



# City of Grand Island

Tuesday, September 27, 2005

Council Session

## Item G1

### **Approving Minutes of September 13, 2005 City Council Regular Meeting**

*The Minutes of September 13, 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

September 13, 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 September 13, 2005. Notice of the meeting was given in the *Grand Island Independent* on September 7, 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, Pauly, Hornady, Walker, and Haase. Councilmember Cornelius was absent. The following City Officials were present: City Administrator Gary Greer, City Clerk RaNae Edwards, Finance Director David Springer, and Assistant Public Works Director Bud Buettner.

INVOCATION was given by Pastor Steve Warriner, Abundant Life Christian Center, 3409 West Faidley Avenue followed by the PLEDGE OF ALLEGIANCE.

#### PRESENTATIONS AND PROCLAMATIONS:

Proclamation "Walk to D'Feet ALS" September 18, 2005. Mayor Vavricek proclaimed September 18, 2005 as "Walk to D'Feet ALS". Steve Langan, Awareness & Development Coordinator for the ALS Association and Steve White were present to receive the proclamation.

Proclamation "Hispanic Heritage Month" September 15, 2005 through October 15, 2005. Mayor Vavricek proclaimed the month of September 15, 2005 through October 15, 2005 as "Hispanic Heritage Month". Yolanda Nunzio was present to receive the proclamation.

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

#2005-BE-5 – Consideration of Determining Benefits for Business Improvement District #3. Finance Director David Springer stated that the City Council in its' capacity as the Board of Equalization was required to determine the benefits for BID #3. Special assessments were for the amount of \$34,314.47.

#2005-BE-6 – Consideration of Determining Benefits for Business Improvement District #4. Finance Director David Springer stated that the City Council in its' capacity as the Board of Equalization was required to determine the benefits for BID #4. Special assessments were for the amount of \$17,349.05.

#2005-BE-7 – Consideration of Determining Benefits for Business Improvement District #5. Finance Director David Springer stated that the City Council in its' capacity as the Board of Equalization was required to determine the benefits for BID #5. Special assessments were for the amount of \$80,007.27. Comments were made concerning the parking ramp and a letter of protest received from The Arter Group Ltd. owners of the Yancey Hotel. Cindy Johnson, President of the Chamber of

Commerce commented on the history of the parking ramp and the board looking into this. Doug Walker, City Attorney explained the City Code.

#2005-BE-8 – Consideration of Determining Benefits for 2004 Weed Abatement Program. Doug Walker, City Attorney reported that under Chapter 17 of the Grand Island City Code, the City had several properties which were not mowed of which the City contracted to have taken care of. The City Council in its' capacity as the Board of Equalization was required to determine the benefits for the 2004 Weed Abatement Program.

Motion by Pielstick, second by Whitesides to approve Resolutions #2005-BE-5, #2005-BE-6, #2005-BE-7, and #2005-BE-8 carried unanimously. Motion adopted.

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

PUBLIC HEARINGS:

Public Hearing on Request of H & H Catering, Inc. dba H & H Catering, 700 East Stolley Park Road for a Class "CK" Liquor License. City Clerk RaNae Edwards reported that H & H Catering, Inc. dba H & H Catering, 700 East Stolley Park Road had submitted an application with the City Clerk's Office for a Class "CK" Liquor License. Ms. Edwards presented the following exhibits for the record: application submitted to the Liquor Control Commission and received by the City on August 18, 2005; notice to the applicant of date, time, and place of hearing mailed on August 26, 2005; notice to the general public of date, time, and place of hearing published on September 3, 2005; and Chapter 4 of the City Code. No public testimony was heard.

Public Hearing on Request of Rona Rae Kucera dba The Flight Deck Restaurant, 3773 Sky Park Road, Suite 5 for a Class "T" Liquor License. City Clerk RaNae Edwards reported that Ronad Rae Kucera dba The Flight Deck Restaurant, 3773 Sky Park Road, Suite 5 had submitted an application with the City Clerk's Office for a Class "T" Liquor License. Ms. Edwards presented the following exhibits for the record: application submitted to the Liquor Control Commission and received by the City on August 22, 2005; notice to the applicant of date, time, and place of hearing mailed on August 26, 2005; notice to the general public of date, time, and place of hearing published on September 3, 2005; and Chapter 4 of the City Code. No public testimony was heard.

Public Hearing on Request of Edwin D. Bolanos dba La Zona Rosa, 613 West 4<sup>th</sup> Street for a Class "C" Liquor License. City Clerk RaNae Edwards reported that Edwin D. Bolanos dba La Zona Rosa, 613 West 4<sup>th</sup> Street had submitted an application with the City Clerk's Office for a Class "C" Liquor License. Ms. Edwards presented the following exhibits for the record: application submitted to the Liquor Control Commission and received by the City on August 29, 2005; notice to the applicant of date, time, and place of hearing mailed on August 29, 2005; notice to the general public of date, time, and place of hearing published on September 3, 2005; and Chapter 4 of the City Code. No public testimony was heard.

