



City of Grand Island

Tuesday, April 11, 2006

Council Session

Item G2

Approving Minutes of March 28, 2006 City Council Regular Meeting

Staff Contact: RaNae Edwards

OFFICIAL PROCEEDINGS

CITY OF GRAND ISLAND, NEBRASKA

MINUTES OF CITY COUNCIL REGULAR MEETING

March 28, 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 28, 2006. Notice of the meeting was given in *The Grand Island Independent* on March 22, 2006.

Mayor Jay Vavricek called the meeting to order at 7:00 p.m. The following members were present: Councilmember's Whitesides, Pielstick, Gilbert, Nickerson, Cornelius, Pauly, Hornady, Walker, and Haase. Councilmember Meyer 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 Reverend Daniel Bremer, Grace Lutheran Church, 545 East Memorial Drive followed by the PLEDGE OF ALLEGIANCE.

PRESENTATIONS AND PROCLAMATIONS:

Proclamation "Baby Blues Week" March 26 to April 1, 2006. Mayor Vavricek has proclaimed the week of March 26 to April 1, 2006 as "Baby Blues Week". Dr. Kent Mann, Sue Beaty, and several students from Grand Island Senior High School were present to receive the proclamation.

Proclamation "Autism Awareness Month" April 2006: Mayor Vavricek has proclaimed the month of April 2006 as "Autism Awareness Month". Russell Wing was present to receive the proclamation.

PUBLIC HEARINGS:

Public Hearing on Request of Grand Island Venue I, Inc. dba Copa Cabana, 2850 Old Fair Road for a Class "C" Liquor License. This item was pulled from the agenda at the request of the applicant.

Public Hearing on Request of WILE E. Investment Properties, LLC for Conditional Use Permit for Temporary Use of a Home as a Veterinary Clinic during Construction of a New Veterinary Clinic Located at 210 East Stolley Park Road. Craig Lewis, Building Department Director reported that Melissa Girard representing WILE E. Investment Properties, LLC had requested a conditional use permit to allow for the temporary use of an existing single family dwelling located at 210 East Stolley Park Road for a veterinary clinic during construction of a permanent facility. No public testimony was heard.

Public Hearing on Change of Zoning for Land Proposed for Platting as Ewoldt Subdivision Located South of Husker Highway and West of Highway 281 from TA Agricultural to CD Commercial Development. Chad Nabity, Regional Planning Director reported that the developers of Ponderosa Pointe (Ewoldt Subdivision) had requested the City change the zoning on approximately 100 acres of ground at the southwest corner of Husker Highway and U.S. Highway 281 from TA Transitional Agricultural to CD Commercial Development. No public testimony was heard.

Public Hearing on Acquisition of Utility Easements Located at Stuhr and Swift Roads. (Swift Beef Company) Gary Mader, Utilities Director reported that acquisition of two utility easements located at Stuhr and Swift Roads were needed in order to have access to install, upgrade, maintain, and repair power appurtenances, including lines and transformers. The purpose of these easements would be to place a pad-mounted transformer and underground cable to serve electricity to a new lab building. No public testimony was heard.

ORDINANCES:

Chad Nabity, Regional Planning Director reported Ordinance #9032 related to the Public Hearing held on January 24, 2006 and was the final of three readings for annexation of Ewoldt Subdivision.

#9032 – Consideration of Annexation of Property Proposed for Platting as Ewoldt Subdivision Located South of Husker Highway and West of U.S. Highway 281. (Final Reading)

Motion by Pielstick, second by Cornelius to approve Ordinance #9032 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:

#9035 - Consideration of Change of Zoning for Land Proposed for Platting as Ewoldt Subdivision Located South of Husker Highway and West of Highway 281 from TA Transitional Agricultural to CD Commercial Development

#9036 – Consideration of Amendments to Chapter 2 of the City Code Relative to Administration

#9037 – Consideration of Amendments to Chapter 3 of the Grand Island City Code Relative to Alarm Systems

#9038 – Consideration of Creating Chapter 37 of the Grand Island City Code Relative to Planning and Community Development

#9039 – Consideration of Creating Chapter 38 of the Grand Island City Code Relative to Economic Development

#9040 – Consideration of Amendments to Chapter 22 of the Grand Island City Code Relative to Truck Routes

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

#9035 - Consideration of Change of Zoning for Land Proposed for Platting as Ewoldt Subdivision Located South of Husker Highway and West of Highway 281 from TA Transitional Agricultural to CD Commercial Development

Chad Nabity, Regional Planning Director reported on Ordinance #9035 a zoning change for Ewoldt Subdivision which was requested along with the annexation of this property.

Motion by Pielstick, second by Cornelius to approve Ordinance #9035. Upon roll call vote on first reading and final passage, all voted aye. Motion adopted.

