



# City of Grand Island

Tuesday, March 28, 2006

Council Session

## Item G2

**Approving Minutes of March 7, 2006 Regular Meeting**

Staff Contact: RaNae Edwards

OFFICIAL PROCEEDINGS

CITY OF GRAND ISLAND, NEBRASKA

MINUTES OF CITY COUNCIL REGULAR MEETING

March 7, 2006

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 March 7, 2006. Notice of the meeting was given in *The Grand Island Independent* on March 1, 2006.

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 Evangelist Gary Bennett, Stolley Park Church of Christ, 2822 West Stolley Park Road followed by the PLEDGE OF ALLEGIANCE.

PRESENTATIONS AND PROCLAMATIONS:

Proclamation "Patient Safety Awareness Week" March 5-11, 2006. Mayor Vavricek has proclaimed the week of March 5-11, 2006 as "Patient Safety Awareness Week". Dr. Horn, Betty Pfeiffer, and Sandy Milton were present to receive the proclamation.

Recognition of State Wrestling Winners: Mayor Vavricek and the City Council recognized the following students and coaches for their wins at State Wrestling Meet:

Grand Island Senior High: Class "A":  
Coach Mike Schadwinkel  
Brandon Hudiburg – State Champion  
Isaiah Aguilar – 6<sup>th</sup> Place

Grand Island Northwest: Class "B"  
Coach Brian Sybrandts  
Brett Mills – 4<sup>th</sup> Place  
Hadley Cooksley – 5<sup>th</sup> Place

Grand Island Northwest Coach Brian Sybrandts, Grand Island Central Catholic Coach Matt Coufal and Justin Kelly were not present.

Recognition of Class "A" Bowling Team 3<sup>rd</sup> Place Winners at State: Mayor Vavricek and the City Council recognized the following girls and their coach for their 3<sup>rd</sup> Place Win at State:

Amy Glover, Candi Glover, Kristen Ruzicka, and Jeanna Bruener were present to receive their certificates. Coach Justin Price, Kayla Johnson, and Kayla Brixius were not present.

Presentation by Shonesy Associates for FY 2005 City Single Audit and General Purpose Financial Statements. David Springer, Finance Director introduced Terry Galloway representing Shonesy & Associates who reviewed the FY 2005 City Single Audit and General Purpose Financial Statements. The financial audit received an unqualified rating which was the highest rating possible.

Presentation by BKD, LLP Relative to Fiscal Year 2005 Electric and Water Audit Reports. David Springer, Finance Director introduced Roger Watton from BKD, LLP to give the audit reports. Mr. Watton stated that these were unqualified opinions and there were no weaknesses with the internal control. Mentioned was the concern of a low cash balance.

MAYOR COMMUNICATION: Mayor Vavricek introduced Knickerhm Elementary 5<sup>th</sup> Grade Teacher Diane Meyer and Nekia Samway who read her "Reasons to Live in Grand Island" paper.

PUBLIC HEARINGS:

Public Hearing on Request of Casey's Retail Company dba Casey's General Store #2707, 806 N. Eddy Street for a Class "D" Liquor License. RaNae Edwards, City Clerk reported that Casey's Retail Company dba Casey's General Store #2707, 860 N. Eddy Street had submitted an application with the City Clerk's Office for a Class "D" Liquor License. Ms. Edwards presented the following exhibits for the record: application submitted to the Liquor Control Commission and received by the City on February 3, 2006; notice to the applicant of date, time, and place of hearing mailed on February 3, 2006; notice to the general public of date, time, and place of hearing published on February 25, 2006; along with Chapter 4 of the City Code. Staff recommended approval. No public testimony was heard.

Public Hearing on Request of Casey's Retail Company dba Casey's General Store #2727, 1219 West 2<sup>nd</sup> Street for a Class "B" Liquor License. RaNae Edwards, City Clerk reported that Casey's Retail Company dba Casey's General Store #2727, 1219 West 2<sup>nd</sup> Street had submitted an application with the City Clerk's Office for a Class "B" Liquor License. Ms. Edwards presented the following exhibits for the record: application submitted to the Liquor Control Commission and received by the City on February 8, 2006; notice to the applicant of date, time, and place of hearing mailed on February 8, 2006; notice to the general public of date, time, and place of hearing published on February 25, 2006; along with Chapter 4 of the City Code. Staff recommended approval. No public testimony was heard.

