



# City of Grand Island

Tuesday, April 26, 2005

Council Session

## Item G1

### **Approving Minutes of April 12, 2005 City Council Regular Meeting**

*The Minutes of April 12, 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

April 12, 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 April 12, 2005. Notice of the meeting was given in the *Grand Island Independent* on April 6, 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 Rene Lopez, Iglesia de Dios, 2525 West State Street followed by the PLEDGE OF ALLEGIANCE.

MAYOR COMMUNICATION: Mayor Vavricek commented on the following:

1. Grand Island hosting the GREAT Race on July 2, 2005
2. Congratulated Chad Nabity, Regional Planning Director for receiving the Mitsuo Kawamoto Award
3. Wall of Remembrance displayed at City Hall through the month of April, 2005. This wall honors those service men and women who have died in Iraq serving our country.

#### PRESENTATIONS AND PROCLAMATIONS:

Recognition of Dick Strehle, Meter Reader Supervisor for the Finance Department for 40 Years of Service with the City. Mayor Vavricek and the City Council recognized Dick Strehle, Meter Reader Supervisor with the Finance Department for 40 years of service with the City. Finance Director David Springer commented on Mr. Strehle's service. Mr. Strehle was present for the recognition.

Proclamation "Red Hat Society Day" April 25, 2005. Mayor Vavricek proclaimed April 25, 2005 as "Red Hat Society Day". Patricia Cook and members of the Chrysalis Red Hat Society were present in full regalia to receive the proclamation.

Proclamation "National Autism Awareness Month" April, 2005. Mayor Vavricek proclaimed the month of April, 2005 as "National Autism Awareness Month". Russell Wing was present to receive the proclamation.

Proclamation “National Library Week” April 10-16, 2005. Mayor Vavricek proclaimed the week of April 10-16, 2005 as “National Library Week”. Library Director Steve Fosselman was present to receive the proclamation.

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

#2005-BE-4 – Consideration of Determining Benefits for Street Improvement District 1221, South Locust Street from US Highway 34 to Stolley Park Road. Steve Riehle, Public Works Director reported that the Certificate of Final Completion for Street Improvement District 1221 was approved on March 8, 2005 with an April 12, 2005 date set for determining the benefits for this district. Only a portion of the project was to be assessed for sidewalks that did not exist prior to construction.

Motion by Pielstick, second by Gilbert, to approve Resolution #2005-BE-4, carried unanimously. Motion adopted.

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

PUBLIC HEARINGS:

Public Hearing on Request of Edward & Anita Sabatka dba Uncle Ed’s Steakhouse, 2624 South Locust Street for a Class “T” Liquor License. City Clerk RaNae Edwards reported that Edward & Anita Sabatka dba Uncle Ed’s Steakhouse, 2624 South Locust Street had submitted an application with the City Clerk’s Office for a Class “T” 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 March 22, 2005; notice to the applicant of date, time, and place of hearing mailed on March 22, 2005; notice to the general public of date, time, and place of hearing published on April 2, 2005; and Chapter 4 of the City Code. No public testimony was heard.

Public Hearing on Request of Svoboda & Henk, Inc. dba Godfather’s Pizza, 1201 South Locust Street for a Change of Location for Class “A-12626” Liquor License. City Clerk RaNae Edwards reported that Svoboda & Henk, Inc. dba Godfather’s Pizza, 1201 South Locust Street had submitted an application with the City Clerk’s Office for a change in location to their Class “A-12626” Liquor License to 1916 South Locust Street. Ms. Edwards presented the following exhibits for the record: application submitted to the Liquor Control Commission and received by the City on March 28, 2005; notice to the applicant of date, time, and place of hearing mailed on March 28, 2005; notice to the general public of date, time, and place of hearing published on April 2, 2005; and Chapter 4 of the City Code. No public testimony was heard.

Public Hearing on Request of Dale Hartwig for Conditional Use Permit for Temporary Crushed Concrete Parking/Staging Area to be used during St. Francis Medical Center Bed Tower Addition Located at 905 North Custer Street. Craig Lewis, Building Department Director

reported that an application was received from Dale Hartwig on behalf of St. Francis Medical Center to allow for a temporary parking lot located at 904 North Custer Street for use as a construction staging area. Mr. Lewis recommended approval with the following two conditions being placed upon this request: 1) a landscape buffer of 5' along the north and south boundaries, and 10' adjacent to the east and west boundaries of the property need to be provided to comply with the landscape requirements of the City Code and to help buffer neighboring properties from the proposed parking lot. 2) the responsibility of controlling any dust created from the lot needs to be addressed by the applicants during any dry months throughout the duration of the use. No public testimony was heard.

