



City of Grand Island

Tuesday, February 22, 2005

Council Session

Item G1

Approving Minutes of February 8, 2005 City Council Regular Meeting

The Minutes of February 8, 2005 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

February 8, 2005

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 February 8, 2005. Notice of the meeting was given in the *Grand Island Independent* on February 2, 2005.

Mayor Jay Vavricek called the meeting to order at 7:00 p.m. The following members were present: Councilmember's Meyer, Whitesides, Gilbert, Nickerson, Cornelius, Pauly, Hornady, Walker, and Haase. Councilmember Pielstick was 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.

INVOCATION was given by Pastor Terry Brown, Calvary Assembly of God, 1424 North Eddy Street followed by the PLEDGE OF ALLEGIANCE.

MAYOR COMMUNICATION: Mayor Vavricek introduced Gloria Wolbach representing the AOK Lady's and explained the "Acts of Kindness" week. Mayor Vavricek mentioned the on-going process of the Fire Station and Fire Training Site. Also mentioned was the upcoming Council retreat which was set for March 5, 2005.

PRESENTATIONS AND PROCLAMATIONS:

Recognition of Troy Hughes, Fire Training Division Chief for 20 Years of Service with the Grand Island Fire Department. The Mayor and Council recognized Fire Training Division Chief Troy Hughes for 20 years of service with the City of Grand Island. Troy Hughes was present for the recognition.

Recognition of Fred Hotz, Fire Prevention Division Chief for 20 Years of Service with the Grand Island Fire Department. The Mayor and Council recognized Fire Prevention Division Chief Fred Hotz for 20 years of service with the City of Grand Island. Fred Hotz was present for the recognition.

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

#2005-BE-3 – Consideration of Determining Benefits for Street Improvement District No. 1253; Island Circle West of Webb Road in Lacy Subdivision. Steve Riehle, Public Works Director reported that Street Improvement District No. 1253 was completed on November 4, 2004 and this action was for determining the benefits for this district. Motion by Nickerson, second by Cornelius, to approve Resolution #2005-BE-3, carried unanimously.

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

PUBLIC HEARINGS:

Public Hearing on Request of Amy Anderson, Personal Representative of the Estate of Thomas Anderson for Conditional Use Permit for Sand and Gravel Operation Located at 2819 South Locust Street. Craig Lewis, Building Department Director reported that an application was received from Amy Anderson, Personal Representative of the Estate of Thomas Anderson to allow for the continued operation of a sand and gravel facility located at 2819 South Locust Street, not to exceed 3 years. Mr. Lewis stated the original request was approved by City Council in 1972 and had received subsequent approvals for the past 33 years. Mentioned were restrictions or conditions which appeared appropriate if approved by Council. Garry Williams, 610 Midaro Drive and Don Razez, 520 Midaro Drive spoke concerning the subdivision agreement which provided for a road to be put in by the subdivider. Their request was that Council approve the conditional use permit contingent upon the Anderson's signing a contract for the road work. No further public testimony was heard.

Public Hearing on One & Six Year Street Improvement Program. Steve Riehle, Public Works Director reported that adoption of a One and Six Year Street Improvement Program was required by State law as part of the requirements to receive approximately three million dollars of state gas tax funds each year. This item was reviewed by Council at their January 25, 2005 Regular Meeting and referred to the Regional Planning Commission. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement Located at 3429 West 13th Street. (RT Omaha Franchise, LLC) Gary Mader, Utilities Director reported that acquisition of a utility easement located at 3429 West 13th Street was required in order to have access to install, upgrade, maintain, and repair power appurtenances. This easement would be used to place primary underground electrical cable and a pad-mounted transformer to serve the new Ruby Tuesday Restaurant. No public testimony was heard.

ORDINANCES:

Councilmember Whitesides moved "that the statutory rules requiring ordinances to be read by title on three different days be suspended and that ordinance numbered:

#8952 - Consideration of Assessments for Street Improvement District No. 1253; Island Circle West of Webb Road in Lacy Subdivision

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, voted aye. Motion adopted.

Motion by Hornady, second by Cornelius to approve Ordinance #8952.

City Clerk: Ordinance #8952 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 #8952 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 #8952 is declared to be lawfully adopted upon publication as required by law.

CONSENT AGENDA: Items G-5 and G-11 were removed from the Consent Agenda for further discussion. Motion by Hornady, second by Gilbert to approve the Consent Agenda excluding Items G-5 and G-11. Upon roll call vote, all voted aye. Motion adopted.

Approving Minutes of January 25, 2005 City Council Regular Meeting.

Approving Minutes of February 1, 2005 City Council Study Session.

Approving Appointment of Councilmember Bob Meyer to the Humane Society Board.