Public Hearing on Request of Casey's Retail Company dba Casey's General Store #2732, 4150 West U.S., Highway 30 for a Class "B" Liquor License. RaNae Edwards, City Clerk reported that Casey's Retail Company dba Casey's General Store #2732, 4150 West U.S. Highway 30 had submitted an application with the City Clerk's Office for a Class "B" Liquor License. Ms. Edwards presented the following exhibits for the record: application submitted to the Liquor Control Commission and received by the City on February 13, 2006; notice to the applicant of date, time, and place of hearing mailed on February 13, 2006; notice to the general public of

date, time, and place of hearing published on February 25, 2006; along with Chapter 4 of the City Code. Staff recommended approval. No public testimony was heard.

Public Hearing on Request of Casey's Retail Company dba Casey's General Store #2737, 1814 N. Eddy Street for a Class "D" Liquor License. RaNae Edwards, City Clerk reported that Casey's Retail Company dba Casey's General Store #2737, 1814 N. Eddy Street had submitted an application with the City Clerk's Office for a Class "D" Liquor License. Ms. Edwards presented the following exhibits for the record: application submitted to the Liquor Control Commission and received by the City on February 13, 2006; notice to the applicant of date, time, and place of hearing mailed on February 13, 2006; notice to the general public of date, time, and place of hearing published on February 25, 2006; along with Chapter 4 of the City Code. Staff recommended approval. No public testimony was heard.

Public Hearing on Request of Casey's Retail Company dba Casey's General Store #2742, 2223 South Locust Street for a Class "B" Liquor License. RaNae Edwards, City Clerk reported that Casey's Retail Company dba Casey's General Store #2742, 2223 South Locust Street had submitted an application with the City Clerk's Office for a Class "B" Liquor License. Ms. Edwards presented the following exhibits for the record: application submitted to the Liquor Control Commission and received by the City on February 13, 2006; notice to the applicant of date, time, and place of hearing mailed on February 13, 2006; notice to the general public of date, time, and place of hearing published on February 25, 2006; along with Chapter 4 of the City Code. Staff recommended approval. No public testimony was heard.

Public Hearing on Request of Perez, Inc. dba Tucanaso, 410 East 4<sup>th</sup> Street for a Class "C" Liquor License. RaNae Edwards, City Clerk reported that Perez, Inc. dba Tucanaso, 410 East 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 February 15, 2006; notice to the applicant of date, time, and place of hearing mailed on February 16, 2006; notice to the general public of date, time, and place of hearing published on February 25, 2006; along with Chapter 4 of the City Code. Staff recommended denial or approval with stipulations. John Cunningham, Attorney for the applicant spoke in support. No further public testimony was heard.

Public Hearing on Request of Sarah R. Tjaden dba The Roadhouse Garage, 2710-B Diers Avenue for a Class "C" Liquor License. RaNae Edwards, City Clerk reported that Sarah R. Tjaden dba The Roadhouse Garage, 2710-B Diers Avenue 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 February 17, 2006; notice to the applicant of date, time, and place of hearing mailed on February 17, 2006; notice to the general public of date, time, and place of hearing published on February 25, 2006; along with Chapter 4 of the City Code. Staff recommended denial or approval with stipulations. Sarah Tjaden, 3720 State Street, Apt. J9 spoke in support and submitted a statement regarding agreeable stipulations for the liquor license. No further public testimony was heard.

Public Hearing on Redevelopment Plan for Blight and Substandard Area #5 for Ann's Pet Salon to be Located at 1303 Geddes Street. Chad Nabity, Regional Planning Director reported that Anne Bruns dba Ann's Pet Salon, 1303 Geddes Street had applied for tax increment financing for the development of and expansion of a pet grooming business and kennel operation on Lot 2 of Bruns Subdivision. The Community Redevelopment Authority and Regional Planning Commission have approved this request. No public testimony was heard.

Public Haring on Change of Zoning for Land Proposed for Platting as Copper Creek Subdivision Located South of Old Potash Highway and East of Engleman Road from TA Transitional Agricultural to R2 Low Density Residential. Chad Nabity, Regional Planning Director reported that rezoning was required for property proposed for platting as Copper Creek Subdivision located south of Old Potash Highway and East of Engleman Road from TA Transitional Agricultural to R2 Low Density Residential. This would allow the developers of the Copper Creek Estates Subdivision to develop this land. Tim Jonak, St. Paul, Nebraska spoke about concerns regarding water drainage. No further public testimony was heard.

Public Hearing on Re-Adopting the City of Grand Island Official Zoning Map. Chad Nabity, Regional Planning Director reported that by re-adopting the City of Grand Island Official Zoning Map, it would incorporate all changes since August 1, 2004 as produced using the Hall County Geographic Information System. No public testimony was heard.

