



# City of Grand Island

Tuesday, July 27, 2004

Council Session

## Item G2

### Approving Minutes of July 13, 2004 City Council Regular Meeting

*The Minutes of July 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

July 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 July 13, 2004. Notice of the meeting was given in the Grand Island Independent on July 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 Councilwoman Jackie Pielstick.

RESERVE TIME TO SPEAK ON AGENDA ITEMS: No individuals reserved time to speak on agenda items.

MAYOR COMMUNICATION: Mayor Vavricek commented and congratulated Scott User who qualified for the Olympics in the swimming competition. Also mentioned was Principal Financials 135<sup>th</sup> anniversary. Councilmember Jackie Pielstick and Marilyn Mueller presented a letter and pin to the Mayor and Councilmembers from President Bush in honor of serving in public office.

PRESENTATIONS AND PROCLAMATIONS:

BI-ANNUAL STATE OF THE CITY ADDRESS: Mayor Vavricek gave the State of the City Address. Mentioned were city plans and activities with challenges and opportunities for the community. Highlighted were increased diversity, new vision and new ideas, greater communication, openness, continued cooperation with other agencies, clean safe neighborhoods and increased government efficiencies. Mayor Vavricek listed numerous accomplishments and ongoing projects that were before the City Council which showed positive growth for our community.

UPDATE BY HUGH MINER CONCERNING THE HEARTLAND EVENTS CENTER CAMPAIGN: Hugh Miner announced that McCain Foods had donated \$100,000 for the Heartland Events Center. Ray Cooper and Dave Peterson representing McCain Foods presented the check to Mr. Miner. Mr. Miner updated the Mayor and council with regards to the campaign. Over 800 entities had donated with 300 volunteers. The process of choosing a design build team

was under way with contract negotiations. The budget for the Heartland Events Center was \$18,000,000. Currently they had raised over \$22,000,000.

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

#2004-BE-10 – Consideration of Determining Benefits for Street Improvement District No. 1243, Downtown Alley North of 3<sup>d</sup> Street from Elm Street to Cleburn Street. Public Works Director Steve Riehle stated that work had been completed on Street Improvement District No. 1243 and action was required by the Council to set the assessments for this district. Motion by Pielstick, second by Walker, to approve Resolution #2004-BE-10, carried unanimously.

#2004-BE-11 – Consideration of Determining Benefits for Street Improvement District No. 1245, James Road North of Husker Highway. Public Works Director Steve Riehle stated that work had been completed on Street Improvement District No. 1243 and action was required by the Council to set the assessments for this district. Motion by Pielstick, second by Walker, to approve Resolution #2004-BE-11, carried unanimously.

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

PUBLIC HEARINGS:

Public Hearing Concerning the City's Proposed Subdivision Regulations. Chad Nabity, Regional Planning Director reported that the Regional Planning Department had been working with JEO Consulting, Inc. of Wahoo, Nebraska to update the comprehensive development plans, zoning and subdivision regulations. The subdivision regulations had been modified with updated definitions and a requirement that final plats be tied to three approved known points, and required submission of final plats in electronic format. No public testimony was heard.

Public Hearing Concerning the City's Proposed Zoning Regulations and Revised Zoning Map. Chad Nabity, Regional Planning Director reported that the Regional Planning Department had been working with JEO Consulting, Inc. of Wahoo, Nebraska to update the comprehensive development plans, zoning and subdivision regulations. The updated regulations were not significantly different from subdivision regulations currently in place. No public testimony was heard.

Public Hearing on Request of Myriam Ramos dba Latin American Grocery Store, 602 West 4<sup>th</sup> Street for a Class "D" Liquor License. City Clerk RaNae Edwards reported that Myriam Ramos dba Latin American Grocery Store, 602 West 4<sup>th</sup> Street had submitted an application with the City Clerk's Office for a Class "D" Liquor License which allows for the sale of alcoholic beverages, 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 on June 14, 2004; notice to applicant of date, time, and place of hearing mailed on June 14, 2004; notice to the general public of date, time, and place of hearing

published on July 3, 2004; and Chapter 4 of the City Code. Myriam Ramos, 602 West 4<sup>th</sup> Street with interpreter Yolanda Nuzio spoke in support. No further public testimony was heard.