Public Hearing on Request of Richard Hartman for Conditional Use Permit for Sand and Gravel Operation Located at 3812 South Blaine Street. Craig Lewis, Building Department Director reported that an application was received from Richard Hartman to allow for a sand and gravel facility located at 3812 South Blaine Street to be operated by Lyman-Richey Corporation dba Central Sand and Gravel. Mr. Lewis suggested several conditions being placed upon this request if approved by Council:

The following people spoke in opposition:

- Dr. Casey Iverson, 3604 South Blaine Street
- Kathy Miller, 4015 Scheel Road
- Vi Sheeks, 3623 South Blaine Street
- Dick Miner, 3527 South Blaine Street
- Scott Leisiner, 2119 Bass Road
- Dan Lind, 2111 Bas Road

The following people spoke in support:

- Bill Francis, Attorney representing Richard Hartman
- Carl Roberts employed by Lyman-Richey

No further public testimony was heard.

Public Hearing for a Community Revitalization Assessment Grant Application. Joni Kuzma, Community Development Specialist reported that the Nebraska Department of Economic Development (NDED) was accepting grant applications for community revitalization through a Community Development Block Grant (CDBG). The application would be for a Comprehensive Needs Assessment and a Revitalization Study for the City of Grand Island. No public testimony was heard.

Public Hearing on Acquisition of Right-of-Way at 431 Cherokee Avenue (James and Pauline Thornton). Steve Riehle, Public Works Director reported that acquisition of a right-of-way located along 431 Cherokee Avenue was needed in order to construct a Sanitary Sewer District in this area. No public testimony was heard.

Public Hearing on Purchase of Thornton Property located at 1 Navajo Drive. (Chester and Juliann Thornton). Steve Riehle, Public Works Director reported that acquisition of property located at 1 Navajo Drive was needed as part of a Sanitary Sewer District that would be

constructed in this area. Also a portion of this property would be needed for future construction and development of through streets connecting to northwest Grand Island. A purchase price of \$75,000.00 had been agreed upon. Julie Thornton, 1 Navajo Drive commented on the price received compared to what was needed to buy another home to relocate. No further public testimony was heard.

Public Hearing on Application for Edward Byrne Memorial Justice Assistance Grant (JAG) 2005. Police Chief Kyle Hetrick reported that the Grand Island Police Department and the Hall County Sheriff's Department were eligible to receive Justice Assistance Grant money from the U.S. Department of Justice in 2005. A combined amount for both agencies was awarded in the amount of \$34,581.00 to be spent over a four year period. No public testimony was heard.

Public Hearing on Acquisition of Property Located at 1203-1205 West 3<sup>rd</sup> Street. (Grand Island Library Foundation, Inc. Previously Owned by S. Douglas Kucera and Marcia . Almquist) City Attorney Doug Walker reported that acquisition of property located at 1203-1205 West 3<sup>rd</sup> Street was needed for the Abbott Memorial Library expansion. The Library Foundation has acquired this property and was donating it to the City. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement Located at 530 North Webb Road. (Abundant Life Christian Center) Steve Riehle, Public Works Director reported that acquisition of a utility easement located at 530 North Webb Road was required in order to have access to install, upgrade, maintain, and repair public utilities. This easement would be used to construct a Sanitary Sewer Project. No public testimony was heard.

Public Hearing on Acquisition of Sanitary Sewer Easement Located at 9 Dakota Drive. (Joel Shafer) Steve Riehle, Public Works Director reported that acquisition of a sanitary sewer easement located at 9 Dakota Drive was needed in order to install, upgrade, maintain, and repair public utilities. This easement would be used to construct a Sanitary Sewer Project. No public testimony was heard.

Public Hearing on Acquisition of Right-of-Way Adjacent to and North of 1 Navajo Drive and 2 Navajo Drive. (Jacqueline Hanover and Ted & Imogene Lechner) Steve Riehle, Public Works Director reported that acquisition of right-of-way located adjacent to and North of 1 Navajo Drive and 2 Navajo Drive was needed in order to install, upgrade, maintain, and repair public utilities. This would be used to construct a Sanitary Sewer Project. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement Located at 2620 West Faidley Avenue. (St. Francis Medical Center) Gary Mader, Utilities Director reported that acquisition of a utility easement located at 2620 West Faidley Avenue was required in order to have access to install, upgrade, maintain, and repair water lines. This easement would be used to install a new water main to provide fire protection and domestic service to the new nine story structure of St. Francis Medical Center. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement Located at 804 North Webb Road. (WCI, LLC) Gary Mader, Utilities Director reported that acquisition of a utility easement located at 804

North Webb 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 locate high voltage underground cables and a pad-mounted transformer to serve electricity to the new building (Zenon International Hair Design School). No public testimony was heard.

