



City of Grand Island

Tuesday, November 28, 2006

Council Session

Item G1

Approving Minutes of November 14, 2006 City Council Regular Meeting

Staff Contact: RaNae Edwards

OFFICIAL PROCEEDINGS

CITY OF GRAND ISLAND, NEBRASKA

MINUTES OF CITY COUNCIL REGULAR MEETING

November 14, 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 November 14, 2006. Notice of the meeting was given in *The Grand Island Independent* on November 8, 2006.

Mayor Jay Vavricek called the meeting to order at 7:00 p.m. The following members were present: Councilmember's Whitesides, Meyer, Pielstick, Gilbert, Nickerson, Pauly, Hornady, Walker, and Haase. Councilmember's Cornelius 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 Interim City Attorney Dale Shotkoski.

INVOCATION was given by Pastor Sheri Lodel, Calvary Lutheran Church, 1304 North Custer Avenue followed by the PLEDGE OF ALLEGIANCE.

MAYOR COMMUNICATION: Mayor Vavricek commented on the following:

- City Administrator Gary Greer's birthday - November 15th
- Introduced Community Youth Council members Sara Kuta and Sam Schneider

President/Mayor Elect Margaret Hornady explained the process she would use to fill her seat on City Council Ward 2. Deadline for applications was Thursday, November 30, 2006 followed by committee selection, interviews, recommendation by the new Mayor, and approval by council.

PRESENTATIONS AND PROCLAMATIONS:

Presentation of Certificate of Merit to Bill and Betty James for Efforts to Clean Up Indian Acres. The Mayor presented a Certificate of Merit to Bill and Betty James for work they performed to help cleaning up Indian Acres. Bill and Betty James were present for the presentation.

Recognition of Tom and Kim Dinsdale "Nebraska's Philanthropists of the Year". The Mayor and City Council recognized Tom and Kim Dinsdale for being named "Nebraska's Philanthropists of the Year" by the Association of Fundraising Professionals. Mr. & Mrs. Dinsdale have given of their time and talents to many non-profit organizations within the community. Tom and Kim Dinsdale were present for the recognition.

Recognition of Jeff Wattier, Danelle Collins, and Joel Hestermann for Service in the Armed Forces. The Mayor and City Council recognized Jeff Wattier, Solid Waste Superintendent; Danelle Collins, Public Works Administrative Assistant; and Joel Hestermann, Police Officer for their service in the Armed Forces. All three city employees were present for the recognition.

PUBLIC HEARINGS:

Public Hearing on Request of B & R Stores, Inc. dba Super Saver #19, 1602 West 2nd Street for a Class "C" Liquor License. RaNae Edwards, City Clerk reported that an application had been received from B & R Stores, Inc. dba Super Saver #19, 1602 West 2nd Street for a Class "C" Liquor License. Ms. Edwards mentioned that this item had been before the City Council on October 24, 2006 and was referred to the November 14, 2006 meeting to allow Super Saver to submit a plan. Presented were the following exhibits for the record: application submitted to the Liquor Control Commission and received by the City on October 2, 2006; notice to the general public of date, time, and place of hearing published on November 4, 2006; notice to the applicant of date, time, and place of hearing. Staff recommended approval. Fred Groenke, 2308 West Charles Street spoke in support of the application. No further public testimony was heard.

Public Hearing on Request from Geotechnical Services, Inc. for a Conditional Use Permit for Temporary Placement of a Soil Vapor Extraction Trailer Located at 417 North Sycamore Street. Craig Lewis, Building Department Director reported that Geotechnical Services on behalf of R D & D, Inc. requested the temporary placement of a soil vapor extraction trailer located at 417 North Sycamore Street to remove free phase petroleum from groundwater at the site. Staff recommended approval for a two year period with the stipulation that displaced landscaping be installed within six months of approval. No public testimony was heard.