#### ORDINANCES:

Chad Nabity, Regional Planning Director reported Ordinance #9026 related to the Public Hearing held on January 24, 2006 and was the final of three readings for annexation of Copper Creek Subdivision. Presented was a video of the area after the May 11, 2005 flooding.

#9026 – Consideration of Annexation of Property Located South of Old Potash Highway and East of Engleman Road. (Final Reading)

Steve Riehle, Public Works Director commented on the drainage.

Motion by Pielstick, second by Cornelius to approve Ordinance #9026 on final reading. 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 ordinances numbered:

#9033 - Consideration of Change of Zoning for Land Proposed for Platting as Copper Creek Subdivision Located South of Old Potash Highway and East of Engleman Road from TA Transitional Agricultural to R2 Low Density Residential

#9034 – Consideration of Amendments to Chapter 18 of the City Code Relative to Examining Board, Membership, and Duties

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

Motion by Pielstick, second by Whitesides to approve Ordinances #9033 and #9034.

City Clerk: Ordinances #9033 and #9034 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 #9033 and #9034 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 #9033 and #9034 are declared to be lawfully adopted upon publication as required by law.

CONSENT AGENDA: Consent Agenda items G-4, G-17, and G-18 were pulled for further discussion. Motion by Hornady, second by Cornelius to approve the Consent Agenda. Upon roll call vote, all voted aye. Motion adopted.

Receipt of Official Document – Resolution from Merrick County Board Requesting Creation of Inter-Jurisdictional Planning Commission.

Approving Minutes of February 28, 2006 City Council Regular Meeting.

Approving Request of Charles Scott Pinkham, 603 N. Tower, Minden, Nebraska for Liquor Manager Designation for the following Casey’s General Stores: #2707, 806 N. Eddy Street; #2727, 1219 West 2<sup>nd</sup> Street; #2732, 4150 West U.S. Highway 30; #2737, 1814 N. Eddy Street; and #2742, 2223 South Locust Street with the stipulation of completing a state approved alcohol server/seller training program.

#2006-65 – Approving Final Plat and Subdivision Agreement for Copper Creek Subdivision. It was noted that Copper Creek Estates, L.L.C. owners had submitted the final plat for Copper Creek Subdivision for the purpose of creating 97 lots on a parcel of land in the NW 1/4 of Section 23-11-10 consisting of approximately 25.993 acres.

#2006-66 – Approving Redevelopment Plan for Blight and Substandard Area #5 for Ann’s Pet Salon to be Located at 1303 Geddes Street.

#2006-67 – Approving Re-Adopting the City of Grand Island Official Zoning Map.

#2006-68 – Approving Designating US Filter/Zimpro Products of Irondale, Alabama as the Sole Source Provider for the Zimpro 84” Spiral Lift Screw Pump Parts in the Amount of \$21,672.89.

#2006-69 – Approving Change Order No. 1 to the Contract with The Diamond Engineering Company of Grand Island, Nebraska for the South Locust Street Bridges; Northbound Lanes North of I-80 for an Increase of \$18,677.00 and a Revised Contract Amount of \$1,197,832.59.

#2006-70 – Approving Bid Award for Street Improvement District No. 1257; Shanna Street in Western Heights 4<sup>h</sup> Subdivision with The Diamond Engineering Company of Grand Island, Nebraska in an Amount of \$104,273.72.

#2006-71 – Approving Certificate of Final Completion for CXT Transmission Line Work Contract 05-PCC\_01 with Dominion Construction Company of Scottsbluff, Nebraska.

#2006-72 – Approving Confidentiality Agreement with Nebraska Public Power District.

#2006-73 – Approving Bid Award for Water Main District No. 452, Lake Street, Knott Avenue and Tri Street with The Diamond Engineering Company of Grand Island, Nebraska for an Amount of \$61,786.84.

#2006-74 – Approving Certificate of Final Completion for Water Main District No. 449T – North Road and Faidley Avenue with Starostka Group Unlimited, Inc. of Grand Island, Nebraska and Setting April 11, 2006 for Board of Equalization Date.

#2006-75 – Approving Fiscal and Investment Policies for the City of Grand Island.

#2006-76 – Approving Business Continuity and Recovery Services Agreement with IBM of Suffern, New York for Three Years.

#2006-79 – Approving Bid Award for Digital Voice Logging Recorder with Midland Telecom, Inc. of Grand Island, Nebraska in an Amount of \$26,995.00.

#2006-87 – Approving Termination of SWAT Interlocal Agreement with Hall County.

