



# City of Grand Island

Tuesday, March 08, 2005

Council Session

## Item G1

### **Approving Minutes of February 22, 2005 City Council Regular Meeting**

*The Minutes of February 22, 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 22, 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 22, 2005. Notice of the meeting was given in the *Grand Island Independent* on February 16, 2005.

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

INVOCATION was given by Pastor David Vaughn, New Life Community Church, 301 West 2<sup>nd</sup> Street followed by the PLEDGE OF ALLEGIANCE.

MAYOR COMMUNICATION: Mayor Vavricek recognized Jeanna Gruener, Sara Hast, Kayla Brixius, Kristen Ruzicka, Candi Glover, and Amy Glover of the Grand Island Islander Bowling Team for their Class "A" State High School Bowling Championship. Also recognized was Bowling Coach Jason Price.

PRESENTATIONS AND PROCLAMATIONS:

Proclamation "Daffodil Days" March 7-13, 2005. The Mayor proclaimed the week of March 7-13, 2005 as "Daffodil Days". Gloria Maisch, Bonnie Fisher, and Donna Whitaker were present to receive the proclamation.

PUBLIC HEARINGS:

Public Hearing Concerning Annexation of Land Proposed for Platting as Preisendorf Subdivision Located North of Oklahoma Avenue and East of Washington Street. Chad Nability, Regional Planning Director reported that Preisendorf Plumbing & Heating, Inc. owner had submitted an application to annex property located in the NW 1/4 NE 1/4 of Section 21-11-9 which was adjacent to the City limit lines. Also proposed was platting of Preisendorf Subdivision which would subdivide the property into two lots. Matt Preisendorf, 2515 Jan Street spoke in support. No further public testimony was heard.

Public Hearing on Acquisition of Utility Easement Located at 3003 Gunbarrel Road. (Bethany M. Oliver) Gary Mader, Utilities Director reported that acquisition of a utility easement located at 3003 Gunbarrel Road was required in order to have access to install, upgrade, maintain, and repair power appurtenances. This easement would be used to locate high voltage underground

electrical cable and a pad mounted transformer to serve a new home. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement Located at 2103 West Anna Street. (First Presbyterian Church) Gary Mader, Utilities Director reported that acquisition of a utility easement located at 2103 West Anna Street was required in order to have access to install, upgrade, maintain, and repair power appurtenances. This easement would be used to place overhead electric lines underground and add a pad mounted transformer to facilitate increased load at the Church. No public testimony was heard.

Public Hearing on Acquisitions of Right-of-Way Along Claude Road North of Old US Highway 30. (Armando & Elizabeth Cortes, Charles & Susie Engel, Adam & Christine Landenberger, Thomas & Chastity Joyner, Jr., Justin Canning, Kent Bruha, Kim, Leland & Joshua Smidt, and Kevin & Karen Houtwed) Steve Riehle, Public Works Director reported that acquisition of several right-of-ways were needed in order to widen Claude Road and install concrete paving with curb and gutter. No public testimony was heard.

Public Hearing on Request of RT Omaha Franchise, LLC dba Ruby Tuesday, 3429 West 13<sup>th</sup> Street for a Class "I" Liquor License. City Clerk RaNae Edwards reported that RT Omaha Franchise, LLC dba Ruby Tuesday, 3429 West 13<sup>th</sup> Street had submitted an application with the City' Clerk's Office for a Class "I" Liquor License which allows for the sale of alcoholic beverages 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 on February 7, 2005; notice to the applicant of date, time, and place of hearing mailed on February 8, 2005; notice to the general public of date, time, and place of hearing published on February 12, 2005; and Chapter 4 of the City Code. Doug Daize, Lincoln, Nebraska representing Ruby Tuesday spoke in support. No further public testimony was heard.

#### ORDINANCES:

Councilmember Hornady moved to approve Ordinance #8953 on First Reading. Second by Walker. Upon roll call vote, all voted aye. Motion adopted.

#8953 – Consideration of Annexation of Land Proposed for Platting as Preisendorf Subdivision Located North of Oklahoma Avenue and East of Washington Street (First Reading)

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

#8954 - Consideration of Amendments to Chapter 2 of the City Code Relative to Community Projects and CRA

#8955 – Consideration of Amendments to Chapter 8 of the City Code Relative to International Building Codes

#8956 – Consideration of Amendments to Chapter 13 of the City Code Relative to Downtown Residential Parking

#8957 – Consideration of Amendments to Chapter 16 of the City Code Relative to International Fire Codes

#8958 – Consideration of Amendments to Chapter 20 of the City Code Relative to Noise

#8959 – Consideration of Amendments to Chapter 22 of the City Code Relative to 24 Hour Parking

#8960 – Consideration of Amendments to Chapter 17, 25, and 29 of the City Code Relative to Department of Health References

#8961 – Consideration of Amendments to Chapter 27 of the City Code Relative to Procurement

#8962 – Consideration of Amendments of Chapter 34 of the City Code Relative to Taxi Cab and Taxi Driver Permits

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.

