



City of Grand Island

Tuesday, October 11, 2005

Council Session

Item G1

Approving Minutes of September 27, 2005 City Council Regular Meeting.

The Minutes of September 27, 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 27, 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 27, 2005. Notice of the meeting was given in the *Grand Island Independent* on September 21, 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, Walker, and Haase. Councilmember Hornady was absent. The following City Officials were present: City Administrator Gary Greer, City Clerk RaNae Edwards, Finance Director David Springer, and Public Works Director Steve Riehle.

INVOCATION was given by Associate Pastor Cheryl Lamb, First Presbyterian Church, 2103 West Anna Street followed by the PLEDGE OF ALLEGIANCE.

MAYOR COMMUNICATION: Mayor Vavricek commented on the following items:

- 1.) New television in Council Chambers so the audience could see the speakers
- 2.) Saturday, October 1, 2005 – Harvest of Harmony Parade
- 3.) Due to the recent hurricane destruction in the Gulf Coast and the need for communication during disasters, the Mayor was having Lela Lowry, Emergency Management Director look into SAT phones and other communication options.
- 4.) Mayor requested city staff to review and make recommendations for alternative fuel – flex fuel, E-85, Ethanol, etc.

PUBLIC HEARINGS:

Public Hearing on Request of Perez, Inc. dba El Rodeo for Change of Location for Liquor License "C-61867" from 106 East 3rd Street to 410 East 4th Street. RaNae Edwards, City Clerk reported that Perez, Inc. dba El Rodeo, 106 East 3rd Street had submitted an application with the City Clerk's Office for a Change of Location to their Class "C-61867" Liquor License to 410 East 4th Street. Ms. Edwards presented the following exhibits for the record: application for a change of location submitted to the Liquor Control Commission and received by the City on September 15, 2005; notice to the applicant of date, time, and place of hearing mailed on September 15, 2005; notice to the general public of date, time, and place of hearing published on September 17, 2005; and Chapter 4 of the City Code. No public testimony was heard.

Public Hearing on Request of Connie Hartford, 106 Cherokee Avenue for Conditional Use Permit for Temporary Single Wide Trailer Use during Construction of Single Family Dwelling Located at 106 Cherokee Avenue. Craig Lewis, Building Department Director reported that a request had been made by Connie Hartford, 106 Cherokee Avenue to utilize the existing single

wide mobile home proposed to be moved to the back of the property as a dwelling during the construction of a new modular home on the property. Mr. Lewis recommended approval with the following conditions: 1) The time limit is for one year from the date of the building permit issued for a new single family dwelling on the property, and 2) The existing mobile home is connected to all utilities in a manor approved by the City Building Department. No public testimony was heard.

Public Hearing on Acquisition of Real Estate for Library Building Addition from the Library Facilities Corporation. Doug Walker, City Attorney reported that the Grand Island Facilities Corporation had entered into a contract for the construction of an addition to the Edith Abbott Memorial Library. This addition to the library was to be built on land owned by the city that was west of the current library building. The city had entered into a lease purchase agreement to acquire the addition to the city library building from the Facilities Corporation and this building was considered real estate for statutory purposes. It was necessary for the City to hold a public hearing on the acquisition of the building from the Library Corporation. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement Located at 401 North Eddy. (4th & Eddy Plaza, LLC) Gary Mader, Utilities Department Director reported that acquisition of a utility easement located at 401 North Eddy was required in order to have access to install, upgrade, maintain, and repair power appurtenances, including lines and transformers. The easement would be used to place underground electrical cable and a pad-mounted transformer to serve the expanded business. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement Located at 620 North Diers Avenue. (West Faidley Medical Center, LLC) Gary Mader, Utilities Department Director reported that acquisition of a utility easement located at 620 North Diers was required in order to have access to install, upgrade, maintain, and repair power appurtenances, including lines and transformers. The easement would be used to install cable and a pad-mounted transformer to provide electrical service to the new West Faidley medical Center. 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:

