAYOR COMMUNICATION: Mayor Vavricek commented on the passage of the 1/2 cent sales tax vote at the May 11, 2004 Primary Election. Mentioned was work being done on the various projects.

PRESENTATIONS AND PROCLAMATIONS:

Musical Presentation by the Conestoga Barbershop Chorus. The Conestoga Barbershop Chorus presented three musical presentations.

Proclamation "Barbershop Harmony Week" May 31-June 6, 2004 and "Conestoga Chorus Day" June 5, 2004. The Mayor proclaimed the week of May 31-June 6, 2004 as "Barbershop Harmony Week" and June 5, 2004 as "Conestoga Chorus Day".

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

#2004-BE-7 – Consideration of Determining Benefits for Water Main District No. 444 – Mary Lane Subdivision. Motion by Pielstick, second by Hornady, to approve Resolution #2004-BE-7, carried unanimously.

#2004-BE-8 – Consideration of Determining Benefits for Sidewalk District No. 1, 2004; Various Locations Throughout Grand Island. Motion by Pielstick, second by Hornady, to approve Resolution #2004-BE-8, carried unanimously.

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

PUBLIC HEARINGS:

Public Hearing Concerning a Request to Rezone 67 Acres North of Capital Avenue and East of Independence Avenue from TA-Transitional Agriculture to R1-Suburban Density Residential and R2-Low Density Residential. Chad Naby, Regional Planning Director reported that the developers of Woodland Park were requesting to rezone approximately 67 acres of land east of Independence Avenue and north of Capital Avenue, from TA-Transitional Agriculture to R1 Suburban Density Residential and R2 Low Density Residential. Chuck Wegner, 4138 Arizona Avenue and Terry Brentzel, 4087 Nevada Avenue spoke with regards to drainage and parking concerns. No further public testimony was heard.

Public Hearing Concerning Annexation of Property South of Airport Road and East of Shady Bend Road being Platted as Frauen Subdivision. Chad Naby, Regional Planning Director reported that property located in the W ½ NW ¼ 1-11-9 located south of Airport Road and east of Shady Bend Road adjacent to the current City limit lines, was being considered for annexation. No public testimony was heard.

Public Hearing on Request of Thunderhead Brewing Co. dba Thunderhead Brewing, 120 East 3rd Street for a Class ‘L’ Liquor License. City Clerk RaNae Edwards reported that Thunderhead Brewing Co. dba Thunderhead Brewing, 120 East 3rd Street had applied for a Class ‘L’ liquor license. Submitted was an application with the City Clerk’s Office which allowed for a Brew Pub. Ms. Edwards presented the following exhibits for the record: application submitted to the Liquor Control Commission and received by the City Clerk on May 4, 2004; notice to the applicant of date, time and place of hearing mailed May 4, 2004; notice to the general public of date, time and place of hearing published on May 15, 2004; and Chapter 4 of the City Code. No public testimony was heard.

Public Hearing on Request of Richard & Patricia Hartman and Lyman-Richey Corporation for Two Conditional Use Permits for Sand and Gravel Operations Located at 3812 and 3630 South Blaine Street. Craig Lewis, Building Department Director reported that Richard and Patricia Hartman and Lyman-Richey Corporation had submitted a request for the operation of two sand and gravel operations located at 3812 and 3630 South Blaine Street. The request for the property at 3630 South Blaine was planned to begin mining in 2005 and continue until approximately 2015. The request for the southern property at 3812 South Blaine Street would begin operation in the year 2015 and continue until approximately 2037. The request for a conditional use permit at the 3812 South Blaine Street property was withdrawn.

The following individuals spoke with regards to the Conditional Use Permit:

Carl Roberts, 2610 Shady Lake Road, Columbus, NE

representing Lyman-Richey Corporation	supported
Charles Kaufman, 904 West Division Street	supported
John Amick, representing Richard & Patricia Hartman	supported
Jane Thorngren, 1716 Rainbow Road	opposed
Dr. Casey Iverson, 3604 South Blaine Street	opposed
Scott Fox, 1916 Rainbow Road	opposed
Dan Lynn, 2111 Bass Road	opposed
Richard Miner, 3527 Blaine Street	opposed
Lewis Kent, 624 East Meves	opposed
Scott Leisinger, 2119 Bass Road	opposed

No further public testimony was heard.

