



City of Grand Island

Tuesday, November 22, 2005

Council Session

Item G1

Approving Minutes of November 8, 2005 City Council Regular Meeting

*The Minutes of November 8, 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

November 8, 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 November 8, 2005. Notice of the meeting was given in the *Grand Island Independent* on November 2, 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, Doug Walker, City Attorney, and Assistant Public Works Director Bud Buettner.

INVOCATION was given by Pastor Jay Vetter, Trinity United Methodist Church, 511 North Elm Street followed by the PLEDGE OF ALLEGIANCE.

MAYOR COMMUNICATION: Mayor Vavricek welcomed Cynthia Osorio and Crystal Rivera with the Big Brothers Big Sisters Program and International Visitor Zhaobin Zhu from China and his interpreter Peter Pay.

PRESENTATIONS AND PROCLAMATIONS:

Presentation by the Fire Department on Preliminary Plan for Fire Station Facility. Fire Chief Jim Rowell introduced committee members working on the new fire station. Curt Rohlin, Fire Division Chief introduced James Brisnehan from Cannon Moss Brygger & Associates and Ken Newell from Stewart Cooper Newell Architect who presented a progress report on the Fire Station project to be located at 411 Fonner Park Road. Mentioned was a life expectancy of 50-75 years at a cost of under \$2 million. Bids will be let in January 2006 with construction estimated to take from 9-10 months.

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

#2005-BE-13 – Consideration of Determining Benefits for Sanitary Sewer District No. 512; Mary Lane, Kentish Hills and Bradley Subdivisions. Bud Buettner, Assistant Public Works Director reported that a contract for Sanitary Sewer District No. 512 was awarded to General Excavating of Lincoln, Nebraska on September 14, 2004 and work was completed with a Certificate of Final Completion approved on October 11, 2005 for a total construction cost of \$512,530.13. This action would determine the benefits for Sanitary Sewer District No. 512

Matt and Lori Beiber, 3809 Marylane protested their assessment stating they had two lots with one being a detention cell valued at \$1,100 and was a non-buildable lot assessed at \$6,500. It was stated this lot was not big enough to build on. Bud Buettner, Assistant Public Works Director stated this lot had potential to be a buildable lot. Chad Nabity, Regional Planning Director commented that it was the intention of the city that the detention cell would eventually go away.

Motion by Pielstick, second by Pauly to approve Resolution #2005-BE-13 was withdrawn after a lengthy discussion.

Motion by Pielstick, second by Hornady to refer Resolution #2005-BE-13 to the November 22, 2005 City Council meeting. Upon roll call vote, all voted aye. Motion adopted. Councilmember Gilbert abstained.

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

PUBLIC HEARINGS:

Public Hearing on Request of Jeff D. Leo dba Bud's Roadhouse, 2710 Diers Avenue for a Class "C" Liquor License. RaNae Edwards, City Clerk reported that Jeff D. Leo dba Bud's Roadhouse, 2710 Diers Avenue had submitted an application with the City Clerk's Office for a Class "C" Liquor License which allows for the sale of alcoholic beverages on and off sale 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 October 17, 2005; notice to the applicant of date, time, and place of hearing mailed on October 17, 2005; notice to the general public of date, time, and place of hearing published on October 29, 2005; memo from the Police Department; and Chapter 4 of the City Code. It was staff's recommendation to deny the request for the following reasons:

1. The applicant provided false information on the application, leaving out several important convictions.
2. The applicant pleaded guilty and was found guilty of a Class 1 Misdemeanor.
3. Convictions for driving under suspensions, disorderly conduct, carrying a concealed weapon, and violation of exploitation of human nudity do not indicate that the applicant is of good character and reputation.
4. The applicant's record indicates a pattern of behavior of disregard of the law.

Jeff Leo, 2720 State Street spoke in support and submitted a copy of a letter he had sent to the Liquor Control Commission regarding the false information on the application. No further public testimony was heard.

Public Hearing on Acquisition of a Public Utility Easement Located at 4250 Old Potash Highway. (Lee J. and Sherry A. Newport) Bud Buettner, Assistant Public Works Director reported that acquisition of a public utility easement located at 4250 Old Potash Highway was required in order to construct public Sanitary Sewer in this area. No public testimony was heard.

Public Hearing on Acquisition of a Public Utility Easement Located at 108 Arapahoe Avenue. (Gaylen & Kim Sprague) Bud Buettner, Assistant Public Works Director reported that acquisition of a public utility easement located at 108 Arapahoe Avenue was required in order to construct public Sanitary Sewer in this area. No public testimony was heard.

Public Hearing on Acquisition of Public Utility Easement Located at 2836 and 2838 Cross Pointe Drive; Lot 11 North Pointe Subdivision (The Meadows Apartment Homes LLC). Bud Buettner, Assistant Public Works Director reported that acquisition of a public utility easement located at 2836 and 2838 Cross Pointe Drive was required in order to extend private sanitary sewer service to an adjacent property. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement along the East Side of Webb Road just South of White Cloud Road. (Wenzl, Inc.) Gary Mader, Utilities Director reported that acquisition of a Utility easement along the east side of Webb Road just south of White Cloud Road was needed in order to have access to install, upgrade, maintain, and repair power appurtenances, including lines and transformers. The purpose of this easement would be used to construct a new overhead three-phase distribution line to provide electrical service to a new pump at White Cloud Road and Webb Road. No public testimony was heard.