#9008 – Consideration of Issuing Bonds for the Library Building Expansion

#9009 – Consideration of Amending Chapter 2 of the Grand Island City Code Relative to City Council study Sessions

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

Doug Walker, City Attorney reported that Ordinance #9008 related to the addition to the Edith Abbott Memorial Library. The Grand Island Facilities Corporation would issue \$7,000,000 worth of bonds and the bond payments were to be made from the payments made by the city pursuant to the lease purchase agreement. Bruce Lefler, Bonding Agent representing Ameritas commented on the favorable interest rate of around 4% and stated all bonds had been sold.

Mr. Walker stated Ordinance #9009 was to change the mandatory language in city code relative to Study Sessions making them discretionary. A brief discussion was held regarding the current code being inflexible and that there were no plans of changing the date or the time of Study Sessions when needed.

Motion by Pielstick, second by Whitesides to approve Ordinances #9008 and #9009.

City Clerk: Ordinances #9008 and #9009 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 #9008 and #9009 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 #9008 and #9009 are declared to be lawfully adopted upon publication as required by law.

CONSENT AGENDA: Consent Agenda items G-6 and G-22 were removed for further discussion. Motion by Cornelius, second by Gilbert to approve the Consent Agenda excluding items G-6 and G-22. Upon roll call vote, all voted aye. Motion adopted.

Approving Minutes of September 13, 2005 City Council Regular Meeting.

Approving Minutes of September 20, 2005 City Council Study Session.

Approving Re-Appointment of Lee Elliott to the Community Redevelopment Advisory (CRA) Board.

Approving Re-Appointment of Bob Loewenstein to the Animal Advisory Board.

Approving the following Garbage and Refuse Permits to:

Central Waste Disposal, 147 East Roberts	Garbage
Clark Brothers Sanitation, 3080 West 2 nd Street	Garbage
Heartland Disposal, 2423 W. Old Lincoln Hwy.	Garbage
Mid-Nebraska Disposal, Inc., 3080 West 2 nd Street	Garbage
Full Circle, Inc., 3719 Westgate Road	Refuse
Scott's Hauling, 3230 Westside Street	Refuse

Approving Request of Connie Hartford, 106 Cherokee Avenue for Conditional Use Permit for Temporary Single Wide Trailer Use during Construction of Single Family Dwelling Located at 106 Cherokee Avenue.

#2005-267 – Approving Acquisition of Utility Easement Located at 401 North Eddy. (4th & Eddy Plaza, LLC)

#2005-268 – Approving Acquisition of Utility Easement Located at 620 North Diers Avenue. (West Faidley Medical Clinic, LLC)

#2005-269 – Approving Certificate of Final Completion for Water Main District No. 443 with The Diamond Engineering Company of Grand Island, Nebraska and Setting the Board of Equalization Date.

#2005-270 – Approving Certificate of Final Completion for Water Main District No. 447T with The Diamond Engineering Company of Grand Island, Nebraska and Setting the Board of Equalization Date.

#2005-271 – Approving Capital Financing Options for the Nebraska City #2 Power Plant Project with the Omaha Public Power District.

#2005-272 – Approving Wireline Crossing Agreement between the City of Grand Island and the Union Pacific Railroad.

#2005-273 – Approving Bid Award for Contracted Snow Removal Services on City Streets for the 2005/2006 Winter Season with The Diamond Engineering Company of Grand Island, Nebraska in the following Amounts: \$125.00 per hour for Front End Loaders; \$145.00 per hour for Motor Graders; and \$95.00 per hour for Hauling Snow.

#2005-274 – Approving Bid Award for Concrete Pavement Repair Project 2005-P-8, Northbound Lanes of US Highway 281 – Old Potash to Capital Avenue with The Diamond Engineering Company of Grand Island, Nebraska in an Amount of \$288,000.00.