ORDINANCES:

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

- #8969 - Consideration of Assessments for Street Improvement District 1221, South Locust Street from US Highway 34 to Stolley Park Road
- #8970 – Consideration of Vacating an Alley Between 4<sup>th</sup> Street and 5<sup>th</sup> Street, West of St. Paul Road (Behind Former 3<sup>rd</sup> City Livestock Sale Barn)
- #8971 – Consideration of Amending Chapter 24-8 of the Grand Island City Code Relative to Swimming at L.E. Ray Lake

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

Public Works Director Steve Riehle explained Ordinances #8969 and #8970.

Motion by Pielstick, second by Hornady to approve Ordinances #8969 and #8970.

City Clerk: Ordinances #8969 and #8970 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 #8969 and #8970 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 Vavricek: By reason of the roll call votes on first reading and then upon final passage, Ordinances #8969 and #8970 are declared to be lawfully adopted upon publication as required by law.

Parks and Recreation Director Steve Paustian explained Ordinance #8971. Steve Horn, 1715 South Blaine Street wanted the Council to consider all options and encouraged allowing the Dive Rescue Team to use the lake for scuba diving.

Motion by Pielstick, second by Haase to approve Ordinance #8971.

City Clerk: Ordinance #8971 on first reading. All those in favor of the passage of this ordinance on first reading, answer roll call vote. Upon roll call vote, Councilmember's Meyer, Whitesides, Pielstick, Gilbert, Nicerkson, Pauly, Hornady, Walker, and Haase voted aye. Councilmember Cornelius voted no. Motion adopted.

City Clerk: Ordinance #8971 on final reading. All those in favor of the passage of this ordinance on final reading, answer roll call vote. Upon roll call vote, Councilmember's Meyer, Whitesides, Pielstick, Gilbert, Nicerkson, Pauly, Hornady, Walker, and Haase voted aye. Councilmember Cornelius voted no. Motion adopted.

Mayor Vavricek: By reason of the roll call votes on first reading and then upon final passage, Ordinance #8971 is declared to be lawfully adopted upon publication as required by law.

CONSENT AGENDA: Items G-5 and G-9 were pulled from the Agenda. Item G-14 was pulled for further discussion. Motion by Hornady, second by Cornelius to approve the Consent Agenda excluding Items G-5, G-9, and G-14. Upon roll call vote, all voted aye. Motion adopted.

Approving Minutes of March 22, 2005 City Council Regular Meeting.

Approving Minutes of March 29, 2005 City Council Special Meeting.

Approving Minutes of April 5, 2005 City Council Study Session.

Approving Appointments of Karl Kostbahn and Jerry Bryant to the Library Facilities Committee.

Approving Request of Matthew Carr, 3720 West State Street for Liquor Manager Designation for Whiskey Creek Steakhouse, 1016 Diers Avenue. This item was pulled from the Agenda at the request of the applicant.

Approving Request of Edward & Anita Sabatka dba Uncle Ed's Steakhouse, 2624 South Locust Street for a Class "I" Liquor License.

Approving Request of Svoboda & Henk, Inc. dba Godfather's Pizza, 1201 South Locust Street for a Change of Location to their Class "A-12626" Liquor License to 1916 South Locust Street.

Approving Request of Dale Hartwig for Conditional Use Permit for Temporary Crushed Concrete Parking/Staging Area to be used during St. Francis Medical Center Bed Tower Addition Located at 905 North Custer Street. Councilmember Gilbert abstained.

#2005-97 – Approving Renewal of Leases at Cornhusker Army Ammunition Plant for Storage Buildings with Dominion Construction Company in an Amount of \$2,000.00 per year; Jerry Harders in an Amount of \$500.00 per year; and Nebraska State Patrol in an Amount of \$500.00 per year. This item was pulled from the Agenda at the request of the Parks and Recreation Director until the April 26, 2005 City Council Regular Meeting.

#2005-98 – Approving Extension of Lease Agreement with Hall County Airport Authority for Jackrabbit Run Golf Course until April 30, 2006.

#2005-99 – Approving Request for a Community Revitalization Assessment Grant Application.

#2005-100 – Approving Acquisition of Right-of-Way Located at 431 Cherokee Avenue. (James and Pauline Thornton)

#2005-101 – Approving Acquisition of Real Estate Located at 1 Navajo Drive in an Amount of \$75,000.00. (Chester and Juliann Thornton)

#2005-103 – Approving Bid Award for the Asphalt Maintenance Project 2005-AC-1, Annual Resurfacing Program with Gary Smith Construction Company of Grand Island, Nebraska in an Amount of \$587,245.05.