Approving Request of Alice Frazier, 2323 West George Street for Liquor Manager Designation for Pump & Pantry #3, 2511 Diers Avenue.

#2005-34 – Approving One & Six Year Street Improvement Program.

#2005-35 – Approving Bid Award for One Commercial Front Mount Mower for the Wastewater Division of the Public Works Department with Green Line Equipment of Grand Island, Nebraska in an Amount of \$6,956.00.

#2005-36 – Approving Bid Award for One 20 Ton Pull Type Trailer Mounted Spreader for the Wastewater Division of the Public Works Department with West Point Design, Inc. of West Point, Nebraska in an Amount of \$31,124.00.

#2005-37 – Approving Acquisition of Utility Easement Located at 3429 West 13th Street. (RT Omaha Franchise, LLC)

#2005-38 – Approving Request for Proposal for Engineering Services for Transmission Line Work with Advantage Engineering, Inc. of Chesterfield, Missouri in an Amount not to exceed \$52,000.00.

#2005-40 – Approving Final Plat and Subdivision Agreement for Backer Subdivision. It was noted that Grand Island Habitat for Humanity, owners had submitted the final plat for Backer Subdivision, located on land comprising of the W1/2 SE1/4 of Section 10-11-9 for the purpose of creating 4 lots.

#2005-41 – Approving Final Plat and Subdivision Agreement for RDR Subdivision. It was noted that Donald and Connie Robertson, owners had submitted the final plat for RDR Subdivision, located on land comprising Lot 3, Block 134 Union Pacific Railway Co Second Addition for the purpose of creating 2 lots.

#2005-42 – Approving Police and Firefighter Pension Plan Documents and Appointment of Wells Fargo Bank, N.A. as Trustee.

#2005-43 – Approving Amendment to the Agreement with the Nebraska Department of Roads for Widening US Highway 30 from Grant Street to Greenwich Street.

Approving Request of Amy Anderson, Personal Representative of the Estate of Thomas Anderson for Conditional Use Permit for Sand and Gravel Operation Located at 2819 South Locust Street. Craig Lewis, Building Department Director explained the background of the conditional use permit which allowed Lyman-Richey Corp. to pump sand and gravel and the subdivision agreement which provided for the Anderson's to build a road. Doug Walker, City Attorney commented on the legal issues surrounding these two issues, stating they were two separate issues. A lengthy discussion was held concerning the subdivision agreement and the Anderson's responsibility and the application for the conditional use permit to allow Lyman-Richey Corp. to continue to pump sand and gravel. Mentioned were safety issues of not having a road built in this subdivision.

Steve Riehle, Public Works Director commented on contact he had with the Anderson's stating a design work and a contract for the road had been completed, but the Anderson's had not signed.

Garry Williams, 610 Midaro Drive commented that he did not want to stop Lyman-Richey Corp. from pumping but wanted leverage to get the contract signed by the Anderson's for the road work.

Motion was made by Whitesides, second by Haase to approve the Conditional Use Permit as requested by Amy Anderson, PR contingent upon the contract being signed to build the road as stated in the subdivision agreement. Upon roll call vote Councilmember's Whitesides, Gilbert, Cornelius, Pauly, and Haase voted yes. Councilmembers Meyer, Nickerson, Hornady, and Walker voted no. The Mayor stated he could not approve the motion with the stipulation of the subdivision agreement. Motion failed.

Motion by Nickerson, second by Meyer to approve the request of Amy Anderson for a Conditional Use Permit. Upon roll call vote, Councilmember's Meyer, Gilbert, Nickerson, Pauly, Hornady, and Walker voted yes. Councilmember's Whitesides, Cornelius, and Haase voted no. Motion adopted.

#2005-39 – Approving Bid Award for Cardiac Monitors for the Grand Island Fire Department with Medtronic Physio-Control of Redmond, Washington in an Amount of \$62,330.00. Terry Leslie, EMS Division Chief explained the purpose of the six cardiac monitors and how they would be used. Motion by Gilbert, second by Meyer to approve Resolution #2005-39. Motion was adopted unanimously.

PAYMENT OF CLAIMS:

Motion by Cornelius, second by Hornady to approve the Claims for the period of January 26, 2005 through February 8, 2005, for a total amount of \$2,577,193.87. Motion adopted unanimously.

ADJOURN TO EXECUTIVE SESSION: Motion by Hornady, second by Cornelius, to adjourn to Executive Session at 8:30 p.m. for the purpose of discussing Acquisition of Real Estate and Personnel Issues. Motion adopted unanimously.

RETURN TO REGULAR SESSION: Motion by Cornelius, second by Pauly to return to Regular Session at 9:35 p.m. Motion adopted unanimously.

ADJOURNMENT: The meeting was adjourned at 9:35 p.m.

RaNae Edwards
City Clerk