ORDINANCES:

Chad Nabity, Regional Planning Director stated that on November 3, 2005 the developers of this property requested that Council table Ordinance #9012 until such time that Council would consider the rezoning and final platting of this property.

#9012 – Consideration of Annexation of Property Located South Case New Holland and West of US Highway 281 (Final Reading)

Motion by Hornady, second by Nickerson to postpone Ordinance #9012 for not more that six months. Upon roll call, all voted aye. Motion adopted.

#9013 – Consideration of Annexation of Property Located South of Sandra Road and East of South Locust Street (Final Reading)

Motion by Pielstick, second by Hornady to approve Ordinance #9013 on final reading only. Upon roll call, all voted aye. Motion adopted.

#9014A – Consideration of Assessments for Sanitary Sewer District No. 512 - Mary Lane, Kentish Hills and Bradley Subdivisions. (Referred to the November 22, 2005 City Council Meeting.)

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

#9015 – Consideration of Creation of Water Main District No. 452 – Knott Avenue and Lake Street

#9017 – Consideration of Salary Ordinance Relative to Emergency Management Positions

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.

City Clerk: Ordinances #9015 and #9017 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 #9015 and #9017 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 #9015 and #9017 are 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 October 25, 2005 City Council Regular Meeting.

Approving Appointment of Dean Peg to Business Improvement District #5 Board.

Approving Re-Appointment of Roger Bullington and Appointment of John Hoggatt to the Grand Island Facilities Corporation.

Approving Request of Jack Henry, 4840 Baker Avenue for Liquor Manager Designation for Indian Head Golf Course, 4100 W. Husker Highway.

#2005-315 – Approving Acquisition of Public Utility Easement Located at 4250 Old Potash Highway (Lee J. and Sherry A. Newport).

#2005-316 – Approving Acquisition of Public Utility Easement Located at 108 Arapahoe Avenue (Gaylen & Kim Sprague).

#2005-317 – Approving Acquisition of Public Utility Easement Located at 2836 and 2838 Cross Pointe Drive; Lot 11 North Pointe Subdivision (The Meadows Apartment Homes LLC).

#2005-318 – Approving Bid Award for 47,000 GVW Dump Truck; Street and Transportation Division with Wick’s Sterling Trucks of Omaha, Nebraska in an Amount of \$67,815.00.

#2005-319 – Approving Installation of a Stop Sign on 17th Street at the Intersection with Walnut Street and State Street.

#2005-320 – Approving Acquisition of Utility Easement Located along the East Side of Webb Road just South of White Cloud Road (Wenzl, Inc.).

#2005-321 – Approving Western Area Power Administration (WAPA) Revisions to Contract.

#2005-322 – Approving Certificate of Final Completion for Modular Home Design/Build at Heartland Public Shooting Park with Lockhart Homes of Grand Island, Nebraska.

#2005-323 – Approving Renewal of Lease Agreement with Scott and Lisa Norton dba Health Plex Fitness Center.

REQUESTS AND REFERRALS:

Consideration of Request from Jeff D. Leo dba Bud's Roadhouse, 2710 Diers Avenue for a Class "C" Liquor License. Motion by Meyer, second by Pielstick to deny the request of Jeff D. Leo dba Bud's Roadhouse, 2710 Diers Avenue for a Class "C" Liquor License for the following reasons:

1. The applicant provided false information on the application, leaving out several important convictions.
2. The applicant pleaded guilty and was found guilty of a Class 1 Misdemeanor.
3. Convictions for driving under suspensions, disorderly conduct, carrying a concealed weapon, and violation of exploitation of human nudity do not indicate that the applicant is of good character and reputation.
4. The applicant's record indicates a pattern of behavior of disregard of the law.

Upon roll call vote, all voted aye. Motion adopted.

Consideration of Annexation for Property Located East of Engleman Road and South of Old Potash Highway and Refer to the Regional Planning Commission. Chad Nabity, Regional Planning Director reported that a request had been received to consider annexation of property located south of Old Potash Highway on the east side of Engleman Road. The owners were anticipating on developing this property which is contiguous with the Grand Island Municipal limits. The first step of annexation was to refer this request to the Regional Planning Commission for recommendation.

Motion by Hornady, second by Whitesides to refer this request to the Regional Planning Commission. 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 October 26, 2005 through November 8, 2005, for a total amount of \$2,368,687.32. Motion adopted unanimously.

Councilmember Haase abstained from claim #112407, Councilmember Pauly abstained from claim #112132, and Councilmember Pielstick abstained from claim #112449.

Mayor Vavricek recognized two members of the Community Youth Council and thanked them for coming to the meeting.

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

RaNae Edwards
City Clerk