#2005-275 – Approving Off-Road Diesel Fuel Purchase of 10,000 Gallons for the Solid Waste Division Landfill with Sapp Brothers of Grand Island, Nebraska in an Amount of \$2.29 per gallon.

#2005-276 – Approving Amendment No. 3 to the Agreement with Olsson Associates of Grand Island, Nebraska for Consulting Engineering Services on the Westridge Detention Cell in an Amount not to exceed \$36,520.00.

#2005-277 – Approving Contract with McCarthy Group Advisors, L.L.C. for Management Services on Police and Fire Administration.

#2005-278 – Approving Amendment to the Cafeteria Plan with McDermott & Miller of Grand Island, Nebraska.

#2005-279 – Approving Acquisition of Library Building Addition from the Library Facilities Corporation.

#2005-280 – Approving Request for State Contract Purchase of iSeries Model 520 Express System to Replace Existing AS400 eSeries Model 9406-600 with Pinnacle Business System, Inc. of Edmond, Oklahoma in an Amount of \$32,765.01.

#2005-282 – Approving Amending the 2005-2006 Fee Schedule.

Approving Request of Perez, Inc. dba El Rodeo for Change of Location for Liquor License “C-61867” from 106 East 3rd Street to 410 East 4th Street. A lengthy discussion was held regarding prior violations, ownership of property, and processes of the Liquor Control Commission. Ralph Bradley, Attorney for Perez, Inc. spoke in support. Silvia Perez spoke in support through and interpreter. Lex Ann Roach representing Project Extra Mile voiced concerns about the Liquor Control approvals and processes.

Motion by Pielstick, second by Whitesides to deny the request for El Rodeo change of location. Upon roll call vote, Councilmember’s Whitesides, Pielstick, Walker, and Haase voted yes. Councilmember’s Meyer, Gilbert, Nickerson, Cornelius, and Pauly voted no. Motion failed.

Motion by Nickerson, second by Gilbert to refer to the Liquor Commission with No Recommendation. Upon roll call vote, Councilmember’s Meyer, Gilbert, Nickerson, Cornelius, and Pauly voted yes. Councilmember’s Whitesides, Pielstick, Walker, and Haase voted no. The Mayor cast his vote in the affirmative. Motion adopted.

#2005-281 – Approving 2nd Amendment for the Heartland Public Shooting Park with the Grand Island Skeet & Sporting Clays Club, Inc. of Grand Island, Nebraska. Discussion was had concerning volunteers and compensation in the agreement. Steve Paustian, Parks and Recreation Director explained the history of the Shooting Park and volunteer’s involvement.

Motion by Meyer, second by Pielstick to approve Resolution #2005-281. Upon roll call vote, Councilmember’s Meyer, Whitesides, Pielstick, Nickerson, Cornelius, and Pauly voted yes. Councilmember’s Gilbert, Walker, and Haase voted no. Motion adopted.

REQUESTS AND REFERRALS:

Approving Appointment of Steve Lamken as Police Chief. Brenda Sutherland, Human Resources Director reported on the process of testing, background checks, and interviewing for the Police Chief’s position. It was the Mayor’s recommendation that Steve Lamken be appointed the next Police Chief for the City of Grand Island.

Ms. Sutherland introduced Steve Lamken and his wife Mary. Mr. Lamken stated it was an honor to serve as the next Chief of Police.

Motion by Whitesides, second by Pielstick to approve the appointment of Steve Lamken as Police Chief. Upon roll call vote, all voted aye. Motion adopted.

PAYMENT OF CLAIMS:

Motion by Cornelius, second by Gilbert to approve the Claims for the period of September 14, 2005 through September 27, 2005, for a total amount of \$3,740,069.93. Motion adopted unanimously. Councilmember Pielstick abstained from claims #109064 and 109280. Councilmember Paul abstained from claim #109369.

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

RaNae Edwards
City Clerk