



City of Grand Island

Tuesday, July 12, 2005

Council Session

Item G1

Approving Minutes of June 28, 2005 City Council Regular Meeting

The Minutes of June 28, 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

June 28, 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 June 28, 2005. Notice of the meeting was given in the *Grand Island Independent* on June 22, 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 Zellmer, Messiah Lutheran Church, 708 North Locust Street followed by the PLEDGE OF ALLEGIANCE.

MAYOR COMMUNICATION: Mayor Vavricek commented on the Federal Emergency Management Administration (FEMA) located here at City Hall to assist in the flood of May 11-12, 2005. Also mentioned was the Bonus Assistance monies from the State Economic Development Department to help residents who had flooding.

PUBLIC HEARINGS:

Public Hearing on Request of Central Nebraska Humane Society for Conditional Use Permit for a Temporary Office Trailer Located at 1312 Sky Park Road. Craig Lewis, Building Department Director reported that in 2003 the Humane Society requested and received approval from the City Council for the use of a mobile office for two years and that time had expired. Mr. Lewis stated they were requested an additional two years and recommended approval. No public testimony was heard.

Public Hearing on Request of Dale Hartwig/St. Francis Medical Center for Conditional Use Permit for Temporary Water and Sanitary Sewer Tie-In to Service Construction Office Located at 825 Orleans Drive. Craig Lewis, Building Department Director reported that the City received an application submitted by Dale Hartwig on behalf of St. Francis Medical Center requesting the utilization of a temporary construction trailer located at 825 Orleans Drive be allowed sewer and water services. Mr. Lewis recommended approval for a period not to exceed three years. No public testimony was heard.

Public Hearing on Acquisition of Utility Easements Located at 3114 and 3116 South Blaine Street. (Clark A. Gauthier) Gary Mader, Utilities Director reported that acquisition of two utility easements located at 3114 and 3116 South Blaine Street 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 locate underground primary and pad-mounted transformers to provide power to a new home on Lot Five (5), Riverside Farm Fourth Subdivision. 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 provide water service while maintaining required clearances from the water line to the storm and sanitary sewer lines. This allowed public access to the shutoff valve for the water service. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement Located at 820 North Webb Road. (Allen Phase III, LLC) Gary Mader, Utilities Director reported that acquisition of a utility easement located at 820 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 provide a location for public water main that was not under the concrete street of Webb Road. It also would allow more convenient access for the service line in Lot 13 of Meadowlark West Fourth Subdivision. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement Located at 2105 South Locust Street. (Pharmacy Properties, LLC) Gary Mader, Utilities Director reported that acquisition of a utility easement located at 2105 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 place primary underground electric cables and a pad-mounted transformer to serve the new building of U-Save Pharmacy. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement Located at 2117 South Locust Street. (Equestrian Meadows, LL) 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 place primary underground electric cables and a pad-mounted transformer to serve the new building of Sonic Drive-In. No public testimony was heard.

Public Hearing on Annexation of Land Located North of Capital Avenue and East of St. Paul Road and Various Properties Adjacent to the City of Grand Island. Chad Nabity, Regional Planning Director reported that this item was brought forward as a result of the owners of 1024 East Capital Avenue requesting annexation so they could hook into city sewer. City Staff reviewed and recommended the following areas in need of annexation also: east of Shady Bend Road and north of Bismark Road; Right-of-Way on Stuhr Road adjacent to B & C Subdivision; and Right-of-Way on Schimmer Drive south of Ponderosa Lake. No public testimony was heard.

ORDINANCES:

#8982 – Consideration of Annexation of Land Located North of Capital Avenue and East of St. Paul Road and Various Properties Adjacent to the City of Grand Island. (Firth Reading)

Chad Nabity, Regional Planning Director reported this related to the Public Hearing just held and was the first of three readings as required by state statutes.

Motion by Pielstick, second by Hornady to approve Ordinance #8982 on first reading only. Upon roll call vote, all voted aye. Motion adopted.

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

#8983 – Consideration of Conveyance of Property Located at 4949 Juergen Road, Lot 11, Platte Valley Industrial Park 3rd 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 seconded the motion. Upon roll call vote, all voted aye. Motion adopted.

Doug Walker, City Attorney reported that Grand Island’s electric utility department had purchased real estate along the east side of Highway 281 and south of Hall County Park for development of an industrial park several years ago. B M & M, L.L.C. had agreed to purchase Lot 11 in the Platte Valley Industrial Park Third Subdivision in the amount of \$206,400.00 for a construction equipment business known as Road Builders Machinery and Supply.

Motion by Pielstick, second by Hornady to approve Ordinance #8983.

City Clerk: Ordinance #8983 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 #8983 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 Vavricek: By reason of the roll call votes on first reading and then upon final passage, Ordinance #8983 is declared to be lawfully adopted upon publication as required by law.

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

Approving Minutes of June 14, 2005 City Council Regular Meeting.