Public Hearing on Request of We Aim to Please, Inc. dba We Aim to Please You, 700 East Stolley Park Road for a Class "CK" Catering Liquor License. City Clerk RaNae Edwards reported that We Aim to Please, Inc. dba We Aim to Please You, 700 East Stolley Park Road had submitted an application with the City Clerk's Office for a Class "CK" Catering Liquor License which allows for the sale of alcoholic beverages on and 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 on June 15, 2004; notice to applicant of date, time, and place of hearing mailed on June 15, 2004; notice to the general public of date, time, and place of hearing published on July 3, 2004; and Chapter 4 of the City Code. No public testimony was heard.

Public Hearing on Request of AYR, Inc. dba El Toro Mexican Restaurant, 3425 West State Street for an Addition to Class "I-61118" Liquor License. City Clerk RaNae Edwards reported that AYR, Inc. dba El Toro Mexican Restaurant, 3425 West State Street had submitted an application with the City Clerk's Office for an addition to their Class "I-61118" Liquor License which allows for an 8' x 32' addition to the east side and an 8' x 36' addition to the north side of their business . Ms. Edwards presented the following exhibits for the record: application submitted to the Liquor Control Commission and received by the City on June 15, 2004; notice to applicant of date, time, and place of hearing mailed on June 15, 2004; notice to the general public of date, time, and place of hearing published on July 3, 2004; and Chapter 4 of the City Code. Alejandro Rodriguez on behalf of El Toro Mexican Restaurant spoke in support. No further public testimony was heard.

Public Hearing on Acquisition of Utility Easement Located East of Independence Avenue and North of Utah Avenue. (Calvary Assembly of God) Gary Mader, Utilities Director reported that acquisition of a utility easement located east of Independence Avenue and north of Utah 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 to locate underground high-voltage electrical cable and a pad-mounted transformer to serve a new church. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement Located North of Bismark Road, East of Stuhr Road. (Margaret and Kenneth Nienhueser) Gary Mader, Utilities Director reported that acquisition of a utility easement located north of Bismark Road and east of Stuhr Road 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 construct an overhead power line to serve this property. 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:

#8915 – Consideration of Creation of Street Improvement District No. 1254, Dale Roush Subdivision (Indian Acres)

#8919 – Consideration of Assessments for Street Improvement District No. 1243, Downtown Alley North of 3<sup>rd</sup> Street from Elm Street to Cleburn Street

#8920 – Consideration of Assessments for Street Improvement District No. 1245, James Road Located North of Husker Highway

#8921 – Consideration of Amending Chapter 33 of the Grand Island City Code Relative to Subdivision Regulations

#8922 – Consideration of Amending Chapter 36 of the Grand Island City Code Relative to Zoning Regulations and Revised Zoning Map

#8923 – Consideration of Refinancing Revenue Bonds

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 this Ordinance? Discussion was held concerning Ordinance #8922 with regards to transitional ag land. No further public comment was heard.

City Clerk: Ordinance #8915, #8919, #8920, #8921, #8922, and #8923 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: Ordinance #8915, #8919, #8920, #8921, #8922, and #8923 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 #8915, #8919, #8920, #8921, #8922, and #8923 are declared to be lawfully passed and adopted upon publication as required by law.

CONSENT AGENDA: Items G-3, G-13, G-14, G-15, and G-21 were pulled from the consent agenda. Motion by Walker, second by Hornady, to approve the Consent Agenda excluding items G-3, G-13, G-14, G-15, and G-21. Upon roll call vote, all voted aye. Motion adopted.

Receipt of Official Document – Community Redevelopment Authority Resolution No. 54.

Approving Minutes of June 22, 2004 City Council Regular Meeting.

Approving Request of We Aim to Please, Inc. dba We Aim to Please You, 700 East Stolley Park Road for a Class “CK” Catering Liquor License.

Approving Request of Ronald Bodie, 204 North Grace, for Liquor Manager Designation for We Aim to Please You, 700 East Stolley Park Road.

