



City of Grand Island

Tuesday, December 05, 2006

Council Session

Item -1

Approving Minutes of November 28, 2006 City Council Regular Meeting

Staff Contact: RaNae Edwards

OFFICIAL PROCEEDINGS

CITY OF GRAND ISLAND, NEBRASKA

MINUTES OF CITY COUNCIL REGULAR MEETING

November 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 November 28, 2006. Notice of the meeting was given in *The Grand Island Independent* on November 22, 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 Interim City Attorney Dale Shotkoski.

INVOCATION was given by Pastor Josh Sikes, Third City Christian Church, 4100 West 13th Street followed by the PLEDGE OF ALLEGIANCE.

MAYOR COMMUNICATION: Mayor Vavricek acknowledged Community Youth Council members Kasey Grim and Ben Robbins.

PRESENTATIONS AND PROCLAMATIONS:

Presentation of the Howard Eakes Award to 1-R School 8th Grade Class from Clean Community System. The Mayor and City Council recognized the efforts of District 1-R eighth grade students for work on an anti-littering campaign. Betty Curtis representing Clean Community Systems presented the "Howard Eakes Award" to the eighth-graders.

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

#2006-BE-12 – Consideration of Determining Benefits for Sanitary Sewer District No. 519, Lots 10 through 21 of Westwood Park Second Subdivision. Steve Riehle, Public Works Director reported that Sanitary Sewer District No. 519 was completed by The Starostka Group Unlimited, Inc. and a certificate of final completion was approved on October 24, 2006. The cost to be assessed was \$167,939.30.

Bill Foster, 817 Redwood Road spoke in opposition.

Motion by Pielstick, second by Hornady to approve Resolution #2006-BE-12. Upon roll call vote, all voted aye. Motion adopted.

#2006-BE-13 – Consideration of Determining Benefits for Sanitary Sewer District No. 521; Lot 9 of Westwood Park Second Subdivision. Steve Riehle, Public Works Director reported that Sanitary Sewer District No. 521 was completed by The Starostka Group Unlimited, Inc. and a

certificate of final completion was approved on October 24, 2006. The cost to be assessed was \$13,994.94.

Motion by Pielstick, second by Hornady to approve Resolution #2006-BE-13. Upon roll call vote, all voted aye. Motion adopted.

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

PUBLIC HEARINGS:

Public Hearing on Change of Zoning for a Tract of Land Proposed for Platting as Ponderosa Village Subdivision Located West of Highway 281 and South of Rae Road from RD Residential Development to B2 General Business. Chad Nabity, Regional Planning Director reported that the developer was proposing to move James Road to the west creating more space between U.S. Highway 281 and the frontage road and reconfigure the intersection of James Road and Rae Road. No public testimony was heard.

Public Hearing on Amendment to Redevelopment Plan for Blighted and Substandard Area #2 for Southeast Crossings LLC for a Commercial Center to be Located at 939 South Locust Street (Ray O'Connor) Chad Nabity, Regional Planning Director reported that Ray O'Connor of Southeast Crossings LLC had applied for tax increment financing for the development of and expansion of commercial retail/office space at 939 South Locust Street. A proposed redevelopment contract would extend tax increment financing for 15 years and not exceed \$182,560.00 during that period of time. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement Located at 3203 Frontage Road – Webb Road and Highway 30 (Grand Island Commercial Ventures, LLC) Gary Mader, Utilities Director reported that acquisition of a utility easement located at 3203 Frontage Road, Webb Road and Highway 30 was needed in order to have access to install, upgrade, maintain, and repair water mains. This easement would be used to place a three-phase pad-mounted transformer to provide electrical service to a new commercial building. No public testimony was heard.

Public Hearing on Acquisition of Utility Easement Located at 1312 Sky Park Road (Central Nebraska Humane Society) Gary Mader, Utilities Director reported that acquisition of a utility easement located at 1312 Sky Park Road was needed in order to have access to install, upgrade, maintain, and repair water mains. This easement would be used to place underground conduit, cable, and a pad-mounted transformer to provide electrical service to the new Humane Society building. 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 ordinances numbered:

- #9083 – Consideration of Creation of Water Main District No. 453T – Grand Island Army Aviation Support Facility
- #9086 – Consideration of Creation of Water Main District No. 455 – Parkview Area

#9090 – Consideration of Creating Sanitary Sewer Connection District No. 522T; Gravity Main, Force Main, and Lift Station for the Nebraska Army National Guard Aviation Support Facility

#9091 – Consideration of Assessments for Sanitary Sewer District No. 519; Lots 10 through 21 of Westwood Park Second Subdivision

#9092 – Consideration of Assessments for Sanitary Sewer District No. 521; Lot 9 of Westwood Park Second Subdivision

#9093 – Consideration of Vacating a Portion of James Road Right-of-Way South of Rae Road

#9094 – Consideration of Amending Chapter 4 of the Grand Island City Code Relative to Alcoholic Beverages

#9095 – Consideration of Change of Zoning for a Tract of Land Proposed for Platting as Ponderosa Village Subdivision Located West of Highway 281 and South of Rae Road from RD Residential Development to B2 General Business

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.