#2005-104 – Approving Bid Award for Pole Yard Improvements – Electrical Project 2005-PY-1 with Rathman-Manning Corp. of Chapman, Nebraska in an Amount of \$109,536.92.

#2005-105 – Approving The Great Race 2005 Overnight City Host Agreement and Coordination of Activities with Rally Partners, Inc. a Nevada Corporation.

#2005-106 – Approving Change Order #1 for Engineering Services for Fuel Storage and Handling Area Upgrades with Black & Veatch of Overland Park, Kansas for an Increased Amount of \$7,900.00 and a Modified Contract Amount of \$67,500.00.

#2005-107 – Approving Wireline Crossing Agreement with Union Pacific Railroad and Grand Island Utilities Department.

#2005-108 – Approving Application for Edward Byrne Memorial Justice Assistance Grant (JAG) 2005.

#2005-109 – Approving Memorandum of Understanding with Hall County Relative to Allocation of JAG Grant Monies in the Amount of \$8,645.00.

#2005-110 – Approving Acquisition of Property Located at 1203-1205 West 3<sup>rd</sup> Street. (Grand Island Library Foundation, Inc. Previously Owned by S. Douglas Kucera and Marcia K. Almquist)

#2005-111 – Approving Acquisition of Utility Easement Located at 530 North Webb Road. (Abundant Life Christian Center)

#2005-112 – Approving Acquisition of Sanitary Easement Located at 9 Dakota Drive. (Joel Shafer)

#2005-113 – Approving Acquisition of Right-of-Way Adjacent to and North of 1 Navajo Drive and 2 Navajo Drive. (Jacqueline Hanover and Ted & Imogene Lechner)



#2005-114 – Approving 2<sup>nd</sup> Amendment to the Agreement for Engineering Services with Olsson Associates of Grand Island, Nebraska for Construction Administration on the Project to Pave Independence Avenue in an Amount not to exceed \$42,519.00.

#2005-115 – Approving Bid Award for Phelps Control Contract Project 2005-OPGW-1 with Kayton Electric, Inc. of Holdrege, Nebraska in an Amount of \$71,317.00.

#2005-116 – Approving Acquisition of Utility Easement Located at 2620 West Faidley Avenue. (St. Francis Medical Center) Councilmember Gilbert abstained.

#2005-117 – Approving Acquisition of Utility Easement Located at 804 North Webb Road. (WCI, LLC)

#2005-118 – Approving Agreement for Reconfiguration of Segments of Electric Distribution Circuits and 115kV Transmission Line Between the City of Grand Island and EXT Incorporated.

#2005-119 – Approving GITV Engineering Services with AVI Systems of Omaha, Nebraska in an Amount of \$13,863.00.

#2005-102 – Approving Bid Award for One Four-Wheel Drive Skid Steer Loader for the Street & Transportation Division of the Public Works Department with Central Nebraska Bobcat of Grand Island, Nebraska in an Amount of \$24,585.50. Steve Riehle, Public Works Director explained that they were not recommending the low bid for this item because it did not meet the specifications.

Dan Anderson, 4245 Utah Avenue and Jason Morgan, 104 West 14<sup>th</sup> Street spoke in opposition. Don Mustion, 4010 Driftwood spoke in support.

Motion by Whitesides, second by Hornady to approve Resolution #2005-102. Upon roll call vote, all voted aye. Motion adopted.

#### REQUESTS AND REFERRALS:

Approving Request of Richard Hartman for Conditional Use Permit for Sand and Gravel Operation Located at 3812 South Blaine Street.

Motion by Whitesides, second by Cornelius to deny the request of Richard Hartman for a Conditional Use Permit for sand and gravel operation located at 3812 South Blain Street. Upon roll call vote, all voted aye. Motion adopted.

#### RESOLUTIONS:

#2005-73 – Approving Economic Development Incentive Agreement with CXT Incorporated. City Attorney Doug Walker reported that the Economic Development Corporation had taken an application of CXT for a \$100,000 infrastructure grant and a \$100,000 forgivable loan as an

incentive to assist with the expansion of their facility to manufacture concrete railroad ties located at 710 East Highway 30.

Motion by Hornady, second by Whitesides to approve Resolution #2005-73. Upon roll call vote, all voted aye. Motion adopted.

PAYMENT OF CLAIMS:

Motion by Cornelius, second by Haase to approve the Claims for the period of March 23, 2005 through April 12, 2005, for a total amount of \$3,388,102.59. Motion adopted unanimously. Councilmember Pielstick abstained from voting on Claims #95134 and #95428.

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

RaNae Edwards  
City Clerk