Public Hearing on Request of Dora, Inc. dba Copas d'Oro Bar, 413 West 4<sup>th</sup> Street for a Class "C" Liquor License. City Clerk RaNae Edwards reported that Dora, Inc. dba Copas d'Oro Bar, 413 West 4<sup>th</sup> Street had submitted an application with the City Clerk's Office for a Class "C" Liquor License. Ms. Edwards presented the following exhibits for the record: application submitted to the Liquor Control Commission and received by the City on August 31, 2005; notice to the applicant of date,

time, and place of hearing mailed on August 31, 2005; notice to the general public of date, time, and place of hearing published on September 3, 2005; and Chapter 4 of the City Code. No public testimony was heard.

Public Hearing on Request of Pastor D. Randolph Brehms on behalf of the Seventh Day Adventist Church for a Conditional Use Permit for a Telecommunications Tower Located at 636 Shady Bend Road. Craig Lewis, Building Department Director reported that this request was to allow for the construction of an 80 foot telecommunications tower located at 636 Shady Bend Road for the broadcast of a low power FM station. Jeff Greer, 514 Shady Bend Road spoke in opposition. No further public testimony was heard.

Public Hearing on Acquisition of Utility Easements (Heartland Events Center – Fonner Park). Bob Smith, Assistant Utilities Director reported that acquisition of utility easements located at the Heartland Events Center at Fonner Park 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 primary electrical cable and a pad-mounted transformer to provide electricity to the Heartland Events Center. No public testimony was heard.

Public Hearing on Acquisition of Public Utility Easement Located at 1212 Johnstown Road. (Diamond Plastics) Bud Buettner, Assistant Public Works Director reported that acquisition of a public utility easement located at 1212 Johnstown Road was required in order to have access to install, upgrade, maintain, and repair public utilities. The easement would be used for sanitary sewer service to Diamond Plastics. No public testimony was heard.

Public Hearing on Acquisition of Sanitary Sewer Easement Located at 3411 W. Faidley Avenue. (Abundant Life Christian Church) Bud Buettner, Assistant Public Works Director reported that acquisition of a sanitary sewer easement located at 3411 W. Faidley Avenue was required in order to have access to install, upgrade, maintain, and repair public utilities. The easement would be used to extend sanitary sewer from the existing sanitary sewer main on west North Front Street west of Webb Road to the church on Faidley. No public testimony was heard.

Public Hearing on General Property, Parking District #2 (Ramp), and Community Redevelopment Authority Tax Request. David Springer, Finance Director reported that state statutes requires the City to conduct a public hearing if the property tax request changes from one year to the next. Property tax request for the general property tax was \$5,212,064, Parking District No. 2 at \$13,000, and the Community Redevelopment Authority property tax at \$492,540. 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:

- #9001 – Consideration of Assessments for Business Improvement District #3
- #9002 – Consideration of Assessments for Business Improvement District #4
- #9003 – Consideration of Assessments for Business Improvement District #5
- #9004 – Consideration of Amending Chapter 13 of the Grand Island City Code Relative to Downtown Improvement and Parking District No. 1 Taxes
- #9005 – Consideration of Amending Chapter 21 of the Grand Island City Code Relative to Recreational Vehicles and Mobile Home Parks

#9006 – Consideration of Assessments for 2004 Weed Abatement Program

#9007 – Consideration of Vacating Right of Way at 722 East 7<sup>th</sup> Street

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.

David Springer, Finance Director stated Ordinances #9001, #9002, and #9003 related to the action taken earlier during the Board of Equalization. Ordinance #9004 set the tax rate for the FY 2005-2006 budget.

Craig Lewis, Building Department Director reported that Ordinance #9005 would amend the City Code to allow for a reduction in the amount of space provided by Manufactured Home Parks when providing recreational vehicle spaces.

Doug Walker, City Attorney stated Ordinance #9006 related to the action taken earlier during the Board of Equalization.

Bud Buettner, Assistant Public Works Director reported that Ordinance #9007 would vacate excess right-of-way along 7<sup>th</sup> Street in front of 722 East 7<sup>th</sup> Street retaining an easement for an existing water main.

Motion by Pielstick, second by Whitesides to approve Ordinances #9001, #9002, #9003, #9004, #9005, and #9006.

City Clerk: Ordinances #9001, #9002, #9003, #9004, #9005, and #9006 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 #9001, #9002, #9003, #9004, #9005, and #9906 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 #9001, #9002, #9003, #9004, #9005, and #9006 are declared to be lawfully adopted upon publication as required by law.

