



City of Grand Island

Tuesday, December 20, 2005

Council Session

Item G1

Approving Minutes of December 6, 2005 City Council Regular Meeting

*The Minutes of December 6, 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

December 6, 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 December 6, 2005. Notice of the meeting was given in the *Grand Island Independent* on November 30, 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, Cornelius, Pauly, Hornady, Walker, and Haase. Councilmember Nickerson was absent. 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 Father Richard Piontkowski, St. Mary's Catholic Church, 204 South Cedar Street followed by the PLEDGE OF ALLEGIANCE.

MAYOR COMMUNICATION: Mayor Vavricek thanked Jason and Barbara Carter for donating this year's Christmas Tree. Olivia Exstrum from Wasmer Elementary School read her essay on "Good Reasons to Live in Grand Island". Also present were Mrs. Susan Francis, 5th Grade Teacher from Wasmer Elementary School, parents Brian and Amy Exstrum, and brother Charlie. Councilmember Pielstick extended an invitation to the public for the Grand Generation Senior Center open house to be held on Sunday, December 11, 2005.

CITY COUNCIL REORGANIZATION:

Approving Minutes of November 22, 2005 City Council Regular Meeting. Motion by Hornady, second by Walker, carried unanimously to approve.

Election of City Council President. Mayor Vavricek reported that the City Council was required to elect one Councilmember to the office of Council President for a term of one year and that the Council President automatically assumed the duties of the Mayor in the event that the Mayor was absent or otherwise unable to fulfill his duties. Councilmember Pielstick nominated Councilmember Meyer. Councilmember Cornelius nominated Councilmember Hornady. Motion by Whitesides, second by Gilbert that nominations cease. Upon roll call vote, all voted aye. Motion adopted.

City Clerk RaNae Edwards called for the first ballot. It was reported that Councilmember Hornady had received 5 votes and Councilmember Meyer had received 4 votes. Mayor Vavricek declared Councilmember Hornady the Council President for 2006.

Motion was made by Whitesides, second by Gilbert to make the vote a unanimous one for Councilmember Hornady as City Council President. Upon roll call vote, all voted aye. Motion adopted.

PUBLIC HEARINGS:

Public Hearing on Request of Rod Hooker with Hooker Brothers Construction Company for a Conditional Use Permit for Sand & Gravel Operation Located within the 500 Block of South Gunbarrel Road on the N1/2 of the SW1/4 and NW1/4 of the SE1/4 of Section 18-11-8 Merrick County. Craig Lewis, Building Department Director reported that Rod Hooker from Hooker Brothers Construction requested a conditional use permit for the above referenced location in Merrick County and within the City of Grand Island's two mile jurisdiction. Mr. Lewis recommended approval with the following conditions:

- 1). **USE:** The proposed uses are limited to those listed in the application, sand and gravel pumping processing, storage, stocking piling, distribution, and sales, both wholesale and retail. Retail sale may also include the sale of black dirt, river rock, and similar landscaping materials. The storage, recycling, or processing of other aggregate materials, such as asphalt or concrete is not allowable unless specifically listed, nor are the operation of concrete or asphalt batch plants.
- 2). **CLOSURE:** A drawing of the proposed development of the property after the closing of the sand and gravel operation has been provided along with the application.
- 3). **PRIMARY CONDITIONS:** (a). The permit shall be granted for a period not to exceed 10 years with the possibility of renewal for an additional time at the end of the 10 year period.
(b). Pumping of product shall not be allowed within 150 feet of any public road right of way and protected by a 6 foot earthen berm during pumping. The finished width of developable property adjacent to the public right of way shall be 300 feet at the time of termination of the operation. A setback of 100 feet from any adjacent property line shall be maintained between the pumping operations.
(c). Pumping and other activities (including lighting) at the site shall be limited to daylight hours (15) minutes before sunrise and (15) minutes after sunset Mondays through Saturdays. No pumping or other processing activities shall be permitted on Sundays or from fifteen minutes after sunset to fifteen minutes before sunrise. Two exceptions to this condition shall be in the months of March, April, October, and November activities may operate from 6:00a.m. to 10:00p.m. to allow for winter condition. The second exception shall be that trucking of the product shall be allowed on Sundays from 7:00 a.m. to 12:00 noon to allow for contracted sales.
(d). Any internal combustion pump motors utilized shall be equipped with a functioning "hospital grade muffler" designed to reduce exhaust noise by 32 to 40 decibels.
(e). Materials and equipment shall not be stored on the property within any easements or the regulated floodway as determined by the Federal Emergency Management Agency or its successor and the entity with jurisdiction and authority to enforce floodplain regulations. No product, material or equipment shall be stored within any easement or in such a manor that it would violate any safety provisions of the National Electric Safety Code.
(f). All dead trees, rubbish, and debris, if any must be cleared from the real estate as soon as practical and such real estate must, at all times, be kept in a clean and neat condition.
(g). No trash, rubbish, debris, dead trees, lumber, bricks, refuse or junk material of any nature whatsoever shall be dumped, placed or located upon such real estate.