#9083 – Consideration of Creation of Water Main District No. 453T – Grand Island Army Aviation Support Facility

#9086 – Consideration of Creation of Water Main District No. 455 – Parkview Area

Gary Mader, Utilities Director reported that Ordinance #9083 would extend a water system trunk line to the Central Nebraska Regional Airport as part of competing for the Army Aviation Support Facility. Ordinance #9086 would create a Water Main District in the Parkview Subdivision at the request of residents in the area.

Discussion was held concerning the annexation of the Parkview area.

Motion by Gilbert, second by Cornelius to approve Ordinances #9083 and #9086.

City Clerk: Ordinances #9083 and #9086 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 #9083 and #9086 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 #9083 and #9086 are declared to be lawfully adopted upon publication as required by law.

#9090 – Consideration of Creating Sanitary Sewer Connection District No. 522T; Gravity Main, Force Main, and Lift Station for the Nebraska Army National Guard Aviation Support Facility

#9091 – Consideration of Assessments for Sanitary Sewer District No. 519; Lots 10 through 21 of Westwood Park Second Subdivision

#9092 – Consideration of Assessments for Sanitary Sewer District No. 521; Lot 9 of Westwood Park Second Subdivision

#9093 – Consideration of Vacating a Portion of James Road Right-of-Way South of Rae Road

Steve Riehle, Public Works Director reported that Ordinance #9090 would create Sanitary Sewer Connection District No. 522T to provide sanitary sewer service to the Nebraska Army National Guard Helicopter facility, Ordinance #9091 and #9092 related to the aforementioned Public Hearing and Ordinance #9093 would vacate a portion of James Road right-of-way south of Rae Road and west of Ponderosa Village Subdivision.

Motion by Hornady, second by Gilbert to approve Ordinances #9090, #9091, #9092, and #9093.

City Clerk: Ordinances #9090, 9091, 9092, and #9093 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 #9090, #9091, #9092, and #9093 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 #9090, 9091, 9092, and #9093 are declared to be lawfully adopted upon publication as required by law.

#9094 – Consideration of Amending Chapter 4 of the Grand Island City Code Relative to Alcoholic Beverages

Dale Shotkoski, Interim City Attorney reported that changes to Chapter 4 of the Grand Island City Code had been brought before Council at their November 21, 2006 Study Session. Mr. Shotkoski reviewed the suggested changes.

Terry Pielstick, 722 East 7th Street spoke in opposition. Robert Bonk, 1616 Stagecoach Road clarified Project Extra Mile's position and definition of bar and restaurant. Heather Tjaden representing Central Nebraska Council on Alcoholism spoke of strengthening the City Code and promoting public health and safety.

A lengthy discussion was held regarding the definition of restaurant and bars relating to minors in bars after 9:00 p.m.

Motion by Whitesides, second by Nickerson to approve Ordinance #9094.

City Clerk: Ordinance #9094 on first reading. All those in favor of the passage of this ordinance on first reading, answer roll call vote. Upon roll call vote, Councilmember's Meyer, Whitesides, Gilbert, Nickerson, Cornelius, Pauly, Hornady, Walker and Haase voted aye. Councilmember Pielstick voted no. Motion adopted.

City Clerk: Ordinance #9094 on final passage. All those in favor of the passage of this ordinance on final passage, answer roll call vote. Upon roll call vote, Councilmember's Meyer, Whitesides, Gilbert, Nickerson, Cornelius, Pauly, Hornady, Walker and Haase voted aye. Councilmember Pielsitck voted no. Motion adopted.

Mayor Vavricek: By reason of the roll call votes on first reading and then upon final passage, Ordinance #9094 is declared to be lawfully adopted upon publication as required by law.

#9095 – Consideration of Change of Zoning for a Tract of Land Proposed for Platting as Ponderosa Village Subdivision Located West of Highway 281 and South of Rae Road from RD Residential Development to B2 General Business

Chad Nabity, Regional Planning Director reported this item related to the aforementioned Public Hearing.

Motion by Cornelius, second by Gilbert to approve Ordinance #9095.

City Clerk: Ordinance #9095 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 #9095 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 #9095 is declared to be lawfully adopted upon publication as required by law.

CONSENT AGENDA: Consent Agenda item G-3 was pulled for further discussion. Motion by Hornady, second by Cornelius to approve the Consent Agenda excluding item G-3. Upon roll call vote, all voted aye. Motion adopted.

Approving Minutes of November 14, 2006 City Council Regular Meeting.

Approving Minutes of November 21, 2006 City Council Study Session.