Approving Minutes of June 21, 2005 City Council Study Session. Councilmember Haase abstained.

Approving Appointment of Scott Zana to the Heartland Events Center Board.

Approving Request of Central Nebraska Humane Society for Conditional Use Permit for a Temporary Office trailer Located at 1312 Sky Park Road.

Approving Request of Dale Hartwig/St. Francis Medical Center for Conditional Use Permit for Temporary Water and Sanitary Sewer Tie-In to Service Construction Office Located at 2620 West Faidley Avenue. Councilmember Gilbert abstained.

#2005-180 – Approving Acquisition of Utility Easements Located a 3114 and 3116 South Blaine Street. (Clark A. Gauthier)

#2005-181 – Approving Acquisition of Utility Easement Located at 804 North Webb Road. (WCI, LLC)

#2005-182 – Approving Acquisition of Utility Easement Located at 820 North Webb Road. (Allen Phase III, LLC)

#2005-183 – Approving Acquisition of Utility Easement Located at 2105 South Locust Street. (Pharmacy Properties, LLC)

#2005-184 – Approving Acquisition of Utility Easement Located at 2117 South Locust Street. (Equestrian Meadows, LLC)

#2005-185 – Approving Bid Award for Transmission Line Work – Project 05-PPC-01 with Dominion Construction Company of Scottsbluff, Nebraska in an Amount of \$655,691.37.

#2005-186 – Approving Purchase Agreement for Sale of Lot 11, Platte Valley Industrial Park 3rd Subdivision with B.M. and M. LLC in an Amount of \$206,400.00.

#2005-187 – Approving Bid Award for Sanitary Sewer District No. 517, Deadwood Subdivision with Starostka Group of Grand Island, Nebraska in an Amount of \$20,408.03.

#2005-188 – Approving Discontinuation of Sanitary Sewer District No. 518, Westwood Subdivision and Westwood Second Subdivision.

#2005-189 – Approving Contract for Architectural Services - Design for Fire Station with Cannon, Moss, Brygger & Associates, P.C. of Grand Island, Nebraska.

#2005-190 – Approving Subordination Agreement for CDBG Home Located at 915 East 6^h Street. (Alfred & Panchita Portillo)

#2005-191 – Approving Interlocal Agreement with Community Redevelopment Authority.

#2005-192 – Approving Change Order No. 7 to the Contract with Starostka Group of Grand Island, Nebraska for Grand Generation Center Renovation and Expansion Project for an Increase of \$5,065.00 and an Adjusted Contract Amount of \$616,579.75.

RESOLUTIONS:

#2005-193 – Consideration of Economic Development Incentive Agreement with Westward Airways, Inc. Mayor Vavricek recused himself from any discussion on Resolution #2005-193 due to potential conflict of interest in advertising with radio stations owned by the Mayor. Mentioned was that a statement of conflict of interest was on file in the Clerk's office. The Mayor turned the meeting over to Council President Hornady.

Doug Walker, City Attorney reported that Westward Airways, Inc. had submitted an application for economic development incentives (LB 840 funding) in the amount of \$120,000.00. This application had been approved by the Citizens' Review Committee at their June 21, 2005 meeting.

Mr. Walker stated he had the following were concerns with the application:

- DOT funding had not been secured for this project
- The project did not effectively meet the objectives of creating jobs or providing investments as required in Article II of the Communities LB840 Plan
- The long term viability of the project was questionable
- There seemed to be a shortage of private investment/support from the businesses that would benefit most directly

Mentioned was that this project would be beneficial to boarding's for the airport, which was a great benefit to the Hall County Airport Authority. It was recommended that the above concerns be addressed before the project was approved.

The following people spoke in support:

- Marland Ferguson, President of the Economic Development Corporation
- Bob Niemann, 1501 West Louise
- Renee Seifert, Grand Island/Hall County Convention Visitors Bureau Director
- Curtis Griess, former EDC Charman
- Ken Caldwell, Hall County Airport Authority Chairman
- Ron Depue, Attorney for Hall County Airport Authority

Discussion was held concerning enplanements, long-term plans and goals, marketing campaign, and air fares with regards to fuel costs. The goal of Westward Airways, Inc. was to be self-supporting within the first year of operation which would depend on the number of people using the service. Bill Stovall, Airport Manager commented on the marketing campaign.

Motion by Gilbert, second by Whitesides to approve Resolution #2005-193. Upon roll call vote, Councilmember's Whitesides, Gilbert, Nickerson, Cornelius, Pauly, Hornady, and Haase voted aye. Councilmember's Meyer, Pielstick, and Walker voted no. Motion adopted.

PAYMENT OF CLAIMS:

Motion by Cornelius, second by Walker to approve the Claims for the period of June 15, 2005 through June 28, 2005, for a total amount of \$2,080,267.27. Motion adopted unanimously. Councilmember Pielstick abstained from claims #101391 and #101982.

ADJOURNMENT: The meeting was adjourned at 8:25 p.m.

RaNae Edwards
City Clerk