Mayor Vavricek: By reason of the roll call votes on first reading and then upon final passage, Ordinance #9035 is declared to be lawfully adopted upon publication as required by law.

#9036 – Consideration of Amendments to Chapter 2 of the City Code Relative to Administration

Doug Walker, City Attorney explained Ordinances #9036 and the changes made to Chapter 2 of the Grand Island City Code.

Motion by Hornady, second by Cornelius to approve Ordinances #9036.

Discussion was held with regards to hired versus appointed officials, council agenda's, removal of elected officials, and county authority duties.

Motion by Gilbert, second by Whitesides to amend the motion to strike out “a majority of the entire” in Section 2-6. Upon roll call vote, all voted aye. Motion adopted.

Motion by Whitesides, second by Pielstick to add “as per state statute” and “malfeasance” in Section 2-24. Upon roll call vote, all voted aye. Motion adopted.

Upon roll call vote on first reading and final passage, all voted aye. Motion adopted.

Mayor Vavricek: By reason of the roll call votes on first reading and then upon final passage, Ordinance #9036 is declared to be lawfully adopted upon publication as required by law.

#9037 – Consideration of Amendments to Chapter 3 of the Grand Island City Code Relative to Alarm Systems

Doug Walker, City Attorney explained the changes to Chapter 3 of the Grand Island City Code relative to alarm systems.

Motion by Pielstick, second by Hornady to approve Ordinance #9037. Discussion was held on Section 3-7 regarding penalties.

Upon roll call vote on first reading and final passage, all voted aye. Motion adopted.

Mayor Vavricek: By reason of the roll call votes on first reading and then upon final passage, Ordinance #9037 is declared to be lawfully adopted upon publication as required by law.

#9038 – Consideration of Creating Chapter 37 of the Grand Island City Code Relative to Planning and Community Development

Doug Walker, City Attorney explained that Chapter 37 was added to the Grand Island City Code to include those areas of Planning and Community Development from other parts of the City Code in its own section.

Motion by Walker, second by Hornady to approve Ordinance #9038. Upon roll call vote on first reading and final passage, all voted aye. Motion adopted.

Mayor Vavricek: By reason of the roll call votes on first reading and then upon final passage, Ordinance #9038 is declared to be lawfully adopted upon publication as required by law.

#9039 – Consideration of Creating Chapter 38 of the Grand Island City Code Relative to Economic Development

Doug Walker, City Attorney explained that Chapter 38 was added to the Grand Island City Code to include those areas relating to Economic Development in one chapter.

Motion by Hornady, second by Pielstick to approve Ordinance #9039. Upon roll call vote on first reading and final passage, all voted aye. Motion adopted.

Mayor Vavricek: By reason of the roll call votes on first reading and then upon final passage, Ordinance #9039 is declared to be lawfully adopted upon publication as required by law.

#9040 – Consideration of Amendments to Chapter 22 of the Grand Island City Code Relative to Truck Routes

Steve Riehle, Public Works Director reported on the changes to the truck routes throughout Grand Island and the changes to the City Code with regards to allowing the truck routes to be approved by Resolution.

Motion by Hornady, second by Walker to approve Ordinance #9040. Upon roll call vote on first reading and final passage, all voted aye. Motion adopted.

Mayor Vavricek: By reason of the roll call votes on first reading and then upon final passage, Ordinance #9040 is declared to be lawfully adopted upon publication as required by law.

CONSENT AGENDA: Consent Agenda item G-12 was pulled from the agenda to the April 11, 2006 meeting. Consent Agenda item G-20 was pulled for further discussion. Motion by Cornelius, second by Hornady to approve the Consent Agenda excluding items G-12 and G-20. Upon roll call vote, all voted aye. Motion adopted.

Approving Minutes of March 7, 2006 Joint City/County Special Meeting.

Approving Minutes of March 7, 2006 City Council Regular Meeting.

Approving Request of Sage Rath, 3111 College Street, Apt. #23 for Liquor Manager Designation for Whiskey Creek, 1016 Diers Avenue with the stipulation of completing a state approved alcohol server/seller training program.

Approving Request of WILE E. Investment Properties, LLC for Conditional Use Permit for Temporary Use of a Home as a Veterinary Clinic during Construction of a New Veterinary Clinic Located at 210 East Stolley Park Road.

Approving Preliminary Plat for Ewoldt Subdivision.

#2006-890 – Approving Final Plat and Subdivision Agreement for Ewoldt Subdivision. It was noted that Husker Retail Development, L.L.C., owners had submitted the final plat for Ewoldt Subdivision located on a parcel of land in the NE 1/4 of Section 36-11-10 for the purpose of creating 10 lots and 3 outlots.

#2006-90 – Approving Designating No Parking Along the East Side of Exchange Street.