(h). Applicant shall not use the real estate in any way so as to create or result in an unreasonable hazard or nuisance to adjacent land owners or to the general public.

(i). Applicant shall maintain any and all drainage ditches that may be located upon the real property.

(j). Applicant shall not permit the hauling of sand and gravel from the premises and over and across any public highway or road unless said sand and gravel is complete dry and free from water or is hauled in trucks which are designed and equipped so as to prevent water from leaking onto the traveled portion of the roadbed.

(k). All water accumulated upon the premises by virtue of such mining and pumping operations shall be retained upon the premises and shall not flow upon or encroach upon any adjacent land. Only surface waters that have historically flowed from the premises shall be permitted to leave the same through historical natural drainage ways.

(l). Applicant shall begin the mining operation within a period of 18 months from the issuance of this permit or if the applicant fail to begin operations within the 18 months the permit shall be considered null and void and subject to reapplication and rehearing. Additionally if at anytime during the life of the permit issued the operation shall cease for a period of a continuous 18 months the permit shall become void and a renewal shall be obtained before becoming once again operational.

Jeff Hooker, 3615 Palomino Place and Rod Hooker, representing Hooker Brothers Sand & Gravel spoke in support. Chuck Witter, 333 Gunbarrel Road, Bob Plummer, 535 Gunbarrel Road, and Cindy Pfeifer, 406 Gunbarrel Road spoke in opposition. No further public testimony was heard.

Public Hearing on Acquisition of Utility Easement Located at 3312 West Stolley Park Road. (Dinsy,LLC) Gary Mader, Utilities Director reported that acquisition of a utility easement located at 3312 West Stolley Park 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 to place underground primary electrical cable and a pad-mounted transformer to provide electrical service to Dinsdale's expanded body shop. No public testimony was heard.

Public Hearing on Acquisition of Utility Easements Located a Along the West Line of the Parking Lot of Wal-Mart South – US Highway 34 and South Locust Street. (Wal-Mart Real Estate Business Trust and Wal-Mart Stores, Inc.) Gary Mader, Utilities Director reported that acquisition of two utility easements located along the west line of the parking lot of Wal-Mart South – US Highway 34 and South Locust Street were 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 to place electrical cable and a pad-mounted transformer to provide service to a new fueling station. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement Located at 803 East 9th Street. (Starostka Group Unlimited, Inc.) Gary Mader, Utilities Director reported that acquisition of a utility easement located at 803 East 9th Street 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 to provide a clean bill of sale for the owner, the two feet on the east portion of the easement on Lot 3 would be vacated. To maintain 20 feet of total easement, a two foot

easement would be dedicated from Lot 2 (803 East 9th Street). The overhead electrical line would remain in place with no changes. No public testimony was heard.

Public Hearing on Community Development Block Grant Economic Development Project. Chad Nabity, Regional Planning Director reported that the City of Grand Island is requesting \$255,000 to \$505,000 from the Nebraska Department of Economic Development of which \$250,000 to \$500,000 would be loaned to Project Cottonwood for activities associated with the start up of a transportation – logistics center. The remaining \$5,000 would be retained by the City for audit and administrative expenses associated with the grant. 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 ordinance numbered:

#9020 - Consideration of Vacating Utilities Easement Located at 805 East 9th Street – Starostka Group Unlimited, Inc.

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

Steve Riehle, Public Works Director reported Ordinance #9020 related to the previous public hearing regarding a utility easement located at 803 East 9th Street.

Motion by Pielstick, second by Hornady to approve Ordinance #9020.