Approving Request of AYR, Inc. dba El Toro Mexican Restaurant, 3425 West State Street for Addition to Class "I-61118" Liquor License.

#2004-154 – Approving the Adoption of the Comprehensive Development Plan.

#2004-155 – Approving Final Plat and Subdivision Agreement for 5-T Subdivision. It was noted that Donald and Marie Stoltenberg, owners, had submitted the final plat for 5-T Subdivision, located on a parcel of land in the NE 1/4 of Section 35-12-10 for the purpose of creating 1 lot.

#2004-156 – Approving Final Plat and Subdivision Agreement for Bockmann South Subdivision. It was noted that Dale and Marilyn Bockmann, owners, had submitted the final plat for Bockmann South Subdivision, located on a parcel of land in the E 1/2, SE 1/4 of Section 14-10-10 for the purpose of creating 1 lot.

#2004-157 – Approving Acquisition of Utility Easement Located East of Independence Avenue and North of Utah Avenue. (Calvary Assembly of God)

#2004-158 – Approving Acquisition of Utility Easement Located North of Bismark Road and East of Stuhr Road. (Margaret and Kenneth Nienhueser)

#2004-159 – Approving Bid Award for Turbine Steam Seal Packing with GE Energy Pars of Cincinnati, Ohio in an Amount of \$67,402.08.

#2004-163 – Approving Bid Award for the U.S. Highway 281 Traffic Signal Project, 2004-TS-1 with Ensley Electric of Grand Island, Nebraska in an Amount of \$41,993.30.

#2004-164 – Approving Bid Award for Sanitary Sewer District No. 513, Gosda Subdivision Along Lillie Drive West of North Road with The Diamond Engineering Company of Grand Island, Nebraska in an Amount of \$23,394.50.

#2004-165 – Approving Engineering Consulting Services for Water Balance and Nutrient Source Study with CH2M Hill of Englewood, Colorado in an Amount no to exceed \$15,272.00.

#2004-166 – Approving Bid Award for Grand Generation Addition and Renovation with Starostka Group, Inc. of Grand Island, Nebraska in an Amount of \$615,985.00.

#2004-167 – Approving Bid Award for Housing Rehabilitation Services with Community Development Services, LLC of Plainview, Nebraska in an Amount not to exceed \$17,500.00.

#2004-169 – Approving Bid Award for Shoemaker Park Playground Equipment with Churhich Recreational Design, Inc. of Omaha, Nebraska in an Amount of \$42,175.00.

Approving Request of Myriam Ramos dba Latin American Grocery Store, 602 West 4<sup>th</sup> Street for a Class "D" Liquor License. Discussion was held with regards to the recommendation of the Building Department to deny this request due to work needing to be completed. City Clerk

RaNae Edwards explained the process of issuing liquor licenses from the Liquor Control Commission.

Motion was made by Pielstick, second by Hornady to forward this request with no recommendation. Upon roll call vote, Councilmembers Meyer, Whitesides, Pielstick, Gilbert, Nickerson, Cornelius, Pauly, Hornady, and Haase voted aye. Councilmember Walker voted no. Motion adopted.

#2004-160 – Approving Deferral of Assessments for Agricultural Property, Located within the Boundaries of Street Improvement District No. 1252, Lillie Drive (Steve and Connie Asche)

#2004-161 – Approving Deferral of Assessments for Agricultural Property, Located within the Boundaries of Street Improvement District No. 1252, Lillie Drive (Barry Niedfelt)

#2004-162 – Approving Continuation of Street Improvement District No. 1252, Lillie Drive from North Road to Mabel Drive and Mabel Drive North to Edna Drive.

Discussion was held with regards to Resolutions #2004-160, #2004-161, and #2004-162. Councilmember Pielstick asked if the Ag Deferrals were not granted by Council, would Street Improvement District No. 1252 still pass. Public Works Director Steve Riehle stated that it would pass even if these ag deferrals were not approved.

Motion was made by Pielstick, second by Hornady to approve Resolutions #2004-160, #2004-161, and #2004-162. Upon roll call, all voted aye. Motion adopted.