Public Hearing on Acquisition of Sidewalk Easement Located at 720 West Stolley Park Road. (John and Colleen Street) Steve Riehle, Public Works Director reported that a public easement was needed for the installation of sidewalks adjacent to the property at 720 East Stolley Park Road and that the property owners were installing sidewalk along the east side of Adams Street. No public testimony was heard.

Public Hearing on Acquisition of Right-of-Way along the South Side of Capital Avenue, 2490 Carleton Avenue, 2449 Carleton Avenue, and 2485 N. Diers Avenue. (John R. Menard) Steve Riehle, Public Works Director reported that acquisition of public street right-of-way and temporary construction easements were needed along Capital Avenue for the widening of Capital Avenue from the Moores Creek Drainway to Webb Road. Midwest Right-of-Way Services, Inc. had successfully negotiated many properties along Capital Avenue, but there remained a few that had reached no agreement. Eminent domain may have to be used to acquire all property needed to accomplish the project. Staff recommended acquisition of the public street right-of-way and the temporary construction easement by eminent domain if necessary. No public testimony was heard.

Public Hearing on Acquisition of Right-of-Way along 3426 West Capital Avenue. (Robert D. and Patricia J. Hancock) Steve Riehle, Public Works Director reported that acquisition of public street right-of-way and temporary construction easements were needed along Capital Avenue for the widening of Capital Avenue from the Moores Creek Drainway to Webb Road. Midwest Right-of-Way Services, Inc. had successfully negotiated many properties along Capital Avenue, but there remained a few that had reached no agreement. Eminent domain may have to be used to acquire all property needed to accomplish the project. Staff recommended acquisition of the

public street right-of-way and the temporary construction easement by eminent domain if necessary. No public testimony was heard.

Public Hearing on Acquisition of Right-of-Way along 3428 West Capital Avenue. (Poland Oil, Inc. aka Sapp Bros.) Steve Riehle, Public Works Director reported that acquisition of public street right-of-way and temporary construction easements were needed along Capital Avenue for the widening of Capital Avenue from the Moores Creek Drainway to Webb Road. Midwest Right-of-Way Services, Inc. had successfully negotiated many properties along Capital Avenue, but there remained a few that had reached no agreement. Eminent domain may have to be used to acquire all property needed to accomplish the project. Staff recommended acquisition of the public street right-of-way and the temporary construction easement by eminent domain if necessary. Greg Epp, 1013 South Adams Street spoke in opposition explaining access to his business would cause traffic congestion off St. Patrick Street and Capital Avenue. Curtis Cellar, owner of Library Lounge spoke in opposition. No further 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:

- #9087 – Consideration of Amendments to Chapter 22 of the Grand Island City Code Relative to Snow Emergency Routes
- #9088 – Consideration of Vacating a 25’ Utility/Trail Easement along Lots Five (5) and Six (6) of Cedar Ridge Second Subdivision (GILD Investments, LLC)
- #9089 – Consideration of Amended and Restated Participation Agreement for the Public Power Generation Agency Project

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.

Steve Riehle, Public Works Director explained the changes in Ordinance #9087, the Snow Emergency Route. Mr. Riehle reported that Ordinance #9088 would vacate a 25’ easement in Cedar Ridge Second Subdivision that had no utilities and was not needed for a trail.

David Springer, Finance Director explained that Ordinance #9089 was to change wording at the request of bond counsel to the Amended and Restated Participation Agreement with the Public Power Generating Agency for the new 220 MW coal fired power plant to be built in Hastings, Nebraska.

Motion by Pielstick, second by Gilbert to approve Ordinances #9087, #9088, and #9089.

City Clerk: Ordinances #9087, #9088, and #9089 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 #9087, #9088, and #9089 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 #9087, #9088, and #9089 are declared to be lawfully adopted upon publication as required by law.

CONSENT AGENDA: Agenda item G-10 was pulled for further discussion. Motion by Hornady, second by Nickerson to approve the Consent Agenda excluding item G-10. Upon roll call vote, all voted aye. Motion adopted.

Approving Minutes of October 24, 2006 City Council Regular Meeting. Councilmember Whitesides abstained.