City Clerk: Ordinance #9020 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 #9020 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 #9020 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 Councilmember Appointments to the following Boards and Commissions:

Building Code Advisory Board:	Bob Meyer
Business Improvement District #3:	Fred Whitesides
Business Improvement District #4:	Fred Whitesides
Business Improvement District #5:	Jackie Pielstick
City/County Communications/Civil	Scott Walker, Don Pauly,

Defense Committee:	Bob Meyer
City/County Efficiency Effectiveness: Committee	Margaret Hornady & Mitch Nickerson
Community Development Advisory Board:	Jackie Pielstick
Community Redevelopment Authority:	Margaret Hornady
Fire Station #1/Training:	Bob Meyer
GI Area Economic Development Corp.	Peg Gilbert
Humane Society:	Bob Meyer & Don Pauly
Library Board:	Margaret Hornady
Library Facility Committee:	Margaret Hornady
Multi-Cultural Coalition:	Carole Cornelius
Problem Resolution Team:	Jackie Pielstick
Regional Planning Commission:	Joyce Haase & Mitch Nickerson
Systems Information Advisory Committee (City/County)	Mitch Nickerson
Transportation Committee:	Don Pauly

Approving the Appointments of Larry Seney, Elio Castillo, Bob Bennett, and Bob Ranard to the Electrical Board and Dean Mathis and Craig Lewis as Ex-Officio Members.

Approving the Re-Appointments of Norm Nietfeldt, Mike McElroy, Loren Peterson to the Gas Fitters and Appliance Installers Board and David Scoggins and Craig Lewis as Ex-Officio Members.

Approving the Re-Appointments of Larry Callahan, Eric Rose, Robert Luther, and Jennifer Herman to the Plumbers Examining Board and David Scoggins as Ex-Officio Member.

Approving Re-Appointment of Kurt Haecker to the City/County Efficiency Effectiveness Committee.

#2005-338 – Approving Bid Award for One (1) 2006 Ford E-450 Type III, Class 1 Ambulance with Midwest Vehicle Professionals, Inc. of York, Nebraska in an Amount of \$133,953.00.

#2005-339 – Approving Acquisition of Utility Easement Located at 3312 West Stolley Park Road. (Dinsy, LLC)

#2005-340 – Approving Acquisition of Utility Easements Located Along the West Line of the Parking Lot of Wal-Mart South – US Highway 34 and South Locust Street. (Wal-Mart Real Estate Business Trust and Wal-Mart Stores, Inc.)

#2005-341 – Approving Acquisition of Utility Easement Located at 803 East 9th Street. (Starostka Group Unlimited, Inc.)

#2005-342 – Approving Safety Glass Contract for Utilities, Public Works and Parks and Recreation departments for 2006-2008 with Eyecare Professionals/Grand Island Optical of Grand Island, Nebraska.

#2005-343 – Approving FTE Amendment.

#2005-344 – Approving Community Development Block Grant Economic Development Project.

#2005-345 – Approving Change Order No. 1 for Sanitary Sewer Project 2004-S-12; Heartland Events Center at Fonner Park with The Diamond Engineering Company of Grand Island, Nebraska for an Increase of \$6,500.67 and a Revised Contract Amount of \$71,450.77.

#2005-346 – Approving Certificate of Final Completion for Sanitary Sewer Project 2004-S-12; Heartland Events Center at Fonner Park with The Diamond Engineering Company of Grand Island, Nebraska.

#2005-347 – Approving Bid Award for One (1) 26,000 GVW Salt/Sand Truck with Hansen International Truck, Inc. of Grand Island, Nebraska in an Amount of \$49,634.75.

REQUESTS AND REFERRALS:

Consideration of Request from Rod Hooker of Hooker Brothers Construction for Conditional Use Permit for Sand & Gravel Operation Along Gunbarrel Road. Discussion was held by Council regarding the hours of operation, location of operation which will start on the east end of the property and work their way west, traffic concerns, and the time frame this sand and gravel operation would be used. Mr. Hooker stated they were looking at a 15 to 20 year operation possibly longer depending on the supply of gravel in the area.

Motion by Pielstick, second by Gilbert to approve the request from Hooker Brother Construction for a Conditional Use Permit along Gunbarrel Road. Upon roll call vote, all voted aye. Motion adopted.

PAYMENT OF CLAIMS:

Motion by Cornelius, second by Whitesides to approve the Claims for the period of November 23, 2005 through December 6, 2005, for a total amount of \$4,307,601.74. Motion adopted unanimously.

ADJOURNMENT: The meeting was adjourned at 7:45 p.m.

RaNae Edwards
City Clerk