#2004-168 – Approving Contract for Police/Sheriff Headquarters Facility Needs Study with Wilson Estes Police Architects of Mission, Kansas in an Amount of \$41,840.00 Plus Reimbursable Expenses. Police Chief Kyle Hetrick explained the decision to contract with Wilson Estes Police Architects. Mentioned was their expertise in dealing with law enforcement studies. Councilmember Pielstick questioned if the County would pay any of this cost. City Administrator Gary Greer stated that the facility would be owned by the City, but the City and County would cost share the up keep on the building.

Motion was made by Whitesides, second by Hornady to approve Resolution #2004-168. Upon roll call vote, all voted aye. Motion adopted.

#### REQUESTS AND REFERRALS:

Request of Park and Recreation Department to Spend Approved Trail Funding: Steve Paustian, Parks and Recreation Director reported that the 2003-2004 Budget allowed for the expenditure of \$500,000 with the understanding that the amount would be reimbursed through grant funds. The grant funds were not received. Mr. Paustian was requesting to move forward with trail development and use \$100,000 allocated in this year's budget to start the trail extension toward Hall County Park from its current location at Central Community College.

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

RESOLUTIONS:

#2004-170 – Approving Economic Development Incentive Agreement with Standard Iron. City Attorney Doug Walker reported that the Economic Development Corporation had taken the application of Standard Iron and Wireworks, Inc. for a \$200,000 forgivable loan as an incentive to assist with the location of a Standard Iron Plant in the City of Grand Island. An incentive agreement was prepared by the Economic Development Corporation which set forth the terms under which Standard Iron would receive the loan which would not have to be repaid if Standard Iron met all of the employment targets during the five year period of the agreement. Council approval was recommended.

Marlan Ferguson, President of Economic Development explained the agreement. Rich Demeules, CEO for Standard Iron introduced himself and his business.

Motion by Pielstick, second by Pauly to approve Resolution #2004-170. Upon roll call vote, all voted aye. Motion adopted.

#2004-171 – Approving Authorization for the City to Purchase Property from Rudy Plate Located East of Sycamore Street and North of First Street. City Attorney Doug Walker reported that on May 25, 2004 a public hearing was conducted to pursue the purchase of real estate owned by Rudy Plate located in the south half of Block 77, Original Town of Grand Island. The city was interested in purchasing this real estate for use either as additional parking for City Hall or possibly as a future municipal building. A negotiated purchase agreement of \$370,000 was recommended for Council approval.

Councilmember Pielstick questioned who would pay the closing costs. Mr. Walker stated that the City would do the work so we would pay for those costs. The closing date would take place the first of next year so people would have time to relocate.

Motion by Whitesides, second by Hornady to approve Resolution #2004-171. Upon roll call vote, all voted aye. Motion adopted.

#2004-172 – Approving Memorandum of Understanding and Lease Agreement with Walnut Redevelopment and Walnut Housing LLC. City Attorney Doug Walker reported that the City had been involved in negotiating a Memorandum of Understanding and a Lease Agreement wherein the City would lease approximately 1,000 square feet of space in the former Walnut Junior High School building that was being redeveloped by Walnut Redevelopment and Walnut Housing LLC. Leasing this space would enable the developer to obtain the necessary tax credits to complete the development of the project. Council approval was recommended.

Motion by Hornady, second by Cornelius to approve Resolution #2004-172. Upon roll call vote, all voted aye. Motion adopted.



#2004-173 – Approving Call Redemption for General Obligation Various Purpose Bonds, Series 1999. Finance Director David Springer reported that on November 22, 1999 the City issued \$3,025,000 in Various Purpose bonds for construction of the Wood River Control Project and the South Locust Street Improvements – Highway 34 to 1/2 mile south. The average interest rate was 5.3425% of which there was \$2,415,000 outstanding. It was recommended that the City refinance \$2,125,000 at an average interest rate of 3.6075 for a savings of \$186,315. Council approval was recommended.

Bruce Lefler representing Ameritas was present.

Motion by Hornady, second by Pauly to approve Resolution #2004-173. 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 June 23, 2004 through July 13, 2004, for a total amount of \$3,070,939.83. Motion adopted.

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

Respectfully submitted,

RaNae Edwards  
City Clerk