A brief discussion was held concerning Ordinance #8958 with regards to the enforcement procedures of the noise ordinance. City Administrator Gary Greer stated the Police Department would try to make contact before towing occurred.

Motion by Cornelius, second by Gilbert to approve Ordinances #8954, #8955, #8956, #8957, #8958, #8959, #8960, #8961, and #8962.

City Clerk: Ordinances #8954, #8955, #8956, #8957, #8958, #8959, #8960, #8961, and #8962 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 #8954, #8955, #8956, #8957, #8958, #8959, #8960, #8961, and #8962 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 #8954, #8955, #8956, #8957, #8958, #8959, #8960, #8961, and #8962 are declared to be lawfully adopted upon publication as required by law.

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

Approving Minutes of February 8, 2005 City Council Regular Meeting.

Approving Minutes of February 15, 2005 City Council Study Session.

Approving Appointment of Craig Hand to Business Improvement District #5 Board. Councilmember Pielstick voted no.

Approving Request of RT Omaha Franchise, LLC dba Ruby Tuesday, 3429 West 13<sup>th</sup> Street for a Class "T" Liquor License.

Approving Request of Debra Bomberger, 9909 S.W. 126<sup>th</sup> Street, Denton, Nebraska for Liquor Manager Designation for Ruby Tuesday, 3429 West 13<sup>th</sup> Street.

#2005-44 – Approving Acquisition of Utility Easement Located at 3003 Gunbarrel Road. (Bethany M. Oliver)

#2005-45 – Approving Acquisition of Utility Easement Located at 2103 West Anna Street. (First Presbyterian Church)

#2005-46 – Approving Acquisitions of Right-of-Way Along Claude Road North of Old US Highway 30. (Armando & Elizabeth Cortes, Charles & Susie Engel, Adam & Christine Landenberger, Thomas & Chastity Joyner, Jr., Justin Canning, Kent Bruha, Kim, Leland & Joshua Smidt, and Kevin & Karen Houtwed)

#2005-47 – Approving Bid Award for Sanitary Sewer District No. 515, Dale Roush Subdivision (Indian Acres) with The Diamond Engineering Company of Grand Island, Nebraska for an Amount of \$512,633.30.

#2005-48 – Approving Time Extension of 58 Working Days to the Contract with The Diamond Engineering Company for Construction of Sanitary Sewer Districts No. 510 and 514.

#2005-49 – Approving Annual Renewal of Maintenance Agreement No. 12 with the Nebraska Department of Roads.

#2005-50 – Approving Bid Award for Furnishing Asphalt Hot-Mix for 2005 with Gary Smith Construction Co. of Grand Island, Nebraska in an Amount of \$17.89 per ton for Type "B" Asphalt Hot-Mix and \$20.57 per ton for Type "C" Asphalt Hot-Mix.

#2005-51 – Approving Bid Award for Concrete Pavement and Storm Sewer Repair Work for 2005 with The Diamond Engineering Company of Grand Island, Nebraska in an Amount of \$409,321.50.

#2005-52 – Approving Bid Award for Furnishing Concrete Read-Mix for 2005 with Gerhold Concrete Co. of Grand Island, Nebraska in an Amount of \$52.00 per Cubic Yard.

#2005-53 – Approving Annual Certificate of Compliance with the Nebraska Department of Roads Maintenance Agreement No. 12 for the Calendar Year 2004.

#2005-54 – Approving Housing Development Corporation Regional Housing Program Participation Agreement.

#2005-55 – Approving Change Order #4 for the Grand Generation Center Renovation and Expansion Project with Starostka Group, Inc. of Grand Island, Nebraska for an Increase of \$4,940.00 and a Total Adjusted Contract Amount of \$606,457.25.

#2005-56 – Approving Bid Award for Technical Rescue Equipment for the Fire Department with Municipal Emergency Services of Snyder, Nebraska in an Amount of \$12,105.00; Tech ResQ of Mannford, Oklahoma in an Amount of \$16,293.02; and Innovative Access, Inc. of Evergreen, Colorado in an Amount of \$4,487.01.

#2005-57 – Approving Agreement with the Nebraska Children and Families Foundation Grant.  
PAYMENT OF CLAIMS:

Motion by Cornelius, second by Hornady to approve the Claims for the period of February 9, 2005 through February 22, 2005, for a total amount of \$2,524,145.53. Motion adopted unanimously. Councilmember Pielstick abstained from voting on Claim #92436.

ADJOURN TO EXECUTIVE SESSION: Motion by Hornady, second by Pauly, to adjourn to Executive Session at 7:30 p.m. for the purpose of discussing Personnel Issues. Motion adopted unanimously.

RETURN TO REGULAR SESSION: Motion by Pielsitck, second by Cornelius to return to Regular Session at 8:12 p.m. Motion adopted unanimously.

ADJOURNMENT: The meeting was adjourned at 8:12 p.m.

RaNae Edwards  
City Clerk