Motion by Walker, second by Whitesides to approve Ordinance #9007.

City Clerk: Ordinance #9007 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, Gilbert, Nickerson, Pauly, Hornady, Walker, and Haase voted aye. Councilmember Pielstick abstained. Motion adopted.

City Clerk: Ordinance #9007 on final passage. All those in favor of the passage of this ordinance on final passage, answer roll call vote. Upon roll call vote, Councilmember’s Meyer, Whitesides, Gilbert, Nickerson, Pauly, Hornady, Walker, and Haase voted aye. Councilmember Pielstick abstained. Motion adopted.

Mayor Vavricek: By reason of the roll call votes on first reading and then upon final passage, Ordinance #9007 is declared to be lawfully adopted upon publication as required by law.

CONSENT AGENDA: Consent items G-9, G-18, G-26, G-29, and G-30 were pulled for further discussion. Motion by Hornady, second by Nickerson to approve the Consent Agenda excluding items G-9, G-18, G-26, G-29, and G-30. Upon roll call vote, all voted aye. Motion adopted.

Approving Minutes of August 23, 2005 City Council Regular Meeting.

Approving Request of H & H Catering, Inc. dba H & H Catering, 700 East Stolley Park Road for a Class "CK" Liquor License.

Approving Request of Donita Hagemeyer, R. R. 1, Box 190 East Hwy. 70, Arcadia, Nebraska for Liquor Manager Designation for H & H Catering, 700 East Stolley Park Road.

Approving Request of Rona Rae Kucera dba The Flight Deck Restaurant, 3773 Sky Park Road, Suite 5 for a Class "I" Liquor License.

Approving Request of Edwin D. Bolanos dba La Zona Rosa, 613 West 4<sup>th</sup> Street for a Class "C" Liquor License.

Approving Request of Dora, Inc. dba Copas d'Oro Bar, 413 West 4<sup>th</sup> Street for a Class "C" Liquor License.

Approving Request of Mateo Martinez, 110 West 11<sup>th</sup> Street for a Liquor Manager Designation for Copas d'Oro Bar, 413 West 4<sup>th</sup> Street.

Approving Request of Matthew Carr, 3720 West State Street for Liquor Manager Designation for Old Chicago, 3404 West 13<sup>th</sup> Street.

Approving Preliminary Plat for Kaaar Subdivision.

#2005-244 – Approving Final Plat and Subdivision Agreement for Luzenac Fourth Subdivision. It was noted that the County of Hall, owner had submitted the final plat for Luzenac Subdivision for the purpose of re-subdividing lot 1 Luzenac Third Subdivision into 2 lots.

#2005-245 – Approving Final Plat and Subdivision Agreement for Northview Second Subdivision. It was noted that Melvin & Dorothy Zichek, owners had submitted the final plat for Northview Second Subdivision for the purpose of creating 21 lots on a parcel of land located in the E 1/2 NE 1/4 Section 2-11-10.

#2005-246 – Approving Annexation Plan for Properties Located South of Case New Holland, West of US Highway 281 and South of Sandra Road and East of South Locust Street and Scheduling Public Hearing.

#2005-247 – Approving Acquisition of Utility Easements (Heartland Events Center – Fonner Park).

#2005- 248 – Approving Appointment of Tim Luchsinger as Board Member from the City of Grand Island Utilities Department to the Public Power Generation Agency.

#2005-249 – Approving Extension of Interlocal Agreement with Hall County School District No. 40-002 for School Resource Officers and Crossing Guards.

#2005-250 – Approving Certificate of Final Completion with The Diamond Engineering Company of Grand Island, Nebraska for Street Improvement Project 2005-P-1, Claude Road between Old Highway 30 and New Highway 30.

#2005-252 – Approving Acquisition of Sanitary Sewer Easement Located at 3411 W. Faidley Avenue (Abundant Life Church).

#2005-253 – Approving Changing the Name of the Beltline Hike/Bike Trail to the John Brownell Hike/Bike Trail.

#2005-254 – Approving Change Order No. 1 to the Contract with Rathman & Manning Corp. of Chapman, Nebraska for an increase of \$650.00 and a Revised Contract Amount of \$105,050.00.

#2005-255 – Approving Change Order No. 1 to the Contract with The Diamond Engineering Company of Grand Island, Nebraska for Sanitary Sewer District Nos. 510 and 514; American Independence Subdivision, Western Heights Fourth and Fifth Subdivisions, and Bockman Subdivision for an increase of \$3,180.60 and a Revised Contact Amount of \$355,237.75.

#2005-256 – Approving Certificate of Final Completion with The Diamond Engineering Company of Grand Island, Nebraska for Sanitary Sewer District Nos. 510 and 514; American Independence Subdivision, Western Heights Fourth and Fifth Subdivisions, and Bockman Subdivision.