Public Hearing on Acquisition of Utility Easements Located at 524 South Webb Road. (Lacy Construction Company) Gary Mader, Utilities Director reported that acquisition of a utility easements located at 524 South Webb Road were required in order to have access to install, upgrade, maintain, and repair power appurtenances, including lines and transformers. These easements would be used to place pad-mounted switch gear and transformer to provide electricity to lots one (1), three (3), and four (4) of Lacy Subdivision. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement Located at 1204 South Locust Street. (James Scott Zana) Gary Mader, Utilities Director reported that acquisition of a utility easement located at 1204 South Locust 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 relocate the electrical feed to the transformer that supplies electricity to Arby's. No public testimony was heard.

Public Hearing on Acquisition of Real Estate Described as Block 77, Original Town, East of Sycamore Street and North of First Street. (Rudolph F. and Jeannie R. Plate, Donna M. Douthit, and Wilhelm R. Gulzow) City Attorney Doug Walker reported that the City had contacted Rudolph Plate, owner of the South Half of Block 77 in the Original Town of Grand Island, located north of First Street and east of Sycamore Street across the street east of City Hall, with regards to his interest in selling this real estate. The total price negotiated in 2000 for these properties was \$370,000. A revised appraisal would need to be conducted to reflect current valuation for the property. Buzz Douthit, 1502 South Locust Street spoke in support and requested time for Olsson Associates to relocate if the north property was bought. Lewis Kent, 624 East Meves spoke in opposition if this property was going to be used for a Fire Station or a parking lot. No further 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:

- #8903 – Consideration of Amending Chapter 17 of the Grand Island City Code Relative to Nuisance Violations
- #8905 – Consideration of Vacation of Utility Easement Located at 1204 South Locust Street (James Scott Zana)
- #8905 – Consideration of Creation of Street Improvement District No. 1252, Lillie Drive and Mabel Drive
- #8908 – Consideration of Assessments for Water Main District No. 444, Mary Lane Subdivision
- #8909 – Consideration of Assessments for Sidewalk District No. 1, 2003
- #8910 – Consideration of Imposing an Additional One-Half Percent Sales Tax
- #8911 – Consideration of Request to Rezone 67 Acres North of Capital Avenue and East of Independence Avenue from TA-Transitional Agriculture to R1-Suburban Density Residential and R2-Low Density Residential

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 Haase seconded the motion. Upon roll call vote, all voted aye. Motion adopted.

Mayor: Is there any one in the audience interested in these Ordinances? Questions concerning Ordinance #8910 with regards to Alan Sydow's petition were answered by City Attorney Doug Walker. Steve Riehle, Public Works Director explained the drainage problems which related to Ordinance #8911. Lewis Kent, 624 East Meves opposed Ordinance #8903. No further public comment was heard.

City Clerk: Ordinances #8903, #8905, #8906, #8908, #8909, #8910 and #8911 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 #8903, #8905, #8906, #8908, #8909, #8910 and #8911 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 #8903, #8905, #8906, #8908, #8909, #8910 and #8911 are declared to be lawfully passed and adopted upon publication as required by law.

Motion by Pielstick, second by Walker, to approve Ordinance #8912 on first reading only.

- #8912 – Consideration of Annexation of Property South of Airport Road and East of Shady Bend Road being Platted as Frauen Subdivision (First Reading)

Councilmember Gilbert questioned the availability of water and sewer in this area. Chad Nabity, Regional Planning Director stated that currently there was no water or sewer in this area.

Upon roll call vote, Councilmembers Whitesides, Pielstick, Nickerson, Cornelius, Pauly, Hornady, Walker, and Haase voted aye. Councilmembers Gilbert and Mayer voted no. Motion adopted.

CONSENT AGENDA: Items G-6, G-10, and G-20 were pulled from the consent agenda. Motion by Nickerson, second by Cornelius, to approve the Consent Agenda excluding items G-6, G-10, and G-20. Upon roll call vote, all voted aye. Motion adopted.

Receipt of Official Documents – Hall County Election Commissioner Certificates of Election

Approving Minutes of May 11, 2004 City Council Regular Meeting. Councilmembers Pauly abstained.

Approving Request of Thunderhead Brewing Co. dba Thunderhead Brewing, 120 East 3rd Street for a Class “L” Liquor License.

Approving Request of Trevor Schabin, 317 West 28th Street, Kearney, Nebraska for Liquor Manager Designation for Thunderhead Brewing, 120 East 3rd Street.

Approving Request of Rachel Anderson, 1502 Hope Street, Apt. #2, for Liquor Manager Designation for Garden Café/Tiffany’s Lounge, 3333 Ramada Road.

#2004-117 – Approving Final Plat and Subdivision Agreement for Woodland Park First Subdivision. It was noted that Hastings Ventures, L.L.C., owners had submitted a final Plat for Woodland Park First Subdivision, located on a tract of land consisting of part of the west half of the southeast quarter of Section 2-11-10 for the purpose of creating 20 lots.