Approving Appointment of Tom Graves to the Grand Island Facilities Corporation Board.

#2006-327 – Approving Final Plat and Subdivision Agreement for Sundance Subdivision. It was noted that Anthony and Kathleen Seitz, owners had submitted the final plat for Sundance Subdivision located on a tract of land comprising NE1/4NW1/4 of Section 12-11-9 for the purpose of creating 2 lots on approximately 14.720 acres.

#2006-328 – Approving Contract for Long Term Disability with The Standard Insurance Company.

#2006-329 – Approving Bid Award for Feedwater Heater Tube Bundle with American Exchanger Services, Inc. of Hartford, Wisconsin in an amount of \$310,115.00.

#2006-330 – Approving Agreement for Engineering Consulting Services for Composting System Improvements at the Waste Water Treatment Plant with CH2M Hill of Englewood, Colorado in an Amount not to exceed \$399,200.00.

#2006-331 – Approving Acquisition of Sidewalk Easement at 720 West Stolley Park Road. (John and Colleen Street)

#2006-332 – Approving Acquisition of Right-of-Way Along the South Side of Capital Avenue; 2490 Carlton Avenue, 2449 Carlton Avenue, and 2485 N. Diers Avenue. (John R. Menard)

#2006-333 – Approving Acquisition of Right-of-Way Along 3426 West Capital Avenue. (Robert D. and Patricia J. Hancock)

#2006-335 – Approving Service Maintenance Agreement for GITV Operations with Audiovisual, Inc. (AVI) of Omaha, Nebraska in the Amount of \$3,947.00.

#2006-336 – Approving the Grand Island Area Habitat for Humanity Environmental Review for Release of Funds.

#2006-337 – Approving Change Order No. 4 in the amount of \$1,100.00, Change Order No. 5 in the amount of \$1,263.00 and Change Order No. 6 in the amount of \$1,668.00 for a decrease to the contingency fund to \$150,230.00 with Chief Construction of Grand Island, Nebraska for the Law Enforcement Center.

#2006-338 – Approving State Bid Contract for Three (3) 2007 Ford Crown Victoria Police Vehicles from Anderson Ford of Grand Island, Nebraska in an Amount of \$63,696.00.

#2006-334 – Approving Acquisition of Utility Easement Along 3428 West Capital Avenue (Poland Oil, Inc. aka Sapp Bros.) Discussion was held concerning access off Capital Avenue and St. Patrick Street and the location of the entrance to Sapp Bros. Matt Rief, Engineer with Olsson Associates explained the design was the best access for this property. He stated there was currently a problem with east bound traffic turning left onto the Sapp Bros. property. Steve Riehle, Public Works Director mentioned this project was approved by the State of Nebraska and was being funded by Federal funds in the amount of 80% with a City match of 20%.

Motion by Hornady, second by Nickerson to approve Resolution #2006-334. Upon roll call vote, Councilmember's Meyer, Whitesides, Pauly, Hornady, Walker, and Haase voted aye. Councilmember's Gilbert and Nickerson voted no. Councilmember Pielstick abstained. Motion adopted.

REQUESTS AND REFERRALS:

Consideration of Request from Geotechnical Services, Inc. for a conditional Use Permit for Temporary Placement of a Soil Vapor Extraction Trailer Located at 417 North Sycamore Street. Craig Lewis, Building Department Director reported this item related to the aforementioned Public Hearing.

Motion made by Hornady, second by Pauly. Upon roll call vote, all voted aye. Motion adopted.

Consideration of Request from Wayne E. Vian for Ashlar Lodge No. 33 AF & AM for Permission to Dedicate the Cornerstone at the New Law Enforcement Facility. Wayne E. Vian representing the Mason's requested the Grand Island City Council's permission to dedicate the cornerstone at the new Law Enforcement Facility.

Motion by Pielstick, second by Walker to approve the request of the Mason's to direct staff to dedicate the cornerstone at the new Law Enforcement Facility. Upon roll call vote, all voted aye.