#2006-88 – Approving the State Bid Contract 10628(OC)REN(13) for System Furnishings with Surroundings, LLC of Lincoln, Nebraska.

Mayor Vavricek read a statement recusing himself from participating in discussions of Resolutions #2006-77 and #2006-78 due to a possible conflict of interest. The meeting was then turned over to Council President Hornady.

#2006-77 – Approving Interlocal Agreement with Kearney, Nebraska for Cable Consultant Services. Motion by Whitesides, second by Nickerson to approve Resolution #2006-77. Upon roll call vote all voted aye. Councilmember Haase abstained. Motion adopted.

#2006-78 – Approving Contract for Cable Consultant Services with Moss & Barnett of Minneapolis, Minnesota in an Amount of \$87,500.00. Motion by Whitesides, second by Nickerson to approve Resolution #2006-77. Upon roll call vote all voted aye. Councilmember Haase abstained. Motion adopted.

RESOLUTIONS:

#2006-80 – Approving Request of Casey’s Retail Company dba Casey’s General Store #2707, 806 N. Eddy Street for a Class “D” Liquor License.

#2006-81 – Approving Request of Casey’s Retail Company dba Casey’s General Store #2727, 1219 West 2nd Street for a Class “B” Liquor License.

#2006-82 – Approving Request of Casey’s Retail Company dba Casey’s General Store #2732, 4150 West U.S. Highway 30 for a Class “B” Liquor License.

#2006-83 – Approving Request of Casey’s Retail Company dba Casey’s General Store #2737, 1814 N. Eddy Street for a Class “D” Liquor License.

#2006-84 – Approving Request of Casey’s Retail Company dba Casey’s General Store #2742, 2223 South Locust Street for a Class “B” Liquor License.

Motion by Meyer, second by Pielstick to approve Resolutions #2006-80, #2006-81, #2006-82, #2006-83, and #2006-84 with the stipulation that the manager will complete a manager training.

#2006-85 – Approving Request of Perez, Inc. dba Tucanaso, 410 East 4<sup>th</sup> Street for a Class “C” Liquor License. Discussion was held regarding the hidden ownership of Anastacio Jacobo, spouse of the applicant.

Motion by Hornady, second by Whitesides to deny Resolution #2006-85. Upon roll call vote, Councilmember’s Meyer, Whitesides, Pielstick, Gilbert, Cornelius, Pauly, Hornady, and Haase voted aye. Councilmember’s Nickerson and Walker voted no. Motion adopted.

#2006-86 – Approving Request of Sarah R. Tjaden dba The Roadhouse Garage, 2710-B Diers Avenue for a Class “C” Liquor License. Discussion was held regarding the hidden ownership of Jeff Leo. State Patrol Investigator Lorri Rogers spoke about concerns during the background investigation. Mentioned was the fact that Jeff Leo was denied a liquor license for Bud’s Roadhouse by the Nebraska Liquor Control Commission on January 19, 2006 and on January 20, 2006 as Assignment of Lease was signed to Sarah Tjaden.

Motion by Hornady, second by Gilbert to deny Resolution #2006-86. Upon roll call vote, Councilmember’s Meyer, Whitesides, Pielstick, Gilbert, Pauly, Hornady, and Haase voted aye. Councilmember’s Nickerson, Cornelius, and Walker voted no. Motion adopted.

Approving Request of Silvia Perez Cevantes, 411 East 4<sup>th</sup> Street, Apt. 1 for Liquor Manager Designation for Tucanaso, 410 East 4<sup>th</sup> Street contingent upon the liquor license approval for Tucanaso and the stipulation that Ms. Perez Cevantes completes a state approved alcohol server/seller training program.



Motion by Pielstick, second by Whitesides to deny the request of Silvia Perez Cevantes for Liquor Manager designation for Tucanaso. Upon roll call vote, Councilmember's Meyer, Whitesides, Pielstick, Gilbert, Nickerson, Cornelius, Pauly, Hornady, and Haase voted aye. Councilmember Walker voted no. Motion adopted.

PAYMENT OF CLAIMS:

Motion by Cornelius, second by Haase to approve the Claims for the period of February 29, 2006 through March 7, 2006, for a total amount of \$1,048,152.35. Motion adopted unanimously. (It was noted after the meeting an error was found making the total \$1,048,181.39.)

Motion by Corneilus, second by Haase to approve the following Claim for the Library Expansion for the period of February 29, 2006 through March 7, 2006:

#21	\$92,844.07
#22	\$504.00

Motion adopted unanimously.

ADJOURNMENT: The meeting was adjourned at 8:35 p.m.

RaNae Edwards  
City Clerk