#2006-91 – Approving Change Order No. 1 to the Contract with The Diamond Engineering Company of Grand Island, Nebraska for the Capital Heights Drainway Rip Rap & Grading; 2005-D-3 and for the Capital Avenue Outfall Structure; 2005-D-4 for a Decrease of \$589.40 and a Revised Contract Amount of \$140,962.18.

#2006-92 – Approving Certificate of Final Completion with The Diamond Engineering Company of Grand Island, Nebraska for Capital Heights Drainway Rip Rap & Grading; 2005-D-3 and for the Capital Avenue Outfall Structure; 2005-D-4.

#2006-93 – Approving Agreement for Consulting Engineering Services for the Re-Permitting of the Solid Waste Landfill with HDR Engineering, Inc. of Omaha, Nebraska for Actual Costs with a Basic Permit Fee Maximum of \$32,400 and a Total Maximum Dollar Amount of \$54,000.

#2006-94 – Approving Installation of a Temporary Traffic Signal at the intersection of Diers Avenue and Capital Avenue.

#2006-95 – Approving Contract for the Nebraska Department of Roads to Acquire Right-of-Way Adjacent to the City Library for the Widening of US Highway 30. This item was pulled from the agenda until the April 11, 2006 meeting.

#2006-96 – Approving the Renewal of the Interlocal Agreement with Hall County for Law Enforcement Records Management and Computer Aided Dispatch. It was noted that two additional voting members were to be added.

#2006-97 – Approving 20 Year Lease Agreement for Jackrabbit Run Golf Course with the Hall County Regional Airport Authority Based on a Yearly 3% Increase with 2007 in the Amount of \$16,172.44.

#2006-98 – Approving Acquisition of Utility Easements Located at Stuhr and Swift Roads. (Swift Beef Plant)

#2006-99 – Approving Bid Award for 22.5 MVA Substation Transformers - Contract 06-PCC-01, with VA Tech Ferranti Packard of St. Catharines, Ontario, Canada in an Amount of \$1,587,462.00.

#2006-100 – Approving Agreement for Air Emissions Monitoring with HDR Engineering, Inc. of Omaha, Nebraska in an Amount not to exceed \$20,000.00.

#2006-101 – Approving Letter of Agreement between the Nebraska Children and Families Foundation and the Community youth Council for Grant Funds in the Maximum Amount of \$25,000.00.

#2006-102 – Approving Interlocal Agreement with Hall County for Sharing the Costs for the Operation of the New Law Enforcement Center.

#2006-103 – Approving Establishment of Designated Truck Routes. Steve Riehle, Public Works Director explained the changes to the truck routes and approving these routes through Resolution instead of Ordinance as has been done in the past.

Motion by Gilbert, second by Whitesides to approve Resolution #2006-103. Discussion was held with regards to the area of North Road from Husker Highway to Stolley Park Road. Discussed was truck traffic and concerns of public safety crossing North Road to the Cedar Hills Park.

Motion by Gilbert, second by Whitesides to amend the motion to delete the truck route on North Road from Husker Highway to Stolley Park Road. Upon roll call voted all voted aye. Motion adopted.

Upon roll call vote on the main motion with the amendment, all voted aye. Motion adopted.

REQUESTS AND REFERRALS:

Consideration of the Request from Bosselman, Inc. for Approval of a Ground Sign Exceeding 50' in Height Located at 7301 Bosselman Avenue. Craig Lewis, Building Department Director reported that Bosselman, Inc. had submitted an application for permission to place a 14' x 18' ground sign with a height of 60' at 7301 Bosselman Avenue. Section 31-25 of the Grand Island

City Code requires that ground signs exceeding 50 feet in height be approved by the Mayor and City Council. Brandi Bosselman spoke in support.

Motion by Whitesides, second by Hornady to approve the request of Bosselman, Inc. for the proposed 60' tall sign and authorize the Building Department to issue a permit for such sign. Upon roll call vote, Councilmember's Whitesides, Gilbert, Nickerson, Cornelius, Pauly, Hornady, Walker, and Haase voted aye. Councilmember Pielstick vote no. Motion adopted.

RESOLUTIONS:

#2006-104 – Approving Request of Grand Island Venue I, Inc. dba Copa Cabana, 2850 Old Fair Road for a Class “C” Liquor License. This item was pulled from the agenda at the request of the applicant.

PAYMENT OF CLAIMS:

Motion by Cornelius, second by Haase to approve the Claims for the period of March 8, 2006 through March 28, 2006, for a total amount of \$4,799,769.20. Motion adopted unanimously. Councilmember Pielstick abstained from Claim #121662.

Motion by Corneilus, second by Haase to approve the following Claims for the Library Expansion for the period of March 8, 2006 through March 28, 2006:

#23 \$75.00
#24 \$2,128.67

Motion adopted unanimously.

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

RaNae Edwards
City Clerk