#2004-118 – Approving Acquisition of Utility Easement Located at 524 South Webb Road. (Lacy Construction Company)

#2004-119 - Approving Certificate of Final Completion with Diamond Engineering Company and Setting Date of Board of Equalization Hearing for Street Improvement District No. 1248.

#2004-121 – Approving Bid Award for Water Main Districts 443 and 447T and Sanitary Sewer District 510 and 514 with Diamond Engineering Company of Grand Island, Nebraska in an Amount of \$441,916.60.

#2004-122 – Approving Preliminary Feasibility Study to Intercept VOC Groundwater Contamination in Southwest Grand Island with Olsson Associates of Grand Island, Nebraska in an Amount not to exceed \$7,500.00.

#2004-123 – Approving Petition to the Governor for the State of Nebraska Requesting Parkview Well for Superfund Site.

#2004-124 – Approving Subordination Agreement with Paul D. and Jeanne E. Allen for Home Rehabilitated with CDBG Funds

#2004-125 – Approving Acquisition of Utility Easement Located at 1204 South Locust Street. (James Scott Zana)

#2004-126 – Approving Award of Contract for Phase I Environmental Assessment Report – 1219 W. North Front Street – Thompson Building with MILCO Environmental Services of Kearney, Nebraska in an Amount of \$2,200.00.

#2004-127 – Approving Change Order #1 for Cooling Tower Fan Motor Control Equipment at Platte Generating Station with Crescent Electric of Grand Island, Nebraska for a Reduction of \$1,141.43 and an Revised Contract Amount of \$120,893.97.

#2004-128 – Approving Interlocal Agreement with Hall County Relative to Financial Assistance for the County’s Contribution to the Heartland Events Center.

#2004-129 – Approving Correction to Resolution #2004-86 Relative to Copier Lease in a Corrected Amount of \$1,363.95 Monthly.

Approving Request of Richard & Patricia Hartman and Lyman-Richey Corporation for Conditional Use Permit for Sand and Gravel Operation Located at 3630 South Blaine Street. Motion by Whitesides, second by Cornelius to deny the request of Richard & Patricia Hartman for a Conditional Use Permit at 3630 South Blaine Street. A lengthy discussion was held by the council concerning dust and sand to the surrounding areas, heights of the stock piles, crushed asphalt, set backs, safety concerns, and quality of life issues. Councilmember Nickerson spoke in support of the permit.

John Amick, Doniphan, Nebraska commented on the restrictions and encouraged the council to look to the future with regards to this property. Jane Thorngren, Scott Fox, Scott Leisinger, and Richard Miner all spoke in opposition.

Upon roll call vote, Councilmembers Whitesides, Pielstick, Gilbert, Cornelius, Pauly, Hornady, Walker, and Haase voted aye. Councilmembers Meyer and Nickerson voted no. Motion adopted.

#2004-120 – Approving Authorization and Condemnation of Real Estate Described as Lots One through Eight, Block 77, Original Town, East of Sycamore Street and North of First Street. Motion by Hornady, second by Cornelius to approve Resolution #2004-120. Discussion was held concerning the use of the property. City Administrator Gary Greer commented on this entire block being in the blighted district. Mr. Greer stated this location would fit in nicely with the government plan for downtown.

Upon roll call vote, all voted aye. Motion adopted.

#2004-130 – Approving Contract Award for Comprehensive Aquatic Study with C. T. Brannon Corporation of Tyler, Texas in and Amount not to exceed \$29,800.00. Motion by Hornady, second by Cornelius to approve Resolution #2004-130. Steve Paustian, Parks and Recreation

Director explained the background for this study and what would be included in the study. Cost of the study was also discussed.

Upon roll call vote, all voted aye. Motion adopted.

City Administrator Gary Greer commented on the following 1/2 cent sales tax projects and time lines:

- Property tax reduction being worked on with the budget preparation
- Committees to be formed for the Library Expansion, Law Enforcement Facility and Fire Department projects
- Fire Department site location – June 15, 2004 Study Session
- Law Enforcement Facility – Request for Proposals for Needs study to be sent out within the next few days
- Aquatics Study - approved tonight
- Real Estate east of City Hall - approved tonight

Councilmember Nickerson reminded everyone in Ward 4 of the upcoming neighborhood clean-up.

PAYMENT OF CLAIMS:

Motion by Cornelius, second by Hornady, carried unanimously to approve the Claims for the period of May 12, 2004 through May 25, 2004, for a total amount of \$2,848,807.48. Motion adopted.

ADJOURNMENT: The meeting was adjourned at 9:20 p.m.

Respectfully submitted,

RaNae Edwards
City Clerk