#2006-341 – Approving Final Plat and Subdivision Agreement for Ponderosa Village Subdivision. It was noted that the Husker Retail Group, LLC, owner had submitted a Final Plat for Ponderosa Village Subdivision located on a tract of land consisting of part of Outlot B and part of Outlot C4 of Ponderosa Lake Estates Subdivision, all of Block 4 and all of Block 5 of Ponderosa Lake Estates Fourth Subdivision and vacated James Road Right-of-Way located in the SE1/4 of Section 36-11-10 consisting of approximately 4.49 acres for the purpose of creating 4 lots.

#2006-342 – Approving Amendments to Personnel Rules & Regulations Relative to Severance Pay.

#2006-343 – Approving Interlocal Cooperation Agreement with Hall County Airport Authority for Law Enforcement Security at the Airport.

#2006-344 – Approving Contract Renewal with Hall County Housing Authority for Police Services.

#2006-345 – Approving State Bid Contract for Three (3) 2007 Ford SUV Expedition Police Vehicles with Anderson Ford of Grand Island, Nebraska for a Total Amount of \$77,595.00.

#2006-346 – Approving Change Order No. 8 with Chief Construction of Grand Island, Nebraska for Law Enforcement Center for Decrease in the Contingency Fund of \$3,337.40 and a Revised Contingency Amount of \$146,893.24.

#2006-347 – Approving Change Order No. 1 to the Contract with The Diamond Engineering Company of Grand Island, Nebraska for Construction of Street Improvement District No. 1258 for an Increase of \$1,485.00 and a Revised Contract Amount of \$159,371.40.

#2006-348 – Approving Certificate of Final Completion for Street Improvement District No. 1258 with The Diamond Engineering Company of Grand Island, Nebraska.

#2006-349 – Approving Acquisition of Utility Easement Located at 3203 Frontage Road – Webb Road and Highway 30. (Grand Island Commercial Ventures, LLC)

#2006-350 – Approving Acquisition of Utility Easement Located at 1312 Sky Park Road. (Central Nebraska Humane Society)

#2006-351 – Approving Amendment to the Redevelopment Plan for Blighted and Substandard Area #2 for Southeast Crossings LLC for a Commercial Center to be Located at 939 South Locust Street. (Ray O'Connor)

Approving Preliminary Plat for Prairie Acres Subdivision. Chad Nabity, Regional Planning Director reported that Shafer Commercial Properties LLC, owner had submitted a Preliminary Plat for Prairie Acres Subdivision located on a tract of land comprising a part of the E1/2 SW1/4 of Section 12-11-10 consisting of approximately 69.4 acres for the purpose of creating 190 lots.

The following people spoke in opposition:
Doug Bandemer, 3904 Meadow Way Trail
Corby Flagel, 3932 Meadow Way Trail
Jim Brisnehan, 3927 Partridge Circle
Ryan Bartels, 3933 Partridge Circle
Todd Enck, 511 Fleetwood Circle
Ken Thompson, 3915 Meadow Way Trail
Dana Ferguson, 1521 Warbler Circle

The following people spoke in support:
Lisa Heinemann, 4077 Dack Avenue
Joel Shafer, 66 Ponderosa Drive, developer
Pat Heng, Attorney for Shafer Commercial Properties, Omaha

Mr. Shafer stated these would be affordable housing single family homes with a minimum of 1,100 to 1,500 square feet with 2 car garages and basements in the range of \$130,000 to \$180,000. He stated there would be 190 lots total with approximately 72 lots in the first phase with a public street connecting 13th Street and State Street. He also stated he would not be building the homes. Mr. Shafer stated there would be covenants and they would be compatible with Summerfield Estates covenants.

Chad Nabity, Regional Planning Director reported that there had been approximately 1,500 preliminary lots and 400 lots with final plats approved this year. Discussion was held regarding the lot size for Prairie Acres which were from 6,000 to 10,000 square feet.

Motion by Nickerson, second by Whitesides to approve the Preliminary Plat for Prairie Acres Subdivision. Upon roll call vote, Councilmember's Whitesides, Gilbert, Nickerson, Cornelius, Pauly, and Hornady voted aye. Councilmember's Meyer, Pielstick and Walker vote no. Councilmember Haase abstained. Motion adopted.

PAYMENT OF CLAIMS:

Motion by Cornelius, second by Hornady to approve the Claims for the period of November 15, 2006 through November 28, 2006, for a total amount of \$3,395,772.77. Motion adopted unanimously. Councilmember Pielstick abstained from Claim #142637.

Motion by Cornelius, second by Hornady to approve the following Claim for the Library Expansion for the Period of November 15, 2006 through November 28, 2006:

#44 \$1,250.00

Motion adopted unanimously.

ADJOURNMENT: The meeting was adjourned at 9:05 p.m.

RaNae Edwards
City Clerk