Consideration of Request from Wayne E. Vian for Ashlar Lodge No. 33 AF & AM for Permission to Dedicate the Cornerstone at the Heartland Events Center. Wayne E. Vian representing the Mason's requested the Grand Island City Council's permission to dedicate the cornerstone at the Heartland Events Center.

Motion by Pielstick, second by Walker to approve the request of the Mason's to dedicate the cornerstone at the Heartland Events Center. Upon roll call vote, all voted aye.

Consideration of Water Main District Options, Parkview Area. Gary Mader, Utilities Director reported that Water Main District No. 454 was created by residents in the Parkview area to provide extension of the municipal water system throughout the subdivision. The district was ultimately protested and discontinued. The City recently received a new request for creation of a modified district, one serving a reduced area.

David Fairchild, 2507 Commerce spoke in opposition to the proposed district due to costs. He wanted the Council to consider the original district. Jody Nelson, 2521 Commerce spoke in support. Flora Bolin, 2422 Pioneer Blvd. spoke in opposition.

Discussion was held concerning costs, design, and the process of protests. Gary Greer, City Administrator commented on the importance of moving forward with a district in the Parkview area. It was mentioned that a vote tonight would not create a district, but give staff a go ahead with the intention of bringing the creation of a water main district to the November 28, 2006 City Council meeting.

Motion by Nickerson, second by Walker to approve consideration of a water main district in the Parkview area. Upon roll call vote, all voted aye. Motion adopted.

RESOLUTIONS:

#2006-326 – Approving Request of B & R Stores, Inc. dba Super Saver #19, 1602 West 2nd Street for a Class “C” Liquor License and Liquor Manager Designation for Fred M. Groenke, 2308 West Charles Street. RaNae Edwards, City Clerk reported that this item related to the aforementioned Public Hearing. Also included was the request from Fred M. Groenke, 2308 West Charles Street for a liquor manager designation.

Motion by Walker, second by Whitesides to approve Resolution #2006-326. Upon roll call vote, Councilmember's Whitesides, Pielstick, Gilbert, Nickerson, Pauly, Hornady, Walker, and Haase vote aye. Councilmember Meyer voted no. Motion adopted.

#2006-339 – Consideration of Economic Development Incentive Agreement with CNH America LLC. Marlan Ferguson, Economic Development President reported that CNH America (Case IH/New Holland) had submitted an application for LB840 funding for expansion to the current facility to accommodate the addition of self propelled hay harvesting equipment and the addition of approximately 80 to 100 new full time jobs. Requested was \$200,000 for job creations, \$100,000 for plant expansion, and \$25,000 for training.

Steve Lee, Plant Manager spoke in support.

Motion by Walker, second by Gilbert to approve Resolution #2006-339. Upon roll call vote, all vote aye. Motion adopted.

#2006-340 – Consideration of Economic Development Incentive Agreement with O’Neill Wood Resources. Marlan Ferguson, Economic Development President reported that O’Neill Wood Resources had submitted an application for LB 840 funding in the amount of \$45,000 to create 15 full time jobs. This new business would provide recycling services for clean wood waste to create animal bedding, bio-fuel and mulch.

Pat O’Neill, Owner of O’Neill Wood Resources spoke in support.

Motion by Whitesides, second by Gilbert to approve Resolution #2006-340. Upon roll call vote, all voted aye. Motion adopted.

PAYMENT OF CLAIMS:

Motion by Hornady, second by Hronady to approve the Claims for the period of October 25, 2006 through November 14, 2006, for a total amount of \$3,805,147.78. Motion adopted unanimously.

Motion by Hornady, second by Haase to approve the following Claims for the Library Expansion for the period of October 11, 2006 through November 14, 2006:

#40	\$25.00
#41	\$20,564.45
#42	\$649,435.49
#43	\$1,000.00

Motion adopted unanimously.

ADJOURNMENT: The meeting was adjourned at 9:10 p.m.

RaNae Edwards
City Clerk