#2005-257 – Approving Bid Award for Concrete Ditch Lining Between Arizona and Nevada from Independence to East of Idaho; 2005-D-2 with The Diamond Engineering Company of Grand Island in an Amount of \$48,234.75.

#2005-258 – Approving Down Payment Assistance Program Subordination Agreement. (David M. Job)

#2005-260 – Approving Annual Agreements for Operating System and Database Administration; and Licensing and Support with MUNIS of \$18,063.90 and \$68,298.43 respectively.

#2005-261 – Approving Changes to Parking Restrictions on the North Side of 3<sup>rd</sup> Street West of Oak Street; in Front of the Senior Center.

#2005-264 – Approving Certificate of Final Completion for the Transfer Station Storage Building with Rathman-Manning Corp. of Chapman, Nebraska.

Approving Request of Pastor D. Randolph Brehms on behalf of the Seventh Day Adventist Church for a Conditional Use Permit for a Telecommunications Tower Located at 636 Shady Bend Road.  
Craig Lewis, Building Department Director answered questions of where the tower would be located.

Motion by Nickerson, second by Meyer to approve the request of Pastor D. Randolph Brehms for a Conditional Use Permit. Upon roll call vote, all voted aye. Motion adopted.

#2005-251 – Approving Acquisition of Utility Easement at 1212 Johnstown Road (Diamond Plastics). Bud Buettner, Assistant Public Works Director answered questions concerning contaminants going into the sewer system.

Motion by Meyer, second by Gilbert to approve Resolution #2005-251. Upon roll call vote, Councilmember's Meyer, Whitesides, Pielstick, Gilbert, Nickerson, Hornady, Walker, and Haase voted aye. Councilmember Pauly voted no. Motion adopted.

#2005-259 – Approving Heartland Family Visitation Center MOU Revision and Grant Extension Request. Discussion was held regards to the Safe Havens grant funds and the size of the building.

Motion by Hornady, second by Pielstick to approve Resolution #2005-259. Upon roll call vote, all voted aye. Motion adopted.

#2005-262 – Approving Continuation of Sanitary Sewer No. 519, Lots 10 through 21 Westwood Park Second Subdivision.

#2005-263 – Approving Discontinuation of Sanitary Sewer No. 520, Lots 1 through 18 and Lots 29 through 47 Westwood Park Subdivision.

Discussion was held regarding Resolutions #2005-262 and #2005-263 and the costs of the sewer districts and the pay back from 10 to 20 years.

Motion by Hornady, second by Nickerson to approve Resolutions #2005-262 and #2005-263. Upon roll call vote, all voted aye. Motion adopted.

#### REQUESTS AND REFERRALS:

Consideration of Request from Ray and Dianne Stahla to Amend Mobile Home Park Plan for Stahla Mobile Home Park Located in the 2200 Block of South Engleman Road. Craig Lewis, Building Department Director reported that this request was to modify the park plan for Stahla Mobile Home Park. Mr. & Mrs. Stahla requested the addition of two additional recreational vehicle sites on lots 59 and creating four new recreational vehicle spaces on lot 58.

Motion by Hornady, second by Walker to approve the request from Mr. & Mrs. Stahla. Upon roll call vote, all voted aye. Motion adopted.

#### RESOLUTIONS:

#2005-265 – Approving General Property, Parking District #2 (Ramp), and Community Redevelopment Authority Tax Request. David Springer, Finance Director reported this item referred to the aforementioned Public Hearing.

Motion was made by Pielstick, second by Walker to approve Resolution #2005-265. Upon roll call vote, all voted aye. Motion adopted.



#2005-266 – Consideration of Resolution Supporting Enabling Legislation for the Creation of a Storm Water Funding Mechanism. Bud Buettner, Assistant Public Works Director reported that the City of Grand Island had been designated as a National Pollutant Discharge Elimination System (NPDES) Phase II Storm Water community. An application for a storm water permit had been submitted to the NDEQ which would require the city to develop a Storm Water Management Program (SWMP). As this was an un-funded federal mandate with an estimated cost of over \$300,000 proposed “enabling” legislation would allow a municipality to decide at the local level how to fund the SWMP.

Motion by Hornady, second by Pielstick to approve Resolution #200-266. Upon roll call vote, all voted aye. Motion adopted.

PAYMENT OF CLAIMS:

Motion by Hornady, second by Haase to approve the Claims for the period of August 24, 2005 through September 13, 2005, for a total amount of \$4,180,446.76. Motion adopted unanimously. Councilmember Pauly abstained from voting on claim #108056.

ADJOURNMENT: The meeting was adjourned at 8:15 p.m.

RaNae Edwards  
City Clerk